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

PRESENT: Senator Close
Senator Hernstadt
Senator Don Ashworth
Senator Dodge
Senator Ford
Senator Raggio
Senator Sloan

ABSENT: None

AB 479 Provides injunctive relief in certain situations of domestic violence.

For testimony and further discussion, see the minutes of the meeting for April 20, 1979.

Senator Close informed the committee that Assemblyman Jan Stewart had indicated that changing the "and" to "or" on line 11 created a problem in that any one of the subsections a, b, or c could be the basis for a restraining order.

He stated that inasmuch as the bill was on the Senate floor for passage today, he would make the amendment there.

SB 568 Authorizes public service commission of Nevada to inspect records and property of affiliates of public utilities.

Senator Sloan moved to rerefer SB 568 to the committee on Commerce and Labor.

Seconded by Senator Hernstadt.

Motion carried unanimously. Senators Ashworth and Ford were absent from the vote.

AB 784 Revises provisions relating to renting, leasing and unlawful detainer of mobile home lots and restricts renting of lots by dealers, installers and salesmen of mobile homes.

For testimony and further discussion of this measure, see the minutes of the meetings for May 10 and 16, 1979.

The committee continued it's review of each section and the proposed amendments.

SECTION 15: Page 8, line 11, delete "lot" and track throughout the bill.

Senator Raggio submitted amendments proposed by some mobile home owners. He stated that they are basically what the committee has already adopted. See attached Exhibit A.

SECTIONS 18 and 19: Senator Sloan stated that this takes all leases pursuant to this chapter, out of the statutes of fraud. He further stated that this will allow oral leases for more than one year.

Senator Close stated that you cannot allow oral leases over a one year period on other properties. He did not believe that mobile home lots should be an exception.

It was the consensus of the committee to delete these sections. Senator Close stated that he would check with Frank Daykin, Legislative Counsel, before doing so.

SECTION 20: Senator Raggio stated that he was impressed with the testimony that indicated that for financing purposes and the establishment of new parks, there should be some allowance for letting dealers, etc. to set up some sort of display.

Senator Hernstadt concurred with that and further suggested that perhaps there should be no prohibition against reserving lots unless there was a low vacancy rate.

It was the consensus of the committee to amend the language of this section to pertain only in situations where the occupancy rate was 80% and above.

Senator Close stated that there should be an exception made for the trade-in situation where the mobile home is already on the lot.

Senator Sloan suggested adding the word "vacant" to mobile home lot.

SECTION 21: Inasmuch as this section requires every oral contract to be reduced to writing, and that has been done in an earlier section of this bill, it was the decision of the committee to delete Section 21.

SECTION 1:. With regard to the board, Senator Ford felt that there should be some definitional language as to what authority it had. She suggested using the language in AB 768 (Provides for review of rents and adjustment of grievances in mobile home parks in certain circumstances). That language would indicate that the board could attempt to adjust grievances by means of mediation or negotiation; recommend changes in local ordinances relating to mobile homes and parks; recommend measures to promote equity between landlords and tenants; promote the maximum use of available lots in mobile home parks; and encourage the development of mobile home parks.

It was the decision of the committee to adopt that language, with the stipulation that it would include but not be limited to.

In discussing Exhibit A, Senator Raggio stated that their proposed amendment 3 would take care of the committee's concern regarding local health and safety standards.

It was the decision of the committee to adopt that amendment.

Senator Ford moved to report AB 784 out of committee with an "amend and do pass" recommendation.

Seconded by Senator Raggio.

Motion carried unanimously.

AJR 2 of the 59th Session — Proposes to amend Nevada constitution to create intermediate appellate court.

Chief Justice John Mowbray and Justice Noel Manoukian testified in support of this measure. For Chief Justice Mowbray's comments, see attached Exhibit B.

Terry Reynolds, Judicial Planner, Administrative Office of the Courts, concurred with their testimony.

Senator Dodge moved to report AJR 2 of the 59th Session out of committee with a "do pass" recommendation.

Seconded by Senator Raggio.

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

AB 787 Revises various proposals of law concerning landlords and tenants of mobile home parks.

For testimony on this measure, see the minutes of the meeting for May 10, 1979.

Senator Raggio moved to indefinitely postpone AB 787.

Seconded by Senator Dodge.

Motion carried unanimously.

SB 549 Provides for regulation of increases in rents and service fees charged in certain mobile home parks.

For testimony on this measure, see the minutes of the meeting for May 10, 1979.

Senator Ford moved to indefinitely postpone SB 549.

Seconded by Senator Dodge.

Motion carried unanimously.

AB 822 Revises method of determining attorneys' fees respecting estates of decedents.

Don Robb testified in support of this measure. He stated that attorneys should be required to account for the time spent on administering estates. He cited the Redfield case in Reno as a prime example of the abuse that can take place under the present statute.

Roger J. Detweiler, Director, Nevada State Bar Association, testified in opposition to this measure. He read to the committee a letter from George K. Folsom. See attached Exhibit C.
He stated that under the provisions of DR 2-106 from the Code of Professional Responsibility and by reference, the Supreme Court Rules of Nevada, the factors to be considered as guides in determining the reasonableness of a fee includes the following: the time and labor required; the novelty and difficulty of the questions involved; and the skill requiste to perform the legal services properly.

Mr. Detweiler further stated that one of the problems they see with using time spent as the only factor in establishing a fee is that it will reward the inefficient attorney; the one who is inexperienced and perhaps not even competent in that particular area.

Senator Dodge stated that this was an area with which he was very concerned. There has been a great deal of abuse and he believed it was a matter that should be of great concern to the bar and the judiciary.

Senator Hernstadt asked Mr. Detweiler what recommendations he could make in this area.

Mr. Detweiler responded that he believed there was not a legislative solution to this problem. He felt it should be left to the bar association to police its own members.

Senator Ford agreed with Mr. Detweiler's comments that time spent was not an adequate guide for establishing fees. She suggested some of the factors included in Rule 17 of the Rules of Practice (see attached Exhibit D) could be used.

Mr. Detweiler said that he would have no objections to that.

No action was taken at this time.

AB 671 Regulates termination of rental agreements by landlords of certain dwellings.

For testimony on this measure, see the minutes of the meeting for May 14, 1979.

Senator Close presented amendments proposed by Assemblyman Tod Bedrosian. See attached Exhibit E.

Senator Hernstadt informed the committee that he would be abstaining from the vote on this measure as he owns apartments.

Senator Dodge stated that he was opposed to this matter as he viewed it as an invasion of the property owner's rights. He appreciated the rights of the tenants but felt that this went beyond their rights and became an infringement upon the rights of the landlord.

Senator Close concurred with Senator Dodge's comments and further questioned the ability to limit the landlord's right to evict.

Senator Dodge moved to indefinitely postpone AB 671.

Seconded by Senator Raggio.

Motion carried unanimously. Senator Ashworth was absent from the vote. Senator Hernstadt abstained from the vote.

AB 763 Limits liability for certain injuries at ski resorts.

For testimony and further discussion on this measure, see the minutes of the meetings for May 9 and May 15, 1979.

Senator Raggio reiterated his objections to this measure but stated that he could support the bill in its original form.

Senator Hernstadt moved to report AB 763 out of committee with an "amend and do pass" recommendation.

Seconded by Senator Raggio.

Motion carried unanimously. Senators Ford and Ashworth were absent from the vote.

Assemblyman Jan Stewart appeared at the request of the committee to discuss why the bill had been amended from its original version.

Mr. Stewart stated that the bill, as originally written, was a question of law. When it says "no action may be brought" to him meant that the court had to make the determination as to whether or not the action could be brought. After that determination has been made, he could not see what would be left for the jury to decide.

Senator Raggio disagreed and stated that you cannot bring an action if the person was going under his own power and whatever action occurred was not a hazard that was created by the negligence of the owner or operator.

Senator Sloan questioned how that would change existing law. He asked how you could sue a ski resort for negligence if it wasn't the negligence of the operator.

It was his opinion that the bill as originally written, merely restates existing law.

Senator Sloan moved to rescind the action whereby the committee amended and passed AB 763.

Seconded by Senator Dodge.

Motion carried. The vote was as follows:

AYE:	Senator Close	NAY:	Senator Raggio
	Senator Dodge		
	Senator Hernstadt	ABSENT:	Senator Ashworth
	Senator Sloan		Senator Ford

There being no further business, the meeting was adjourned.

Respectfully submitted,

Cheri Kinsley, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman

AB 784 (Suggested changes)

Pg 2 Line 5 NRS 118.241

1. Omit the word "must". A written lease should be made available to a tenant if the tenant requests it. The bill as written is a hardship for small areas, cow towns and in my case, over 50% of my customers haye lived in the park over 15 years and feel comfortable without a lease. A written lease should be made optionable at the renters request, in no case should the controls be different than on other rentals.

2. Pg 5 Line 5 NRS 118.280

Unoccupied for more than 30 days is more compatible with insurance policy and with the existing problems today. A house that is vacant for 120 days (4 months) will permit and invite vandals, vagrants and associated problems to exist and endanger the neighbors, in my case the elderly.

3. Pg 5 Line 7 of NRS 118.280

Should add "the home must comply with local building department and fire and health standards at all times." (Not sixty days away as this is dangerous to permit)

4. Pg 5 Line 24 NRS 118.291

Sixty days unless the tenant creates a nuisance problem.

5. Pg 6 Line 10 NRS 118.295

The landlord should notify the tenant within 3 days after recieving notice of land use change or condemnation. Failing to do so would result in the landlord having to pay reasonable costs for moving the home within 10 miles. (Not necessarily to Florida).

6. Pg 10 Line 33 Sec. 20 Chap 489

The setting up of a manufactured house for display purposes without a time limination should be permitted and limited to a percentage of the total spaces in the park as 10%. Limiting model manufactured houses in a park resembles restraint of trade practices.

7. Sec. 1 Chap of 118 of NRS Line 2

The board must include members of local associations of owners, tenants and must mediate the grievances between landlords and tenants if 50% of the tenants sign a complaint. (This will eleminate time consuming and nuisance com plaints.)

1289

EXHIBIT A

CHAIRMAN, SENATOR CLOSE, AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE:

IN PREPARING FOR THESE REMARKS THIS MORNING, I NOTE THAT THE SUB-COMMITTEE ON PERSONNEL AND ADMINISTRATIVE PROGRAMS OF THE COURT SYSTEM MET IN THE LEGISLATIVE BUILDING IN CARSON CITY ON MAY 14 and 15, 1976, AT WHICH TIME, THEY HEARD DISTINGUISHED SPEAKERS FROM THROUGHOUT THE UNITED STATES DISCUSS THE FEASIBILITY OF AN INTERMEDIATE APPELLATE COURT SYSTEM FOR NEVADA. INCLUDED IN THAT GROUP WAS CHIEF JUDGE, HERBERT M. SCHWAB, OF THE OREGON COURT OF APPEALS. CHIEF JUDGE SCHWAB TOLD THE COMMITTEE THAT CALIFORNIA AND OTHER STATES IN THE WEST, AS WELL AS MOST OF THE EASTERN STATES, ALREADY HAVE INTERMEDIATE COURTS OF APPEALS, BECAUSE THE SUPREME COURTS, IN THOSE STATES ALONE, CANNOT HANDLE THE NUMBER OF CASES COMING BEFORE THE COURT. SCHWAB FOCUSED THE ATTENTION OF THE COMMITTEE ON THE TWO SEPARATE AND DISTINCT FUNCTIONS OF COURTS ON THE APPELLATE LEVEL: (1) THE LAW STATING FUNCTION IS BEST PERFORMED BY A SUPREME COURT SUPPLIED WITH AMPLE TIME FOR REFLECTION AND STUDY; (2) THE LAW APPLYING FUNCTION IS BEST PERFORMED BY THE INTERMEDIATE COURT OF APPEALS AS THE TASK INVOLVES PRIMARILY A REVIEW OF THE CASE TO DETERMINE IF THE LAW HAD BEEN CORRECTLY APPLIED IN THAT INSTANCE.

JUDGE SCHWAB NOTED THAT A JUSTICE CANNOT EXPECT A SUPREME COURT OF A STATE TO DO BOTH FUNCTIONS WHEN EACH

JUDGE IS FACED WITH ABOUT 60 OPINIONS YEARLY. IN CONTRAST, THE UNITED STATES SUPREME COURT, NOTED FOR ITS HIGH CALIBER OF PERSONNEL AND ADEQUACY OF RESEARCH FACILITIES, PROCESSES ONLY ABOUT 14 TO 15 OPINIONS PER YEAR PER JUDGE.

JUDGE SCHWAB STRESSED THAT AN INTERMEDIATE COURT OF APPEALS COULD HANDLE THE INCREASE IN CRIMINAL MATTERS AND APPELLATE WORK, AND THUS FREE THE JUDGES OF THE SUPREME COURT FOR THE LAW STATING DUTIES.

SCHWAB FURTHER REMINDED THE COMMITTEE THAT THE PRESENT POPULATION WOULD INCREASE BY 50% IN THE NEXT 10 YEARS, AND THAT THIS GROWTH WOULD BE ACCOMPANIED BY AN EVEN GREATER INCREASE IN CRIMINAL TRIALS. SCHWAB THEN SAID THERE ARE SEVERAL ALTERNATIVES FOR MEETING THE PROBLEM OF INCREASED APPEALS: (1) A STATE MAY EXPAND THE SUPREME COURT; (2) IT MAY, AS TEXAS AND OKLAHOMA, CREATE SEPARATE CRIMINAL COURTS; (3) OR A STATE MAY CREATE AN INTERMEDIATE COURT OF APPEALS.

SCHWAB THEN WENT ON TO FOCUS HIS REMARKS ON THE EXPERIENCE OF OREGON IN CREATING SUCH A COURT OF APPEALS. HE STRESSED AND REMINDED THE COMMITTEE THAT THE OREGON EXPERIENCE HAD NOT RESULTED IN THE CREATION OF YET ANOTHER LAYER OF TIME AND EXPENSE IN THE LITIGATION PROCESS. THE APPELLATE COURT DOES NOT HAVE A SEPARATE LIBRARY OR COURTROOM, AS THE FACILITIES ARE SHARED WITH THE SUPREME COURT.

I NOTED IN THE REPORT OF THE BARENGO COMMITTEE BULLETIN #77-3 OF THE LEGISLATIVE COMMISSION, SEPTEMBER 1976, ON PAGE 7, THE FOLLOWING RECOMMENDATIONS:

"FROM ITS HEARINGS AND ITS OWN DELIBERATIONS UPON MATERIAL SUPPLIED BY THE STAFF, THE SUBCOMMITTEE HAS PREPARED A SERIES OF RECOMMENDATIONS UPON SPECIFIC PROBLEMS FOUND. SOME OF THESE CAN BE CARRIED OUT IMMEDIATELY BY STATUTE, SOME CAN BE CARRIED OUT BY STATUTE IF CONSTITUTIONAL AMENDMENTS NOW PENDING ARE ADOPTED, AND SOME REQUIRE THE PROPOSAL OF CONSTITUTIONAL AMENDMENTS. EACH IS EXPLAINED BRIEFLY, WITH A REFERENCE TO THE DRAFT BILL OR CONSTITUTIONAL AMENDMENT OR THE TEXT OF THE RECOMMENDATION IF IT DEPENDS UPON A PENDING AMENDMENT.

A. INTERMEDIATE APPELLATE COURT. THE SUBCOMMITTEE IS FULLY PERSUADED THAT OVER THE LONG TERM THE CREATION OF AN INTERMEDIATE APPELLATE COURT WILL BE A MORE SATISFACTORY METHOD OF RELIEVING CONGESTION OF THE SUPREME COURT THAN ENLARGEMENT OF THE LATTER AND DIVISION INTO PANELS AS CONTEMPLATED BY S.J.R. 30 OF THE 57th SESSION. IF THE PANEL METHOD IS USED, CONFLICTS OF DECISION BETWEEN PANELS MUST BE RESOLVED BY THE FULL COURT, AND EXPERIENCE OF THE UNITED STATES COURTS OF APPEALS (OF WHICH THE NINTH CIRCUIT IS A CLASSIC EXAMPLE) DEMONSTRATES THAT THIS BECOMES UNWIELDY AS THE COURT INCREASES IN SIZE.

THE KEY TO EFFECTIVE USE OF AN INTERMEDIATE APPELLATE COURT IS TO KEEP BOTH ITS SIZE AND ITS JURISDICTION FLEXIBLE, SO THAT THOSE CATEGORIES OF CASES WHICH AT A PARTICULAR TIME ARE OVERLOADING THE SUPREME COURT MAY BE SIFTED THROUGH THE INTERMEDIATE COURT WITHOUT DEPRIVING ANY LITIGANT OF THE RIGHT TO ONE APPEAL, AND THE NUMBER OF JUDGES MAY BE INCREASED OR DIMINISHED AS THESE CATEGORIES AND THE NUMBER OF CASES IN THEM CHANGE . . . ."

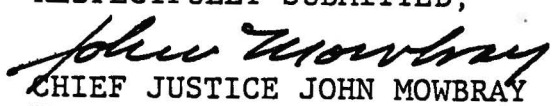
I NOTE FROM THE MINUTES OF THE SENATE JUDICIARY COMMITTEE OF MARCH 30, 1977, THAT SENATOR DODGE STATED HE WAS ON THE INTERIM COMMITTEE THAT HEARD JUDGE SCHWAB'S TESTIMONY, AND THAT HE WAS IMPRESSED. THE SENATOR STATED THAT UN DER THIS INTERMEDIATE APPELLATE COURT PROCEDURE, "THAT YOU COULD GET SUBSTANTIALLY MORE MILEAGE OUT OF EACH ADDITIONAL JUDGE THAT IS APPOINTED ON THAT INTERMEDIATE COURT BY WHAT IS REFERRED TO IN OUR BILL AS A PANEL OF 3."

AS YOU KNOW, THE RESOLUTION DID PASS THE LEGISLATURE, AND IS NOW BEFORE YOU FOR THE SECOND TIME. WE COULD PRODUCE ALL OF THESE DIGNITARIES AGAIN TO REPEAT WHAT THEY TOLD YOU TWO YEARS AGO, BUT I DON'T THINK THAT ADDITIONAL EXPENSE IS WARRANTED, AND I HOPE NOT NECESSARY. SUFFICE IT TO SAY THAT IF YOU THOUGHT AN INTERMEDIATE COURT WAS WARRANTED IN 1977, THE CASE IS EVEN STRONGER FOR ITS CREATION TODAY THAN IT WAS THEN. FOR INSTANCE, AT THE CLOSE OF THE YEAR 1977, THERE WERE 1,351

FILINGS, AND AT THE YEAR'S END, THERE REMAINED, UNDISPOSED, 453 CASES. AT THE END OF 1978, THERE HAD BEEN 1,484 FILINGS, AND AT THE YEAR'S END, THE INVENTORY OF UNDISPOSED CASES AMOUNTED TO 667. CERTAINLY, IT DOES NOT TAKE A PROPHET OR ONE WITH A CRYSTAL BALL TO APPRECIATE THE DYNAMIC GROWTH OF THIS GREAT STATE, PARTICULARLY IN THE TWO METROPOLITAN AREAS OF THE SOUTH AND THE NORTH, AND CERTAINLY AS I POINTED OUT IN MY REPORT TO YOU, WE ARE WELL AWARE OF WHAT I THINK IS OUR GREATEST PROBLEM -- CRIME, WHICH IS OF TREMENDOUS CONCERN TO OUR CITZENRY.

I WOULD RESPECTFULLY URGE THAT YOU APPROVE THE PASSAGE OF THE PENDING LEGISLATION CREATING THE APPELLATE COURT, SO THAT THE PEOPLE OF OUR STATE CAN BE GIVEN AN OPPORTUNITY TO DECIDE WHETHER THEY WANT THIS ADDITIONAL SERVICE.

RESPECTFULLY SUBMITTED,



CHIEF JUSTICE JOHN MOWBRAY
NEVADA SUPREME COURT

MAY 17, 1979

LAW OFFICES OF
FOLSOM AND FOLSOM
SUITE 1102 FIRST NATIONAL BANK BUILDING
ONE EAST FIRST STREET
RENO, NEVADA 89501

GEORGE K. FOLSOM
ROBERT G. FOLSOM

Telephone 329-9206
Area 702

May 16, 1979

Senate Committee on the Judiciary
Nevada State Legislature
Carson City, Nevada

Attention: Senator Melvin E. Close, Jr.
Chairman

Re: AB 822

Members of the Committee:

The undersigned is Chairman of the Probate and Trust Committee of the State Bar of Nevada. My attention has been called to AB 822 passed by the Assembly which would change the present method for approving attorneys' fees in probate proceedings. The Probate and Trust Committee of the State Bar of Nevada opposes AB 822 for the following reasons:

1. The matter of attorneys fees in probate matters was extensively reviewed at hearings held before the Legislative Commission's Subcommittee for study of the probate and related provisions in the statutes of Nevada in 1974. At that time the question of considering time involved in probate matters was reviewed and the Subcommittee's recommendation was as follows:

> "The subcommittee has considered alternatives. The possible use of a system of fixed hourly fees was rejected because the system would overcompensate a slow, inexperienced attorney and undercompensate a fast, experienced attorney. The possible use of a commission table for attorneys was rejected because percentages are arbitrary and lack any relation to the attorney's variable services. It appears better that he be paid the actual value of the services, as established by private agreement or court determination."

2. Time involved is only one of the factors to be considered not only in probate matters but all other legal services when making a determination of reasonable fees. Time involved should not be given prime importance because

EXHIBIT C

many times this will result in higher fees to those less able to pay and lower fees to those more able to pay.

3. Attorneys fees in matters other than probate matters are fixed by agreement between the client and the attorney and there would seem to be no good reason why probate fees should not be determined in the same manner.

Respectfully submitted,

George K. Folsom

GEORGE K. FOLSOM, Chairman
PROBATE AND TRUST COMMITTEE OF
THE STATE BAR OF NEVADA

GKF/ms

Senate Judiciary Committee A B 822

Mel Close, Chairman

The application of the concept of NRS 150.060 as amended page 1 line 16-17, A B 822 would be practical with the bracketed lines of Rule 17 FEES AND COMMISSIONS IN PROBATE AND GUARDIANSHIP PRODEEDINGS from the Rules of Practice for the NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA (Effective January 5, 1976) - see attached - replacing the present new language.

EXHIBIT D

RULES OF PRACTICE

FOR THE

NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

(Effective January 5, 1976)

ex parte order, the party obtaining it shall serve a copy thereof, and of the papers upon which it was based within such time as prescribed by the Court, upon each party who has appeared in the cause, except that an order to show cause shall be served within the time fixed by the order.

3. Designation of papers by attorneys. Every document presented to a judge for his signature, including Orders, Findings, Conclusions and Judgments, and every paper presented for filing, shall bear a designation of what it purports to be, the number and title of the case, and the name and office address of counsel representing or filing the same. This requirement may be met by including same at the end of the document.

4. Orders, Findings and Judgments.

(a) All proposed findings, conclusions of law, judgments and decrees and all orders affecting title to or creating or affecting a lien upon real or personal property, all appealable orders, and such other orders as the Court may direct shall be prepared in writing by the attorney for the prevailing party, and the same shall embody the Court's decision, where applicable, and incorporate said decision therein by reference, unless the court shall otherwise order.

(b) Counsel whose duty it is to prepare any such document, shall submit a copy thereof to opposing counsel. Counsel preparing the document shall then file the original and two conformed copies of the original with the clerk of the court, who shall in turn submit the same to the Court. If opposing counsel intends to make objections to the form or substance of the document(s) or move to amend the same, he may move under the applicable NRCP provisions.

RULE 17. FEES AND COMMISSIONS IN PROBATE AND GUARDIANSHIP PROCEEDINGS

To the extent the same are not regulated by statute, or other governing rule, attorney's fees shall be fixed by written agreement by and between the attorney and the executor, administrator or guardian. The fact of such agreement shall be set forth in said petition. The agreement shall not be binding on the Court. If the executor, administrator or guardian and the attorney fail to reach agreement or if the Court shall not approve any such agreement reached, or if the attorney is also the executor, administrator or guardian, reasonable attorneys' fees shall be determined and allowed by the Court after notice and hearing as provided for by law. Whether or not there is agreement respecting attorney's fees or commissions, the court may, of its own motion, set the matter for hearing and direct that a verified petition shall be filed by the party requesting payment of the fee or commission. Said petition shall, in addition to setting forth a statement of the amount of fee or commission which the Court will be requested to

approve or allow (including, if applicable, an allegation of the amou of any statutory fees or compensation), shall also contain by attachme or otherwise, specific and detailed information supporting the entitleme to such amount, including reference to time and hours, dates of renditio of services, the nature and extent of such services rendered, any claime ordinary and extra-ordinary services, the complicated nature of the wor required, and the benefits derived by the estate or ward or beneficiar and shall further set forth such other information considered to be rele vant and material to the application or petition for fees or commission Following such hearing, the court will make a determination regardin fees and commissions.

In addition, the petition(s) shall set forth the statutory fees to which th executor, administrator, or guardian, if applicable, is entitled. If extra ordinary commissions are requested, the petition shall set forth sucl amounts and the reason(s) for such request. Notwithstanding, the cour may before making a decision thereon, of its own motion, request that th party requesting payment submit and file a verified petition setting fort the factual data and information as set forth immediately above and may set the matter for hearing. Following such hearing, the court will make a determination regarding fees and commissions.

The petition(s) shall also set forth the fees and compensation agreed to by the executor, administrator, or guardian regarding compensation requested by any other employees or servants of such estate (excepting Court Masters and special Court appointed aides, who shall be governed by the same data and informational requirements requested of attorneys above), including, but not limited to, appraisers and accountants. In the latter cases, absent appropriate prepayment or appropriate agreement, a bill of items or a statement for services rendered by such employee or servant shall be either attached to the petition(s) or provided to the Court at the hearing.

The petition(s) shall further set forth a specific itemization of costs or expenditures advanced in connection with the proceedings, for which reimbursement is sought.

RULE 18. HABEAS CORPUS PROCEDURE

1. Petitions. Petitions by prisoners (or others who claim to be unlawfully restrained of their liberty) for writs of habeas corpus, made pursuant to Chapter 34 or Chapter 177 of NRS and other like petitions or motions, shall be legibly written or typewritten and shall be signed by the petitioner or movant, and verified. The original and two copies of the petition or motion shall be sent or delivered to the clerk. If the petition or motion complies with this Rule, the clerk shall, within 3 judicial days of

shall mail the juror questionnaire to each person listed thereon. The Clerk shall further forthwith provide the venire list to the attorneys of record in the proceedings, and shall, concurrent therewith, provide to all counsel true and correct copies of the juror information questionnaires returned by the prospective jurors contained in the venire.

3. Nothing contained in this Rule 26 shall in any way affect other applicable statutory duties of the Clerk and Sheriff.

These Rules shall be effective January 5, 1976, upon approval of the Supreme Court and publication pursuant to NRCP 83.

DATED this 17th day of October, 1975.

NOEL E. MANOUKIAN
District Judge

ORDER

The Honorable Noel E. Manoukian, District Judge of the Ninth Judicial District Court of the State of Nevada, having adopted rules of practice for that Court,

IT IS HEREBY ORDERED that said rules of practice are approved and shall become effective January 5, 1976; that publication thereof be made by the mailing of a printed copy by the clerk of this Court to each member of the State Bar of Nevada according to the clerk's official list of membership of such Bar (which will include all district judges and district attorneys) and the certificate of the clerk of this Court as to such mailing shall be conclusive evidence of the approval and publication of such rules in accordance with the provisions of NRS 2.120(2).

DATED this 23rd day of October, 1975.

BY THE COURT

E. M. GUNDERSON, *Chief Justice*

CAMERON M. BATJER,
Associate Justice

DAVID ZENOFF,
Associate Justice

JOHN MOWBRAY,
Associate Justice

GORDON THOMPSON,
Associate Justice

SPO, CARSON CITY, NEVADA, 1975

TOD BEDROSIAN
ASSEMBLYMAN
NORTHWEST RENO
DISTRICT 24
1181 WAGON WHEEL CIRCLE
RENO, NEVADA 89503

COMMITTEES
MEMBER
GOVERNMENT AFFAIRS
ENVIRONMENT AND PUBLIC RESOURCES
ELECTIONS

Nevada Legislature

SIXTIETH SESSION

May 16, 1979

M E M O R A N D U M

TO: SENATOR MEL CLOSE, CHAIRMAN, JUDICIARY COMMITTEE

FROM: TOD BEDROSIAN

RE: A.B. 671

Herein are the amendments agreed upon by Mr. John Lefcorte and Mr. Nick Colonna, representing Washoe County Legal Aid and the Nevada Landlords' Association, respectively.

These amendments were to be added as cause and effect to the bill.

1. Renovation of apartment complexes for which a building permit has been obtained.

2. Converting apartment complex to offices or other uses other than existing dwelling (i.e., add or delete rooms for which a building permit has been obtained).

3. Receipt of more than two bad checks.

4. For more than three late rent payments annually in which notice to pay rent or quit has been served.

5. Substantial and/or unreasonable oral or written harassment by the tenant of the landlord or his agent.

6. Violation by tenant of existing laws, ordinances or codes as set aside by the state, city or local agencies.

Mel, my apologies for the unpolished condition of these amendments. I am confident your Judiciary Committee can rewrite them in a more appropriate manner in the event you decide to process the bill.

Thank you for your time and consideration in this matter. Please contact me if you have any questions.

TB:jd

EXHIBIT E

SENATE BILL NO. 546—SENATOR KOSINSKI

MAY 1, 1979

Referred to Committee on Judiciary

SUMMARY—Requires lending institutions which hold certain advance payments in "impound" accounts to pay interest on the accounts to mortgagors. (BDR 8-1983)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to deposits for expenses of mortgaged property; requiring institutions which obtain advance payments for these expenses to deposit the payments in certain trust or interest-bearing accounts; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 100 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Any financial institution which makes loans secured by real property and requires advance payments for taxes, insurance or other expenses associated with the property shall deposit the advance payments in a trust account whose interest does not accrue to the institution or in a regular interest-bearing account which pays interest to the mortgagors at the same rate as is paid to other depositors.

(30)

ASSEMBLY BILL NO. 28—ASSEMBLYMEN ROBINSON, BREMNER AND MELLO

JANUARY 16, 1979

Referred to Committee on Judiciary

SUMMARY—Raises monetary limit of jurisdiction of justices' courts. (BDR 1-868)

FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to justices' courts; raising the monetary limit of jurisdiction; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 4.370 is hereby amended to read as follows:

4.370 1. Justices' courts [shall] have jurisdiction of the following actions and proceedings:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed [$300.] *$1,200.*

(b) In actions for damages for injury to the person, or for taking, detaining [,] or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or possession of the [same,] *real property,* if the damage claimed does not exceed [$300.] *$1,200.*

(c) In actions for a fine, penalty [,] or forfeiture [,] not exceeding [$300,] *$1,200,* given by statute, or the ordinance of an incorporated or unincorporated city where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll [,] or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed [$300,] *$1,200,* though the penalty may exceed that sum.

(e) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed [$300.] *$1,200.*

(f) In actions to recover the possession of personal property if the value of such property does not exceed [$300.] *$1,200.*

(g) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed [$300.] *$1,200.*

ASSEMBLY BILL NO. 480—ASSEMBLYMEN WAGNER, HAYES, COULTER, CAVNAR, BARENGO, BEDROSIAN, WEISE, BENNETT, HORN, PRENGAMAN, BANNER, CHANEY AND MALONE

FEBRUARY 28, 1979

Referred to Committee on Judiciary

SUMMARY—Provides penalty for battery against adult member of defendant's household. (BDR 16-676)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to crimes against the person; providing a penalty for battery against an adult member of the defendant's household; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Officer" means:

(1) A peace officer as defined in NRS 169.125;

(2) A person employed in a full-time salaried occupation of fire-fighting for the benefit or safety of the public; or

(3) A member of a volunteer fire department.

2. Any person convicted of a battery, other than a battery committed by an adult upon a child, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no physical injury to the victim results, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and substantial bodily harm to the victim does result, for a gross misdemeanor.

(c) *If the battery is committed upon a member of that person's household, for a gross misdemeanor.*

(d) If the battery is committed upon an officer and:

(1) The officer was performing his duty;