

Senate

JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

April 5, 1967

A meeting of the Judiciary Committee was held at 2:05 P.M., Wednesday, April 5, 1967 in Committee Room 56, State Capitol, Chairman Monroe presiding.

Members present:

Warren L. Monroe, Chairman
 Vernon E. Bunker
 M. J. Christensen
 Carl F. Dodge
 Procter R. Hug
 C. Clifton Young

Members absent: Coe Swobe

Also present:

Senator Fisher; Frank Daykin; Joe Jackson, Reno Newspapers, Inc. and other member of the press. Coming in later to discuss Contractors' bill were Assemblyman Tyson; Mr. W. N. Campbell, Managing Director, Federated Employers of Nevada; appearing on behalf of the construction industry associations of Southern Nevada; Mr. A. D. Villar, Managing Director N.E.C.A. (National Electrical Contractors' Association); Mr. Welling, Associated Plumbing and Air Conditioning Contractors of Nevada.

A.B. 81 "New criminal procedure law."

Frank Daykin was present to discuss amendments.

Chairman Monroe said he didn't know whether the D.A.'s were kicked around as bad as they professed to be. He said we could have to go to conference on this bill. Mr. Daykin said we could just adopt the immunity provision without any argument. Section deleted by the Assembly, 67, Page 9. Discussion of Section 139, Page 21. Deposition of prospective witnesses. Section 152, Page 24. Issuance of subpoenas. O.K. Section 211, 212 and 213, Page 34. Entering of Judgment of Acquittal. Discussion by Frank Daykin. "Absence of effective appeal" is the telling point. Put it back in. Section 225, Page 36; Section 247, Page 29 discussed. Robbery, in or out of probation category. Explanation. Mr. Daykin said it would be weighed by the judge on its merit anyway. Vote on amending. Four for, motion carried. Bunker not voting.

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Section 284, Page 48 - Chairman Monroe said he thought there was a pretty valid point with this one. Mr. Daykin said it could do with a clarification of the language. - "shall not become final for 60 days."

Will correct. O.K.

Section 373, page 61. Think Judiciary Committee (Assembly) would buy on immunity. O.K.

Section 395. Frank Daykin said we could delete Paragraph C and leave it. He said it was taken literally from federal rules. Amend.

Senator Young said Paul Toland wanted a change on Page 44, Line 1 "Chairman" to "Secretary." O.K.

Section 243, Line 30, Page 38. Objecting to recommending term of imprisonment. Will skip this one.

Discussion of District Attorneys also being peace officers, Mr. Daykin said we might run into a beef on it. Assembly rejected it. Discussion of subpoenas. He doesn't think Assembly will buy this. Nolo Contendere. Should be some definition. Mr. Daykin said definition is in federal law.

Section 125 .

Disposition: ON MOTION of Senator Dodge, seconded by Senator Bunker, it was agreed to Do Pass and Amend A.B. 31. There is a conflict with 71 that has to be corrected.

Chairman Monroe asked Mr. Daykin to explain about difference between registered accountants and CPA's. Discussion.

A.B. 331 "Requires State Contractors' Board to be administered as separate state agency."

Assemblyman Geraldine Tyson made a presentation on behalf of this bill. She said it had been introduced in the Assembly previously, where it passed, but was defeated in the Senate. She said it now has eleven sponsors in the Assembly besides herself. She discussed conflict of interest which exists. She said she felt it would protect the general public and the construction industry. Mr. W. N. Campbell, Managing Director of the Federated Employers of Nevada and appearing on behalf of the construction industry associations of Southern Nevada, spoke at length on the bill. He said the separation of the AGC and the State Contractors Board would take place July 1, 1967. He went into the background of the board, saying that in 1965 three members were added and there are now seven. A separate office is maintained in Las Vegas. He said he felt it is improper to have a manager of a state agency being paid by an association; and no

individual is capable of doing both jobs. Organization of facilities both in Las Vegas and Reno cannot be justified. He said Governor Sawyer went on record in a letter as saying he did not favor having a state agency tied to a private trade association. Discussion of proposed increase in fees. Money comes from the contractors' licensing fees. Chairman Monroe asked what is the particular beef about joint operation. Mr. Campbell said where you have anyone serving in a trade association, all the others feel it is putting that trade association in a preferred situation. Dual functioning does not permit anyone to devote full time to operation of contractors' board. They don't have access to printing facilities, etc. The AGC has use of facilities. He gave cost breakdown. Was it financially feasible for them to separate sooner? Fee increase took effect Jan. 1, 1967. Senator Dodge asked Mr. Campbell if they don't do away with the Secretary's job, whether he would want it. He said not. Discussion of financial feasibility of separation by July 1. If not able to by then, assurance wanted of date not later than January 1, 1968. Mr. Campbell was asked if he would accept the word of the licensing board on A.B. 331 and he said no. He said he thinks A.B. 331 is for the future as well as now, providing that state agencies shall not be tied with private industries. Chairman Monroe asked who would be a responsible person to interview regarding finances. He was told the Chairman of the State Contractors' Board, Mr. Oakes. Senator Young stated the crux of the matter is that there should be action in the law to be sure it is accepted and to set some guidelines for the future. Contractors left at 3:18. Senator Dodge said there is a personality conflict involved. He said he thought we should also hear Frank Scott from Las Vegas. Chairman Monroe said he felt the bill should not be treated lightly.

Disposition: Hold until Committee has a chance to hear from Mr. Oakes and Mr. Scott.

S.B. 474 "Abolishes requirement that pawnbroker keep record of sales."

Decided to hold until Senator Swobe could be present.

S.B. 476 "Provides right of contribution for joint judgment debtors in tort actions."

Disposition: Senator Hug will contact his son, Procter Hug, Jr. to ask him to come before the Committee on this bill.

S.B. 480 "Requires indexing of financing statements covering crops or fixtures according to name of record owner"

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of real property."

Disposition: Hold until we can hear someone on it.

S.B. 485 "Provides for payment of fees as a condition of probation or suspension of sentence to help finance rehabilitation programs."

Disposition: Hold until Paul Toland comes in to discuss; or - let rest until disturbed by notice from the sponsors.

S.B. 497 "Provides for payment of fees by defendants granted probation to help finance programs of State Board of Parole Commissioners."

Senator Young said this is a substitute for S.B. 485. Treat same as above.

S.B. 499 "Clarifies law relating to liens of trailer park keeper."

Frank Daykin discussed. He said they have agreed to put back this limited amount involved.
Disposition: Hold for a while.

S.B. 500 "Provides for designation of candidate for State Senator or Assemblyman from multi-county district if nominee dies."

Disposition: ON MOTION of Senator Christensen, seconded by Senator Bunker, it was agreed to Do Pass S.B. 500.

A.B. 210 "Includes deeds of trust in single action rule for foreclosure proceedings, establishes procedure for determining amount of deficiency judgment, and forbids deficiency judgment for purchase money."

Mr. Hilbrecht's interest is in last section on Page 2. Mr. Daykin said it is taken from the California law. He thinks somewhere along the line it was declared unconstitutional. Chairman Monroe read from a letter from the United Mortgage Company, Las Vegas. He said it has not worked in California.

Disposition: Frank Daykin said he would check annotations.

Meeting adjourned at 4:10 P.M.