

Vol #41

ASSEMBLY COMMITTEE ON JUDICIARY - 56th Session, 1971

MEETING HELD FEBRUARY 1, 1971

The meeting was called to order at 3:10 p.m.
Present: Miss Foote, Messrs. Fry, Lowman, Kean, Torvinen, Olsen, Dreyer, McKissick and May. None absent.

Chairman Fry once again announced that anyone knowing of persons desiring a hearing should contact him.

AB 11: Provides immunity to legislators and legislative witnesses: Mr. Lowman suggested that Mr. Homer would like to appear before the committee to speak on the bill. Mr. Kean suggested an amendment to Paragraph 2 of the bill stating that the legislature would not give just anyone coming in as a witness immunity carte blanche. He would suggest a change so that the group in front of whom the witness appears has the right to give the immunity, and there must be unanimous approval as to immunity from that committee.

AB 47: Permits use of rubber stamps in lieu of affidavit to declare value of real property transferred by deeds not going through escrow. The committee heard testimony from:

ARDIS BROWN, County Recorder of Washoe County: The use of an affidavit is a large task taking sometimes 3/4 hour to complete. The use of a rubber stamp would simplify matters. Mrs. Brown showed an example of a rubber stamp used in other states, as follows:

- " Documentary Transfer Tax \$ _____
- Computed on full value of property conveyed, or
- Computed on full value less liens and encumbrances remaining thereon at time of sale.

Signature of declarant or agent
determining tax - firm name

Unincorporated area City of _____

Affix I.R.S. \$ _____ "

Mrs. Brown presented signed petitions to the committee regarding AB 47, a copy of which is incorporated in this minute book.

Mr. Kean suggested it would be an advantage to have the above incorporated into the bill so that all rubber stamp forms would be uniform.

AB 48: Repeals penalty provision for recording deed without collecting real property transfer tax:

MR. J. B. CUNNINGHAM, representing STATE ASSOCIATION OF COUNTY COMMISSIONERS: Under the present statute calling for a penalty if the transfer tax is not collected, the penalty is charged against the recorder not collecting the tax.

MRS. BROWN stated that if a person brought in a deed and refused to pay the tax, the county recorder would feel compelled to record the deed, but would be personally liable for the penalty, which she felt was unfair.

AB 55. Charges all civil jury fees and allowances against parties.
MR. CUNNINGHAM stated this is a large expense against the counties.

MR. ALEX COON, WASHOE COUNTY CLERK'S OFFICE: We believe this bill would help the county quite a bit by reducing the costs to the counties and putting it in the hands of the parties to the action. Under the new bill, the parties would pay for the full panel called, not just 12 jurors.

DON QUESTA, WASHOE COUNTY CONTROLLER, stated that the bill would save much money for the counties. If the case were settled before trial, but not before the jurors had been notified, the jurors appearing would have to be paid by the parties, not the county.
Remarks by Messrs. Fry, Kean, Torvinen and McKissick.

AB 56. Repeals provision permitting public attorneys' appointment as defense counsel in criminal proceedings:

MR. CUNNINGHAM stated this bill was proposed by Elko County because they had a case in which a member of a firm acting as city attorney was called upon to defend in a criminal case. The smaller counties often run into this problem due to lack of attorneys in the county.

Mrs. Brown, Messrs. Coon and Cunningham and Questa left.

Chairman Fry said he had received requests from several attorneys to be heard on AB 55 and that he would schedule a hearing.

AB 47: Mr. Kean moved that AB 47 be amended to include a facsimile of the rubber stamp in the act itself and that the chairman be authorized to vary it as he sees fit and that the committee give the bill a recommendation of "Do Pass as Amended". Seconded by Mr. Lowman and carried.

Present was JOHN MEDER, MEMBER OF THE BOARD OF SUPERVISORS OF CARSON CITY and CHAIRMAN OF THE COUNTY COMMISSIONERS' ASSOCIATION LEGISLATIVE COMMITTEE. Mr. Meder echoed the remarks of Mr. Cunningham on AB 56 and recommended passage of the bill. He stated also that if there were a bill passed to provide public defenders for the small counties, this would take care of the problem.

Mr. Meder left the meeting.

AB 48: After discussion, the Chairman stated that action would be deferred on this bill until the Nevada Revised Statutes were examined as to similar provisions.

AB 55: After discussion, it was decided the Chairman will hold the bill for a while.

AB 56: Protects suppliers and materialmen under contractors' surety bonds. Remarks by Messrs. McKissick, May, Torvinen and Kean. Mr. Fry stated there were several persons and groups interested in the bill, and he would schedule a hearing.

AB 14: Provides that advance insurance payments made under certain conditions in judicial proceedings are not admissions of liability. The Chairman stated he knows of persons who would like to testify on this bill. Remarks by Mr. McKissick.

AB 30: Permits real estate agents to receive customary commissions for sales of property from decedents' estates. Mr. Fry stated that Mr. Lingenfelter would like to be heard on this bill.

Mr. McKissick stated he had some bills he would like introduced as committee measures:

The first bill would require, in estates, that the court or judge shall appoint three persons who are disinterested in the estate and in no way associated with the judge or the court, would act as appraisers, and would receive reasonable compensation for such services. Remarks by Messrs. Torvinen, McKissick and Kean. It was decided that the bill would be re-worded and re-submitted to the committee.

The Chairman stated that Mr. Hilbrecht had asked for committee sponsorship of a bill defining uninsured motor vehicles. Remarks by Messrs. Fry, Kean and McKissick.

Mr. Kean moved that the committee introduce the bill as a committee measure. Seconded by Mr. Lowman. Carried.

There being no further business, the meeting was adjourned at 4:35 p.m.

sg

ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY

Date February 1 Time p.m. Room 240 adjournment

Table with 3 columns: Bills or Resolutions to be considered, Subject, Counsel requested*. Rows include AB 11 through AB 56 with various subjects like 'Immunity to legislators & witnesses' and 'Civil jury fees'.

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____
Date _____ Time _____ Room _____
Subject _____

212-47

P E T I T I O N

TO THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA,
Carson City, Nevada:

WHEREAS, the requirement found in N.R.S. 375.050 that each deed evidencing a transfer of title which does not go through escrow shall have appended thereto an affidavit of the grantee, or his legal representative, declaring the value of the property transferred, or the reason for an exemption from the transfer tax on said property, has proven time consuming and ineffective, and

WHEREAS, the same results which said affidavit seeks to accomplish can equally well be accomplished with less expenditure of time, effort and expense by use of a rubber stamp declaration placed on each deed averring the value of the property transferred.

THEREFORE, We, the undersigned residents of the State of Nevada, do hereby petition that the above said requirement found in N.R.S. 375.050 be repealed and that an appropriate alternative method of declaring property value be substituted therefor.

Respectfully Submitted,

Rich M. Fry Reno, Nev.
Georgene R. Tretham
3905 Galen
Reno

Murray Dole

Sylvia J. Thompson

W. Howard Gray P.O. Box 2790
Reno, Nev.

George L. Lee

Esmeralda P.O. Box 2790
Reno, Nev.

Val Davis

Margaret Nelson P.O. Box 2790
Reno, Nevada

Samuel J. Bull

John Chapman 26 A.W. 2nd St.

Edward J. Hill 445 Reminis on der, Reno

Donnell Richards 129 N. Virginia, Reno, Nev.

John S. Be Ford 280 Island Ave. Reno
Theresa Ziemino 1015 Forest St. Reno

Virginia R. Land 129 N. Va. St. Reno, Nev.

Maud C. Anderson 621 Humboldt St., Reno

Betty Snow, 775 Helvetia, Reno

Wendy A. Green 1654 Kuoll, Reno

John C. Coney, 2490 Appollo Way, Reno

W. C. Sanford 43 N. Reno

John J. Sanford 43 N. Reno

William C. Sanford 43 N. Reno

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[Signature]
160 Greenidge Ave
Reno, Nevada

See Pearce
1770 Emerald Place
Reno, Nevada

Sylvia M. Winters
608 Jackson Way
Carson City, Nevada

Donald L. Curran
60 Coast St
Reno

Peggy Bennett
4911 Catalina Dr #4
Reno, Nevada

A. J. Jensen
4100 Rose Tree Lane
Reno, Nevada

Geraldine C. Powell
838 H Street
Sparks, Nevada

[Signature]
1725 S. Arlington Ave
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June Hittner
619 Thomas
Reno, Nevada

Allie Jean Mays
30 Sally Place
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Mad. Royal Council
195 S. Fern
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OVER

Wendy E. Wolf
1408 Wright St
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Reno, Nev.

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1520 O'Farrell St

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2260 W 6th St
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1432 West 1 -
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325 Grand Canyon #4
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16250 Bivette Lane, Reno, Nev.
Cue Damon
405 Grand Canyon Blvd.
apt. 24
Reno -

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Alma C Johnson 3065 Chestnut Dr Reno

Edward Ernest Ash

*Arnold Befade
Mike Bell*

Ralph K. Wintunkeez

Harold Caparro

Jessie B. May

Thomas A. Cook

James R. Wright - 1190 Alford St Reno