

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

11th DAY OF APRIL, 1973

The meeting was called to order at 7:20 p.m. Senator Close in the Chair.

PRESENT: Senator Swobe
Senator Dodge
Senator Bryan
Senator Wilson
Senator Hecht

Joe Midmore, Nevada Builders' Association

SB 575 - Revises extent and priority of mechanics' and materialmen's license and certain notice procedures.

Joe Midmore, representing the Nevada Builders' Association testified that this law was needed, and that it was a good law; it protects the people it was intended to protect, and urged the committee to ratify same as it now stands.

Senator Bryan asked if Mr. Midmore had checked out whether or not this would endanger financing.

Mr. Midmore replied that it could 'make it a little tougher' to get credit.

Senator Bryan asked if notice of completion was required under this bill.

Mr. Midmore stated that as he understood it, there was no requirement as the law now stands. He felt that the 40 days specified in this bill allowed enough protection for the lien claimant.

Senator Swobe stated he would like to see this bill tabled indefinitely, to be brought back 2 years from now.

The committee agreed after discussion to amend this bill as follows:

Page 5, line 6-7: "...shall begin three days following receipt of the service..." and deleting "...the next day following ...".

Senator Dodge suggested including some language in the notice (re:108.2394) which would inform the owner of the said notice. Thus, SB 575, on motion duly made by Senator Dodge, and seconded

by Senator Swobe, received a "Do Pass as amended" vote.

SB 625 - Regulates certain landlord-tenant relations.

The amendments having been returned were voted on. Senator Swobe moved for a "Do Pass as amended". Senator Dodge seconded the motion, and it was duly carried.

SB 422 - Removes disabilities resulting from conviction under certain circumstances.

Chairman Close informed the committee that he had the amendments back on this bill. Senator Swobe moved for a "Do Pass", Senator Bryan seconded the motion, and it was so carried.

SB 572 - Strengthens state regulation of securities and corporations.

Amendments returned on this bill were 13 pages in length, while the original was seven pages. The committee agreed to contact Mr. Belford, and inform him that they are in favor of killing all of this bill except that portion which deals with commodity options.

SB 580 - Increasing burdens of importing, retailing or wholesaling intoxicating liquor.

This bill now in Commerce Committee, was agreed by the committee, should be retrieved.

AB 427 - Provides convenient procedure for registering to vote and eliminates required cancellation of certain restrictions.

After discussion, Senator Wilson moved for a "Do Pass" on this bill. Motion was duly carried.

AB 196 - Improves administrative and judicial procedure in adoption proceedings.

After reviewing amendments, Senator Swobe moved for a "Do Pass as Amended". Senator Bryan seconded the motion, and it was so carried.

AB 391 - Clarifies right of peace officers to compel detained person to identify himself.

After brief discussion, Senator Dodge moved for a "Do Pass". Senator Swobe seconded the motion, and it was so carried. Senators Wilson and Bryan opposed.

SENATE JUDICIARY COMMITTEE
MINUTES OF APRIL 11, 1973
PAGE THREE

Senator Wilson asked that the record show the following:
"...my negative vote on this bill is not disapproval ... of what the bill attempts to do. The bill describes only (circumstances) upon which the intention can be made. Normally, the standard requirement of probable cause is the one implied, which has a well-understood and established meaning at law. Probable cause must exist for this type of act contemplated by this measure. The bill requires a fuzzy, undefined standard which departs from that well-established guideline and will lead to uncertainty, misconception and probable litigation. The bill should be clarified to become law."

AB 416 Eliminates interlocutory appeals in criminal cases

After brief discussion, the committee decided to hold this bill for further clarification and clean up - specifically sections 2 and 3.

AB 111 Permits an expert in the identification of controlled substances to appear at trials, preliminary examinations, and grand jury hearings by affidavit.

Following a re-briefing of amendments previously discussed, Senator Hecht moved for a "Do Pass as Amended", Senator Swobe seconded the motion, and it was duly carried.

AB 430 - Regulates business of debt adjusting

The committee, considering a similar bill which was currently before the Assembly, decided to hold this bill, pending the results of the Assembly action.

AB 556 - Permits local law enforcement agencies to enforce Taxicab Authority Law and regulations

Senator Dodge explained the origination of this bill. There were three companies who wanted to associate together for certain services. They were small operators - among the three of them, they had 13 cabs. After having grouped these three companies

each were given a certain percentage increase, which for these guys, didn't amount to much. Then, the Taxicab Authority came along, and began to impose additional requirements on all franchised operators, -air conditioning, etc., which left them unable to compete with the larger companies, inasmuch as they did not meet the requirements established by the Authority, and the Public Service Commission. This bill allows said Authority the assistance of law enforcement agencies and the Nevada Highway Patrol, with which to enforce said regulations.

Senator Hecht moved for a "Do Pass", Senator Swobe seconded the motion, and it was so carried.

AB 567 Removes possibility of probation following conviction of certain offenses under Uniform Controlled Substances Act.

Senator Dodge suggested the committee call further witnesses to testify on this bill. The committee agreed further consideration was in order.

AB 575 Permits payments of certain decedent's debts by executor or administrator without filing claim prior or prior court approval.

Senator Swobe moved for a "Do Kill" on this bill, Senator Bryan seconded the motion, and it was duly carried. The committee stated that this probate matter needs further study.

AB 574 Increases number of counties required to have detention homes for children

Senator Dodge suggested the committee ask Mr. Glover to testify on this bill. Committee so agreed.

AB 554 Clarifies certain terms relating to crime of battery

The committee agreed that further testimony was needed on this bill also.

AB 521 Expands power of Attorney General

AB 521, cont'.

Senator Bryan suggested that Mr. Lowman should testify on this bill. The committee so agreed.

AB 269 Clarifies liability of lessors of motor vehicles for misdemeanors arising out of use of such vehicles

The committee concurred that further testimony should be heard on this bill as well.

AB 533 Permits more than one humane society in a county

Again, the committee decided to call for further testimony.

AJR 14 Proposes to amend Nevada Constitution by providing for merit-plan appointments of judicial officers to fill vacancies.

The reason for this resolution, it was explained, was to assist the governor in refraining from making ~~friendship~~ appointments - similar to the Missouri Plan - i.e., the people maintain a hand in selection of judges, even for interim appointments. No action was taken by the Committee at this time, pending further testimony.

AJR 15 Proposes to amend Nevada Constitution by authorizing legislature to fix jurisdiction of justices of the peace.

Senator Dodge felt that this bill encompassed adequate territory, and suggested the committee process it. The committee agreed.

AJR 16 Proposes to amend judicial article of Nevada Constitution to provide for discipline of judges

Senator Dodge felt that this resolution was complete in itself. Senator Wilson moved "Do Pass", Senator Swobe seconded the motion, and it was so carried.

AJR 18 Proposes to amend Nevada Constitution by providing for central administration of court system.

Senator Dodge stated that this resolution had omitted language pertaining to the flexibility of the court, because (we) conceive that one day in Nevada that you would have a certain man with his own staff that would cover many towns in rural areas. This idea, he thought, had some merit. Thus, the resolution was tabled for further consideration.

AJR 31 Proposes to amend Nevada Constitution by removing Lieutenant Governor as President of the Senate.

Senator Dodge state that he preferred personally, the action of the Supreme Court. The committee concurring, saw Senator Hecht move for "Do Kill", with Senator Wilson Seconding. Motion was so carried.

AB 33 Permits district attorneys to obtain commitment of certain drug addicts

Senator Swobe stated that this law, in his opinion, was not necessary. The committee agreed. Senator Swobe moved for "Do Kill", Senator Hecht seconded the motion, and it was so carried.

Senator Bryan requested that the record show he 'fought like a tiger to save this bill'. ~~So he did,~~ and show it does.

AB 168 Grants immunity from suit to certain persons while conducting military court

Senator Hecht moved for a "Do Kill", Senator Swobe seconded, and motion was so carried.

AB 169 Makes Nevada National Guard members and employees exempt under waiver of sovereign immunity.

Senator Dodge moved for "Do Kill", Senator Hecht seconded, and motion was so carried.

AB 234 Imposes additional criminal penalties if certain crimes are committed while perpetrator is in possession of firearms.

Senator Bryan moved to postpone this bill indefinitely. Senator Swobe seconded the motion, and it was so carried.

AB 335 Increases rights and limits obligations of limited partners and relieves limited partnerships from filing certificate of assumed or fictitious name.

The committee decided to ask Assemblyman Barengo to testify on this bill.

AB 453 Enacts uniform revision of Article 9 of Uniform Commercial Code relating to secured transactions.

Senator Bryan requested further testimony. Request so granted.

AB 566 Changes certain conditions for admitting to bail under Uniform Criminal Extradition Act

The committee agreed to ask Assemblyman Barengo to testify on this bill.

AB 590 Provides method of disposing of certain physical evidence prior to trial

Senator Dodge moved "Do Kill" on this bill. Senator Hecht seconded the motion, and it was so carried.

AB 607 Provides for disposal of unclaimed stolen or embezzled property

Senator Swobe moved for a "Do Pass", Senator Wilson seconded the motion, and it was so carried.

AB 682 Provides notice to appellant when his appeal is docketed with clerk of district court

AB 682, cont'.

Senator Bryan moved for a "Do Pass"; motion having received a second was duly carried.

AB 743 Adopts uniform Contribution among
tortfeasors Act

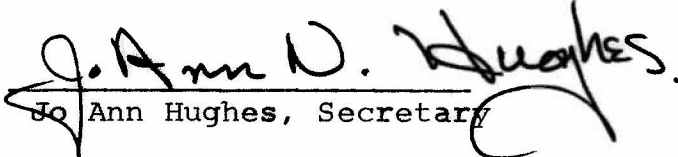
This bill was tabled, pending re-scheduling.

AB 765 Prohibits unauthorized posting
of land

This bill is to be re-scheduled also.

The meeting adjourned at 10:35 p.m.

Respectfully submitted,


Jo Ann Hughes, Secretary

APPROVED:

Melvin Close, Chairman