

SENATE JUDICIARY COMMITTEE

281

MINUTES

Meeting was called to order by Chairman Monroe at 9:45 a. m. on March 13, 1969.

Committee members present: Senator Monroe, Chairman
 Senator Swobe
 Senator Bunker
 Senator Christensen
 Senator Dodge
 Senator Young
 Senator Hug

Legislative Counsel: Russ McDonald

Chairman Monroe asked if the Committee had any decision as to what action they wanted to take of SB 81. After discussion it was decided to study AB 273 as most of the committee members thought this was better legislation.

Mr. McDonald sent an amended copy of SB 353 to the New York Stock Exchange for their review. This was also sent to the SEC. He had received a letter from the New York Stock Exchange regarding the original bill and copies were given to the committee members.

It was suggested Frank Daykin be asked to make an analysis of the bill in writing and a copy of the analysis and a copy of the letter be given to the Gaming Commission and a hearing set up for next week, preferably Monday morning.

SCR 21 - Directs legislative commission to study needs and organization of Nevada gaming commission with regard to corporate licensing of gaming establishments.

Chairman Monroe said there had been criticism in the investigating of the actual handling of the games in the clubs.

There was no discussion or action taken at this time.

SB 395 - Amends provisions of county utility franchise law relating to extension of terms of existing franchises.

Russ McDonald advised this was at the request of Richard Campbell, Attorney for Sierra Pacific Power Company. The original franchises were effective March 26, 1919 for a fifty year period and this merely extended them for another fifty years from March 12, 1969 without having to go thru the formality of renewing.

Senator Dodge moved "do pass".
Senator Swobe seconded the motion
Motion carried.

SB 401 - Repeals limitation on proceeding to contest election of state officers.

Senator Dodge moved "do pass".
Senator Bunker seconded.
Motion carried.

SB 402 - Specifies time for criminal trial of defendant incarcerated in another jurisdiction.

This would extend the jurisdiction to the entire United States instead of to the limits of the state in which the crime was committed. As the law stands now a criminal could not be tried for another crime in another jurisdiction until he had served his first sentence and was released from custody. This would speed the second trial.

Senator Dodge would like to know why this was introduced and would like to ask Frank Daykin about it.

SB 403 - Permits destruction of original records of fiscal analyst upon photographing.

Senator Swobe moved "do pass".
Senator Bunker seconded.
Motion carried.

SB 404 - Requires appointment of attorney in Probate matter to represent minor heir with an interest conflicting with another heir.

Senator Swobe felt it would be best to leave the appointment at the discretion of the Court rather than make it mandatory.

Chairman Monroe felt this was the purpose of the bill but it was mandatory only when there was a conflict of interest.

This was set aside for explanation by Frank Daykin.

SB 394 - Provides for the acknowledgment of affidavits used in small claims actions.

Russ McDonald said the present law was hazy as it required a person filing to sign before a Justice of the Peace. There are two or three Justices that will not accept a claim to be filed if it is not signed before him. This would allow an affidavit to be executed before a Notary or any Justice of the peace before filing.

Senator Young moved "do pass".
Senator Swobe seconded
Motion carried.

SB 331 - Requires county recorders to note redemptions upon index of certificate of sale when records are photographed.

Senator Dodge stated an index book was kept in the County Recorder's office and is put on microfilm for permanent records. This would permit the redemption of the action to be noted on the margin of the index so all records would be together and easier to check.

Senator Christensen moved "do pass".
Senator Swobe seconded the motion.
Motion carried.

SB 337 - Provides for use of stamp by official acknowledging instrument entitled to recordation.

When records were transferred to microfilm a seal would not show up on the film so it was necessary to use a stamp instead of a seal.

Senator Swobe moved "do pass".
Senator Christensen seconded.
Motion carried.

SB 338 - Eliminates conflict relating to division of election precincts.

Will hold for explanation by Frank Daykin.

SB 340 - Permits summary eviction of claim jumpers from mining claims.

Howard Gray would be asked to appear on this.

SB 287 - Requires full disclosure in sales of subdivided land. Executive estimate of cost: \$15,000.

Senator Swobe advised this came from the Real Estate Division and had the backing of the Board of Realtors.

It was the decision of the Committee to hold a hearing on this.

SB 286 - Provides for immediate suspension or expulsion of public students for certain reasons.

In the discussion it was brought out there were two cases involving three students who were charged with possession of drugs. School officials were advised by the Washoe County District Attorney the students could not be expelled or suspended.

There was another situation in Gardnerville where a boy was expelled from school. His parents hired an attorney and the court ruled in favor of the boy and against the school, so he was back in school.

There are many more problems in the Clark County area than there are in western Nevada.

Chairman Monroe will contact Mr. Mason on this bill and Senator Dodge would like to hear Senator Gibson, one of the authors of the bill.

SB 340 - Permits summary eviction of claim jumpers from mining claims.

(Mr. Howard Gray came into the meeting)

Mr. Gray felt this was a very poor piece of legislation. The three day limit was too short a time as you couldn't possibly evict a person within three days when it might involve property out in the outlying areas. It sometime would take three days to find the person and serve notice on him. He did not like the language in subsection 5 on page 1. "Where the mining claim being held has not been located by him, in prior point of time, in compliance with the requirements of 517 - etc." He felt the removal of the location monument might be removed and it would take considerable time to locate the involved property.

Mr. Daykin felt that line 14 "executed by him or a person under whom he claims, and the title under the sale has been perfected" would take care of some of the objections of Mr. Gray. The purpose of the bill was that they were thinking of clearing title of mining ground and they would not have to go thru court. The purpose was to make a summary relief only for possession of the property. A justice court eviction was used many years ago but that has become obsolete now.

Mr. Gray remarked that a summary eviction would require a Bond. In the event of claim jumping it was required that a defendent would have to come into court and show title and the District Court would follow a quiet title procedure. A restraining order can be ordered and a bond put up until title is proved. This would take a single action.

This will be discussed further at a later date as there was no more time left for further discussion.

Meeting adjourned at 11:00 a. m.

Respectfully submitted,

Jeanne M. Smith
Jeanne M. Smith, Secretary.

Approved: _____.