

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

April 21, 1975

This meeting was called by Chairman Barengo on Monday, April 21, 1975.

MEMBERS PRESENT: BARENGO, BANNER, HEANEY, HICKEY, LOWMAN,
POLISH, SENA, MAYES and WAGNER.

MEMBERS ABSENT: NONE.

A Guest Register is attached to these Minutes.

Assemblyman Melvin "Bode" Howard testified regarding A.B.535. He sponsored this bill. Last session the Legislature put Pershing County under the same restrictions as proposed by A.B.535. Basically, this bill would raise the District Attorney of Humboldt County's salary and limit him to take on no private practice. The work load is becoming so great that they have to give up their practice to enable them to give more time and attention to the elected job. He said in Humboldt County they have had to hire Deputy District Attorneys. He pointed out that the salary is not quite adequate for a full-time District Attorney. He presented to Chairman Barengo an amendment to this bill, which would include Churchill County in A.B.535. They have requested that they be put under this set-up at this time. This particular bill does not have the entire support of the Board of County Commissioners of Humboldt County. It has the support of 2 of them, but one is not so sure if it is a good move. The Committee questioned Mr. Howard.

Next to testify was the present District Attorney of Humboldt County, William Macdonald, who appeared to testify on A.B.535. He did not request this bill, and he does not know all that much about it. They have a Deputy District Attorney who also serves as a city attorney. His salary is probably about \$17,000- per year between those two jobs. Presently, Mr. Macdonald's salary is \$14,500- per year. His feelings as to passage of the bill were difficult to express. He doesn't argue with the fact that a District Attorney should not have private practice. Many times conflicts come up with the District Attorney and his private cases. It is up to the individual to evaluate the situation and do what he feels he should. This Committee questioned Mr. Macdonald in depth about his feelings for the bill and his salary situation. Mr. Macdonald said he has not yet made up his mind if he would retain the office if it were one where he could not have private practice and if the salary were raised to \$24,000- annually. In response to a question of whether or not a \$24,000- salary would attract and keep a competent District Attorney, Mr. Macdonald said he thought it would at this time. It is a far more realistic one than the \$18,000- salary for Pershing County. He thinks this is unrealistically low.

Senator Carl Dodge, State Senator from Fallon, testified on S.B.383. There are three counties where the District Attorneys are prohibited private practice--Clark, Washoe and Pershing. Private practice is allowed for

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District Attorneys of counties where the population is under 100,000. The present statute should be conformed, because there is no provision made for Pershing County, which County requested that they be included in this type of legislation. There are asterisks in the statutes showing which counties prohibit their District Attorneys from private practice, and Senator Dodge said this should be done for Pershing County, as this was an oversight two years ago, and questions would be raised more often if private practices in various counties are eliminated and salaries are raised. Senator Dodge said he is in favor of the move to eliminate private practices and raise salaries. He strongly supports the trend of full-time District Attorneys at any level. He, also, indicated that he thinks \$24,000- yearly is a fair salary for the Humboldt Co. District Attorney. Mr. Lowman questioned the Senator as to the Pershing Co. salary. Senator Dodge replied that the salary presently being paid is fair, as Pershing is a very small county which has, in fact, lost residents according to the last census.

S.B.404 was considered next by this Committee & James Porter, Director of Clark County Legal Services, and Chuck Zeh, Director of Washoe County Legal Services said it would raise filing fees for actions in courts and fees for answering complaints by \$1.00. This \$1.00 would go to the Legal Services Program to help support it. The past 4 years they have been receiving monies from various agencies in the state; however, they have had increases for application for their services, and they have been told not to expect some of the financing they received in the past. They have people who specialize in various areas working for them, and this has allowed them to attract other people who deal with more specializes services. Mr. Porter told this Committee basically how Legal Services functions and what type of programs are available for different types of people who put in applications for services. In terms of the attorney staff, they have realized no salary increases, and in some cases, there has been a reduction in salaries. The average starting salary for an attorney on their staff is \$10,500-. They are not allowed to have private practice.

Mr. Porter said that they are funded until this coming September 1st, at which time their program will be in dire need of assistance. The counties awarded them funds to finish out various years, but they told them that they would not give them any additional monies in the future--that they should come to the legislature for it.

Chuck Zeh gave examples of some of the filing fees for civil actions. The increase in Clark County would generate approximately \$25,000-, and in Washoe County approximately \$12,000-. Mr. Zeh related various statistics of the applications they received, cases handled, etc. Mr. Zeh said formerly the Legal Services Programs were funded under the Office of Economic Opportunity, and last year a federal bill created individual programs which are now in the state of transition. They will be receiving some federal funds.

Frank Fahrenkopf spoke in opposition to S.B.404. He was requested to do so by the County Commissioners. He said it is not his intent to speak against legal aid, and, in fact, he was a member of the Board of Directors of Legal Aid in the past. The question is, "Is this a proper way to generate funds for legal aid?" The Commissioners feel that special groups like this coming before the Legislature to take funds in this manner for special purposes is obviously not good. The Commissioners feel that they can think of other programs which needs funds, also. They are mainly opposed to special groups attempting to get additional funding in this particular manner, as proposed by S.B.404.

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Washoe County Commissioners have not come up with any alternatives, according to Mr. Fahrenkopf. Basically, the funding has come from the federal government. He pointed out that the federal government, as well as United Way, funds the Legal Services Program.

Chuck Zeh commented that they get about \$9,000- per year from United Way, and their total budget this year is \$91,000-. This comes out to approximately \$50- to \$60- per client that they receive funding for.

Mr. Banner questioned Mr. Fahrenkopf as to Clark County Commissioners' position. Mr. Fahrenkopf replied that he does not know Clark County's feelings.

Arleen Joyce, Clark Co. Legal Aid, commented from the audience that Clark Co. has assisted them for two years so that they could keep on going. They were given \$15,000- and \$8,000-. However, they were given instructions not to come back to them, but to come to the Legislature for money. They requested funding, but because United Way has not been meeting their goals for the funding of various organizations, they have been cut back. Although, United Way has not cut back Legal Services. The Committee questioned at length.

Father Larry Dunphy commented as to S.B.404. He said that the agencies he has been representing make referrals to the Legal Services Program. They are a very important agency in the community. This is a service provided for poor people, which is not available in any other program within the county. Since the federal government has made it quite clear that they will not forward additional funds, they have indicated that services have to find funds at a local level, and local entities are not willing to take anything new into their budgets. The court system is an excellent way to produce additional revenues. He feels it is quite equitable.

Jim Brooke, State Bar of Nevada, said that initially the Bar was opposed to the bill thinking it was unfair. The Board of Governors is more in favor of the bill, knowing that legal aid is necessary. However, they are not too favorably inclined to the precedent which would be set by allowing special groups to benefit from additional filing fees. They are in favor of the bill, but they do not feel it should just be applied to the various plaintiffs and defendants in court actions. This Committee questioned Mr. Brooke.

Humboldt County District Attorney Bill Macdonald commented on S.B.404, saying that while the bill does not provide for a way to get legal services out to rural counties, it is probably not going to do so. He pointed out that there is a need for these services in counties other than Washoe and Clark.

Jeanine Harter, Chiropractic Association of Nevada, testified next on S.B.259. The Association supports this bill completely. This bill brings their Association within the same guidelines as the other health services. She was questioned by this Committee.

Gene Milligan, Nevada Association of Realtors, spoke on A.B.533. They did not request this bill. And, he feels that there is a problem in this area. However, in looking at the bill, any check over \$100- would constitute a fine, felony, or imprisonment. Property owners requested the bill, and he does not feel that it was their intent to provide it to be a felony. He supposes that

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this may be the law whether it was contained in the bill or not. Chairman Barengo said that he did not feel this bill would even solve the problem it is trying to eliminate. Mr. Milligan said he would like to discuss the bill with the people who requested it. (Cliff Kimbriel was someone who was involved with it.) Chairman Barengo requested that Mr. Milligan discuss it with him and others and possibly come back with adequate amendments.

Committee discussion was had as to S.J.R.16. Mr. Lowman moved DO PASS, and Mr. Hickey seconded. A vote was had with 7 Committee members voting in favor of the motion. Mr. Banner and Mrs. Hayes were absent for this vote. Legislation Action Form is attached hereto.

MOTION CARRIED DO PASS S.J.R.16.

Discussion was had on A.B.536. Chairman Barengo told the Committee that this bill relates to a condominium package which Assemblyman Jean Ford is working on. Mr. Barengo explained the bill to the Committee. This bill provides that notice by mail must be given to the judgment debtor--just another procedure. Discussion followed. Mr. Heaney moved DO PASS, and Mrs. Wagner seconded. 7 voted in favor of the motion with Mr. Banner and Mrs. Hayes absent for the vote. Form attached.

MOTION CARRIED DO PASS A.B.536.

As to S.B.259, Mrs. Wagner moved DO PASS, and Mr. Sena seconded. 7 voted in favor of the motion with Banner and Hayes absent. Form attached.

MOTION CARRIED DO PASS S.B.259.

On A.B.535, discussion was had as to amendment to allow leeway of a time period because elections were had only last year and the man who was elected ran under certain conditions. It was suggested that it be made effective beginning the next election term. Mr. Lowman moved DO PASS AS AMENDED, and Mr. Hickey seconded. Mr. Macdonald commented that the amendment include some language to the effect that this go into effect at the beginning of the next elective term of office, or when the District Attorney is prepared to certify that he has withdrawn from private practice. Chairman Barengo appointed Mr. Heaney and Mr. Polish to work out this amendment. Mr. Lowman withdrew his motion.

As to S.B.383, Mr. Heaney moved DO PASS, and this motion was seconded. 8 Committee members voted in favor of the motion. Mrs. Hayes was absent for the vote. Form attached.

MOTION CARRIED DO PASS S.B.383.

Next, Mr. Hickey moved to INDEFINITELY POSTPONE A.B.533, and Mr. Lowman seconded. Vote showed 8 in favor of the motion with Mrs. Hayes absent for the vote. Form attached.

MOTION CARRIED INDEFINITELY POSTPONE A.B.533.

Richard Bunker, Clark County, entered the meeting to testify on S.B.404. They are concerned about this bill, and they think that this might be one area to look to to provide extra monies. He respectfully requests that this Committee hold up on acting on this bill until they can figure out where the extra money might come from. Lengthy Committee discussion ensued. The County wants extra money, and this might be a way; therefore, if the Committee were to agree and pass S.B.404, it would conflict with their plans. Therefore, the request to withhold action for a short time. Chairman Barengo said

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action would not be taken today.

Discussion was had by this Committee on A.B.42. Mr. Price has not yet forwarded amendments to the bill. Mr. Lowman moved to INDEFINITELY POSTPONE. No second was obtained to the motion. Mr. Hickey moved DO PASS with a referral to the Assembly Agriculture Committee. Mr. Polish seconded. A vote showed 7 in favor of the motion, 1 against (Lowman), and 1 absent (Hayes).

MOTION CARRIED DO PASS A.B.42 with referral to Assembly Agriculture Committee.

There being no further business, Chairman Barengo adjourned this meeting at 10:08 a.m.

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 21, 1975
BILL NO. S. J. R. 16

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Lowman Seconded By Mr. Hickey

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Banner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hayes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heaney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hickey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lowman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Polish	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sena	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wagner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Banner + Hayes absent.

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 21, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 21, 1975

BILL NO. A.B. 536

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Heaney Seconded By Mrs. Wagner

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	✓	—	—	—	—	—
Banner	—	—	—	—	—	—
Hayes	—	—	—	—	—	—
Heaney	✓	—	—	—	—	—
Hickey	✓	—	—	—	—	—
Lowman	✓	—	—	—	—	—
Polish	✓	—	—	—	—	—
Sena	✓	—	—	—	—	—
Wagner	✓	—	—	—	—	—

Banner + Hayes absent.

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 21, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 21, 1975

BILL NO. S.B. 259

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mrs. Wagner Seconded By Mrs. Sena

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Banner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hayes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heaney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hickey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lowman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Polish	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sena	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wagner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Banner + Hayes absent.
TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

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ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 21, 1975

BILL NO. S.B. 383

MOTION: _____

Do Pass Amend Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Heaney Seconded By Mr. Sena

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	✓	—	—	—	—	—
Banner	—	—	—	—	—	—
Hayes	—	—	—	—	—	—
Heaney	✓	—	—	—	—	—
Hickey	✓	—	—	—	—	—
Lowman	✓	—	—	—	—	—
Polish	✓	—	—	—	—	—
Sena	✓	—	—	—	—	—
Wagner	✓	—	—	—	—	—

Banner + Hayes absent.

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 21, 1975
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ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 21, 1975

BILL NO. A.B. 533

MOTION: _____

Do Pass _____ Amend _____ Indefinitely Postpone Reconsider _____

Moved By Mr. Hickey Seconded By Mr. Lowman

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	_____	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Mrs. Hayes absent for vote.

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 21, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 21, 1975
BILL NO. A.B. 42

MOTION: _____

Do Pass Amend Indefinitely Postpone _____ Reconsider _____

Moved By and refer to Agriculture. Mrs. Hickey Seconded By Mr. Polish

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Mrs. Hayes absent for vote.
TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 21, 1975
Date