

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

April 18, 1975

This meeting of the Assembly Judiciary Committee was called to order by Bob Barengo, Chairman of the Committee, at the hour of 8:10 a.m. on Friday, April 18, 1975.

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

MEMBERS ABSENT: NONE.

Guests of the Committee at this meeting included Wendell Gronso, representing Harney Electric Co-op.; Larry Kees, Nevada Independent Insurance Agents; George Ciaprisci, State Farm Insurance Co.; Heber P. Hardy, Public Service Commission; John Reiser, Nevada Industrial Commission; Suzanne Nix, UNLV; Bryan A. Nix, UNLV; John Ciardella, Dept. Motor Vehicles; Bill Fitzpatrick, Department of Motor Vehicles; Daryl Capurro, Nevada Motor Transport Assn.; Richard Rotmann, State of Nev. Insurance Commissioner; and Assemblyman Al Wittenberg. A Guest Register from this meeting is attached to these Minutes.

First to testify was Wendell Gronso, attorney from Burns, Oregon. He spoke on A.B.506. He represents Harney Electric Co-op. (Harney Electric Cooperative). The REA financed this Electric Cooperative, which furnished electricity to Northern Humboldt County and part of Oregon. This company serves areas where no one else is willing to go in and provide the service. He gave statistics of the company. Nevada has 7 other electric cooperatives in this state, which are in the rural areas. A copy of Harney's stand on A.B.506 in written form is attached to these Minutes. He said a person going into farming or ranching business in these rural areas usually cannot come up with a deposit. During a typical season, an electric bill would run \$2,500- for irrigation monthly. When the party has money problems and goes broke, Harney is the last one to get paid. Mr. Gronso explained the procedure for meter reading, when the bills go out, when they become past due, etc.

Mr. Gronso said that the bill drafter inserted some language in A.B.506 which was not originally suggested language. Mr. Barengo requested that Mr. Gronso furnish this Committee a copy of the Oregon statute relative to what is proposed in A.B.506. He presented this to the Committee, and it is attached hereto. The bill as drafted provides that they have to give notice, and the Oregon statute provides that the mortgage holder can disclaim within 10 days. The federal government does not support them, they just loan money and are paid back. The Committee questioned Mr. Gronso at length.

Heber P. Hardy, Public Service Commission, testified on A.B.506. They have no objection to this but they want it to apply only to the rural areas. The other companies have more flexibility to cover this type of situation. They

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do not know how it will affect them, but they do not think it should apply to the privately owned utility companies. They can protect themselves. They wish to amend the bill to limit it just to the rural areas of the state. Mr. Hardy was questioned by this Committee.

S.B.345 was next on the agenda for consideration at today's meeting. Testifying on behalf of this bill was Bryan A. Nix and his wife, Suzanne. Also, Bill Gang testified. They all are UNLV students, but work in the Clark Co. Juvenile Court system. They distributed information to this Committee for perusal. These three young people authored this bill. They feel there are some minors in Nevada, with the consent of their parents, who are living apart from their parents and taking care of themselves for various reasons. This bill covers two types of minors--one is the young person travelling through this state alone with his parents' consent, and the other is one who works and fully supports himself, being either single or married. Frequently, the youths found travelling through this state are picked up and questioned and sent back home, at the expense of the parents, who were willing to let them travel. Mr. Nix said it is not fair if this young person has his parents' consent and is picked up solely because he is not under his parents' direction.

Basically, Mr. Nix explained that this bill would allow the juvenile court to hear a petition which would be filed by the youths with the parents' consent. The juvenile court would then hear the matter and decide whether or not the circumstances merited the emancipation of the minor. If the emancipation were approved, the youth would be able to move away from his parents legally, and he would have the ability to contract for necessities, such as apartment rentals and leases, car purchases if necessary, hospital entry with only his signature, etc.

Mr. Nix read part of the proposed bill to this Committee, and told this Committee that this bill would only apply to minors showing exceptional degrees of self-sufficiency. Chairman Barengo questioned what other states may have the age of majority as being other than 18 years of age. Bill Gang said that Texas has the age set at 17. Mr. Gang and Mr. Nix said that there were adequate safeguards in the bill to prevent just "any Kid" from trying to get out from under his parents' control.

Mr. Nix commented that the Senate amended the bill to provide that parents, in certain cases, could make support payments to the emancipated minor. He said that this bill is based on Florida law. Alabama, Arkansas, Texas, Missouri and Kentucky are states which have statutes addressing this situation. The statutes are different and are worded differently.

Mrs. Nix commented on the run-a-way situation. Approximately 400 youths were charged with being an out of state youth--there were no other charges.

Mr. Nix said they have the support of the Clark Co. Juvenile Court--they spoke with numerous people, including Mr. Carmany, Director of the Court, and Judge Mendoza.

Mr. Luce, representing the Christian Science Churches in Nevada, from Las Vegas appeared to speak neither for nor against passage of S.B.345. He proposed an amendment to the bill, and presented the Committee a copy of

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the proposed amendment. This is attached to these Minutes. He said that he is particularly interested in the definition of neglected child. He said that presently in the statutes is a definition inserted at their request a few years ago. He stated that he did not testify on this bill in the Senate because the bill came to hearing and passage very quickly.

George Miller, State Welfare Director, testified in favor of passage of S.B.345. He cited his experience as a youngster away from home a number of years ago. Now, he said, passage of this bill does not mean that everyone will be able to do whatever he wishes. A child at 16 or older may live apart from his parents and take care of himself. Judge Mendoza and Mr. Carmany are heartily in favor of this bill. He stated the situation as it would affect his Department. For example, now an unwed mother of 17 with a child is receiving Aid to Dependent Children, when she is willing and able to work and support herself and the child. She is under control of the state and receiving state funds because she is a minor. Money of the state's could be saved if this bill were in effect and this particular mother were emancipated by the court. He spoke to the run-a-way situation, saying that if the youngster truly was a run-a-way, he would be taken care of in that regard, but if he is travelling in the state with the full consent of his parents, he should not be bothered. He stated that the idea was not to "turn kids loose", but to allow a young person who is leading a life where he provides well enough for himself and takes care of his responsibilities to legally be emancipated. He said passage of this bill will not hurt the present law or situation in this state at all.

Speaker of the House, Keith Ashworth, made a presentation to this Committee. He understood that as to A.B.447, the Committee took this bill under consideration. He felt that since this Committee did not take favorable action on that bill, that perhaps more testimony was needed. He personally has been a notary public for about 25 years. He kept records when he received his seal. He stated that our notaries public in this state have deteriorated to a great extent. The notaries are now being challenged in court. There is no real direction given to them. The Commission on Uniform Laws has considered this and they have come out with certain guidelines. He does not feel the employer should be responsible for an employee's acts as a notary public. He has no objections to that being amended out of the bill. He thinks the responsibility should go back to the notaries for their actions. Mr. Ashworth said the bill came from a Uniform Laws Commission. He also explained the record-keeping which would be required when documents are notarized. He requested that this Committee reconsider possible passage of A.B.447.

Next, testifying on A.B.548 was Dick Rotmann, State of Nevada Insurance Commissioner. There are still a large number of uninsured motorists in the State, and this bill will put some "teeth" into the no fault bill. This seems to be the best way to get the job done without laying out a lot of money. Mr. Rotmann said that probably 35% of the state's motorists

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are uninsured. If there were only 10% to 15% uninsured, the problem would be a manageable one, but this bill is an attempt to try to do the job without a lot of extra work and cost. The proposal is to require a driver to have an insurance identification card with him whenever he is stopped by a law enforcement officer. This driver would have to produce his driver's license, registration and insurance card. If no card was available, he would be cited. If he was cited because he, in fact, did not have insurance, he would have a certain period to obtain it before he appeared in court, and this would be satisfactory--there would be no penalties, just an incentive to get the motorist insured. The Committee questioned Mr. Rotman in detail and suggestions were made regarding alternative plans to see that insurance is purchased.

Assemblyman Albert Wittenberg testified next in regard to A.B.548. As to the question of requiring proof of insurance when the automobile is registered, Mr. Wittenberg said that a person only goes in to register his automobile once, and from then on it can be done by mail--so, that makes it extremely difficult to enforce a motorist's carrying insurance on a particular vehicle. They tried, in drafting A.B.548, to provide some penalty which would encourage the motorists to have the insurance. The bad driver will be very concerned about having insurance and not getting any more demerits--as, if you cannot produce an insurance card when an officer stops your car, then you would be given certain demerit points. Usually, when a citation is issued, there are about two to three weeks before the person is to appear in court, and during this time, hopefully, the motorist would go out and purchase the insurance coverage. Then, the charge would be dropped. This Committee proceeded to question Mr. Wittenberg as to alternatives to what is proposed in A.B.548.

Mr. Bill Kirkpatrick, Drivers License Division of the Dept. Motor Vehicles, testified on A.B.548. He said that they have no objection to the passage of the bill, but they recommend an amendment to Lines 11 to 14, wherein the \$50- fine and 4 demerit points assessed would be followed with language to the effect that "the abstract of conviction be sent to the Department of Motor Vehicles so that they can take care of the administration of this type of program.

Mr. John Ciardella, Department of Motor Vehicles, testified on A.B.548. He said that in his opinion he thinks this A.B.548 would be the best solution to the problem.

George Ciapusci, State Farm Insurance Co., testified next in regard to A.B.548. His comments were addressed to the identification cards sent out to policy holders. State Farm agrees with the compulsory aspect of the law as regards insurance for motorists. State Farm always issues identification cards. They list the effective date, but not too much more information. But, this policy could be amended to include more information on the cards. That would require some administration changes, but the problem is that the cards do not reach the policy holders until some 59 days or less than when the policy is taken out. This could create a problem if the driver is required to show this to the court after being cited, as he would not have it even if he obtained insurance after the citation was issued. There, also, has been some problem with "fake" cards. He commented on the fact that the state law is that 70 days from the date of the taking out of the policy is the time period in which the insurance company has to get identification cards to the policy holders. State Farm requires that this must be done in

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59 days or less. Mr. Sena asked whether a lot of people come in to purchase insurance and then cancel out on it. Mr. Ciapusci answered, "Yes, this has happened." State Farm Insurance does support this bill.

Richard Garrett, Farmers Insurance Group, testified next regarding A.B.548. They support the bill. In the Senate they discussed a very comparable bill, and it is being substantially amended. He would like to offer an amendment, which Senator Herr said she would look on very favorably. The law says that a registered owner of a vehicle must provide insurance. Does the Department issue a driver's license to Wells Cargo or Intermountain Express? The law says the driver is just an employee of the corporation--not the owner. This is where the problem lies. He gave this Committee examples. They suggest that this bill be amended to insert some other language which makes it a gross misdemeanor for the owner of a vehicle to allow it to be on the road if it is uninsured. He proposed the amendment which says he shall be punished by a fine.

Daryl Capurro, Nevada Motor Transport Association, testified on A.B.548. The trucks and motor transport situation is a quite different one than the private citizens who own transportation cars. Some of the trucking vehicles are removed from the fleet. Throughout the year, additional trucks are added to the fleet. Insurance coverage is quite different, too. On a particular truck, you do not just go out and receive a binder from a company that verifies that you purchased the insurance. However, they do believe that the law should be tightened up with respect to the purchase of insurance by private owners of vehicles. But, this bill is not a practical one in their situation. If a corporation owns the car or truck, the registration is issued in the name of the corporation or owner. They object to tying the insurance to the driver's license when it should be tied to the registration. The way it is written, the driver, no matter who is the registered owner is, is responsible for the lack of insurance on the vehicle. Mr. Barengo requested that Insurance Commissioner Rotmann and Daryl Capurro get together and work out various amendments to this bill.

Next to testify was Larry Kees, Nevada Independent Insurance Agents. He testified in regards to A.B.548. The Nevada Independent Insurance Agents have seen Senator Herr's bill and they are in support of the bill with those type of amendments.

Next, A.B.517 was considered, and Justice of the Peace Richard Minor, Reno Township, testified. He is one of 4 people directly involved who would be affected by this bill. He has mixed feelings about this bill. He agrees with the intent of this bill, but he thinks the form of the bill would be considerably different than the real intent. If he is correct, the intent of the bill is to bring the justice of the peace into the situation like the district attorney. He says nothing wrong with this per se. When this situation was enacted with the district attorney, there was a schedule of increased remuneration, which resulted in a considerable increase. Nothing in this bill provides for an increase.

There are two basic objections that Judge Minor has: (1.) The bill is not tied to any type of salary increase commensurate with putting this job on a full-time basis; and, (2.) The phraseology that provides that a justice of the peace who happens to be a lawyer should not have anything to do with law. He formerly was practicing law part-time and was being on the bench part-time. Since the general election, he has cut out 90% of his practice--any part that he felt remotely had anything to do with his being on the bench.

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These cases he handles take very little time. They do not require any of his time from the justice of the peace duties. However, these additional "jobs" enable him to enjoy the same standard of living he has been used to during the past years. He feels if this bill were passed, he would have to decide between his job on the bench and his standard of living. The Committee questioned Judge Minor.

As to A.B.516, Daryl Capurro testified as a private citizen in this instance. The contents of this bill were introduced last session. However, in the Senate time ran out at the end of the session. Mr. Capurro's house was burglarized and a pistol was stolen. The pistol was found in Elko 3 months after the burglary. The law enforcement agencies held the pistol 9 months following that. The idea of this bill seems to be to provide a method for law enforcement people to return articles that are readily identifiable. And, these methods for identification would be used in court; therefore, these articles could be returned to the victim a lot sooner.

Barton Jacks, Assistant Sheriff of the Metro Police Dept., Las Vegas, testified on A.B.516. The basic concept of the bill is good. They would like to see "magistrate" not used and "district court Judge" inserted for the reason that the district court judge has more expertise in determining what articles can be returned and which must be held. Otherwise, he supports this bill. Storage space for all the evidence sometimes must be rented to keep the articles until presentation at trial.

Due to the lateness of the hour, it was decided to hear testimony on A.B.497 at a later date.

Senator Mel Close testified as to S.B.329. This bill eliminated from the statutes the action for seduction. Those on the Senate Committee had never even had a case for seduction, in any capacity of their employment and experience. They have been taking out things from the statutes which no longer are meaningful. The reason for taking this out was there does not seem to be a need for this in the law. The Committee proceeded to question Senator Close.

After a motion and a second, Chairman Barengo adjourned this meeting.

WENDELL GRONSO

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Burns, Oregon 97720
(503)573-2550

Legal Assistant
Donna J. Stampke

April 16, 1975

Committee on Judiciary
Nevada State Assembly
Carson City, Nevada 89701

Re: AB 506

Gentlemen:

My name is Wendell Gronso. I am a lawyer from Burns, Oregon. I represent Harney Electric Cooperative, who desperately needs the benefits which AB 506 would extend to it.

Harney Electric Cooperative provides electricity for approximately 10,000 square miles of the desert country in Southeastern Oregon and approximately 2,000 square miles in northern Humboldt County, Nevada. Much of the area served by Harney Electric is raising crops with the assistance of irrigation wells. There are many thousands of acres being irrigated at the present time with the aid of pumps that are driven by energy from Harney Electric's lines.

At the present time the supplier of electrical energy is an unsecured creditor. Since this is a new frontier for farming ventures there have been a number of farmers who have met with financial difficulties. Harney Electric Cooperative has, in the past four years, lost in excess of \$80,000 in bad debts as a result of these farm casualties. As a result, it has found it necessary to require large cash deposits for irrigation service which sometimes breaks the new farmer before his crop is out of the ground. Were Ab 506 to become law it would put Harney Electric Cooperative in the position of being able to extend credit to these new ventures which, in time, I believe that experience has already proven, will add greatly to the economy of the State, give the local taxing districts more cash value and add a substantial contribution to the world food supply.

I should further point out that the cost of pumping water from the existing wells is one of the substantial costs of farming. For example, the power bill for a 100 horse pump which will irrigate on the average of about 250 acres will run in the neighborhood of \$2,500 per season.

It is my sincere belief that the passage of AB 506 will speed up the productivity of the arid lands in the state of Nevada.

Very truly yours,



Wendell Gronso

WG:ds

OREGON LEGISLATIVE ASSEMBLY—1973 REGULAR SESSION

House Bill 2395

Sponsored by Representatives BURROWS, HANSELL, INGALLS, S. JOHNSON, JONES, MARKHAM, MARTIN, OAKES, D. STULTS, R. STULTS, WALDEN, Senators JERNSTEDT, SMITH, THORNE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Grants electric cooperatives lien upon land to which they provide electricity for irrigation for cost of electricity so provided. Provides that liens given to electric cooperatives are prior to all other liens and mortgages upon affected land, except tax liens and assessment liens. Provides procedures for filing, foreclosure and duration of liens of electric cooperatives.

1

A BILL FOR AN ACT

2 Relating to liens of electric cooperatives.

3 **Be It Enacted by the People of the State of Oregon:**4 **SECTION 1.** Sections 2 to 8 of this Act are added to and made a part
5 of ORS chapter 87.6 **SECTION 2.** As used in sections 2 to 8 of this 1973 Act, unless the con-
7 text otherwise requires:8 (1) "Electric cooperative" means a cooperative corporation organized
9 under ORS chapter 62 the principal business of which is the construction,
10 maintenance and operation of an electric transmission and distribution
11 system for the benefit of the members of such association and which has
12 no other principal business or purpose.13 (2) "Irrigation" includes the use of canals, ditches, pipes, pumps, sprin-
14 ing apparatus and other mechanical devices to water land artificially.15 (3) "Mortgagee" means any person who has a valid subsisting mortg-
16 upon any real property to be charged with the lien created by sect
17 of this 1973 Act.18 (4) "Owner" means any person who owns some interest in the
19 to be charged with the lien created by section 3 of this 1973 Act.20 **SECTION 3.** An electric cooperative that supplies electricity
21 owner of land for the purpose of providing power for the irrigation
22 land shall have a lien upon that land, any part of which is irrigated
23 such electricity, for the cost of the electricity so supplied. If the
24 has less than a fee simple estate in such land, then only his interest
25 in is subject to the lien created by this section.26 **SECTION 4.** An electric cooperative claiming a lien under
27 of this 1973 Act shall file with the recording officer of each county
28 there is situated any land to which electricity has been supplied
29 60 days of the date on which the electric cooperative started
30 the electricity to such land, a statement verified by the oath
31 ized agent for the cooperative and containing:32 (1) A true statement of the cooperative's demand after
33 credits and offsets; and

1 (2) The name of the owner, or reputed owner, of the land to be charged
2 with the lien; and

3 (3) The name of the person to whom it furnished electricity; and

4 (4) A description of the land to be charged with the lien sufficient
5 for identification; and

6 (5) A statement that the amount claimed is a true and bona fide exist-
7 ing debt.

8 **SECTION 5.** (1) Except for tax liens and assessment liens, the lien
9 created by section 3 of this 1973 Act is prior and superior to all other
10 liens, mortgages and encumbrances against the land upon which such lien
11 is imposed, without regard to whether such other liens, mortgages or en-
12 cumbrances attached to the land before or after the date of the first de-
13 livery of electricity for which a lien created by section 3 of this 1973 Act
14 may be claimed.

15 (2) Notwithstanding subsection (1) of this section, the lien created in
16 section 3 of this 1973 Act shall not have priority over a mortgage on the
17 land recorded at the date of the first delivery of electricity for which
18 lien may be claimed unless the electric cooperative delivers a notice in
19 writing of its possible lien claim to the mortgagee within 30 days of the
20 date of first delivery of such electricity.

21 (3) The notice required by subsection (2) of this section shall state in
22 substance:

23 (a) That the electric cooperative is starting to deliver electricity;

24 (b) The name of the person ordering the electricity; and

25 (c) That a lien on the land may be claimed for the cost of
26 tricity.

27 **SECTION 6.** The recording officer of the county shall record
28 made under section 4 of this 1973 Act in a book kept for the pu-
29 record shall be indexed in the same manner as the record of
30 mortgages.

31 **SECTION 7.** (1) The lien created by section 3 of this 1973 Act
32 be foreclosed in the manner provided by law for the forec-
33 generally.

1 (2) In all suits under sections 2 to 8 of this 1973 Act, the court shall,
2 upon entering judgment for the plaintiff, allow as a part of the costs all
3 moneys paid for the filing and recording of the lien, and a reasonable
4 amount for attorney fees.

5 **SECTION 8.** Unless suit to foreclose the lien is brought in an appro-
6 priate court within six months after claim of lien is filed under section 4
7 of this 1973 Act, or if a credit is given, then within six months after the
8 expiration of such credit, a lien created by section 3 of this 1973 Act shall
9 cease to exist.



CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION
FOR THE STATE OF NEVADA

1717 EAST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89104

DARRELL D. LUCE
COMMITTEE

April 18, 1975

TELEPHONE
DAY 384-4155
NIGHT 385-2655

Attention: Judiciary Committee
Nevada State Legislature

PROPOSED AMENDMENT TO S.B. 345:

I would propose that the following amendment be added
on page 5, at line 24:

"provided, however, a child shall not be deemed
to be neglected for the sole reason his parent
or guardian in good faith, selects and depends
upon nonmedical remedial treatment for such
child, which treatment is recognized and per-
mitted under the laws of this state in lieu of
medical treatment."

This amendment is very similar to the wording that was
contained in A.B. 108 that passed the Assembly a few days
ago. This amendment would amend Chapter 62 of NRS so it
would contain the same language that A.B. 108 puts into
Chapter 200 and Chapter 432.