

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

March 12, 1975

Chairman Barengo called to order this meeting of the Assembly Judiciary Committee at the hour of 9:10 a.m. on Wednesday, March 12, 1975.

MEMBERS PRESENT: Messrs. BARENGO, BANNER,
HEANEY, HICKEY, LOWMAN,
POLISH, SENA, Mrs. HAYES
and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

Regarding A.B.46, Assemblyman Melvin "Bode" Howard testified that this issue was brought to his attention by the district judges. The district judges told Mr. Howard that a bill of this type was needed because in certain cases where a wrongful death action had been brought, the hospitals and the funeral homes had not been paid, and there was no way to go back and force payment or get a judgment for payment of these bills. The judges seem to think that this would be the right way to go in order to effect payment of the hospital and funeral homes' bills. Apparently, if these bills are not paid, the county ends up absorbing the cost.

This Committee then questioned Mr. Howard in detail about A.B.46. According to Mr. Howard, it is not the responsibility of the person receiving the judgment to assume the debts of the deceased, so he suggests deferring the judgment until payment of the hospital and funeral home expenses.

Chairman Barengo commented that this bill would set up a preferred class of creditors and the judge would have the right to impound funds.

Next, A.B.103 was considered. Mr. Richard Bunker from Clark County testified that there was a problem in Clark County in having available witnesses to marriage ceremonies 24 hours a day. He stated that the witness to the marriage does not have any particular legal significance, and most of the time the signatures are totally illegible and there is no address as to where these witnesses may be found. Clark County feels that it may be just as easy to delete the necessity of witnesses on the marriage certificate. The Committee questioned Mr. Bunker at length.

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Mr. Bunker introduced the District Attorney of Clark County, George Holt, to this Committee.

Regarding A.B.103, Mrs. Wagner moved to indefinitely postpone, and Mr. Heaney seconded. The vote was taken and there were 6 in favor of indefinite postponement, and 3 opposed, namely Mrs. Hayes, Mr. Banner and Mr. Lowman. Legislation Action form is attached to these Minutes.

MOTION CARRIED INDEFINITELY POSTPONE A.B.103.

Regarding A.B.46, Mr. Lowman moved to indefinitely postpone, and Mr. Banner seconded. There was a unanimous vote. Form attached.

MOTION CARRIED INDEFINITELY POSTPONE A.B.46.

Mrs. Wagner commented that Assemblyman Coulter requested this Committee's introduction of a bill regarding administrative hearing procedures, which should be available if an agency denies a person availability to records which should be available to him. There was discussion regarding this possible introduction, and Mr. Hickey moved to introduce the bill. Mrs. Wagner seconded that motion. Form attached. A unanimous vote followed in favor of introducing this bill.

Chairman Barengo mentioned that in regards to A.B.130, he has requested the amendments to this bill from the Commissioner of Consumer Affairs.

Chairman Barengo also said that he spoke to Dick Sheffield. He thinks we should have Mr. Sheffield present to go over the whole bill with him line by line.

In regards to A.B.106, Mrs. Wagner will ask for a joint resolution, but she will wait until after testimony is heard during the meeting tomorrow, March 13, 1975, which was the date originally scheduled to consider this bill.

Next to be discussed by this Committee was A.B.285. Mr. Lowman moved INDEFINITE POSTPONEMENT. Mr. Banner seconded. Lengthy discussion followed the motion and second. Mr. Barengo said he did not think we should kill this bill because he felt there was some merit in it, and Nevada was the only state around which has a felony in the law for the first offense. Mrs. Wagner said she agrees, and the way the law is written, it is highly unjust and unrealistic to have the law still contain the felony penalty. Mrs. Hayes moved to pass the bill and amend it to have a misdemeanor penalty for the first offense and a felony penalty for each subsequent offense. Mr. Sena seconded. Lengthy discussion followed each motion.

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Mr. Sena moved for adjournment of the meeting, and Mrs. Hayes seconded. Thereafter, Chairman Barengo adjourned this meeting of the Assembly Judiciary Committee at the hour of 9:55 a.m.