

SENATE JUDICIARY COMMITTEE

272

MINUTES OF MEETING

May 7, 1975

The meeting was called to order at 8:20 a.m. Senator Close was in the Chair.

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

AJR 27 Proposes to amend the Nevada Constitution to provide for retention in or recall to service of certain judicial officers under terms and conditions set by legislature.

Chief Justice A.E. Gunderson testified on behalf of this measure. This would establish the constitutional base by which the legislature might consider establishment of a system like that employed by the federal system in which older judges who have reached retirement age but still have some utility and some capacity for work might be retained in the system and have their capacity utilized and thereby benefit not only themselves but the public. This provision would also be a vehicle for handling the problem of getting cases moved through grand juries by allowing senior judges to sit on the preliminary hearings. The benefit of such a system is that it provides cheap, inflexible and incorruptible manpower. It will also encourage good men to come into the system and will encourage men to take a partial retirement when they should instead of trying to hang on to the system.

The only argument against this type of procedure is that we would be taking something away from the public in terms of the vote. In response to this, Justice Gunderson replied that the senior judge was originally elected by the people and therefore would already have their approval.

In regard to the accountability of the senior judges, he informed the Committee that the Chief Justice would be responsible to the people for any abuses in the system.

Senator Hilbrecht moved a do pass; seconded by Senator Sheerin; motion carried unanimously. Senators Wilson, Bryan and Foote were absent from the vote.

AB 19 Increases limit of parents' or guardian's liability for willful misconduct of minor.

Senator Hilbrecht informed the Committee that Jim Brook wished to express his support for the bill but is unable to attend this meeting as he has to appear before the Assembly Judiciary Committee.

Testimony was presented before the Committee by the following:

Virgil Anderson, AAA Insurance Co. stated that the insurance industry is opposed to this bill. The major impact would be on the insured parents to the extent that, in their comprehensive liability policy, the coverage will be further exposed insofar as the liability of the parent is concerned. Basically, in this area of coverage, as a matter of subrogation, the insurance industry is, to a great extent, trading dollars as far as parental liability is concerned. He also stated that he did not feel that the bill

accomplished the objective of making a parent exercise more control over the unruly child.

George L. Ciapusci, State Farm Insurance Co. concurred with Mr. Anderson's remarks. He informed the Committee that the present \$2,000 limit is the second highest in the nation. He stated that this bill would create a domino effect whereby there would be extensive underwriting inspections, class rating with respect to the family members and children. The net result would be an increase in cost to the consumer.

Dick Garrett, Farmer's Insurance concurred with Mr. Anderson's and Mr. Ciapusci's remarks.

There was considerable discussion among the Committee regarding an increase from \$2,000 to \$3,000 limit on liability. Senator Dodge stated that he did not feel it should be increased. Senator Close felt that, with increased inflation, a \$3,000 limit would not necessarily be unrealistic. It was his opinion that the loss should fall on the person that causes the damage.

Senator Wilson moved a do pass; seconded by Senator Dodge; motion carried. Senators Bryan, Hilbrecht and Sheerin voting NO.

AB 496 Deletes provision specifying courts in which attorney general may institute actions to protect the State's interest.

Mike Fondi, Carson City District Attorney testified in favor of this measure. Since he has been district attorney and Robert List has been attorney general, they have had an agreement whereby his office handles crimes which have occurred at the Nevada State Prison. The reason they have done this is because in the statutes it states that the State will pay for any costs of all crimes occurring at the prison. The attorney general has taken the responsibility to assist the prosecutors where ever they might have a problem where there might have been a conflict of interest; or where the assistance of their office was actually requested. The reason this has become a problem of late, is that the district court judge has ruled that the attorney general does not have the authority to prosecute criminal cases occurring at the prison. The Assembly Judiciary Committee felt that they wanted to specifically limit the authority of the attorney general as to this type of case to Carson City. Mr. Fondi stated that he had no quarrel with that; the only thing that will have to be considered in the future is in the event a prison is built in Las Vegas. He felt that the Committee should get the Clark County District Attorney's opinion on that.

Pat Walsh, Deputy Attorney General testified stating that they supported the measure. He added to Mr. Fondi's testimony stating that they had compiled a list of prosecutions which they now have going. He felt that his office was in the best position to handle these civil actions out of the prison; they handle all of the habeas and are generally in contact with the prison much more than the district attorney. His office has set up a training program for correctional officers at the prison and raised their standards so that we can successfully prosecute. In the past, many of the things that are now being prosecuted were handled internally. Now, they have to prosecute to enforce the rules because of the way the situation is getting in the treatment of prisoners.

Senator Hilbrecht moved a do pass; seconded by Senator Foote; motion carried unanimously. Senators Bryan and Wilson were absent from the vote.

AB 515 Increases district court reporter fees.

Richard Tuttle testified that this bill was to raise the fees allowed to be charged by court reporters in district and justice courts. The reason for the increase was to permit court reporters to keep up with increasing costs. It has been six years since there has been a raise and the fees requested had been worked out in accordance with the way money has been inflated in the last few years.

Harold Krabbenhoft of Carson City testified that he supported this increase in transcript fees. He concurred with Mr. Tuttle's remarks as to the increasing costs of supplies and further stated that court reporters must travel quite a bit, especially in this area, and an increase in fees would help combat the rising cost of gasoline.

Teen Patterson, District Court Reporter from Las Vegas informed the Committee that reporters in California and Utah are on an annual salary with fringe benefits of sick leave, vacation, folio rates and insurance. He stated that Nevada is strictly per diem with no fringe benefits. (see attached Exhibit A)

In discussing the bill, Senator Close stated that he felt that the 25¢ per folio for transcription for any party other than the party ordering the original draft was a rather substantial increase.

Mr. Patterson agreed and stated that he would prefer 25¢ for the first copy and 15¢ for each copy thereafter.

Senator Sheerin felt that there should be no distinction between the first and second copies and suggested going to a flat rate of 15¢ or 20¢ for all copies.

The Committee concurred with that amendment.

Richard Williams told the Committee that Washoe County was unique in that reporters did not receive per diem. He further stated that Washoe County had been at a great disadvantage to Clark County in the past and that he would support this measure if it would alleviate that inequity.

Following a brief discussion, Senator Sheerin moved to amend and do pass; seconded by Senator Wilson; motion carried unanimously. Senators Bryan and Hilbrecht were absent from the vote.

AB 536 Requires additional notice to judgment debtor prior to execution sale of real property.

Senator Hilbrecht moved a do pass; seconded by Senator Sheerin; motion carried unanimously. Senators Bryan and Dodge were absent from the vote.

AB 506 Provides lien for supplier of electric power if its power is utilized to irrigate land.

Assemblyman Melvin "Bode" Howard testified in favor of the bill. He stated that this measure had been floating around for several sessions now and he had revised the language to relate to rural electrical supply companies only. The problem is that electric companies do not require deposits on their service and therefore have no means of collecting payment. The lien would be against the land only in that the banks are opposed to liens against equipment or crops.

In response to a question from Senator Close, Mr. Howard stated that this lien would be in preference to tax liens. Senator Sheerin felt that it was a bad policy to allow an individual or private lien to come before a tax lien.

Senator Foote moved a do pass but the motion died for a lack of a second.

Senator Hilbrecht pointed out that the basic question is - do we want to extend the lien process into this area.

Senator Wilson moved to indefinitely postpone; seconded by Senator Hilbrecht; motion carried. Senator Foote voting NO. Senator Bryan was absent from the vote.

AJR 36 Proposes flexible limit to original jurisdiction of justices' courts.

Senator Sheerin moved a do pass; seconded by Senator Dodge; motion carried unanimously. Senators Wilson, Hilbrecht and Bryan were absent from the vote.

AB 234 Technical amendment conforming section 53, chapter 530, Statutes of Nevada 1973 to section 9, chapter 747, Statutes of Nevada 1973.

Senator Dodge moved a do pass; seconded by Senator Sheerin; motion carried unanimously. Senators Bryan and Hilbrecht were absent from the vote.

SJR 27 Proposes constitutional amendment to allow Legislature to create subdistricts within certain judicial districts for election of individual judges.

Senator Dodge moved to indefinitely postpone; seconded by Senator Sheerin; motion carried unanimously. Senators Wilson, Bryan and Hilbrecht were absent from the vote.

SJR 19 Deletes provision that county clerks are ex officio clerks of court.

Senator Dodge moved to indefinitely postpone; seconded by Senator Foote; motion carried unanimously. Senators Wilson, Bryan and Hilbrecht were absent from the vote.

AB 193 Permits court to reduce parolee's original term of imprisonment under certain circumstances.

Senator Dodge moved to rescind action taken on March 25, 1975 in that he felt the Committee was not aware of the factual situation at the time; seconded by Senator Wilson; motion carried unanimously. Senators Bryan and Hilbrecht were absent from the vote.

Senator Dodge moved a do pass; seconded by Senator Wilson; motion carried unanimously. Senators Hilbrecht and Bryan were absent from the vote.

SB 399 Provides for licensing of casino employee representatives.

Senator Dodge moved to indefinitely postpone in light of the new BDR 41-1925* which will be introduced shortly; seconded by Senator Sheerin; motion carried unanimously. Senators Hilbrecht and Bryan were absent from the vote.

SB 48 Requires public officers with legislative powers to abstain from voting on measures in which they have financial interests.

Senator Dodge moved to indefinitely postpone this bill due to the fact that there are presently two other bills being considered that would deal with this problem; seconded by Senator Sheerin; motion carried unanimously. Senators Hilbrecht and Wilson were absent from the vote.

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

Senator Sheerin moved to indefinitely postpone; seconded by Senator Bryan; motion carried unanimously. Senators Wilson and Hilbrecht were absent from the vote.

SB 522 Conforms equal employment opportunity provisions of state law to federal law.

Due to the fact that no one appeared to testify on this measure, Senator Bryan moved to indefinitely postpone; seconded by Senator Dodge; motion carried unanimously. Senators Hilbrecht and Wilson were absent from the vote.

AB 462 Allows drug addicts election of civil commitment in certain circumstances.

Senator Bryan felt it should be made clear that this would be allowed only if the services were available; that they were in no way requiring the establishment of facilities for this purpose.

In discussing the bill, the following amendments were made:

Page 1, lines 6 and 14 - Senator Close suggested deleting the phrase "the power of self-control" in that such a determination would be too subjective.

Section 1.5, subsection 2, paragraphs (a) and (b) - Senator Hilbrecht felt that the two should be merged; that both stipulations should apply, not just one or the other.


Section 4, subsection 3 - Senator Close stated that the phrase "the court shall defer trial" should be amended to "the court may defer trial" He felt that the courts should have the discretion to make that choice.

Section 6, lines 24 and 25 - Senator Hilbrecht suggested deleting these two lines. Senator Sheerin concurred and further stated that the determination of alcoholism or drug addiction should not be used against a person in any event.

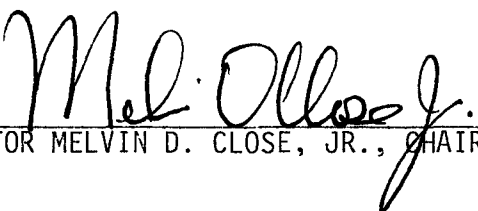
After further discussion, Senator Bryan moved to amend and do pass; the motion was seconded and carried unanimously. Senators Hilbrecht and Wilson were absent from the vote.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Cheri Kinsley, Secretary

APPROVED:


SENATOR MELVIN D. CLOSE, JR., CHAIRMAN

COMPARISON REGARDING COURT REPORTER FEES ADJUSTMENTS

STATE	SALARIES or PER DIEM	FOLIO RATES	SUPPLIES EQUIPMENT FURNISHED	FRINGE BENEFITS	DAILY COPY RATES
NEVADA	\$50 per diem (Approximately \$11,000 annual salary)	.50 orig. .10 1st copy .15 2nd copy \$.75 total	Nothing Furnished	NONE	Not allowed unless by court order.
CALIFORNIA	\$21,500 annual salary	.45 orig. .10 1st copy .20 2nd copy \$.75 total	Varies from area to area.	30 days sick leave. 30 days paid vacation: retirement and insurance in some areas.	50% of total cost.
UTAH	\$16,044 annual salary	.50 orig. .25 each copy .25 1.00 total	Varies from area to area.	Sick leave Paid vacations Insurance benefits	NEGOTIABLE

EXHIBIT A

Footnote: Our requested folio increase is 40% of folio rate; but our folio transcript income is only about half our income. Thus only an approximate 20% overall increase in income.

Footnote: Fringe benefits generally amount to 25% of base salary.