

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

JANUARY 25, 1977

The meeting was called to order at 9:05 a.m. Senator Close was in the chair.

PRESENT: Senator Close
 Senator Bryan
 Senator Dodge
 Senator Sheerin
 Senator Foote
 Senator Gojack
 Senator Ashworth

ABSENT:

SB 72 Eliminates certain functions of Supreme Court as to appointment, termination and compensation of court-appointed attorneys.

Testimony was presented before the Committee by the following:

Judge Cameron Batjer appreciated the deletions the Legislature was making but felt that some of the additions could cause some very definite problems. First, the constitution provides that the Supreme Court is only an appellate authority and in that context has no set up to conduct hearings. If an attorney was awarded a fee in excess of the amount authorized by statute, or possible even authorized by statute and was challenged by a board of County Commissioners, if the Supreme Court were the appealing authority, that had set the fee, then the Supreme Court would have to send that to the District Court or appoint a special master to hear it. However, the special master being an arm of the Supreme Court would probably be in violation of the constitution limiting the Supreme Court to appellate authority. So it would end up having to go to the District Court. He felt the only safe procedure was to have the District Judge set the fee. He would ask that reference to the Supreme Court be deleted (the italicized materials with the exception of house-keeping items).

Senator Bryan moved ammend and "do pass".
Seconded by Senator Sheerin.
Motion carried unanimously.

SB 66 Amends administrative procedures in Department of Motor Vehicles.

Testimony was presented before the Committee by the following:

Howard Hill, Director, Department of Motor Vehicles stated that the Department conducts hearings in regard to applied consent law, financial responsibility law, and in other matters with regard to legal matters for their agency. The purpose of SB 66 is to allow the department to make a couple of changes in regard to laws and to things that are implied in the statutes but not spelled out. The law does not actually allow the department to pay witness fees and mileage, this change would allow witnesses and mileage to be paid, which is already being paid.

The second item would lengthen the time of the normal hearings regarding implied consent and financial responsibilities. At this time the findings must be in written form and out within 10 days. He would like this time extended to 60 days if possible. However, a time span between could be acceptable. Also, the possibility of a dealer license revocation for the entire or part of this time was discussed.

Cathy Valenta-Weise, Deputy Attorney General spoke on the Dealer License revocation. If it were changed so that it would be the discretion of the court to hold a hearing rather than as it is now, where both the department and the courts hold hearings. This would only affect business licenses. She stated that an extension to 15 or 20 days, plus an escape clause where the license would not be revoked if the findings took longer, might be considered by the department.

She also spoke on the demerit system, which as far as she can tell is just a language change empowering the department or director with setting up and enforcing the demerit system.

Daryl Capurro, Executive Director of the Nevada Franchise of Auto Dealers Association had some concern over the bill, primarily chapter 484. He felt the striking of the 10 days and putting in 60 days was excessive. He believes that 20 days would be the maximum they would like to accept. He strongly objected to the removal of trial de novo and going to administrative proceedings.

After some discussion, SB 66 will be continued until tomorrow, and no action taken at this time.

SB 53

Provides for issuance of citations to juvenile traffic violators under same criteria as apply to adults.

Testimony was presented before the Committee by the following:

Howard Hill, Director, Department of Motor Vehicles felt there may be a conflict on the second page where "a peace officer may prepare and issue a written traffic citation under the same criteria as would apply to an adult violator". He sees a possible conflict with NRS 62.040 which as amended and the law indicates counties of two hundred thousand or more population, juveniles could be handled by juvenile courts. He felt it could read that all violations would have to go to a justice court or a city court.

Senator Ashworth stated he felt we should get language somewhere to say that if a juvenile signed to appear he would appear in the court of that jurisdiction.

Senator Ashworth moved a "do pass"
Senator Gojack seconded.
Motion carried unanimously.

SB 64 Makes correction to require county recorder to record separate property inventory for either spouse.

Senator Sheerin moved a "do pass".
Senator Close moved it be placed on the consent calendar.
Seconded by Senator Gojack.
Motion carried unanimously.

SB 67 Provides general grammatical rules for NRS.

Senator Gojack stated that in some places in NRS where feminine is being used it would cover these areas as where it was used in conferring a benefit or imposing a duty does not exclude a male person from that benefit or duty.

Frank Daykin stated that this was merely a change of language until such time as they could go to a computer and make all the grammatical areas in NRS.

Senator Gojack moved ammend and "do pass".
Seconded by Senator Sheerin.
Motion carried unanimously.

SB 70 Prescribes persons receiving notice of probate proceedings.

Testimony was presented before the Committee by the following:

Frank Daykin, Legislative Council Bureau stated this pertained to sales of cemetery by cemetery authority of sites originally used for cemetery purposes, which for some reason are converted to another purpose. The reason for the amendment was because calling for notice

was no longer appropriate.

The committee after some discussion decided that Frank Daykin should draft a new amendment for publication of notice rather than posting at the Court House.

Senator Gojack moved amend and "do pass".
Seconded by Senator Bryan.
Motion passed unanimously.

SB 71 Places general severability clause within NRS.

Testimony was presented before the Committee by the following:

Frank Daykin, Legislative Council Bureau stated that the words in chapter 2 of the NRS when read in conjunction with the provisions in chapter 220 of NRS, that all bills to amend a law of general and public permanent nature were deemed amendments to NRS and continue reference to NRS. But with the ethics bill argued before the Supreme Court the second of these references was not presented to court in the argument. This would set at rest any questions as to the provision that every subsequent bill was an amendment and make a better understanding of the definitions.

Senator Bryan moved a "do pass".
Seconded by Senator Sheerin.
Motion unanimously passed.

SB 73 Repeals vehicle and aircraft guest statutes.

Testimony was presented before the Committee by the following:

Frank Daykin, Legislative Council Bureau stated that although the automobile guest statute was still on the books it was held to be unconstitutional by the Supreme Court in a 1976 decision. He felt that the aircraft guest statute would come under a similar decision if tried. He stated that this should be repealed, in order that there be no confusion in anyone's mind.

Senator Bryan moved a "do pass".
Seconded by Senator Gojack.
Motion passed unanimously.

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Senator Close stated he had some bills to introduce, two of them requested by Senator Foote:

BDR-4 Requests development of plan to provide full state funding and unitary budgeting for court system and directs court administrator to submit additional budget.


BDR-1-3 Changes salary and duties of state court administrator.

BDR-18-11 Establishes uniform procedure for issuance and enforcement of subpoena of state executive agencies.

The above were approved unanimously for introduction.

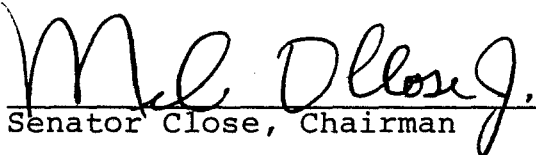
There being no further business, the meeting was adjourned at 10:58 a.m.

Respectfully submitted,



Virginia C. Letts, Secretary

APPROVED:



Senator Close, Chairman