

SENATE JUDICIARY COMMITTEE

28

MINUTES OF MEETING HELD

5th DAY OF FEBRUARY, 1973

The meeting was called to order at 9:45 a.m. Senator Close in the Chair.

PRESENT: Senator Foley
Senator Bryan
Senator Dodge
Senator Hecht
Senator Swobe
Senator Wilson
Mr. Frank Daykin, Legislative Counsel Bureau
Mr. Clinton Wooster, Legislative Counsel Bureau
Mr. Vern Calhoun, State Narcotics Division
Mr. Carrol Nevin, Crime Commission

A.J.R. 1 - Proposes to amend Nevada constitution by eliminating the 6-month residency requirement for electors.

Mr. Daykin was asked to research the time provision imposed by the Supreme Court regarding voting requirements. He testified that the 30-day period was sustained by the courts, but a 90-day requirement was struck down. The court left for further decision whether or not anything in between those times would be valid. Mr. Daykin felt that any time imposed longer than 30 days would be litigated and the outcome could not be predicted.

Senator Dodge again stated his feeling that there are enough problems getting people to register and turn out for elections and that legislation should make voting requirements easier and therefore attract people to vote.

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

A.B. 12 - Eliminates the six month residency requirement for registration for voting and repeals new resident voting provisions.

This bill would conform the statutes to the constitutional changes effected by AJR 1.

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

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

Mr. Wooster testified that as a result of the meeting of January 24th and upon written request from Mr. Nevin, an amendment was drafted to delete the provision for the Investigation and Narcotics Division to accept grants, gifts, etc. and insert the Department of Law Enforcement Assistance or any of its divisions. Senator Bryan remarked that it had been represented to him that the problem lies in allowing uncontrolled acceptance of gifts or grants by the Divisions without the Department's knowledge. He stated that this problem had been resolved two years ago against the Divisions and there was concern expressed by local law enforcement agencies that this bill would upset the agreement reached two years ago.

Senator Close questioned Mr. Wooster as to why the bill was drafted to allow the Division to accept gifts. Mr. Wooster replied that the only authority in Chapter 216 for accepting gifts was the authority given the Narcotics and Dangerous Drug Division. When it was requested that that Division be eliminated due to a duplication of functions, the bill drafter replaced the authority with the Investigation and Narcotics Division, which was the duplicate agency.

Mr. Nevin testified that it would be no loss, and perhaps a wiser decision, to give the authority to receive gifts to the Department of Law Enforcement Assistance and leave the divisions out. Mr. Wooster testified that the statutes do not authorize any other division to accept gifts without going through the Department except this one.

Mr. Nevin also asked that subsection 5 on Page 2 relative to procurement of information on drug offenders be deleted and substituted with Section 216.360, which would have been repealed under Section 5 of this bill. He asked that 216.360 be amended to provide that the Department of Law Enforcement Assistance be furnished information relative to drug offenders rather than leaving the burden of procurement with the Narcotics Division. Senator Dodge then suggested leaving in subsection 5 which would go to the division, and adapting 216.360 and inserting it as a separate section.

Senator Dodge moved to amend and "DO PASS." The motion was seconded by Senator Wilson. Motion carried.

S.B. 55 - Establishes recording fees for papers which serially incorporate two or more documents.

Senator Swobe testified that this bill was requested by the County Recorders Association. He stated that some land companies are combining documents, and the recorders feel that the fees they charge are not sufficient since they charge for one document and have to index all titles. This bill would provide that when a multi-titled document is processed, they can charge for each title. Chairman Close remarked that Paul Horn, County Recorder of Las Vegas, has recommended adoption of these bills.

Senator Dodge questioned whether the \$3.00 fee is consistent for indexing alone. Senator Close suggested lowering the fee to \$2.00. The committee agreed.

Senator Bryan felt the wording "document title" was not very clear. Senator Wilson suggested changing the wording to "each portion of the document separately indexed."

Senator Swobe moved to amend and "DO PASS." Seconded by Senator Wilson. Motion carried.

S.B. 57 - Eliminates need for custodian of public records to use presented copies in preparing certifications.

Senator Swobe explained that under the present law, a person who records a document can come back at a later time to have it certified. In the case of lengthy documents, they must be proof-read before they are certified, and this time is not figured in the charge for certification. Under this bill, if a person wanted a document certified, instead of submitting their own copy, the recorder's office would take a photostatic copy from the copy in their files and certify that copy. They would then charge the person for copying and certifying.

Senator Wilson objected that the fees for reproduction in most cases are way out of line, and was concerned that an individual should not have to pay that kind of money to get service out of their government.

The committee agreed to further testimony from county recorders, clerks, etc.

S.B. 58 - Eliminates requirement for county recorders to index name of trustee in deed of trust or reconveyance.

Senator Swobe testified that the present practice when recording a deed of trust is that the documents are indexed under three indexes: Grantor, beneficiary, and trustee, which is usually the title company. However, the trustee index is not used, and therefore should be eliminated since it takes up time and space.

The committee asked for more testimony from title companies about the implications of this bill.

S.B. 66 - Provides for parole eligibility for certain persons convicted of being habitual criminals.

On third reading in the Senate, Senators Bryan and Wilson asked this bill be amended to provide parole eligibility after 10 years rather than 5 years. The motion for the amendment failed on the floor of the Senate. Senator Wilson moved the bill be taken from the general file and placed on the Secretary's Desk.

Chairman Close announced that he had requested two further amendments on this bill: Providing for parole eligibility after 7 years and making the sentencing of habitual mandatory after 4 felonies thereby applying this provision uniformly.

Senators Dodge and Bryan felt that making this mandatory would leave little flexibility in the law for those criminals who still have a chance of being rehabilitated. Senator Bryan pointed out that a drug offender can be convicted on 3 or 4 counts under one prosecution.

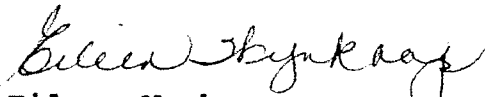
Senator Wilson suggested referring the bill back to committee for further testimony from District Attorneys.

Senator Close announced the date of the Equal Rights Amendment Hearing in Las Vegas has been changed from February 17th to February 24th at 2:00 p.m. in the Public Library.


Minutes of February 1, 1973 meeting approved.

The meeting was adjourned at 10:55 a.m.

Respectfully submitted,


Eileen Wynkoop
Secretary

APPROVED:


Melvin D. Close, Jr., Chairman