

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MAY 5, 1977

The meeting was called to order at 9:00 a.m. Senator Close was in the Chair.

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

ABSENT:

AB 646 Changes number of district judges in certain judicial districts.

Dave Hagan, Nevada Bar Association testified in support of this measure but requested that the provision for the additional judge in Washoe County be restored. He stated that he had talked with Assemblyman Don Mello, Chairman of Ways and Means and Assemblyman Robert Barengo, Chairman of Judiciary and that they advised him that they were willing to restore the additional judge if this committee would so amend the bill. He stated that since the last addition of a trial judge to Washoe County, they have had a 22% increase in criminal filings and a 35% increase in civil actions filed.

Wayne Blacklock, District Court Administrator, Eighth Judicial District read to the committee statistics indicating the increased case load. He stated that the 8th Judicial District had, during 1976, a per judge case load that was 40% higher than the national average.

Bob Broadbent, Nevada County Commissioners Association stated that they were not opposed to an additional judge and in fact recognized the need for one but they did not know where they were going to get the funding necessary for staffing and facilities.

Senator Close suggested that Mr. Hagan talk to Senator Lamb regarding the financing for a judge in Washoe County as the funds for the judge in Clark County have already been allocated. He felt that at this late date in the session, there may not be enough time to have the bill amended.

No action was taken at this time.

AB 750 Provides for masters in criminal proceedings.

Wayne Blacklock testified in support of this measure. At the time of arrest, there is a requirement that the defendant be brought before a magistrat with all reasonable speed. In Clark County, if a person stays in jail he is brought before a magis-
trate at 1:30 p.m. on Monday, Wednesday and Friday. If he is brought in at 2:00 on Friday, he doesn't get before a magis-
trate until Monday, which they don't believe is fair. They have instituted a court "in-take" officer or master who is in the jail 24 hours a day. As soon as a person is arrested and booked, he is brought before this in-take officer who will perform the statutory and court requirements that are related to the initial first appearance: advise them of their rights; if the defendant cannot afford counsel and he qualifies through an evaluation given at that time, the master will indicate that a public defender will be appointed; and indicate what bail has been set at. There is a bail schedule set and approved by Justices of the Peace. It was his feeling that by utilizing masters, they will cut 5 days off the case process. He further stated that they have the inherent power now to appoi a master but they feel there will probably be a defense case brought before the Supreme Court on this and they feel it is better to have a legitimazation of the master through a statute.

In response to a question from Senator Dodge as to the fiscal impact, Mr. Blacklock stated that there is no fiscal note because this is not mandatory on the local government. This is only enabling legislation.

Senator Bryan requested that the record reflect that the master is not going to be informing the defendant as to legal defenses or giving legal advise. Additionally, he wanted to make sure that this was not an attempt to circumvent the County Commission on the "own recognizance" confrontation in which they decided that they did not want to expand that program.

Mr. Blacklock assured him that this in no way would entail an "OR" progam or pretrial release unless they have been authorized to do so.

He further stated that the masters will not be allowed to set bail but to advise the defendant of the bail that has been set on the schedule for that particular offense.

Tom Moore, representing Clark County requested that Section 1 be clarified that this is not to be taken as a statutory authorization to the courts to appoint masters. It should be clear that it is their inherent powers that they are proceeding under. They wanted to make it clear that the legislature has not given the courts a statutory blank check to appoint as many master as they wish.

AB 750 Senator Close suggested language such as "appointed by the district court and authorized by the county commission."

Mr. Moore further stated that he had been requested by Russ McDonald, representing Washoe County, to indicate to the committee that he did not feel there was a need for this bill.

Bob Broadbent stated that they would support the bill if amended as suggested by Senator Close.

Senator Bryan moved to amend and do pass.

Seconded by Senator Sheerin.

The motion carried unanimously. Senators Dodge, Foote and Gojack were absent from the vote.

SJR 10 Proposes constitutional amendment to establish staggered terms for district judges.

Senator Dodge reported that the conference committee had resolved the conflict on the Assembly amendment. He stated that the main problem had been the result of a bill drafter's error in computing the starting time for staggering the terms.

The committee disagreed with the resolution of going to 8 year terms.

Frank Daykin, Statute Reviser stated that this would provide for an 8 year term one time only, for 1/3 of the judges in order to affect the transition.

The only other way to do this would be to cut off 2 classes of the judges at 4 years and then provide that the successors of one of those classes would be elected for 4 years again, which would then bring you out with the equivalent of an 8 year term.

It was the consensus of the committee to rescind their agreement of the conference committee and to go with the approach just suggested by Mr. Daykin.

Senator Bryan asked whether they could give retrospective affect to a constitutional amendment.

Mr. Daykin responded that they could because the constitution itself was speaking. It has been established that a constitutional amendment adopted after an election of an officer, under a former constitutional provision, could deprive him in that case, of his entire term of office.

AB 355 Makes administrative revisions to gaming control statutes.

Senator Close informed Bud Hicks, Deputy Attorney General, Gaming Control Board, that the committee was concerned about the increase in ownership from 5% to 10% and requested him to explain that.

AB 355 Mr. Hicks stated that in the first draft of this bill, they had picked up what is presently in regulation form and that is that any person with more than 5% is presumed to be a controlling stockholder and shall come forward for licensing unless the commission finds he is not. The industry representatives raised the objection that there are institutional investors who would acquire over 5% but would not normally go over 10%. They felt this would discourage the valid institutional investors such as banks and insurance companies from buying their securities. The compromise they reached was that anyone with 5% must report to the commission with a mandatory call-in at 10%. Anything under 10% would still be discretionary for the commission.

AB 173 Enacts Fair Rental Housing Act.

For testimony and discussion on this matter, see minutes of meetings for April 30 and May 2, 1977.

The Committee reviewed the amendments and made the following additions:

Senator Sheerin felt there was a big issue about the cleaning deposit being refundable or non-refundable as a matter of contract. He stated that if a landlord wants to agree, as a matter of contract, to keep the cleaning deposit as long as it is reasonable, that he should be able to do it.

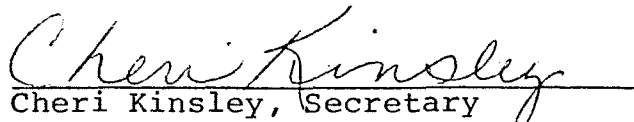
It was the consensus of the committee to include that in the absence of an agreement, the cleaning deposit ought to be refundable but that there may be a reasonable non-refundable cleaning deposit by express agreement.

Senator Sheerin was also opposed to the criminal sanctions imposed in section 59. He felt that the remedy would be the damages awarded. Section 59 will be deleted.

It was the consensus of the committee to retain the "lock-out" provisions on page 19, lines 27-42.

No action was taken at this time.

Respectfully submitted,


Cheri Kinsley, Secretary

APPROVED: