

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MARCH 23, 1977

The meeting was called to order at 10:10 a.m. Senator Close was in the Chair.

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

ABSENT:

SB 23 Extends testamentary capacity to certain minors.

Senator Sheerin stated that he felt this was very limited legislation in that very few children have an estate that is large enough to be involved with estate planning. He suggested that the bill should provide that the will be approved by the district court.

Senator Bryan further suggested that upon application to the court, notice should go to the parent if the natural party is not the petitioning party.

Senator Sheerin moved to amend and do pass.
Seconded by Senator Ashworth.
Motion carried unanimously.

SB 167 Subjects grand jurors to civil liability for publication of prohibited report.

Senator Close read to the Committee the amendments proposed by Senator Dodge.

Senator Foote moved to indefinitely postpone.
Seconded by Senator Ashworth.
Motion carried. The vote was as follows:

VOTING AYE: Senator Close
 Senator Bryan
 Senator Sheerin
 Senator Foote
 Senator Ashworth

VOTING NAY: Senator Dodge
 Senator Gojack

AJR 27 of the Proposes to amend Nevada Constitution to provide for
58th Session retention in or recall to service of certain judicial
officers under terms and conditions set by Legislature.

Senator Sheerin commented that under a bill passed by the people during the last session, they already have a limited capability of bringing in retired judges.

Senator Close further stated that the testimony received by Justice E. M. Gunderson indicated that their interpretation of the bill was that any retired judge could be brought back into service with full pay to assist the courts.

Senator Dodge moved to indefinitely postpone.
Seconded by Senator Ashworth.
Motion carried. The vote was as follows:

VOTING AYE:	Senator Close	VOTING NAY:	Senator Foote
	Senator Bryan		Senator Gojack
	Senator Dodge		
	Senator Sheerin		
	Senator Ashworth		

AB 301 Provides advisory referendum on equal rights amendment.

In discussion by the Committee, it was their decision to amend the bill to clarify that this is only an advisory referendum and that the results are not to be deemed as ratifying or denying the proposed constitutional amendment.

Senator Close will obtain the necessary language and report back to the Committee.
No action was taken at this time.

SJR 14 Proposes to amend Nevada Constitution to permit appointment of temporary district court judges.

Senator Close stated that according to this bill, the person appointed as a temporary judge need not even be a judge or a former judge.

Senator Ashworth moved to indefinitely postpone.
Seconded by Senator Sheerin.
Motion carried. The vote was as follows:

VOTING AYE:	Senator Close	VOTING NAY:	Senator Gojack
	Senator Sheerin		
	Senator Ashworth		
	Senator Foote		

ABSENT FROM THE VOTE: Senator Bryan
Senator Dodge

SB 134 Amends procedure concerning persons incompetent to stand trial.

Senator Close informed the Committee that he had discussed this measure with Washoe County District Judge Roy L. Torvinen and he indicated that he did not see a need for this legislation at this time as the procedures outlined were already being done.

Senator Ashworth moved to indefinitely postpone.
Seconded by Senator Sheerin.
Motion did not carry. The vote was as follows:

VOTING AYE: Senator Close VOTING NAY: Senator Gojack
 Senator Sheerin
 Senator Ashworth

ABSENT FROM THE VOTE: Senator Dodge
 Senator Bryan

ABSTAINING FROM THE VOTE: Senator Foote

SB 272 Restricts persons who may have access to another persons' safe-deposit box and establishes procedure for removal of any contents.

Senator Ashworth stated that he was opposed to the attorney or adult child being able to gain entrance to the safe-deposit box. It was his feeling that no one should be able to get into a safe-deposit box without a court order. Senator Sheerin concurred with that and further commented that it was his feeling that the safe-deposit box procedure should be kept as simple as possible.

Senator Ashworth moved to indefinitely postpone.
Seconded by Senator Sheerin.
Motion carried unanimously. Senators Bryan and Dodge were absent from the vote.

SB 263 Revises procedures relating to recovery of costs and attorney's fees in civil actions.

Senator Close stated that he had talked to several people and they had all agreed that the attorney's fees section of this bill should be deleted. He also talked to Clark County District Judge J. Charles Thompson and he felt that the first section should be retained as it further indicates exactly what costs are. On section 2, Senator Close stated that the increase of witness fees by \$50 would have to be a policy decision of the Committee

SB 263 however, he felt that the inclusion of the licensed process server was appropriate. Many times the sheriff is so busy that he doesn't have time to serve papers and the usual procedure is to hire a process server.

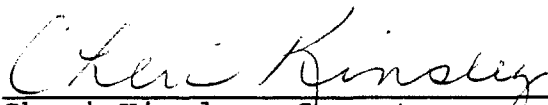
It was the decision of the Committee to delete Section 3. In further discussion of this section, Senator Sheerin suggested that the procedure for establishing attorney's fees should be as follows:

- 1) The attorney should file an affidavit indicating the number of hours he has on the case; and
- 2) The judge should take into consideration the affidavit, the complexity of the case and the result and let him make the decision on the amount of fees to be awarded.

No action was taken at this time.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Cheri Kinsley, Secretary

APPROVED:

SENATOR MELVIN D. CLOSE, JR., CHAIRMAN