

MINUTES OF MEETING

APRIL 30, 1975

The meeting was called to order at 8:00 a.m. Senator Close was in the Chair.

PRESENT: Senator Close
 Senator Wilson
 Senator Bryan
 Senator Sheerin
 Senator Dodge
 Senator Foote
 Senator Hilbrecht

ABSENT:

AB 296 Revises list of structures within scope of first degree arson.

Steven Hampton and Dan Quinan appeared before the Committee on this matter. Mr. Hampton informed the Committee that the original request was that certain phrases and terminology be updated and modernized so that the interpretation would be simplified and understandable. The intent of the statute was to protect a person's property and anything attached to it

He stated the problem they were having was with the definition of a "dwelling house" in that they have people who permanently reside in jails, hospitals, and institutions and these places are considered to be commercial establishments.

Assemblyman Robert Heany informed the committee that the first consideration of the Assembly Judiciary Committee was to provide that any structure that was occupied would fall into the category of first degree arson. Secondly, they wanted to preserve as much of the old language pertaining to the shop, barn, outbuilding, etc., as possible with regard to the rural areas of the state. Senator Hilbrecht suggested deleting "that is parcel thereof" in line 7 of the third reprint to read "which is normally occupied".

Mr. Frank Daykin, Statute Reviser was called in by the committee to assist in defining the structures to be included in first degree arson. Senator Close explained to him that the general intent was that the burning of any structure, whether vacant or occupied, including the mobile home, would be considered first degree arson. Included in that would be the hotel, theater, barn warehouse, etc.

The Committee instructed Mr. Daykin to prepare the appropriate amendments and return them to the Committee for review.

Senator Hilbrecht moved to amend and do pass.

Seconded by Senator Bryan.

Motion carried unanimously. Senator Wilson was absent from the vote.

AB 373 Increases penalties for contempt of justices' courts.

Tom Davis, Justice of the Peace, Carson City - Informed the Committee that this bill was requested by the Nevada Judges Association to give Justices' of the peace more "teeth" in contempt actions.

Senator Dodge moved a "do pass".

Seconded by Senator Bryan.

Motion carried unanimously. Senator Wilson was absent from the vote.

AB 376 Increase fees of justice of the peace for performing marriages.

Tom Davis, Justice of the Peace, Carson City informed the Committee that they are requesting an increase from \$5 to \$10 and that the \$5 fee has been in existence since 1865.

Senator Bryan moved a "do pass".

Seconded by Senator Dodge.

Motion Carried unanimously. Senators Hilbrecht and Wilson were absent from the vote.

AB 432 Authorizes hearings by justices of peace on landlord and tenant affidavits in summary eviction proceedings.

Tom Davis, Justice of the Peace, Carson City and Assemblyman Tom Hickey presented testimony on this bill. The bill would allow the magistrate or justice of the peace to direct that a hearing be held at the earliest convenience of the court and the litigants after a notice is filed for eviction after non-payment of rent. Mr. Davis informed the Committee that the present law requires going into the "unlawful detainer" section which requires much more formality. This bill would place it in the same category as small claims proceedings.

Senator Bryan suggested that subsection 4 of section 1 be amended to mandate that the justice of the peace hold a hearing rather than letting it be optional in that it may be considered unconstitutional.

Senator Dodge noted that if the hearing is going to be mandated, the remaining language in the bill have to be recast in order to maintain consistency.

Senator Bryan moved to amend and "do pass".

Seconded by Senator Sheerin.

Motion Carried unanimously. Senator Wilson was absent from the vote.

SB 337 Provides rights, obligations and remedies respecting landlord-tenant security deposits.

Senator William Raggio briefly discussed this bill with the Committee. He stated that he had no particular interest in the matter, however he felt that there should be some equitable way for a tenant to regain security deposits. He informed the Committee that if they felt that AB 130 (enacts Fair Rental Housing Act) would take care of this problem he would have no objection to substituting it for SB 337.

No action was taken at this time.

AB 456 Classifies crimes of conspiracy and prescribes penalties therefore.

Following a brief discussion, Senator Dodge moved a "do pass".

Seconded by Senator Foote.

Motion carried unanimously. Senators Wilson and Hilbrecht were absent from the vote.

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

Blaine Sullivan Rose appeared before the Committee in favor of this bill.

Senator Hilbrecht, in response to a comment by Senator Foote, stated that this bill was not intended to force employers to alter their hiring practices but rather to insure that handicapped people will have an equal opportunity to be hired. Senator Foote replied that if you are not going to mandate the hiring of the handicapped then, in effect, you are giving them false hope.

Senator Dodge stated that he was opposed to any mandate by the government as to who an employer may or may not hire. It was his opinion that the best method to follow would be that of educating the employer on the benefits of hiring the handicapped.

Mr. Rose agreed that the best answer would be educating the employer and stated that in many instances, the handicapped employee is one of the best workers.

In response to a question by Senator Sheerin, in regard to the civil penalties attached to this bill, Mr. Rose stated that AB 487 expands the judicial remedies under the Nevada Commission for Equal Rights.

Senator Foote moved to indefinitely postpone.

Seconded by Senator Dodge.

Motion carried. Senator Hilbrecht voting NO. Senator Wilson was absent from the vote.

SB 344 Amends various provisions of takeover bid disclosure requirements relating to private corporations.

Senator Close read to the Committee the amendments as drafted by Frank Daykin Statute Reviser. It was the decision of the Committee to withhold action pending discussion with Mr. Daykin on the amendments.

SB 555 Revises schedule of maximum fees for court-appointed counsel for indigent criminal defendants.

It was the general consensus of the Committee that the \$35 per hour figure was too high, especially for smaller communities and should be lowered to \$30 per hour.

Additionally, the categorization of fee payment according to the length of the sentence that the crime carries is illogical and should be changed to the following

categories:

- 1) Capital crimes;
- 2) Crimes carrying a life sentence without possibility of parole; and
- 3) Crimes carrying a life sentence with possibility of parole.


Senator Dodge moved to amend and "do pass".

Seconded by Senator Hilbrecht.

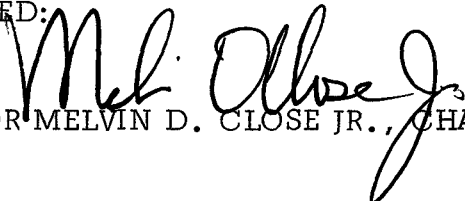
Motion carried unanimously. Senator Wilson was absent from the vote. Senator Hilbrecht requested that the record reflect that he will be absent for the next few days due to medical reasons.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Cheri Kinsley, Secretary

APPROVED:


SENATOR MELVIN D. CLOSE JR., CHAIRMAN