

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MARCH 26, 1975

The meeting was called to order at 9:10 a.m. Senator Close was in the Chair.

PRESENT: Senator Close
 Senator Wilson
 Senator Bryan
 Senator Sheerin
 Senator Dodge
 Senator Foote
 Senator Hilbrecht

ABSENT:

SB 337 Provides rights, obligations and remedies respecting landlord-tenant security deposits.

Rex Lundberg, Consumer Affairs Division, Commerce Department spoke in favor of the bill. He requested that the Committee withhold action at this time. He stated that the Assembly is considering AB 130 (enacts the Fair Rental Housing Act) which is a very comprehensive bill that will encompass many of the things included in SB 337. In response to a question by Senator Dodge, Mr. Lundberg stated that the majority of landlords and tenants support AB 130.

It was the consensus of the Committee to withhold action pending the outcome of AB 130.

AB 276 Provides for early termination of dwelling lease executed by married senior citizens upon death of either.

Testimony was presented before the Committee by the following:

Assemblywoman Eileen Brookman spoke in favor of the bill. She stated that in most cases, upon the death of a spouse the income of the surviving spouse is cut in half and the person is unable to meet many of their financial obligations. She informed the Committee that at the present time leases are being enforced as written and this is creating a hardship for many individuals. Senator Close recommended placing a 6 month time limit from the death of the spouse in which a person can exercise the right to terminate a lease. The Committee concurred with this. Senator Hilbrecht brought up the fact that under the doctrine of equity, the courts may imply that the landlord would have a similar right of termination of the lease and suggested amending the bill to prevent that.

George Archer - Spoke in favor of the bill. He stated there would be no problem with the proposed amendment and urges the passage of the bill by the Committee.

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AB 276 Joe Braswell - Spoke in favor of the bill. He was not opposed to the proposed amendment and urged passage of the bill.

Gene Milligan, Nevada Association of Realtors - Spoke in favor of the bill. He concurred with the proposed amendment and urged passage of the bill.

Senator Dodge moved a "do pass as amended,"
Seconded by Senator Wilson,
Motion carried unanimously. Senator Bryan was absent from the vote.

AB 70 Authorizes recoupment from convicted indigent defendant of costs incurred in providing him an attorney.

Assemblyman Tom Hickey spoke in favor of the bill. He stated that it was the intent of the bill to stop the abuse of the public defender's office by people who have the ability to pay for such services. He informed the Committee that the bill is being endorsed by the Clark and Washoe County Public Defenders office.

In discussion by the Committee, Senator Close suggested that the term "sentence" in reference to fines should be changed to "should be ordered to pay" and the word "contumacious" be deleted and insert something more appropriate.

It was the decision of the Committee to give the bill to Frank Daykin for redrafting.
No action was taken at this time.

SB 339 Prohibits introduction of evidence or set off by tortfeasor in an action for damages of compensation under Nevada Industrial Insurance Act.

Senator Close read to the Committee the amendments as drafted.

Senator Hilbrecht moved a "do pass as amended",
Seconded by Senator Wilson,
Motion carried unanimously. Senator Bryan was absent from the vote.

SJR 16 Proposes to amend Nevada Constitution to more clearly delineate property rights of married persons and to delete requirement that laws be adopted providing for registration of wife's separate property.

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SJR 16

The Committee resumed their discussion of March 25, 1975. Senator Close suggested that there were two approaches to this bill: 1) accept the resolution as is, which would mandate the provision of statutory legislation clarifying separate property or; 2) delete lines 11 and 12 after "of such person."

Senator Hilbrecht suggested a third alternative which would delete lines 11 and 12 after "of such person" and insert language which would indicate that an agreement could be made between the parties other than that provided for in the formal statutory approach that the constitution takes. Senator Close stated that if the constitution defines separate property, the parties are always able to modify it through contract so therefore the constitution need not limit it.

Senator Sheerin reminded the Committee that they are limited in what they may mandate by the constitution, and in order to remain on firm ground constitutionally, he suggested that "may" be substituted for "shall". He also felt that "and community property" should be included in addition to "separate property and property held in common."

Senator Close suggested it read "of married persons in relation to their separate property and other property." which would encompass both community and commonly-held property. The Committee concurred in this amendment.

No action was taken at this time.

SB 202

Requires title insurance companies transacting escrow services to be licensed as escrow agents and places restrictions on escrow accounts.

Senator Close read to the Committee the amendments as drafted. Senator Dodge suggested that rather than mandate the regulations we should prescribe the forms and procedures to be used.

Senator Wilson concurred with this and stated that he felt the language should be kept general.

The bill is on the agenda for tomorrow, March 27, 1975 for further discussion.

No action was taken at this time.

SB 155

Authorizes licensed process server to enter on private property to serve legal papers.

Senator Sheerin stated that he had been approached by Mr. "Smokey" Stover in regard to reconsidering this bill (it was indefinitely postponed on March 6, 1975). Senator Sheerin informed Mr. Stover that the Committee was considering a substitute form of service but he replied that this would not serve his needs.

After a brief discussion, Senator Sheerin moved to "reconsider" SB 155,

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SB 155 Motion died for the lack of a second in that the Committee will be considering another bill which deals with substitute service.

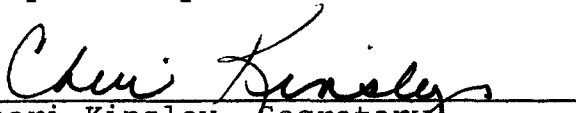
The following items were presented for introduction by the Committee:

- BDR 53-1435 Authorizes creation of Nevada Essential Insurance Association and imposes powers and duties on commissioner of insurance association.
- BDR 3-1213 Requires amount of judgment for damages in person injury action against provider of medical care or services to be reduced by amount of any prior payment by defendant.
- BDR 2-1214 Eliminates medical malpractice actions after period of limitations by persons who were under legal disability at time of alleged injury.
- BDR 3-1212 Prescribes standards of evidence in actions for medical malpractice.
- BDR 3-1210 Provides additional forms of consent to medical and surgical procedures.
- BDR 3-1436 Creates screening panels to hear medical malpractice claims.
- BDR 57-1434 Excludes malpractice insurance from definition of casualty insurance; makes changes in provision requiring mandatory insurance plan when essential insurance coverage is unavailable.
- BDR 3-1357 Defines location of emergency in regard to those rendering gratuitous emergency care.
- BDR -1356 Directs the legislative commission to study the problems of medical malpractice insurance.
- BDR 2-701 Imposes additional filing fee in civil actions for support of legal aid programs.

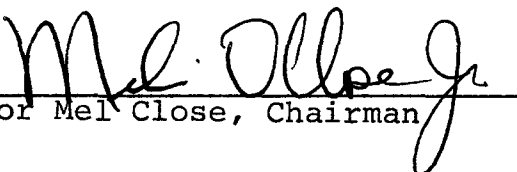
The preceding items were approved for Committee introduction unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted


 Cheri Kinsley, Secretary

APPROVED:


 Senator Mel Close, Chairman