

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

445

16TH DAY OF APRIL, 1973

The meeting was called to order at 8:00 a.m. Senator Close in the Chair.

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

Assemblyman Lawrence Jacobsen
Assemblyman Virgil Getto
Assemblyman Roy Torvinen
John Borda, Highway Safety Coordinator, D.M.V.

A.B. 665 - Makes sheriff's permit to carry concealed weapons valid state-wide.

Assemblyman Jacobsen testified that the Nevada peace officers have been concerned about this bill because in some rural areas of the State, gaming establishment owners have to transport money over vast distances of highway. In these areas there is no armored transport available and limited police protection on the highways. The law enforcement people felt it better to allow state-wide gun permits to individuals. He stated that through police communications, the law enforcement people would be knowledgeable of whom these permits were issued and sheriffs would be quite restrictive in granting these permits.

Senator Dodge was concerned about the term "residence" as opposed to the word "domicile". Senator Foley stated that as a matter of interpretation, where the word "residence" is used in the statutes, it is construed to be "domicile."

Senator Dodge moved "Do Pass." Motion seconded by Senator Swobe.

Yeas - 6
Nays None
Not Voting - Bryan

Motion carried.

Senator Bryan stated that he did not intend to speak against the bill on the floor, but might decide to vote against it.

A.B. 700 - Clarifies provision concerning redemption of property to be sold for delinquent taxes.

Assemblyman Getto testified that this bill was requested by the Washoe County Assessors Office to cure a problem they have had in redemption of property. There is no clear cut deadline when taxes can be paid and property redeemed. Property owners have been trying to redeem property by paying taxes after notice of sale has been given. This bill provides that property can not be redeemed after notice has been given. If a taxpayer or the city would like to bid on property, a 90 day extension period could be granted.

Senator Dodge moved "Do Pass." Motion seconded by Senator Foley. Motion carried.

A.B. 579 - Reduces class of waiver provisions in documents affecting real property which are void.

Chairman Close read the objections raised by the Nevada Bankers Association. Mr. Torvinen replied that the bill was requested by a lawyer who deals primarily with banks. That lawyer pointed out that our present deficiency judgement law was silly since rights which were in favor of the borrower could not be waived. Mr. Torvinen stated that the present law was part of the anti-deficiency judgement statute.

Senator Bryan explained further that under the present law, neither party can waive any right of either the borrower or the lender. This bill says the lender can not insert provisions in a document requiring the borrower to waive any provision in the law, but the lender or beneficiary under deed of trust can waive rights secured to him under the law. It would give the lender greater flexibility to negotiate.

Senator Dodge moved "Do Pass." Motion seconded by Senator Swobe. Motion carried.

A.B. 742 - Permits Attorney General to declare foreign jurisdiction to be an initiating state for reciprocal enforcement of support orders.

Mr. Torvinen testified that the Attorney General's office requested this bill because when a person has a judgement with a foreign Nation, and especially in Canada, there is no recognition of the judgement or aid in enforcing it. Senator Bryan mentioned his concern about the standards of the law regarding judgements in other countries. Mr. Torvinen replied that countries we would seek to have reciprocal agreements with would have to satisfy the good judgement of the Attorney General as to standards of law.

Senator Dodge moved "Do Pass." Motion seconded by Senator Hecht.
Motion carried.

A.B. 747 - Requires coroner to notify decedent's next
of kin without unreasonable delay.

Mr. Torvinen testified that this bill is apparently an effort to put
the primary responsibility with the county commissioners to instruct
the coroners of the public policy involved.

Senator Dodge moved "Do Pass." Motion seconded by Senator Foley.
Motion carried.

A.B. 743 - Adopts uniform contribution among Tort-
feasors Act.

Mr. Torvinen testified that last session a Contributions Act was
passed which caused more litigation than it solved because it inhibits
the settlement of lawsuits. This bill repeals several provisions of
the joint contribution statutes and re-enacts the uniform act without
change.

Senator Dodge stated that comparative negligence is involved in no-
fault and, if passed, the Committee had decided to extend comparative
negligence into other areas of tort cases. The Committee had agreed
to write a provision into the general comparative negligence bill
stating that the jury would have to apportion the degree of liability
among the defendants and they would only be civilly liable for their
portion. He raised those points because he questioned the relation-
ship or inconsistencies they would have under this joint tortfeasors
act.

Mr. Torvinen replied that would be a legitimate concern and suggested
making an exception in the comparative negligence law.

Senator Foley stated that he felt that this is presently a bad law on
the books that should be removed. He suggested incorporating the pro-
visions of this bill into the comparative negligence bill if it passes.

Senator Foley moved "Do Pass." Motion seconded by Senator Dodge.
Motion carried.

Senator Bryan stated that he voted for the bill with the understanding
that it be conformed to both comparative negligence and no-fault should
they pass.

A.B. 938 - Requires ex-convicts to register in each county or city in which they take up residence or stay for minimum period of time.

Mr. Torvinen testified that the bill is attempting to state that registration in Reno is not registration in Carson City or Las Vegas. He felt the bill does not accomplish much because an ex-convict would have to be picked up and then refuse to register before he would be violating this law. He did feel, however, the 10 year limit on registration was a move in the right direction.

Senator Foley remarked that interpreted technically, an ex-convict going on a hunting trip might have to register.

Senator Bryan moved to indefinitely postpone action on this bill. Motion seconded by Senator Foley. Motion carried.

A.B. 671 - Broadens authority to issue misdemeanor citations.

Mr. Torvinen reported that he had examined this bill and A.B. 68 to see if they conform. He found the only inconsistency was that both bills contained an exemption for persons detained by a peace officer for violations of Chapter 484. This provision is not necessary in A.B. 671 because there is nothing in Chapter 484 (traffic code) which deals with the concept of citizens arrest.

The Committee agreed to amend the bill to delete Section 8.

Senator Bryan moved to amend and "Do Pass." Motion seconded by Senator Swobe. Motion carried.

A.B. 765 - Prohibits unauthorized posting of land.

Mr. Torvinen testified that this bill is necessary since people living near public lands have been posting those lands to keep hikers, snow mobilers, and other visitors off in an effort to keep people away from their own land.

Senator Bryan moved "Do Pass." Motion seconded by Senator Foley. Motion carried.

A.B. 750 - Removes sheriff's responsibility for deputies' acts and power to remove them.

Mr. Torvinen stated that the power of the sheriff to remove deputies was deleted in the first reprint of the bill. The bill now provides that the sheriff is not responsible for the acts of his deputy and makes the sheriff responsible.

A.B. 269 - Clarifies liability of lessors of motor vehicles for misdemeanors arising out of use of such motor vehicles.

Senator Close asked Mr. Torvinen if the bill is meant to prevent car rental agencies from being liable for traffic tickets. Senator Bryan stated that the bill is very poorly drafted and if it were amended he would support the bill. He felt that car rental agencies should not be responsible for traffic tickets in rented cars, but felt the bill should more clearly state that if that is the intent of the bill.

The Committee agreed to amend the bill entirely and start from scratch. The new amendments would state that auto rental agencies cars are not liable for traffic tickets when in the possession of another party.

Senator Dodge moved to amend and "Do Pass." Motion seconded by Senator Bryan. Motion carried.

A.B. 781 - Prohibits specifically larceny of vehicles.

Mr. Torvinen stated that he feels the bill needs further amendment. He stated that the bill came about because an old Supreme Court case threw out the old "joy riding" statute and now the district attorneys have to prosecute for grand larceny or tampering with a motor vehicle, which is a misdemeanor. He stated that legislation is probably needed in this area. Senator Bryan suggested amending the bill to delete the provision applicable to a vehicle stolen for 2 days and make it applicable to intent. He suggested the language "intent to permanently deprive."

A.B. 748 - Provides greater immunity from civil liability for land-owners who open their lands to public for recreational purposes.

Mr. Torvinen stated that this bill would protect a farmer or rancher who lets people on his land for recreational purposes by limiting his liability.

Senator Dodge moved "Do Pass." Motion seconded by Senator Bryan. Motion carried.

A.B. 824 - Establishes a registry in Department of Health, Welfare and Rehabilitation and requires report to department of Motor vehicles of persons who are blind, partially blind, or night-blind.

Chairman Close asked Mr. Borda if he had read the definition of "blind person" in the bill and noticed that it would exclude wealthy persons from being blind. That definition was taken directly from the statute qualifying people for aid to the blind.

Mr. Borda asked that Mr. Flander of the Blind Services Division be asked to testify since he helped to draft the bill.

A.B. 416 - Eliminates interlocutory appeals in criminal cases.

Senators Foley and Dodge felt that this is an important bill that should be processed to restore the law previous to 1971 and then allow the District Attorney to come in with a more acceptable procedure in 1975. The Committee did agree that the ~~brackets~~ beginning at line 6 was put there by mistake and should properly be placed on line 10. Senator Foley questioned where the bracket would end. The Committee agreed to postpone final action until a copy of the law prior to 1971 was obtained.

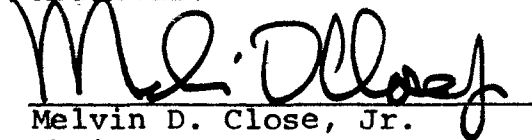
The meeting adjourned at 10:25 a.m.

Respectfully submitted,



Eileen Wynkoop
Secretary

APPROVED:



Melvin D. Close, Jr.
Chairman