

JUDICIARY COMMITTEE  
57th NEVADA ASSEMBLY SESSION

MINUTES

February 23, 1973

The meeting was called to order by Mr. Keith Hayes, Chairman.

MEMBERS PRESENT: MESSRS: HAYES, BARENGO, GLOVER, TORVINEN, HUFF, FRY,  
LOWMAN, HICKEY, AND Ms. FOOTE.

MEMBERS ABSENT: NONE

GUESTS PRESENT: PRESS

The first item of business was A.B. 31. The agenda for today is primarily consideration of bills scheduled for hearing yesterday. After testimony, there was little time for actual discussion.

A.B. No. 31 SUMMARY-Permits incarceration of Adult probation violators by juvenile division of district court.

See testimony 2/22/73.

Mr. Torvinen stated that he really couldn't see the necessity of this bill. "It doesn't do much".

Mr. Torvinen moved to indefinitely postpone this bill. Mr. Fry seconded. Mr. Lowman and Mr. Huff voted against this motion.

Mr. Hayes, Mr. Glover, Mr. Torvinen, Mr. Barengo, Mr. Fry, Mr. Hickey and Ms. Foote voted in favor in indefinitely postponing.

MOTION CARRIED (A.B. 31 INDEFINITELY POSTPONED)

A.B. No. 144 SUMMARY-Prohibits private practice of law by district attorneys of larger counties after certain date.

This bill has been discussed twice before at Committee hearings. (see 2/22 & 2/13. The intent was to amend this bill to include the deputys' attorney general, the deputys' public defender, and the public defender of these larger counties and to establish a salary.

The Committee agreed however, after discussion that they would be in better form to deal only with the two district attorneys involved in this bill and consider the other offices in separate legislation.

In reviewing the proposed \$30,000 salary for the District Attorneys of Clark and Washoe Counties the feeling of the Committee is that in order to attract the high caliber type of individual for representation in these offices you must pay a salary near what that same individual

could attain in private practice. The salary of the district judges is to be \$30,000 starting January 1975. The District Attorneys certainly work as hard as the judges and it is therefore felt said Mr. Torvinen with Mr. Fry's concurrence that the salary for the Clark and Washoe county District Attorneys should be at this same level.

Mr. Hickey commented that this high a raise might not be palatable to the general public and would put this body in a bad light.

It was pointed out that the District Attorneys outside Nevada usually do not handle civil matters, whereas the Nevada District Attorneys do both the civil and criminal cases. Their position is one of great responsibility and a heavy work load.

Ms. Foote felt that the salaries should not be the same for both counties and that some differentiation should be made.

Mr. Lowman moved to recommend DO PASS, Mr. Glover seconded.

Mr. Barengo stated for the record that "any bill which does not include public defenders I will vote no on".

Mr. Barengo and Ms. Foote voted against this motion.

MOTION CARRIED (DO PASS AS AMENDED TO INCLUDE SALARY OF \$30,000.)

Mr. Glover commented that contrary to what Mr. List had said yesterday, he had talked with some private citizens who felt that there was some conflict of interest involved in the private practices of the deputys' attorney general.

After limited discussion the Committee decided that two new bills should be prepared prohibiting private practice by the public defenders, the deputy public defenders, and the deputies attorney general.

Mr. Lowman moved that the Judiciary Committee have two bills drawn up and sponsor them in introduction to the Assembly. Mr. Huff seconded.

MOTION CARRIED

Mr. Hayes requested the secretary to submit a BDR for two separate bills one to include the public defender and the deputies public defender, and the other to include the deputies attorney general.

A.B. No. 151 SUMMARY-Increases maximum value of estates which may be set aside without administration or administered summarily.

MR. BARENGO MOVED TO RECOMMEND DO PASS.

Mr. Hickey told the Committee that this same bill was introduced last session and was stopped in the Assembly Judiciary. He said that he also

felt that the increase was not unfair because in the cases of a small estate by the time attorneys and court costs were paid there was often hardly anything left.

Mr. Torvinen said that he had no problem with the first part of the bill, but that the word minor should be left in the bill. He further stated that the delay of processing in probate matters was for the protection of the individuals involved.

Mr. Torvinen moved to amend the bill by deleting the brackets around the word "minor" and recommend DO PASS, Mr. Lowman seconded.

MOTION CARRIED (AMEND AND DO PASS)

S.B. No. 52 SUMMARY-Permits minor to receive money or property not exceeding \$1,000 in value without appointment of guardian.

Mr. Fry felt that the bill should also include personal property.

Mr. Glover moved to amend the bill to include personal property and recommend DO PASS. No second to this motion.

A.B. No. 223 SUMMARY-Provides for copies of grand jury reports to be sent to persons or agencies which are the subject thereof.

Mr. Barengo said for the benefit of the Committee that this bill might possibly violate the secrecy of the grand jury.

Mr. Barengo moved to indefinitely postpone this bill, Mr. Lowman seconded.

Mr. Hayes voted against this motion.

MOTION CARRIED (A.B. No. 223 INDEFINITE POSTPONMENT)

Mr. Hayes was chided for the fact that his name appeared in authorship of this bill and Mr. Fry consoled him saying, "they kill mine all the time".

Mr. Hayes responded that if there is anything worse than making a mistake it is perpetuating it.

Mr. Hayes asked the pleasure of the Committee in introducing a bill having to do with escheat.

SUMMARY of the bill: Provides for escheat of corporate property to state of Nevada after forfeiture or default for certain period of time.

Mr. Barengo and Mr. Torvinen were in agreement that bills of this nature were sticky at best and that it would certainly adversely effect mine owners etc.

Mr. Barengo moved the Committee reject this bill for intro., Mr. Huff seconded

MOTION CARRIED. (BILL REJECTED FOR COMMITTEE INTRODUCTION)

FEBRUARY 23, 1973

Nest, Mr. Hayes read a letter from Grant Bastian, state highway engineer with the State of Nevada Department of Highway asking the Committee to sponsor in introduction three pieces of proposed legislation.

1. Amend NRS 41,033 to limit the liability of the state of Nevada for accidents involving animals and to further specify the cases where actions will not lie against the State of Nevada.

2. Amend NRS 41.032 in order to insure that the courts recognize the design of highways is a discretionary function and a cause of action will not lie against the state of Nevada for an alleged design deficiency.

Mr. Barengo stated that this seemed to him unlimited license to make rotte roads.

Mr. Torvinen felt that it would be a discretionary matter, and Mr. Hayes said that no matter how the road was designed it could be called discretionary.

3. Amend NRS 568.360. A companion measure in part to the amendment to NRS 41.033 and specifies that no cause of action will lie against the state of Nevada arising out of an accident involving an animal, wild or domestic on the highway right of way.

Mr. Barengo moved to reject these as Committee bills, Ms. Foote seconded.

MOTION CARRIED- BILLS REJECTED FOR SPONSORSHIP IN INTRODUCTION

Mr. Barengo moved to adjourn, Mr. Fry seconded. MEETING ADJOURNED.

ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY

Date Feb. 23 Time 1:00 PM Room 240

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
A.B. 31	SUMMARY-Permits incarceration of Adult probation violators by juvenile division of district court.	
A.B. 144	SUMMARY-Prohibits private practice of law by district attorneys, public defenders, and deputys' attorney general of larger counties after certain date.	
A.B. 151	Increases maximum value of estates which may be set aside without administration or administered summarily.	
S.B. 52	Permits minor to receive money or property not exceeding \$1,000 in value without appointment of guardian.	
A.B. 223	Provides for copies of grand jury reports to be sent to persons or agencies which are the subject thereof.	

\*Please do not ask for counsel unless necessary.