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SENATE JUDICIARY COMMITTEE

MINUTES

March 9, 1971

Chairman Monroe called the meeting to order at 9:00 a.m. This meeting was devoted to the bills introduced by Russ MacDonald, Director, Legislative Counsel Bureau, to make certain corrections and clarifications of the statutes.

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

Others Present: Russ MacDonald, Legislative Counsel Bureau

S.B. 363 - Clarifies provisions relating to fees and annual statements of foreign corporations.
Committee on Judiciary

The committee suggested an amendment to clarify this further by adding the words "conducted in this state" on Line 1, Page 2.

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

S.B. 364 - Removes ambiguous word from statute governing costs in small claims court.
Committee on Judiciary

Russ MacDonald explained that the only change in this would be to clear it up by removing the word "however." Senator Swobe made a motion to "do pass." Senator Foley second the motion. Motion carried.

S.B. 365 - Prohibits naming child on radio or television in connection with offense under consideration by juvenile court.
Committee on Judiciary

Russ MacDonald explained that this change would include other news media in addition to publications. Senator Swobe agreed that it should be a uniform policy.

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

S.B. 366 - Provides method of determining third party claim where claim for delivery of property is made.
Committee on Judiciary

Russ MacDonald explained that this would resolve an inadequacy in the statutes relating to a third party claim and how you actually deliver title.

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

S.B. 367 - Repeals unconstitutional provision relating to involuntary dismissal of civil actions for want of prosecution.
Committee on Judiciary

The Supreme Court declared this law unconstitutional. It is now handled by the rules of civil procedure adopted by the court.

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

S.B. 368 - Corrects erroneous language in second of law relating to actions for injury of a minor child.
Committee on Judiciary

Russ MacDonald explained that the words "or death" were mistakenly left in when they amended this section last session. Section 12.080 covers actions for injury of a minor child, and Section 12.090 provides for actions for deaths of a minor child. Therefore, this reference to death is not necessary in Section 12.080.

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

S.B. 369 - Clarifies limitation of actions in real property matters.
Committee on Judiciary

Russ MacDonald explained that there is an action pending on appeal in the Supreme Court under this statute. He suggested having further testimony if there were any questions. Senator Foley requested this be held for further discussion.

S.B. 371 - Allows court to tax jury costs when civil action settled before trial.
Committee on Judiciary

Russ MacDonald explained that this bill was presented by Judge Waters. In civil actions where there is a jury trial, the county pays the cost for summoning and getting the jury to the courthouse. His proposal is to provide that if the case were abandoned or settled out of court after the jury had been empaneled, the judge would determine the cost and tax the parties equally. Senator Young asked what the cost of summoning was, and Russ MacDonald suggested Jim Guinan and Judge Waters might be able to explain this bill further. No final action was taken.

S.B. 372 - Extends law governing disturbing the peace.
Committee on Judiciary

Russ MacDonald explained that this bill just adds "or person" to this statute and is self-explanatory.

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

S.B. 374 - Corrects error in industrial insurance law governing employer misrepresenting payroll amounts.
Committee on Judiciary

Russ MacDonald explained that this bill would correct the statute to the way it was originally enacted.

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

S.B. 375 - Requires municipal airport operation to conform to Local Government Purchasing Act.
Committee on Judiciary

Russ MacDonald explained that this would provide that these sections comply with the Local Government Purchasing Act but suggested we hear further testimony.

No final action was taken.

S.B. 376 - Deletes arrest requirement in implied consent law.
Committee on Judiciary

Russ MacDonald explained that this bill was requested by the District Attorney in Humboldt County, Bill Macdonald. He read a letter from Mr. Macdonald that explained that they needed this because when an accident occurs out on the highway, by the time the officer at the scene of the accident gets back to town, 5 or 6 hours have elapsed and the driver's blood alcohol count has dropped. Several members of the committee felt that this might be abused by the police.

This bill will be held for further testimony from the D.A.'s.

S.B. 377 - Repeals unnecessary traffic law.
Committee on Judiciary

Russ MacDonald explained that this bill would repeal Section 484.281 since it is now part of the traffic law chapter.

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

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S.B. 378 - Gives counties commissions on collection of vehicle privilege taxes.
Committee on Judiciary

Russ MacDonald suggested we examine this bill. There was a discussion regarding the distribution of monies and the new provision for the 6% to go to the counties. The committee requested a hearing on this bill.

S.B. 379 - Deletes provision from law governing National Guard conflicting with N.R.C.P. 8 (c), 9 (d).
Committee on Judiciary

Russ MacDonald explained that this provision is covered by the Evidence Code. It is a back-up bill in case the Evidence Code does not pass, and is unnecessary if the Evidence Code passes.

Senator Young asked if it would be easier to pass it now, or hold it until something happens with the Evidence Code. Russ MacDonald explained that it would be easier for the Counsel Bureau to follow up on it.

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

S.B. 380 - Deletes reference to aliens regarding preferential employment on public works.
Committee on Judiciary

Russ MacDonald explained that the California Supreme Court in 1969 held that a parallel California statute prohibiting employment of aliens in public works was unconstitutional. This would conform with that ruling.

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

S.B. 381 - Repeals law creating Nevada building authority.
Committee on Judiciary

Russ MacDonald explained that the Supreme Court declared these provisions unconstitutional.

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

S.B. 382 - Changes number of signatures required to recall public officers and nominate their successors.
Committee on Judiciary

Russ MacDonald explained that this bill conforms the statute of recall provision to a recent amendment of the constitution.

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

S.B. 383 - Makes technical amendments to elections law.
Committee on Judiciary

Russ MacDonald explained that this bill solves an ambiguity in the statutes by removing sub-section b) of Section 2, since it is taken care of by "any other unavoidable cause." in sub-section a).

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

S.B. 384 - Clarifies petition requirements for independent candidates.
Committee on Judiciary

Russ MacDonald explained that this was changed so that it would mean the people who actually votes at the last election sign the petition, instead of people who were registered voters. This was enlarged because of the inadequacy of petitions in attempting to identify signatures and their place of residence.

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

S.B. 385 - Extends time for sending abstract of votes to secretary of state.
Committee on Judiciary

Russ MacDonald explained that a bill was passed last session to extend time for canvassing the returns to 15 days. This bill would bring all metions of time to conform with the 15-day period.

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

S.B. 386 - Modifies procedure for payment of state group insurance premiums by political subdivisions.
Committee on Judiciary.

Russ MacDonald explained that this bill came about because last session the legislature established a maximum of \$8.54 as the benefit for state employees on group insurance so that Storey County could be incorporated in the same group policy. The fact was in setting the maximum at \$8.54, it was impossible for the counties to go outside that maximum in order to get a better package deal with the commissioners. This bill would allow them to negotiate for the cost of coverage in any amount they could come to terms with.

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

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S.B. 387 - Exempts employees of legislative counsel bureau from limitation on hours of employment.
Committee on Judiciary

Russ MacDonald suggested this bill because he thought we ought to attempt to make the authorization of working beyond the time limitation during the session valid.

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

S.B. 388 - Limits kinds of suits that may be brought or defended against state by district attorney.
Committee on Judiciary

Russ MacDonald explained that Section 7.035 prohibits district attorney's from defending any person in a criminal action, so should not be repeated in this section. This Section covers civil actions.

Senator Wilson felt that restriction should not be limited to his term in office, it should go beyond the term of office.

There was further discussion regarding the supreme court ruling that indigents could not be punished by a fine, and what effect that would have.

No final action was taken. Russ MacDonald will discuss this bill with the committee again.

S.B. 389 - Allows county commissioners to vote on any lease of personal property for county use.
Committee on Judiciary

Russ MacDonald explained that it is an advantage for the county to pay on a lease basis rather than purchase large equipment. This bill provides that they can vote beyond their term of office on a lease of real or personal property that would save money. Senator Dodge felt that it would cause real problems to allow commitments against future budgets and that it would encourage counties to get into construction business. Chairman Monroe felt that we should have further testimony on this bill.

No final action was taken.

S.B. 390 - Permits disposal of certain school district records.
Committee on Judiciary

Russ MacDonald explained that this was a school district recommendation. They have no provision for destruction of antiquated records. Chairman Monroe asked who would determine whether they are obsolete, and Mr. MacDonald answered that it is not according to a time schedule since it is just a matter of house-keeping. Mr. MacDonald stated that there may be a bill coming through Government Affairs that would handle the whole thing. Senator Close suggested we hold this bill and see what happens there.

S.B. 391 - Authorizes copyright of Legislative Counsel Bureau publications.
Committee on Judiciary

Russ MacDonald explained that the Counsel Bureau never worried about copyright because of the frequent changes made and anybody trying to take it on would not be able to keep up with the changes. Then the Attorney General rendered an opinion that the state printer has a right to the publications. Since the cost is only \$6.00, they thought they would provide this.

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

S.B. 392 - Requires biennial report from state board of examiners concerning compensation for victims of criminal acts.
Committee on Judiciary

Russ MacDonald explained that this merely conforms to what was done last session; that is, changing all annual reports to biennial reports.

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

S.B. 393 - Repeals unconstitutional law requiring minimum imprisonment time before parole in certain cases.
Committee on Judiciary

Proposes to repeal Section 213.121 which was declared unconstitutional.

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

S.B. 394 - Eliminates inapplicable reference in probate law to "determination of heirship."
Committee on Judiciary

Russ MacDonald explained that this bill would delete the requirement for a petition for determination of heirship. Senators Foley, Swobe, and Young felt if this were stricken, it would indicate that you couldn't bring on a petition for heirship. Russ MacDonald will draft another amendment.

S.B. 395 - Corrects terminology relating to guardians' qualifications.
Committee on Judiciary

The word "coguardian" is inserted in the place of "cofiduciary" to conform it to the rest of the chapter.

Senator Young made a motion to "do pass." Senator Close second the motion. Motion carried.

S.B. 396 - Clarifies and conforms language in guardianship law.
Committee on Judiciary.

The word "maximum" is inserted in the place of "minimum" to conform it to the rest of the chapter.

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

S.B. 397 - Clarifies statutory reference in Revised Uniform Principal and Income Act.
Committee on Judiciary

Russ MacDonald explained that this is just a clean-up bill to make it conform with the revised act.

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

S.B. 398 - Prohibits appeal by state from final judgement of district court in criminal cases.
Committee on Judiciary

Russ MacDonald explained that this bill would allow the state to appeal to the supreme court in a criminal matter. There was further discussion regarding appeal for a new trial.

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

Meeting adjourned at 11:00 a.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: _____