

SENATE JUDICIARY COMMITTEE

MINUTES

2-10

April 9, 1971

Chairman Monroe called the meeting to order at 8:45 a.m.

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

Others Present: Mr. Ray Kniseley
Assemblymen Keith Ashworth
Assemblyman Howard McKissick, Jr.
Assemblyman Art Olson

A.B. #200 - Prohibits deficiency judgments on purchase money obligations and provides cause of action for waste. Committee on Commerce.

Mr. Ray Kniseley testified that the purpose of this bill is to prevent a person from selling a piece of property and taking a down payment, then in hard times, coming back and repossessing that property and taking a deficiency judgement. He felt it wouldn't work any hardships on the seller, and that the bill is clear that it only applies to buyer and seller upon the original deal. He said this was a good piece of legislation which is very much needed, but didn't see any point in the second reprint.

Senator Young felt this could cause a problem because it would permit the deficiency judgment if there has been a subordination to a second or subsequent mortgage.

Senator Foley said the problem with this situation is that in Las Vegas there are a lot of homes sold on a second mortgage. They take a note on deed of trust for their equity, and get a payment of \$60 or \$70 per month. If the buyer decides that he doesn't want the house any more, the seller would have to take it back.

Senator Dodge asked if we would be getting at the main problems if we limit the effectiveness of the bill to the original purchase price deed of trust. Mr. Kniseley replied that he thought that would take care of the most pressing situation.

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

A.B. #719 - Provides that contents of county gaming licenses be specified by county ordinance. Clark County Delegation.

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Assemblyman Keith Ashworth testified that in the two larger counties, the old law required the counties to place on the license a description of the room in which gaming was conducted, and the owner of the premises. Besides being cumbersome, the clerks don't feel this is necessary any longer because they have sophisticated files which furnish all this information. This bill would allow the counties to determine what kind of licenses they want to issue.

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

S.B. #567 - Amends laws pertaining to public securities; provides remedies for any modification of any act impairing any obligations of contract.
Senator Monroe.

Senator Dodge read the BDR on this bill which states that the purpose of the bill is to allow the community college to get a general obligation bond rather than the usual revenue bond, and to permit the bond holder to have access to the courts in light of the contract.

Senator Young made a motion to "bucket" S.B. #567. Senator Dodge seconded the motion. Motion carried.

S.B. #640 - Permits governing body to disapprove tentative subdivision map at any time.
Senator Swobe.

Senator Swobe explained that over the last 20 years we have been encouraging subdivision development. By this encouragement, we have precluded the county commissioners from being able to deny an application for subdivisions. All this bill does is permit the counties to disapprove tentative subdivisions any time, if in the interest of public health, welfare and safety.

Chairman Monroe objected that this would put this whole thing up to the whim of the county commissioners.

Senator Swobe said that he would be willing to amend this to provide for a unanimous vote from the county commissioners, rather than a majority vote.

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

A.B. #587 - Provides procedure for pretrial compromise offers in settlement of civil actions.
Assemblyman McKissick.

Assemblyman McKissick testified that under the present law, if the defense makes an offer and the plaintiff doesn't settle and goes to trial, he loses all rights to court fees. But the plaintiff doesn't have similar rights under the present law. The purpose of this bill is to give the plaintiff the same right as the defendant.

There was some question as to the purpose of the provision which would make a peace officer an expert witness. Assemblyman McKissick suggested

deleting that reference to a peace officer if the committee had no appetite for it. 2

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

A.B. #245 - Requires medical insurance policy before action may be brought under guest statutes.
Assemblyman McKissick.

Chairman Monroe asked for final action on this bill. Senator Foley made a motion to "do pass." Senator Swobe seconded the motion. The vote on the motion was as follows:

Yeas: Senators Young, Wilson, Swobe, Foley and Close (5)
Nays: Senators Dodge and Chairman Monroe (2)

Motion carried.

A.B. #219 - Permits incarceration of adult probation violators by juvenile division of district court.

Senator Close felt this was a good bill. He said there is a problem where a juvenile over 18 violates his probation. They can't put him in jail, and very rarely send them to Elko because they don't want to accept juveniles over 18.

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

A.B. #352 - Creates family court in certain counties.
Olsen and Bryan.

Senator Dodge explained that the purpose of this bill is to tie together matters where a juvenile is involved, with other matters having to do with his family; such as child support. They want jurisdiction within the court to involve parents in other matters.

Assemblyman Art Olson testified on this bill and answered several questions. He informed the committee that Justice Zenoff had requested they have the authority to assign these family court judges.

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

S.B. #554 - Conforms certain charitable trusts, foundations, and corporations to requirements of Federal Tax Reform Act of 1969.
Senator Young.

Chairman Monroe read the amendment proposed by the Assembly. Senator Dodge made a motion to concur with the amendment. Senator Foley seconded the motion. Motion carried.

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Meeting adjourned at 10:25 a.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: _____