

## ASSEMBLY COMMITTEE ON JUDICIARY - 56th SESSION, 1971

MEETING MARCH 15, 1971

The meeting was called to order at 2:48 p.m.

Present: Miss Foote, Messrs. Fry, Lowman, Olsen, Kean, Torvinen, McKissick, Dreyer. Absent: Mr. May.

Mr. Lowman moved that AB 56 be indefinitely postponed. Seconded by Mr. Dreyer. Carried.

Mr. Lowman moved "Do Pass as Amended" AB 124. Seconded by Mr. Fry. Carried.

Mr. Lowman moved "Do Pass" AB 132. Seconded by Mr. Fry. Carried.

Mr. McKissick moved that AB 133 be indefinitely postponed. Seconded by Mr. Fry. Carried.

Mr. Lowman moved that AB 406 be indefinitely postponed. Seconded by Mr. Fry. Carried.

Miss Foote moved that AB 136 be indefinitely postponed. Seconded by Mr. Fry. Motion lost.

Mr. Kean moved that AB 136 be amended by changing 6 to 8 on line 6, page 1; changing 6 to 8 on line 11, page 1; changing 6 to 8 on line 23, page 1; and deleting sections 3, 4, 5 and 6, and the committee recommend "Do Pass as Amended". Seconded by Mr. Torvinen. The motion lost, with Messrs. McKissick, Torvinen, Kean and Dreyer voting "Aye".

AB 179 - clarifies trustees' responsibility of giving a periodic accounting to each trust beneficiary.

JAMES GUINAN, ESQ. stated chapter 165 NRS presently requires what the new language in here would require.

Mr. Lowman moved that the bill be amended to delete lines 1-23 on page 1, and to delete Sec. 1 and Sec. 3, and the committee recommend "Do Pass as Amended." Seconded by Mr. Fry. Carried.

Mr. McKissick read the amendment he had prepared to AB 182. Mr. McKissick moved that the bill be amended and the committee recommend "Do Pass as Amended". Seconded by Mr. Dreyer. Carried.

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Mr. McKissick moved that AB 206 be indefinitely postponed. Seconded by Mr. Kean. Carried.

Mr. Torvinen moved that AB 685 be indefinitely postponed. Seconded by Mr. McKissick. Carried.

Mr. Fry moved "Do Pass" AB 214. Seconded by Mr. Torvinen. Carried.

Mr. Torvinen moved that AB 217 be amended by inserting the word "felony" before "offense" in lines 17 and 18, page 1, and that the 48-hour provision be deleted and the words "second judicial day following arrest" be inserted. Seconded by Mr. Fry. Carried.

Mr. Kean moved that AB 262 be indefinitely postponed. Seconded by Mr. Lowman. Carried, with Mr. Olsen voting "No."

Miss Foote moved "DO Pass" AB 381. Seconded by Mr. Dreyer. Carried, with Mr. Olsen voting "No."

Mr. Fry moved that AB 419 be indefinitely postponed. Seconded by Mr. Lowman. Carried.

AB 457 - Provides for organization of county courts.

Mr. Torvinen explained the provisions of the bill, emphasizing that it has to be read in conjunction with SJR 23 of the 55th Session.

Section 9, line 31 sets out county court districts. The subcommittee on the bill attempted to achieve jurisdiction over an equal population to each judge. Mr. Torvinen stated the bill doesn't set absolute guidelines for many things, and these will be left up to decisions of the judges or by court rules.

ASSEMBLYMAN JUANITA WHITE appeared before the committee to urge that the magistrates be elected, not appointed. She stated that people in the rural areas are particularly adamant about this provision, and feel that the appointment of local magistrates takes court representation out of their hands. The people strongly desire local control.

Mr. Kean suggested the jurisdictional limit be raised to \$2,000 in page 5, line 42. Mr. Torvinen suggested in that event the \$7 filing fee may be too low.

Regarding Sec. 22, Mr. Torvinen stated a recent Supreme Court decision would have some effect on the provisions of the section, by substantially decreasing amounts of municipal court fines.

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Regarding the provisions on page 21, lines 11-13 providing for no record in magistrates court and no appeal, Mr. Torvinen stated if the parties elected to have the case heard in magistrate's court they would have to abide by the decision of the court as final.

General discussion followed. Mr. Kean stated it is bad policy to appoint Supreme Court justices and have magistrates also appointed. He felt the people would not be in favor of this provision, and would prefer that the magistrates be elected. Miss Foote agreed with this, saying election of magistrates was important to people in rural districts.

JAMES GUINAN asked if SJR 23 provides for appointment of magistrates. Mr. Torvinen stated it does not provide specifically for appointment, but only states that there shall be magistrates in 1973.

JAMES GUINAN stated the State Bar is generally in favor of the provisions of the bill, although the Bar has not studied carefully each section.

Mr. Lowman noted it will be important to SJR 23 and to AB 457 for the advocates to explain the terms to the voters.

Mr. Lowman moved "Do Pass" AB 457. Seconded by Mr. Kean. Mr. Fry was not in favor, stating he had several unresolved questions about the bill which the committee should study further. The committee suggested the bill should be brought out of committee for floor amendment. Mr. Fry further noted the bill should be sent to the Ways and Means Committee.

AB 571 - Modifies provisions relating to dismissal, removal, and determinations not to reemploy teachers.

Mr. Fry appointed Miss Foote, Mr. Lowman and Mr. Dreyer as a subcommittee to meet with the Education Committee Wednesday evening to consider AB 571 and a similar bill in the Education Committee.

Mr. McKissick moved that AB 144 be amended to indicate the uninsured motorist coverage be in an amount not to exceed the bodily injury coverage, and the committee recommend "Do Pass as Amended". Seconded by Mr. Fry. Carried.

The committee was in recess at 5:35 p.m.

Committee re-convened at 6:00 p.m.

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Mr. Kean moved that AB 218 be indefinitely postponed. Seconded by Mr. Torvinen. Carried, with Messrs. Dreyer, Olsen and Lowman voting "No."

Mr. Lowman moved that SB 161 be indefinitely postponed. Seconded by Mr. Torvinen. Carried, with Mr. Dreyer voting "No."

AB 298 was discussed, and the chairman agreed to put the bill aside and allow school officials to be heard.

Mr. Dreyer moved "Do Pass" AB 356. Seconded by Mr. Olsen. Mr. Torvinen moved that Mr. Dreyer's motion be amended and that AB 356 be amended to provide for "90 days" on lines 3, 13 and 23 on page 1, and on line 14 on page 2, and that lines 18-25 on page 2 be deleted, and the committee recommend "Do Pass as Amended." Seconded by Mr. Kean. Mr. Torvinen's motion carried.

Mr. Dreyer moved that AB 398 be indefinitely postponed. Seconded by Mr. Kean. Carried, with Mr. Lowman and Mr. McKissick voting "No."

Mr. Fry moved that AB 422 be amended in accordance with the amendments he had prepared, requiring that section 1 be deleted and the words "no lien storage charges shall accrue beyond sixty days from the date the lien was acquired without the consent of the owner" be added, and that section 2 be deleted; and that the committee recommend "Do Pass as Amended." Seconded by Mr. Torvinen. Carried.

Mr. Kean moved that AB 505 be amended to change 200,000 on line 4, page 1 to 100,000, and \$20,500 be deleted on line 6, page 2 and "\$24,500" be inserted in lieu thereof, and the committee recommend "Do Pass as Amended". Seconded by Mr. Fry. Carried.

Mr. Kean will prepare an amendment to AB 595 and bring it to the committee for approval.

Mr. Lowman will research the provisions used in Clark County regarding AB 596 and report back to the committee.

Mr. Lowman moved that AB 641 be indefinitely postponed. Seconded by Mr. Fry. Carried.

The committee agreed to hold AB 657 until the fate of AB 165 on the floor of the Assembly is determined.

There being no further business, the committee adjourned at 7:00 p.m.

sg

Date March 15 & 16 Time P.m.  
adjournment Room 240

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
AB 457	Provides for organization of county courts.	
AB 458	Conforms Nevada Revised Statutes to amend judicial article of Nevada Constitution.	

\*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
 Subject \_\_\_\_\_

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Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
 Subject \_\_\_\_\_