

Members Present:

Chairman Hayes  
Vice Chairman Stewart  
Mr. Banner  
Mr. Brady  
Mr. Coulter  
Mr. Fielding  
Mr. Horn  
Mr. Malone  
Mr. Polish  
Mr. Prengaman  
Mr. Sena

Members Absent:

None

Guests Present:

Don Ashworth	Senator
Sam Mamet	Clark County
Judge Roy Torvinen	Second Judicial District

Chairman Hayes called the meeting to order at 8:14 a.m.

ASSEMBLY BILL 714

Requires parents to pay for counsel appointed to represent their child in certain circumstances unless they are indigent.

Judge Torvinen said that there is no provision in NRS Chapter 62 for recovery of attorneys fees, although there is provision for representation by the public defender. He said that some parents will just not pay for their child's representation.

Judge Torvinen said this bill would provide that children can still have representation, but it provides also that parents that are able to pay will pay. He said that it was his understanding that this was being done in Las Vegas, but if a parent refused to pay, there was no recourse.

Chairman Hayes asked if the public defender billed in cases where a defendant was an adult. Judge Torvinen said that adults were not billed, but in 15 to 20% of his cases, he said that he imposed attorneys fees as a condition of probation.

Mr. Malone moved to Do Pass A.B. 714; Mr. Polish seconded the motion. The Committee unanimously approved the motion.

ASSEMBLY BILL 511

Provides procedure for appointment of guardians of adults and establishes special guardianships for persons of limited capacity.

Mr. Stewart said that this bill had been passed by the Committee. He said the bill would provide that a guardian could be appointed against a person's will even though they were not incompetent. He said that a guardian with court approval could also subject a person to experimental medical treatment or sterilization. He said he felt the bill should be returned to the Committee for further consideration.

Mr. Malone moved to rescind the vote of Do Pass on A.B. 511; Mr. Sena seconded the motion. The Committee approved the motion on the following vote:

Aye - Stewart, Banner, Brady, Coulter, Fielding, Horn,  
Malone, Polish, Prengaman, Sena - 10.  
Nay - None.  
Absent - Hayes - 1.

SENATE BILL 353

Creates presumption that trustee with title has power to sell, convey or encumber real property.

Senator Don Ashworth said that the problem covered by this bill is when property is transferred into a trust and taken in the name of the trustee, the trustee becomes the title holder of the property, and the deed is in his name.

Senator Don Ashworth said that when title is to be transferred to a third party, the title companies want to see the entire trust document. He said that the reason for a trust is so that the "whole world" does not know the disposition of an individual's property.

Senator Don Ashworth said that the bill provided that unless the document stated otherwise that a trustee did not have the power to sell, convey or encumber the real or personal property, then it would be presumed that he did have this power.

ASSEMBLY BILL 747

Resolves conflict on attorneys' fees for representation of indigent defendants in municipal court.

Mr. Stewart said that the only significant change in the bill was on Page 2, Lines 5 and 6. In the past, he said there was a limit on attorneys' fees of \$75 per case for attorneys appearing in municipal court. He said there would be no limit with passage of this bill, and he also said that this is the same as what presently happens in the justice courts.

ASSEMBLY BILL 416

Provides that sheriffs rather than justices of peace are ex officio county coroners.

Mr. Sena moved to indefinitely postpone; Mr. Brady seconded the motion.

Chairman Hayes said that there presently exists a problem in the smaller counties where a justice of the peace also acts as coroner in cases where he may act as judge.

The Committee approved the motion on the following vote:

Aye - Stewart, Brady, Coulter, Malone, Polish, Sena - 6.  
Nay - Hayes, Horn, Prengaman - 3.  
Not Voting - Banner, Fielding - 2.

ASSEMBLY BILL 671

Regulates termination of rental agreements by landlords of certain dwellings.

Mr. Horn stated that he felt this bill was providing an overbalance for the benefit of the tenants.

Chairman Hayes stated that she felt this bill was tightening up the law from the way it was written the last session.

Mr. Prengaman said that in Washoe County there were situations where landlords were evicting an entire group of tenants because they wanted to change the apartments to condominiums.

Mr. Malone said that when there is a situation of a bad tenant who cannot be evicted for 30 days, it would seem to be unfair to the tenants who lived around this one.

Mr. Coulter moved for a Do Pass recommendation on A.B. 671 amending Section 4 so that tenants may recover actual damages only; Mr. Sena seconded the motion.

Mr. Stewart expressed a concern that in Section 3 of the bill, which discussed termination of tenancy, there was no mention of a lease.

The Committee approved the motion on the following vote:

Aye - Hayes, Banner, Coulter, Polish, Prengaman, Sena - 6.  
Nay - Stewart, Brady, Fielding, Horn, Malone - 5.

SENATE BILL 289

Provides for creation of easements for collection of solar energy.

Mr. Prengaman said that on Page 2, Line 9, the word "established" should be "extinguished". He said that Senator Close had also said that this change should be made.

ASSEMBLY BILL 384

Subjects department of prisons to provisions of Nevada Administrative Procedure Act for purpose of adopting regulations.

Mr. Sena moved for a Do Pass of A.B. 384, as amended; Mr. Coulter seconded the motion. The motion lost on the following vote:

Aye - Coulter, Prengaman, Sena - 3.  
Nay - Hayes, Stewart, Brady, Fielding, Horn, Polish - 6.  
Not Voting - Banner, Malone - 2.

Mr. Stewart moved to indefinitely postpone; Mr. Horn seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Fielding, Horn, Malone, Polish - 6.  
Nay - Coulter, Prengaman, Sena - 3.  
Not Voting - Banner, Brady - 2.

ASSEMBLY BILL 756

Adds attorney's fees to amount recoverable in suit for delinquent property taxes.

Mr. Mamet said that the Treasurer's Office in Clark County did have problems with this bill in regard to trying to break out in exact terms what reasonable attorney's fees referred to.

Mr. Horn moved to indefinitely postpone A.B. 756; Mr. Brady seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Brady, Coulter, Fielding, Horn, Malone, Polish - 9.  
Nay - Sena - 1.  
Absent - Prengaman - 1.

ASSEMBLY BILL 432

Adopts certain requirements of due process for disciplinary proceedings at the state prison.

Mr. Sena moved Do Pass; Mr. Coulter seconded the motion. The motion lost on the following vote:

Aye - Coulter, Prengaman, Sena - 3.  
Nay - Hayes, Stewart, Banner, Horn, Malone, Polish - 6.  
Not Voting - Brady, Fielding, - 2.

Mr. Stewart moved to indefinitely postpone A.B. 432; Mr. Horn seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Fielding, Horn, Malone,  
Polish - 7.  
Nay - Brady, Coulter, Prengaman, Sena - 4.

ASSEMBLY BILL 448

Provides for establishment of procedures to govern handling of correspondence of offenders.

Mr. Stewart moved to amend the bill so that the "director" shall establish by regulations the procedures that the correspondence for offenders is handled "promptly" and to Do Pass as Amended; Mr. Coulter seconded the motion. The Committee unanimously approved the motion.

ASSEMBLY BILL 436

Provides for review and reporting of results of programs for rehabilitation of offenders.

Mr. Polish moved for a Do Pass, and Re-refer to Ways and Means; Mr. Horn seconded the motion. The Committee unanimously approved the motion.

ASSEMBLY BILL 392

Provides for establishment of policies and procedures to govern visitation of offenders in prison.

Mr. Polish moved Do Pass; Mr. Sena seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Banner, Brady, Coulter, Fielding, Horn,  
Malone, Polish, Prengaman, Sena - 10.  
Nay - Stewart - 1.

ASSEMBLY BILL 447

Allows conditioning of parole upon attending and completing educational courses.

Mr. Sena moved to Do Pass A.B. 447; Mr. Coulter seconded the motion. The motion lost on the following vote:

Aye - Coulter, Fielding, Polish, Prengaman, Sena - 5.  
Nay - Hayes, Stewart, Banner, Brady, Horn, Malone - 6.

Mr. Horn moved to reconsider the Committee's action on A.B. 447.

Mr. Stewart moved for adjournment; Mr. Brady seconded the motion.

The meeting was adjourned at 9:39 a.m.

Respectfully submitted,



Carl R. Ruthstrom, Jr.  
Secretary