

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

17th DAY OF JANUARY, 1973

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The meeting was called to order at 9:50 a.m. Senator Close in the Chair.

PRESENT: Senator Foley
Senator Bryan
Senator Dodge
Senator Hecht
Senator Swobe
Senator Wilson
Mr. Clinton Wooster, Legislative Counsel Bureau

S.B. 8 - Technical amendment designating Legislative Counsel Bureau as agency to receive payment by legislators for set of Nevada Revised Statutes.

Delete incorrect reference to Secretary of State since the Legislative Counsel Bureau does receive the payments for NRS.

Senator Swobe moved "DO PASS." Seconded by Senator Bryan. Motion carried.

S.B. 9 - Technical amendment correcting wording of statute pertaining to use of voting machines.

Remove reference to county commission and insert Secretary of State to make provision conform to previous sections of NRS.

Senator Dodge moved "DO PASS." Motion seconded by Senator Bryan. Motion carried.

S.B. 10 - Technical amendment deleting language incorrectly setting salary of chief assistant to Superintendent of Department of State Printing.

To correct conflicting sections of NRS. NRS 344.080 provides that the chief assistant be in classified service of the State. Reference to NRS 284.182 is conflicting in that it is a provision for personnel in unclassified service.

Senator Swobe moved a "DO PASS." Seconded by Senator Foley. Motion carried.

S.B. 11 - Technical amendment deleting Nevada Revised Statutes, annotations thereto and the Nevada Digest from list of publications sold by Secretary of State.

Removes reference to NRS, Annotations and Digest from section since it is set forth correctly in another section as sold by Legislative Counsel Bureau.

Senator Dodge moved "DO PASS." Seconded by Senator Swobe. Motion carried.

S.B. 13 - Corrects erroneous description of property comprising site of Lost City Museum.

Original deed had incorrect description. Correct description needed to convey property to Lost City Museum.

Senator Dodge moved "DO PASS." Motion seconded by Senator Foley. Motion carried.

S.B. 14 - Adds definition for terms currently used but undefined in highway beautification law.

Adds the definitions of board, department and engineer so that their use would be clear.

Senator Dodge moved "DO PASS." Motion seconded by Senator Wilson. Motion carried.

S.B. 15 - Technical amendment deleting reference inconsistent with Federal Immigration and Nationality Act.

NRS 436.290 was overlooked when all other references to wording inconsistent with Federal Immigration and Nationality Act were corrected.

Senator Dodge moved "DO PASS." Motion seconded by Senator Foley. Motion carried.

S.B. 16 - Deletes obsolete language to refine definition of "license" for ambulance drivers and attendants.

Deletes reference to air ambulance pilots and attendants and school bus drivers under NRS 450A.030. Section should only apply to ambulance drivers and attendants.

Senator Dodge moved "DO PASS." Motion seconded by Senator Wilson. Motion carried.

S.B. 17 - Technical amendment repealing obsolete section of statute enacting Nevada Insurance Code.

Section 904.5 referred to a provision of Section 366 of the Insurance Code which was deleted, therefore the reference is incorrect.

Senator Swobe moved "DO PASS." Motion seconded by Senator Wilson. Motion carried.

S.B. 18 - Corrects typographical error in provision for issuance of insurance license under fictitious name.

Deleting typographical error referring to unincorporated applicant and changing to incorporated applicant.

Senator Dodge moved "DO PASS." Senator Wilson seconded the motion. Motion carried.

S.B. 19 - Corrective legislation eliminating narcotic and dangerous drug division from state crime commission to avoid duplication of functions.

A duplication of functions arose since there were two similar divisions set up in the Division of Law Enforcement Assistance. The Crime Commission suggested consolidating the Narcotic and Dangerous Drug Division into the Investigation and Narcotics Division. This would be consistent with the legislation in the Controlled Substances Act where reference to narcotics and dangerous drugs was deleted.

Senator Swobe moved "DO PASS." Motion seconded by Senator Wilson. Motion carried.

S.B. 20 - Makes technical correction to properly set forth the name of the state commission of environmental protection.

To correct the name of the State Board of Environmental Protection to the State Commission of Environmental Protection.

Senator Bryan moved "DO PASS." Seconded by Senator Wilson. Motion carried.

S.B. 21 - Permits judicial notice of municipal code adopted and filed by any incorporated city.

Include Section 268.014, which refers to city codified ordinances becoming matters of judicial notice, in Section 47.140 which lists the laws subject to judicial notice.

Senator Bryan moved "DO PASS." Motion seconded by Senator Wilson. Motion carried.

S.B. 22 - Repeals statute providing extensive criminal jurisdiction over Indians declared void by Nevada Supreme Court.

Statutes have other provisions which deal with jurisdiction over Indian lands.

Senator Swobe moved "DO PASS." Motion seconded by Senator Dodge. Motion carried.

S.B. 23 - Repeals obsolete or unnecessary provisions pertaining to voting machines.

Section 293.085 defines "public counter" of voting machines, but does not refer to any term used in Section 293. Sections 293A.255 and 293A.230; and Section 293.313 and 293.320 are identical sections and are being consolidated.

Senator Foley moved "DO PASS." Senator Wilson seconded the motion. Motion carried.

S.B. 24 - Removes conflict in various provisions relating to homesteads declared during life and set apart after death.

Supreme Court decision pointed out inconsistency between Section 146.050 and 115.020 which deal with the same subject matter and allow property to be vested in two different ways.

Senator Dodge moved "DO PASS." Seconded by Senator Wilson. Motion carried.

S.B. 25 - Repeals obsolete transitory provisions pertaining to business licenses for issuance of prepaid cemetery service contracts and deposits to endowment care funds.

Provisions apply to dates (July 1, 1971) which are now past.

Senator Foley moved "DO PASS." Seconded by Senator Bryan. Motion carried.

S.B. 26 - Permits district attorney of Lander County to retain fees received while serving as public administrator.

To include Lander County District Attorney under provision of NRS 253.050.

Senator Foley moved "DO PASS." Seconded by Senator Bryan. Motion carried.

S.B. 27 - Technical amendment deleting obsolete reference to description of Carson City+Washoe County boundary and substituting correct reference.

Description contained in NRS 243.340 was repealed when Carson City Charter was enacted. This amendment would include the correct reference.

Senator Dodge moved "DO PASS." Senator Foley seconded the motion. Motion carried.

S.B. 28 - Technical amendment deleting reference to repealed law and alerting recipients of wiretap orders of further statutory requirements.

Deletes reference to Chapter 454 of NRS pertaining to dangerous drug law since that chapter was deleted when Controlled Substances Act was enacted.

Includes reference to NRS 704.285 which requires notification of wiretap to Public Service Commission. Chairman Close questioned the reasoning for notification of the PSC. The bill will be discussed further after obtaining additional information.

S.B. 33 - Technical amendment deleting reference to State Board of Health as body to hear appeals from application of factory-built housing regulations.

Incorrect reference to State Board of Health.

Senator Bryan moved "DO PASS." Seconded by Senator Foley. Motion carried.

S.B. 34 - Clarifies nature of presumption created by recording affidavit of death of joint tenant.

Clarify wording to mean "disputable presumption."

Senator Wilson moved "DO PASS." Motion seconded by Senator Bryan. Motion carried.

S.B. 38 - Technical amendment conforming Section 8, Chapter 643, Statutes of Nevada 1971 to Section 1, Chapter 340, Statutes of Nevada 1971 and NRS 288.220.

Add exception referring to local government employer and management representative to Section 8, NRS 288.220.

Senator Dodge moved "DO PASS." Senator Hecht seconded the motion. Motion carried.

S.B. 41 - Clarifies ambiguous language in provisions prohibiting certain acts while intoxicated or under the influence of controlled substances.


Clarify the language so that a person is not in violation of NRS 433.630 when he has a prescription.

Senator Bryan moved "DO PASS." Seconded by Senator Dodge. Motion carried.


Minutes of the meeting held January 16, 1973 were approved with no corrections.

Meeting was adjourned at 10:50 a.m.

Respectfully submitted,


Eileen Wynkoop
Secretary

APPROVED:


Mel D. Close, Chairman