

SENATE JUDICIARY COMMITTEE

1- 120

MINUTES

February 17, 1971

The Chairman called the meeting to order at 9:00 a.m.

Committee Members Present: Chairman Monroe
Senator Close
Senator Dodge
Senator Foley
Senator Swobe
Senator Wilson
Senator Young

Guests: Grant Davis, Legislative Counsel
Bureau
Press

S.B. #3 - Provides for investigation by real estate advisory commission of out-of-state subdivisions before being offered for sale or lease in this state.
Senator Herr

Chairman Monroe talked to Senator Herr and mentioned the testimony of Don McNalley of the Nevada Real Estate Commission, and that Mr. McNalley suggested bringing in an old bill that had not passed last time, but he thought could do the job. Senator Herr felt that we wouldn't get anywhere with it and the Chairman agreed.

Senator Swobe mentioned the effectiveness of the California Law and Senator Foley suggested getting a copy of the California Act for further study.

S.B. #7 - Prohibits possession or withholding of stolen goods.
Senator Monroe

Chairman Monroe read the proposed amendment to S.B. #7. Senator Dodge made a motion to amend and "do pass." Senator Wilson second the motion. Motion carried.

S.B. #161- Creates separate crime for assault on a peace officer or fireman.
Senator Swobe

Chairman Monroe read the proposed amendment. The committee asked for another amendment so that a gross misdemeanor would not be treated as a felony.

S.B. #162 - Increases minimum sentence when crime committed while using dangerous weapon.
Senators Close, Hug, Manning, Herr and Gibson

Chairman Monroe read the proposed amendment to S.B. 162 which would correct the situation of the minimum sentence also being the maximum. Grant Davis explained that it would now provide that when the minimum sentence is one year, it would increase it to two years so that a person could not be paroled until he served a minimum of one year.

Senator Dodge objected that the whole theory of determinate sentencing is that the judge has the latitude to determine what the sentence should be in light of the circumstances.

Senator Foley made a motion to amend and "do pass."
Senator Wilson second the motion. Motion carried.

S.B. #139 - Allows attorneys' fees in eminent domain proceedings.
Senator Young

Senator Young explained that the thrust of this bill was to allow payment of attorneys' fees so that the small property owner would be able to bring suits in condemnation proceedings. Right now there is no provision for awarding attorneys' fees.

Chairman Monroe felt that this should be taken up at the hearing scheduled for February 24th.

S.B. #175 - Changes definition and qualifications for registering to vote to include 18-year-olds for federal elections, and grants equal political party status.
Senators Foley, Wilson, and Drakulich

Senator Foley explained that this bill only proposes to make it clear to political parties that 18-year olds are permitted to vote in federal elections, and to make them a full member of any political party.

Senator Swobe made a motion to "do pass." Senator Foley second the motion. Motion carried.

S.B. 220 - Repeals provision requiring the giving of ineffective notice under certain lien laws.
Senator Pozzi

Senator Dodge stated his opinion that in any valid lien procedure, there ought to be some notification to the owner. Senator Wilson asked the reason for removing the notification, and Senator Swobe answered that the contractors felt the

notification offends the owner. Senator Wilson then asked what is the advantage of getting the notice. Senator Dodge replied that everybody is protected under NRS except the owner and there should be some procedure to protect the owner and enable him to be sure that the monies paid to the general contractor pays for material and labor. This would also give him the opportunity to know what is coming on the job. Senator Foley suggested providing that the principal contractor give the owner an affidavit for material and labor furnished.

The Chairman set up a hearing on Friday, February 19th for this bill.

S.B. 221 - Reduces number of commissioner-of-civil-marriage townships.
Senator Pozzi

The Chairman explained that this would take Carson City out of the marriage-commissioner townships. Senator Close felt that if Carson wanted to get out, it should be able to. Senator Young pointed out that in this case, the money that would otherwise go to the city, would go to the justices of the peace. He felt that it was odd since Carson City is asking for money at all times, that they are now asking for money to be taken away from the city and given to the J.P.'s.

Chairman Monroe will ask the introducer, Senator Pozzi, to come in and discuss this with the committee.

S.J.R. #1 - Proposes to amend constitution by permitting appointment of temporary district court judges.
Senators Young, Walker, Foley, Wilson and Swobe

Senator Close felt that S.J.R. 23 of the 55th Session would take care of this situation by allowing for retired judges. Senator Young pointed out that we don't know how many retired judges we have, and some will not want to go back to work and we can not compel them to do so.

Grant Davis suggested adding the wording "under such terms and conditions as the legislature may provide" on Line 5.

Senator Swobe made a motion to amend and "do pass."
Senator Young second the motion. Vote to "Do Pass:
Yeas - Senators Foley, Swobe, Monroe, Wilson and Young - 5
Nays - Senators Close and Dodge - 2
Motion carried.

Senators Close and Dodge will file a minority "do not pass" report.

S.J.R. 1 of the 55th Session - Excludes fiscal matters from state and local initiative and referendum.
Senators Brown and Gibson

Senator Close felt that this bill should be put to the people for them to decide if they want every amendment to have the money attached to it, and they he didn't think it is right for the committee to say they can't even vote on it. He felt that the legislature would not be recommending it, but putting it up for a vote by the people. Senator Foley felt that by putting it out to the people the legislature would be saying in effect "in the wisdom of the legislature", and he didn't want to endorse that.

Senator Swobe made a motion to "do pass." Senator Dodge second the motion. Vote to "do pass:"
Yeas - Senators Close, Swobe, Monroe, Dodge, and Young - 5
Nays - Senators Foley and Wilson - 2
Motion carried.

Senators Foley and Wilson will file a minority "do not pass" report.

S.C.R. 11 - Requests that future public buildings conform to American Standard specifications for public buildings.
Committee on Judiciary

Chairman Monroe explained that this resolution came from S.B. #76 for handicapped facilities which was killed in committee. Senator Dodge felt that in Line 9 we should ask them to make all reasonable efforts to conform rather than asking them to conform. Senator Swobe made a motion to amend and "do pass." Senator Dodge second the motion. Motion carried.

A.B. #24 - Lowers percentage of alcohol necessary in blood to raise presumption of intoxication while driving vehicle.
Messrs. Lowman, Howard, Prince, Getto, Hafen, Wilson, Kean, Frank Young, Mrs. While, Messrs. Ronzone and Bryan.

Chairman Monroe felt that it is a National Safety Standard and it would have to be complied with anyway. Senator Young made a motion to "do pass." Senator Foley second the motion. Motion carried.

A.B. #102 - Increases time for filing inventory and appraisement in estate of deceased person.
Messrs. Bryan, Fry, Hilbrecht and Olsen

Chairman Monroe explained that this bill would increase the time for filing inventory and appraisement from 20 days to 60 days. Senator Dodge made a motion to "do pass." Senator Young second the motion. Motion carried.

A.B. #134 - Repeals requirement that justices of peace disperse riotous assemblages.
Clark County Delegation

and A.B. #135 - Eliminates requirement that judges, justices of the peace prevent duels.

Senator Close read the chapters in NRS that these bills apply to. Grant Davis suggested drafting another bill to cover public defenders.

Senator Dodge made a motion to "do pass." Senator Wilson second the motion. Motion carried.

A.B. #161 - Eliminates requirement that governor offer reward for apprehension of certain criminals.
Mr. Jacobsen


Chairman Monroe read the bill. Senator Dodge made a motion to "do pass." Senator Swobe second the motion. Motion carried.

A.J.R. #45 of the 55th Session - Proposes constitutional amendment broadening provision for voting by persons in service of United States.
Committee on Elections

Chairman Monroe read the bill. Senator Young made a motion to "do pass." Senator Dodge second the motion. Motion carried.

Meeting adjourned at 10:45 a.m.

Respectfully submitted,


Eileen Wynkoop, Secretary

Approved: _____