

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, March 23, 1965

Meeting was called to order 4:30 P.M.

Present: Close, Kean, Parsons, Delaney, Jacobsen, Swobe, Rosaschi, Knisley

Absent: Olsen

AJR 20: Proposes to amend the Nevada Constitution by guaranteeing the protection of property owners' rights.

Kathryn Pullen and Lavon Mort, real estate brokers from Reno, were present to speak for the bill. Also Jim Wood.

Kathryn Pullen and Lavon Mort presented a petition signed by a number of real estate people in Reno, supporting the bill. They also informed the Committee that the real estate people in Reno are definitely in favor of the bill and that they feel we should profit by California's experience in this field.

Mr. Close said that passing this bill is going to cause problems that we don't already have. He said that we don't have any problems at present that he knows of that would call for such a bill.

Mr. Knisley said he would like to know the status of AB 404 in the Senate as he feels that passage of this resolution would complicate their problems with the bill. He said the two would definitely tie in together.

Mr. Kean said that this resolution should not tie in with AB 404, that people should not make up something that is not there.

Jim Wood said he did not believe it would have any effect on AB 404. He thinks this resolution is one which has merit for all races of people. He said he would like to see the resolution go out of committee this particular day, and then if it caused any complications he would cooperate on third reading to hold it back. He said this resolution is in more trouble than AB 404.

Mr. Knisley said the Supreme Court has ruled that you cannot use the courts to enforce such laws.

Mr. Wood: If we as Americans cannot pass a law that protects us as Americans then we really have problems.

Mr. Kean moved Do Pass AJR 20.

Mr. Close asked how will we know if it affects 404 until after we introduce it? Would like to let it go for a couple of days.

Mr. Kean said that is the same as killing it.

Mr. Knisley: Then how about striking the language on the race restrictions? Does it limit in the future?

Mr. Swobe said it applies to the present time. It could not be enforced in the future because the Supreme Court says so. However, it could be amended to spell out "present time".

Mr. Close said he believes that it could apply to the future.

Mr. Swobe again suggested striking the part that could apply to the future restriction.

Mr. Kean moved to amend to apply to the present and Do Pass

Mr. Jacobsen seconded

Motion passed unanimously

Mr. Close gave notice that he may oppose the bill on the floor.

SB 162: Clarifies language defining assault with intent to commit a crime.

Ted Marshall, District Attorney from Clark County, was present to speak for the bill.

Mr. Close said that the bill is now on the Chief Clerk's desk where he had it put after talking with some of the Assemblymen.

Mr. Marshall explained that in lines 11 and 12 we have an Assault and Battery Statute. The words "by any means" includes hands, fists, and feet and would make it possible for a D.A. to prosecute a case such as the John Gass beating in Reno.

The safeguard on this is that it must appear that there was "no considerable provocation" and that "the circumstances of the assault show an abandoned and malignant heart". He said that California has this law. He also pointed out that this law will not be used in most assault and battery cases because there simply will not be present all these circumstances enumerated in the bill.

Mr. Marshall said that under present statutes, assault and battery is all you can charge, even if a man has been beaten so badly he is next to death's door, if the one making the assault had no object in his hands.

Mr. Knisley said he objected to the wording. This includes almost anything as being a deadly weapon.

Mr. Marshall: What would you do in a case like John Gass? He added that the wording of this bill is the same as most of the states that have this statute and that most of them have it.

Mr. Close said that if there were no objections he would put the bill back on the board. It was so decided.

SB 191: Prohibits certain deficiency judgments on purchase money deeds of trust.

James Guinan was present to speak for the bill.

Mr. Knisley and Mr. Close both said they have reservations about line 22.

Mr. Knisley said it will unreasonably hamper real estate transactions. Mr. Guinan said it would not.

Mr. Guinan explained that the intent of the bill is to protect the home buyer who defaults and to prevent the lender who has already got his money from getting a deficiency judgment.

Mr. Knisley said that a loan is not made on the property but on the character of the borrower and his ability to repay.

Mr. Guinan said many loans are made strictly on the property to people who are not at all well known to the lender.

Mr. Kean said he would speak to some tract developers who are tenants of his and see what their feeling is on this bill.

Mr. Swobe was asked to check with Pioneer Title Company and find what they think of it, also.

SB 271: Regulates sales of liquified petroleum gas by use of volume correction factor tables or temperature compensating meters.

Mr. Close read the amendments which had been prepared for this bill and which Mr. Kean and Mr. Jacobsen, who have had experience in this field, concur in.

Mr. Jacobsen reported that he had checked with Weights and Measures and the amendments were fine with them.

Mr. Jacobsen moved Do Pass  
Mr. Delaney seconded  
Motion passed unanimously

AB 210: Provides for separate property of spouses to include enhanced value.

Mr. Swobe reported that he had checked with three judges and a number of attorneys and the consensus of opinion is that this bill would knock out the community property law.

Mr. Kean said he had checked with some attorneys and they tell him that this is practically what is being done now.

Mr. Swobe said that the discretion to decide should be left with the courts and that is where it is right now. If you take this out of the courts you will have inequities all over the place.

Mr. Delaney moved to kill the bill  
Mr. Rosaschi and Mr. Knisley seconded  
Motion passed unanimously

SB 15: Adopts Uniform Commercial Code

Mr. Swobe suggested that if the Committee passed the bill they change the effective date to about July 1, 1967 so that people can have time to get familiar with it.

Mr. Kean said that 30% of Nevada business dollar is in California business. They have this law, so does Oregon. It has hurt us in Nevada because our laws are not these Uniform Code Laws.

Mr. Close said that nothing will be done if the bill is delayed. We should give it an effective date that will give people a chance to work under it for six months or more before the Legislature reconvenes and then it can be changed if necessary.

Mr. Knisley suggested how about July 1, 1966. This will put pressure on everyone to become familiar with it but also gives a chance to try it out before the Legislature meets again.

Mr. Kean moved Do Pass with effective date of July 1, 1966.

Mr. Delaney seconded

Motion passed with majority of the Committee.

Mr. Swobe voted NO.

Mr. Swobe was asked if he would continue trying to get Don Questa.

AB 304: Cuts off redemption of tax-delinquent real property after conveyance to county treasurer.

Mr. Delaney moved to kill the bill

Mr. Swobe seconded

Motion passed unanimously

AB 325: Requires fingerprinting of person charged with felonies and certain misdemeanors and authorizes fingerprinting in other cases.

Mr. Swobe moved to kill the bill

Mr. Delaney seconded

Motion passed unanimously

AB 405: Requires plaintiffs in actions to attach personal property to deposit sufficient funds to cover expenses involved in taking and storing such property.

Mr. Swobe moved to knock out the last paragraph and up the 5 days and Do Pass.

Mr. Rosaschi seconded

Motion passed unanimously

AB 491: Provides qualifications for office of justice of the peace.

It was decided to hold this over for further study.

AB 141: Validates certain adoptions and amends adoption procedures.

It was decided to hold this over for the results of Mr. Vargas' research.

AB 576: Allows landlord to bring small claims action to remove tenant from property after failure to pay rent.

Mr. Kean moved Do Pass  
Mr. Jacobsen seconded  
Motion passed unanimously

AB 610: Requires certain motions to be made before trial in criminal actions.

It was decided to defer this bill for further study.

AB 611: Provides for consolidation of criminal trials

Mr. Knisley moved Do Pass  
Mr. Jacobsen seconded  
Motion passed unanimously

AB 612: Empowers county commissioners to provide penalties for offenses by coroners.

Mr. Knisley moved Do Pass  
Mr. Jacobsen seconded  
Motion passed unanimously

AB 613: Defines "speedy trial" for defendant held in custody in another state.

Deferred for further study.

AB 447: Makes certain changes in law relating to acquisition of property by adverse possession and by eminent domain.

Mr. Knisley asked the Committee to reconsider this bill. There are some amendments prepared by Knisley and Glaser which should be considered.

Meeting adjourned at 5:45 P.M.