

SENATE JUDICIARY COMMITTEE
MINUTES

Meeting called to order on March 19, 1969 at 9:20 a. m. by Chairman Monroe.

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

Legislative Counsel: Frank Daykin

Chairman Monroe prepared amendments for SB 64 which would incorporate SB 245 and SB 310 into this also.

The brackets on lines 3 and 4 would be removed, leaving this a misdemeanor.

Line 7 after peace officer, insert "proceeds to assault resulting in injury of the police officer".

A new Section 3 would be added to take care of the provisions in SB 245 and SB 310.

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

SB 217 - Permits architects and professional engineers to join in formation of professional corporations.

Chairman Monroe stated evidently no one was interested in this as there had been no inquiries about it.

It was decided to "hold" until some one contacted the committee about it.

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

Chairman Monroe discussed this with Senator Gibson and he was very concerned about the situation in Las Vegas and would like the bill put out of committee.

There was some concern among the committee members about the removal of due process.

Frank Daykin advised there was an alternative of suspension as well as expulsion and there could be an appeal to the Board of Trustees of the school district. The decision of being suspended or expelled

would only be made by the Board of Trustees.

Senator Hug wanted to be sure the suspension or expulsion could be made for something done outside of school. Mr. Daykin said this extends that provision.

Senator Dodge asked if there was any way to word it to make it an offence only if it effected the school

Chairman Monroe stated Senator Gibson said there were problems in the Las Vegas area with rapists and narcotics and that was their main concern. There was a boy in school picked up four different times for passing drugs with a towel at school and there was no way to expell him and he was still in school. Another case was one student committing rape twice on the school grounds, and he was still in school.

Senator Young was concerned that they could expell a person on a charge and before he was actually convicted. He might be innocent.

Mr. Daykin will prepare amendments to take care of the suggestions of the committee.

Senator Young moved to amend and "do pass".
Senator Swobe seconded the motion.
Motion carried.

SB 324 - Permits issuance of marriage licenses during county clerk's regular business hours only.

Senator Young said this was introduced by request, however he was not supporting it.

Senator Christensen moved "do not pass"
Senator Dodge seconded.
Motion carried.

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

Despite the testimony by Howard Gray, the committee felt this was good legislation. It kept large companies in and staking a claim without checking the location carefully and pushing a smaller person out.

Senator Young was concerned with the bill and would prefer to study it further before making a decision.

Frank Daykin pointed out that they were allowed a hearing in Court to prove ownership. Under the present law it was necessary to file action in the District Court and this sometimes took several months. This would permit quicker action to remove a claim jumper.

Senator Dodge moved "do pass".

Senator Swobe seconded.

Ayes: Senators Hug, Bunker, Christensen, Dodge, Swobe

Nay: Senator Dodge.

Motion carried.

SB 362 - Revises eminent domain procedures.

Senator Monroe discussed this with members of the Hiway Department and they were not concerned with the bill. It was requested by the Municipal Association.

Frank Daykin said the main concern was condemning a portion of a parcel and sometimes a piece of valueless land was left and sometimes without access. This would correct that situation and force the whole parcel to be taken. The courts are now looking into condemnation more carefully than they ^{had} previously and he felt this was good as there would be fairer negotiations if they knew the land owner had support. The previous law was not clear and this spells it out much better.

Senator Young questioned the two separate trials and thought it added expense and it was needless. He did not feel it was right to disturb the established order. How was public use established?

Chairman Monroe stated there was now a right of entry and if the highway came in and condemned a property and tore down the buildings and then it went to trial it would be too late to prove it was not for public use. He felt there could be problems with redevelopment projects where three or four blocks of sub-standard buildings were condemned.

There was more discussion on having the two separate trials and Senator Dodge would like to hear the Municipal Association's ideas on this before any action is taken.

SB 399 - Adopts Uniform Disposition of Unclaimed Property Act.

Senator Dodge had two objections to this bill. (1)- page 5, line 16, A report has to be filed for property valued at \$3.00 or more. He discussed this with Art Smith and they felt it should be \$25.00 or more.

Page 5 Section 7 required the period of 10 years. He felt this was putting an unnecessary burden on the institutions to make them go back that far. He felt seven years was sufficient.

Mr. Daykin advised this added a new section to the Unclaimed Property Act. It provided a uniform procedure of disposing of unclaimed property. It would be paid into the general fund and the ultimate destination would be the school fund. There were now provisions for insurance policies, bank deposits and corporate

shares to go into the general fund. The companies would file the report and the Treasurer would advertise in two publications of a paper in the county of the unclaimed property.

Sub-section 3 on page 6, the publication requirements, was discussed. The state treasurer would not have to publish notice of any item less than \$25.00. Anything less than that would automatically go into the general fund, however it could be claimed before the established time limit.

It was decided that three years requirement to go back for records would be long enough. Seven years might be too long as records could be stored and would take considerable time to check that far back. It was to be amended to changing the \$3.00 limit to \$25.00 and changing the 10 year period to 3 years.

Senator Swobe moved to amend and "do pass".
Senator Young 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 moved to "Bucket".
Senator Young seconded.
Motion carried.

SB 428 - Clarifies sheriff's fee schedule.

Frank Daykin stated this was a corrective bill from the Legislative Counsel however it was taken care of by AB 255 and suggested it be "bucketed".

Senator Swobe moved to "Bucket"
Senator Dodge seconded
Motion carried.

SB 424 - Requires applicant for business license to offer proof of business stability and SB 425 - Requires lessees of restaurants and bars to file payroll bonds for protection of their employees when equipment is owned by landlord.

Both bills were set aside until a representative from the Committee on Labor could be heard.

SB 430 - Prohibits service station games and contests.

Senator Slattery introduced this at the request of Mr. Lemere however he wasn't recommending it.

Senator Christensen moved to "Bucket".
Senator Swobe seconded the motion.
Motion carried.

SB 431 - Defines "record owner: for mechanics' lien statute.

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

SB 432 - Permits delivery of certain mechanic's lien documents by certified mail.

SB 433 - Repeals mechanics' lien law in effect prior to July 1965.

This was a legislative counsel bill to make a correction in the statute previously overlooked.

Senator Swobe moved "Do pass".
Senator Hug seconded.
Motion carried.

SB 434 - Provides additional mode of serving legal process, demands and notices on corporations.

Mr. Daykin advised the committee that previously the Resident Agent had to be served personally and this permitted the service to be left at his office.

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

SB 435 - Restricts right of dissenting corporate shareholder to demand payment for shares.

The request for this came from the State Bar. This would permit a shareholder to sell his shares on the stock exchange rather than making it mandatory for the Corporation to buy shares.

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

SB 436 - Provides that amount of undertaking on attachment is determined in equivalent manner to amount of undertaking on release of attachment.

Previously the amounts of undertaking and release of bond or cash differed. This would make the costs uniform.

Senator Young moved "Do pass."
Senator Dodge seconded the motion.
Motion carried.

SB 437 - Extends places of holding district courts.

Senator Dodge felt this was good legislation. It would prevent "stacking up" of a crowded docket. If the trial could be transferred to another District upon consent of both parties.

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

SB 442 - Provides that quarterly gaming fees based on gross revenue are payable in advance.

The present law provides for payment of the first and last quarter fees as a deposit when license is issued. An audit was made if business was closed and the unearned fee was returned.

Mr. Daykin explained this would simplify the procedure and do away with the audit and payment would be made in advance quarterly. If a person went out of business during a quarter, that quarter fee's would be considered earned.

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

SB 445 - Prohibits sale of beer and nonalcoholic beverages in nonreturnable containers.

Senator Young would like a chance to talk to Mr. Barengo on this before any action is taken. It was set aside for future discussion.

SJR 5 - Proposes to amend judicial article of Nevada Constitution.

The amendments for this were being prepared by the bill drafter and as soon as the reprint was received it would be discussed again. Chairman Monroe felt each member of the Assembly Judiciary should be given a copy of the reprint to study also.

SB 450 - Eliminates mechanics lien notices where contractors or supplier deal directly with an owner of property.

Mr. Daykin did not know where the request for this came from, however it was not a corrective bill from the legislative counsel.

Senator Dodge stated it merely removed the requirements for a notice to be filed on a mechanics lien when a contractor is dealing

Senate
Judiciary Committee Minutes
March 19, 1969

-7-

directly with the owner of a property. This would not apply if the property involved was mortgaged.

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

Meeting adjourned at 11:00 a. m.

Respectfully submitted,

Jeanne M. Smith, Secretary

APPROVED: _____