

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

April 10, 1975

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

Present: Senator Close, Chairman
 Senator Wilson
 Senator Bryan
 Senator Sheerin
 Senator Dodge
 Senator Foote
 Senator Hilbrecht

SB 202 Requires title insurance companies transacting escrow services to be licensed as escrow agents and places restrictions on escrow accounts.

The Committee reviewed the bill in its amended form. After a brief discussion, Senator Dodge moved to do pass and rerefer to Finance;
 Seconded by Senator Sheerin,
 Motion carried unanimously. Senators Wilson, Bryan and Foote were absent from the vote.

SB 428 Requires restitution to victim by person convicted of issuing fraudulent instrument and provides other liability.

Bart Jacka, Las Vegas Metropolitan Sheriff's Department testified before the Committee on this bill. In response to a question by Senator Bryan, Mr. Jacka stated that SB 17 (provides that restitution may be made condition of probation or parole) essentially covers the same thing but there were a few other changes in the law that he felt were necessary. In page 2, Section 4, line 21, the statute presently provides that a registered letter must be sent to the maker of the check within 10 days. He stated that they have experienced some difficulty with the court in Las Vegas over the term "registered." NRS 238.090 specifically states that where it says "registered" it means "certified"; this wasn't changed and the courts don't look at it that way. He further stated that the post office tells people that they can send a letter certified because it is cheaper and then when it comes back before a justice of the peace, many of them won't accept it. Senator Bryan stated that the reason for the 1969 amendment to NRS 238.090 was so they wouldn't have a 526 page bill where every place in the NRS where it said "registered", it would have to be amended to include "or certified." They tried to say that wherever the word "registered" is used, "certified" shall be deemed the equivalent thereof.

Senator Hilbrecht pointed out that banks don't like to discourage customers even though they may sometimes overdraw and for that reason, they do not do what the Uniform Commercial Code requires; namely, indicate the reason why they are returning an item. They will put "refer to maker" which, in his opinion, does not raise the presumption question which the statute anticipates.

After further discussion, it was the decision of the Committee to have the banker's come in and go over the procedure for returning a check.

AB 186 Extends jurisdiction of Nevada Commission of Equal Rights to handicapped persons and prohibits certain discriminatory practices.

Blaine Sullivan Rose informed the Committee that this is an executive agency draft from the Rehabilitation Division to extend the jurisdiction of the Nevada Commission of Equal Rights to the handicapped person. It is one of a package of 5 bills dealing with the civil rights of the handicapped.

In response to a question from Senator Dodge, Mrs. Rose stated that this bill will give the handicapped an advocacy-type of process. The Commission on Equal Rights will be authorized to conduct an investigation on questions of discrimination.

Senator Dodge pointed out that this bill amends several other sections of the law other than just the Equal Rights Commission.

Mrs. Rose replied that the Commission on Equal Rights has jurisdiction over Sections of the law that include employment practices, credit transactions, loan and real estate transactions, etc.

Senator Bryan stated that his concern was over positions such as law enforcement or fire-fighting that had legitimate disqualifying factors for a handicapped person. Mrs. Rose responded that the bill was not intended to place an undue burden upon an employer. The definition of handicapped in subsection (b) says "but is unrelated to such persons ability to engage in an occupation."

Senator Hilbrecht suggested that the Committee withhold action on this bill pending the outcome of SB 98 (clarifies rights of handicapped persons) which is presently before Health and Welfare.

SB 455 Provides that the District Attorney and Sheriff of each county serve on the county license board.

Bill Adams, Assistant City Manager of the City of Las Vegas informed the Committee that the City of Las Vegas went on record yesterday in opposition to this bill in a 5-0 vote. He stated that as the Chairman of the Law Enforcement Study Committee (on the consolidation of surrounding areas) one of the most prominent ideas was to keep the professional attitude within the metropolitan department if at all possible. One of the ways in which they felt this could be accomplished was to have the Sheriff or supervising officer remain in pure law enforcement. Although he is unique in that he does not sit on the licensing board as do the other Sheriffs of the State, there is a different concept in that he is beyond the point of what is normally considered a Sheriff's duties in that he is involved in police work within city functions. It is their feeling that, inasmuch as the sheriff has control over the investigatory arm that investigates each applicant, that it is inappropriate for him to sit in judgment over the licensee.

Sheriff Ralph Lamb, Las Vegas stated that it is their job to investigate each applicant but that the Board is not required to follow their recommendations even though the findings may be unfavorable. He stated that there are many things he knows of, through federal agencies and such, that he cannot put on paper; questions that need to be answered but that may get past the Commissioners.

In response to a question from Senator Dodge, Sheriff Lamb informed the Committee that the district attorney did not care one way or the other if he was on the Board, inasmuch as his office has a representative at each meeting to act in an advisory capacity.

Senator Hilbrecht asked Sheriff Lamb if he had objected to being removed from the Board in the first instance. He replied that he had not been at the hearing. At

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the time it was proposed, he had felt that there were enough problems with the consolidation question and that it would be best to stay out of the way and let it go through.

Senator Dodge inquired as to whether or not the Board often disregards the Sheriff's recommendations. He responded that they did and that was why he wanted to be reinstated.

Bart Jacka, Metropolitan Police Department informed the Committee that the County operation is much more complex than the City's in that the County has to deal with all of the major hotels. He stated that intelligence information arrives at the Sheriff's office on a daily basis and that he is in constant communication with people who know the day-to-day activity of the hotels. He further stated that because of the large amounts of information coming in, it is not always possible to get it all down in writing to submit to the Commission and therefore creates a communication problem.

Mr. Jacka disagreed with Mr. Adams' comments on the intent of the Law Enforcement Study Commission to strive to maintain professionalism within the department. He informed the Committee that he, too, had sat on that Commission and that there were several members who felt that by allowing the Sheriff to remain on the Board, would put him in a much more powerful position and for that reason, wanted him taken off.

No action was taken on the bill at this time.

SB 440 Provides salaries for court reporters.

Marijane Simon testified before the Committee on this bill. See attached Exhibit A for her statement.

Also attached is a petition submitted to the Committee urging passage of this bill. See Exhibit B.

Senator Bryan stated that he would like to hear more testimony on the matter before taking action.

SB 429 Expands classification of crimes for which persons may be arrested by peace officer without warrant.

Bart Jacka, Las Vegas Metropolitan Police Department testified on behalf of this bill. Based on probable cause, it would allow an officer to make an arrest for a gross misdemeanor either committed in his presence or not. Officers, at the present time, respond to calls on a daily basis for attempted crimes. The statute is rather vague in that it only addresses itself to felonies. Presently they relay on NRS 208.070 which is a type of punishment for attempts. You can arrest someone for that but the penalty is entirely different from the one for the original crime.

Following a brief discussion, Senator Bryan moved a do pass; seconded by Senator Hilbrecht; motion carried unanimously. Senator Dodge was absent from the vote.

SB 430 Increases the penalty for pimping.

Bart Jacka stated that the bill did not come out of the drafters office as they requested it. They feel that in its present form, it will create some problems. He requested the following amendment to Section 1: "Any person, who knowing another person is a prostitute, lives or derives support or maintenance, in whole or in part,

from the earnings of proceeds of such person's prostitution, or who knowingly receives any compensation from a prostitute in furtherance of the prostitution activities or:

(a) Any person who receives any money or other valuable thing for or on account of his placing in custody any female person to the purpose of causing her to cohabit with any male to whom she is not married, shall be guilty of pimping.

Subsection 2: Any person guilty of pimping shall be punished by imprisonment in the state prison for not less than 1 year and no more than 10 years; and a fine not more than \$5,000 or by both fine and imprisonment."

He further commented that there would have to be a clause in the bill exempting those counties with legalized prostitution.

In response to a question from Senator Dodge as to the seriousness of the problem, Mr. Jacka stated that every year Clark County suffers between \$180,000 and \$200,000 worth of "trick roles." (he defined a "trick roll" as someone who solicits another person for a sexual act and then robs that person)

Senator Close pointed out that the penalty for pimping would be higher than that for actual prostitution.

There was further discussion on the bill, however no action was taken at this time.

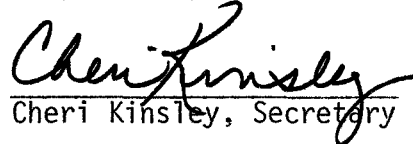
SB 431 Provides for punishment for threat to commit certain crimes.

Bart Jacka stated that in view of the action taken on SB 429 earlier in this meeting, there would be no need for this bill. (it was one of a package requested by his department)

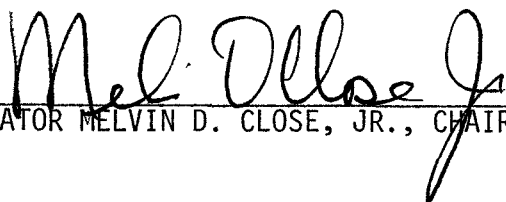
Senator Foote moved to indefinitely postpone; the motion was seconded and carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Cheri Kinsley, Secretary

APPROVED:


SENATOR MELVIN D. CLOSE, JR., CHAIRMAN

SENATE BILL NO. 440-Court Reporters

My name is Marijane Simon. I am an official court reporter of the Eighth Judicial District Court. I report in Department Six for Judge Howard W. Babcock. I am a Certified Shorthand Reporter in Nevada and California. I have also been certified in Utah. I hold the Merit Certificate awarded by the National Shorthand Reporters Association.

I appear here today seeking an end to the ambiguity of NRS 3.370 regarding fees to be charged by official court reporters. At present NRS 3.370 1 provides: "For his or her services the official reporter or reporter pro tempore shall receive the following fees:

"(a) For reporting civil and criminal testimony and proceedings, \$50 per day, which amount, when more than one case is reported in 1 day, must be apportioned by the court between the several cases." This section is today receiving three interpretations.

The strictest interpretation results in the reporter receiving a maximum per diem of \$50, that amount apportioned among the cases, civil and criminal, reported during the day. The intermediate interpretation results in the reporter receiving \$50 per day from the county and additional amounts from civil litigants requiring their matters to be reported in

EXHIBIT A

proportion to the time spent by the reporter reporting those matters. For example, the reporter may charge \$15 for reporting a motion, \$25 for a half day of proceedings or \$50 for a whole day of a civil trial; this is in addition to the \$50 paid by the county.

The loosest interpretation has the reporter charging the county \$50 per day and every attorney who has any reporting done \$50.

The proposed S.B. 440 seems to me as ambiguous as the present NRS 3.370, particularly in Section 1 (c).

If the intent of S.B. 440 is to limit the reporter to receiving \$50 per day for all reporting of all matters, I must stand here and tell you \$50 per day is not enough to pay my colleagues and myself for the skill shown in the work we perform. We court reporters constitute the few who survived a course of study in which the dropout rate is 90-98 percent. We are the few able to pass certification examinations in which the pass rate is about 33 percent.

There are 5,000 unfilled reporting positions in the country. I've brought some ads from our national magazine to illustrate some of the positions available. Most of these positions offer fringe benefits. As the law stands now in Nevada, that statutory \$50 per day provided by NRS 3.370 is all the compensation per day we are guaranteed. We do not receive fringe benefits: no sick leave, no vacation, no health insurance, no life insurance,

no retirement. We are not paid for holidays.

Nevada has no accredited reporting school, in fact, no reporting school which offers a complete course. So we rely on California schools to provide us competent reporters. Hence, we must offer compensation commensurate with that available in California to maintain standards of professional reporting.

I have attached hereto a compilation of salaries and fringe benefits of court reporters in eleven Western jurisdictions of the United States. This compilation does not include payment received for preparation of transcripts, nor does our \$50 per day. (See attached Exhibit A-1)

The most favorable jurisdiction is L. A. Superior Court where the per diem is \$84.98. Sick leave is twelve days per year, including three days per year personal leave. Sick leave may be accumulated up to 245 days. Upon termination or retirement the reporter will be paid for 50 or 75 percent of his accumulated sick leave depending upon his longevity with the court. Health insurance is paid 100 percent for the reporter by the county. Two thousand dollars death benefits are provided free to the reporter by the county. A retirement plan is compulsory, with both the reporter and the county contributing.

Nevada reporters pay their own Social Security as self-employed individuals with no contribution from the county.

There has been concern that if the courts departmentalize, as Judge Goldman in our district recommends, those reporters assigned to civil division might go for weeks without any remuneration if the attorneys appearing before their judges did not need the services of a reporter.

I am asking that you amend S.B. 440 to raise our per diem to \$85.00 to be paid by the county to the reporter, every day, no matter how many hours are spent reporting, whether the reporter is in a civil division or criminal division, with civil per diems taxed as costs against the parties. This is \$85 per day in the absence of fringe benefits.

I also recommend a change of language in S.B. 440, perhaps the use of some qualifying phrases like "instead of" or "in addition to" or "unless," with the effect that the reporter be paid a total of \$85 per day for all reporting done that day.

3.370 1 (b) relating to transcript fees is sufficient as presently written if we are paid \$85 per day.

I'd be happy to answer any questions.

SALARIES OF OFFICIAL COURT REPORTERS

Eleven Jurisdictions, Western United States

Court	Location	Salary	A N N U A L Sick Leave	Retirement
MARICOPA COUNTY SUPERIOR COURT	Phoenix, AZ	\$16,244.80	15 days	Reporter's contribu- tion matched
MUNICIPAL COURT	LosAngelesCA	\$22,181.40 (\$84.98 per day)	"Unlimited"	Same as above
SUPERIOR COURT	LosAngelesCA	\$22,181.40	21 days	Same as above
SUPERIOR COURT	SacramentoCA	\$17,280.00	15 days	Same as above
SUPERIOR COURT	San Diego CA	\$21,000.00	13 days	Same as above
SUPERIOR COURT	SanFrancisco CA	\$22,176.00	30 days Not acc.	Same as above
CIRCUIT COURT	Eugene OR	\$16,000.00	12 days	Same as above
DISTRICT COURTS	State of Utah	\$16,044.00	"Unlimited"	Paid 100 % by state
KING COUNTY SUPERIOR COURT	Seattle WA	\$19,525.00	12 days	6 % by reporter 7 % by county
COUNTY SUPERIOR COURT	Spokane, WA	\$14,000.00	Yes	Contribution by report- er and county
DISTRICT COURTS	N E V A D A	\$11,500 (Based on \$50 per day, 46 weeks.)	No Sick Leave	No Retirement

Court	Location	Health Ins.	Life Ins.	Vacation	Supplies	Additional
MARICOPA COUNTY SUPERIOR	Phoenix, AZ	Paid	Group Policy	15 days	Steno paper	Dictating equipment
MUNICIPAL	Los Angeles CA	Paid	\$2000 paid	1, 3 or 4 weeks	Steno paper	Salary tied legislatively to L. A. Superior Court.
SUPERIOR	Los Angeles CA	Paid	\$2000 paid	21 days	Steno paper	
SUPERIOR	Sacramento CA	Paid	Group policy	15 days	Steno paper	
SUPERIOR	San Diego CA	Paid	\$1000 paid	21 days	Steno paper	
SUPERIOR	San Francisco CA	Available	Death Benefit =	1 month		
CIRCUIT	Eugene OR	Available	1/2 annual salary Paid	4 weeks	Steno paper	
DISTRICT	Utah	Paid	More than half paid	1 month	Steno paper	
KING COUNTY SUPERIOR	Seattle WA	Available	\$4000 paid	25 days	Steno paper	Receptionist and transcriber space at no cost to reporter
COUNTY SUPERIOR	Spokane WA	Available	No	1 month	Steno paper	
DISTRICT	NEVADA	No	No	No	No	

PETITION RELATING TO S.B. 440

TO: MELVIN D. CLOSE, Chairman, and the members of the Nevada Senate Judiciary Committee:

We, the undersigned Official Court Reporters of the Eighth Judicial District Court (in respective departments as indicated) respectfully urge prompt passage of Senate Bill 440 relating to an amendment of N.R.S. 3.370 and its subsections referring to Official Court Reporters daily per diem allowances.

We deem this legislation to be in our best interests and feel it is imperative that this legislation clarifying this statute be passed in this session of the legislature. We urge your prompt consideration and passage of S.B. 440.

James A. Helles
 Official Reporter, Dept. No. 3
 and President, Nev. Shorthand
 Reporters Assn.

Mar. Patterson
 Official Reporter, Dept. No. 1

Ista Haupt
 Official Reporter, Dept. No. 2

J. S. S.
 Official Reporter, Dept. No. 4

Official Reporter, Dept. No. 5

H. W. Brewer
 Official Reporter, Dept. No. 7

Ray Steedman
 Official Reporter, Dept. No. 8

W. H. Hitt
 Official Reporter, Dept. No. 10