

SENATE JUDICIARY COMMITTEE

MINUTES

March 16, 1971

Chairman Monroe called the meeting to order at 7:40 p.m.

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

Others Present: Russ MacDonald, Director - Legislative  
Counsel Bureau  
Grant Davis - Legislative Counsel Bureau

Russ MacDonald testified on the remainder of correction bills introduced by the committee at his request.

S.B. #486 - Conforms report-submission requirements of Liquefied Petroleum Gas Board to those of other similar agencies.  
Committee on Judiciary.

Russ MacDonald explained that the change conforms this section to the changes that were made to all annual reports, making them biennial.

Senator Close made a motion to "do pass." Senator Dodge seconded the motion. Motion carried.

S.B. #487 - Makes corrections in law governing University of Nevada System.  
Committee on Judiciary.

Russ MacDonald told the committee that Neil Humphrey will submit an additional amendment on this bill. It was introduced because it is not clear who "the treasurer of the university" refers to since Neil Humphrey, as the chancellor, is the treasurer of the system, and the presidents of each campus are the treasurers for those campuses.

The committee will hold the bill until the amendments are submitted.

S.B. #488 - Conforms disposition of copies of fiscal note to actual practice.  
Committee on Judiciary.

Russ MacDonald said this bill was introduced because the procedure for processing fiscal notes is now being done backwards. Senator Close mentioned that he has drafted a bill which would incorporate this procedure and require a fiscal note to be attached to each bill request. Russ MacDonald said that was the way it was done previously and supported that procedure. This bill will be held pending action on Senator Close's bill. If his bill does not pass, this bill would be processed.

S.B. #497 - Repeals technically faulty amendatory section in law changing population basis for exercise of powers by local governments when based on population.  
Committee on Judiciary.

Russ MacDonald stated that this bill is a duplicate of S.B. #509. He suggested bucketing #509 when it comes to the committee.

Senator Close made a motion to "do pass." Senator Dodge seconded the motion. Motion carried.

S.B. #498 - Repeals obsolete definition in motor vehicle fuel tax law.  
Committee on Judiciary.

Russ MacDonald explained that this section, 365.025, defines the department of motor vehicles in the Chapter on motor vehicle fuel taxes. It is useless now because there is no authority with the motor vehicle department.

Senator Dodge made a motion to "do pass." Senator Swobe seconded the motion. Motion carried.

S.B. #499 - Deletes reference to poll tax and corrects title of tax receiver in property tax law.  
Committee on Judiciary.

Russ MacDonald testified that this bill would delete the term "poll tax" in the first section and in Subsection 6 conforms the language used in the last amendment, "tax collector", to "tax receiver" as is used throughout the code.

Senator Dodge made a motion to "do pass." Senator Swobe seconded the motion. Motion carried.

S.B. #500 - Conforms maturity date of evidences of indebtedness issued by county commissioners with date of such evidences of indebtedness of other local governments.  
Committee on Judiciary.

Russ MacDonald said that in 1969 there was a bill passed to allow cities and districts to have 5-year maturity emergency loans. The counties were covered under a different section that allowed 3-year maturity emergency loans. This would conform the counties to the 5-year maturity loans.

2-105

Senator Dodge made a motion to "do pass." Senator Swobe seconded the motion. Motion carried.

S.B. #501 - Removes an obsolete definition from law governing nurseries and nursery stock. Committee on Judiciary.

Russ MacDonald explained that this would delete the term "peddler" because it is not used in the act at all.

Senator Swobe made a motion to "do pass." Senator Dodge seconded the motion. Motion carried.

S.B. #502 - Corrects obsolete reference to an operator's and chauffeur's license. Committee on Judiciary.

Russ MacDonald said this would change the reference from "operator's or chauffeur's license" to "driver's license".

Senator Swobe made a motion to "do pass." Senator Dodge seconded the motion. Motion carried.

S.B. #503 - Conforms Nevada Revised Statutes to federal Immigration and Nationality Act. Committee on Judiciary.

Russ MacDonald testified that this was a request from the United States department of justice. Attached is their statement of the reasons for the elimination of the requirement for making a declaration of intention. In short it says that the declaration does not serve any useful purpose, constitutes a wasteful and onerous burden for the declarant, the State governments, the Federal government and the courts. The elimination under State laws would permit elimination from the Federal laws for the issuance of these documents.

Senator Dodge made a motion to "do pass." Senator Swobe seconded the motion. Motion carried.

S.B. #504 - Allows director of Legislative Counsel Bureau to designate alternates to approve claims. Committee on Judiciary.

The way the law is written Russ MacDonald has to sign all claims and it is sometimes inconvenient. If he is gone the claims and payroll back up. The signature of the designee would be on file in the controllers office.

Senator Dodge made a motion to "do pass." Senator Young seconded the motion. Motion carried.

S.B. #505 - Clarifies provisions of law governing establishment of general obligation bond commissions in counties and Carson City. Committee on Judiciary.

2-10

Russ MacDonald said this would correct a bill drafting problem that was not caught when the Carson City charter was created. It does not change the effect, it merely states it correctly.

Senator Swobe made a motion to "do pass." Senator Wilson seconded the motion. Motion carried.

S.B. #506 - Technical amendment to law prohibiting salary deductions for county employees serving as volunteer firemen.  
Committee on Judiciary.

Russ MacDonald explained that this would add the word "resolution" to Section 245,055 because many counties are using resolutions to fix salaries.

Senator Young made a motion to "do pass." Senator Wilson seconded the motion. Motion carried.

S.B. #507 - Exempts Legislative Counsel and attorneys employed by Legislative Counsel Bureau from appointment to defend persons charged with crime.  
Committee on Judiciary.

Russ MacDonald explained that this would apply to their terms of office or during the time they are so employed.

Senator Young made a motion to "do pass." Senator Dodge seconded the motion. Motion carried.

S.B. #508 - Deletes references to previously abolished State Board of Nursing Fund.  
Committee on Judiciary.

Russ MacDonald said they fought to take this fund out of the state fund and they did. Therefore, references to the state fund are useless.

Senator Dodge made a motion to "do pass." Senator Young seconded the motion. Motion carried.

S.B. #511 - Corrects amount denominated on "Tax-Due" stickers under law governing cigarette licenses and taxes.  
Committee on Judiciary.

Russ MacDonald said this merely reflects the increase to 10¢ for Tax Due stickers.

Senator Dodge made a motion to "do pass." Senator Young seconded the motion. Motion carried.

2-57

S.B. #512 - Repeals obsolete provision in oil pipeline carrier law,  
Committee on Judiciary.

Russ MacDonald explained that Section 708,040 had a general running appropriation of \$5,000 to the first person who brought in an oil pipeline. We have now got an oil pipeline so this section is no longer appropriate.

Senator Dodge made a motion to "do pass." Senator Swobe seconded the motion. Motion carried.

S.B. #513 - Corrects reference to Department of Insurance in Nevada Installment Loan and Finance Act,  
Committee on Judiciary.

Correct the reference to the "department of insurance" to the "insurance division of the department of commerce."

Senator Dodge made a motion to "do pass." Senator Swobe seconded the motion. Motion carried.

S.B. #514 - Clarifies law relating to effective date of ordinances, town board action,  
Committee on Judiciary.

Russ MacDonald felt that this was a question of semantics, and pointed out that the language referred to adopting an action. He changed the language to "30 days after the ordinance was adopted or the action was taken."

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

S.B. #515 - Conforms law on consideration of appropriation bills by Legislature to actual practice; repeals obsolete section relating to state claims against Federal Government for war expenditures.

Russ MacDonald said that Section 353,235 has not been complied with since 1949. Section 353,105 is obsolete.

Senator Dodge made a motion to "do pass." Senator Close seconded the motion. Motion carried.

S.B. #516 - Deletes redundant language from provision relating to qualifications for safe driving of vehicles,  
Committee on Judiciary.

Russ MacDonald explained that Section 483,340 takes care of the issuance of a drivers license and the types and classes of vehicles licensees may drive in much more detail. Therefore Subsection 1 of Section 483,325 is repealed.

Senator Swobe made a motion to "do pass." Senator Young seconded the motion. Motion carried.

S.B. #542 - Conforms language of motor carrier lien law to Uniform Commercial Code, Committee on Judiciary.

Russ MacDonald said that the original bill referred to "chattel mortgage or conditional sales agreement". This would put the language "security agreement" in to conform it to the Uniform Commercial Code.

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

S.B. #544 - Amends Motor Vehicle Safety Responsibility Act to correct designation given district court of Carson City, Committee on Judiciary.

Russ MacDonald testified that this was overlooked when the Carson City Charter was drafted. The bill would change the reference from "the county of Ormsby" to "Carson City".

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

A.B. #30 - Permits real estate agents to receive customary commissions for sales of property from decedents' estates, Assemblyman Lingenfelter.

Senator Dodge stated that he didn't follow the rationale in Mr. Lingenfelter's testimony that this increase would be a benefit to the estate. If they can not get the property sold, they can distribute the property in kind and it would be up to the person to do whatever he wants with it.

Senator Close had no strong feelings on the bill, but he didn't understand why a person should take a lesser commission for a sale because the owner is dead than he would have taken if the owner was alive. Senator Dodge stated that unless there was further testimony from the courts or the judges that the present law is not working in the interests of the heirs, he didn't think we should process it.

No final action was taken.

S.B. #176 - Limits garnishment and execution on earnings, Committee on Judiciary

Senator Dodge advised the committee that Jim Guinan suggested we forget the amendments proposed in the bill, and submitted other amendments which would conform to the federal statute.

Senator Dodge made a motion to amend and "do pass." Senator Young seconded the motion. Motion carried.

S.B. #349 - Permits appeal from pretrial district court orders in criminal cases, Committee on Judiciary.

Chairman Monroe read the letter he received from Mike Evans, President of the District Attorneys Association, which is attached.

Senator Foley informed the committee that in the informal conversation he and Mike Evans had with the supreme court justices, they determined that the two main problems were maintaining the "speedy trial" concept, and the encroachment upon the rights of the court by the legislature. To satisfy the first problem they suggested the amendmentary language "upon good cause" so that this appeal could not be used as a delaying tactic. They kept the 3 day period for notice to the supreme court because they felt that was not too much of a delay.

To satisfy the second problem they suggested the amendmentary language of "the supreme court may establish such procedures as it determines proper in requiring the appellant to make a preliminary showing of the propriety of such appeal." They felt this was not encroaching on the supreme courts authority whatsoever.

There was further discussion regarding whether or not the three day time limit should start from the time the judge signs the order, or from the entry of his order in the record.

Senator Young felt there could be delays because the judge did not remain to sign the order after it was typed from the record. Russ MacDonald felt that the burden to get the order signed must lie with the counsel pursuing the appeal. Senator Wilson felt the judge has the responsibility of conducting a speedy trial and would be aware of that responsibility.

Senator Young opposed the bill. He felt the committee should introduce a resolution allowing advisory decisions.

The committee asked Grant Davis and Russ MacDonald to draft additional language.

Meeting adjourned at 9:15 a.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: \_\_\_\_\_