

MINUTES

ASSEMBLY JUDICIARY COMMITTEE

April 30, 1977

8:00 a.m.

Members Present:                   Chairman Barengo  
                                          Vice Chairman Hayes  
                                          Mr. Price  
                                          Mr. Coulter  
                                          Mrs. Wagner  
                                          Mr. Sena  
                                          Mr. Ross  
                                          Mr. Polish  
                                          Mr. Banner

Chairman Barengo brought this meeting to order at 8:00 a.m.

Senate Bill 335:

Senator Young, having been sworn in, testified on this bill stating that this is a bill that seeks to apply to suits involving environmental questions. He explained that it is the same principle now found in the law relative to the enforcement of materialsmen liens. He further detailed this process to the committee. Sen. Young stated that this would apply the same procedure to Environmental Action. It is now possible for a person who wants to bring an environmental action to state the cause of action, go to court and litigate, and someone else could come in with a slightly different cause of action and litigate, etc., etc. and the property owner or developer would be subjected to a continuing series of law suits and harassment. He feels that they should all be litigated at one time. There was some questioning of Sen. Young by the committee and discussion followed.

Senate Bill 508:

Senator Bryan, upon request of Chairman Barengo, testified on this bill advising them of the Senate Judiciary's thinking on this bill. He did state that this was not "one of his most favorite pieces of legislation", however, he explained to the committee the origin of it. He stated that the Court administrator of Clark County, Wayne Blacklock, wanted this bill in order to reinforce the magistrate's right to deny the process in order to expedite these matters. Sen. Bryan stated that he did not think it changed the law. Chairman Barengo added that he believed there was a Supreme Court case of about 10 years ago that said that a preliminary hearing was not for purposes of discovery.

COMMITTEE ACTION:

Assembly Bill 750, Mr. Ross moved for a DO PASS, Mr. Banner seconded the motion. The motion carried unanimously.

Senate Bill 48, Mr. Sena moved for an INDEFINITE POSTPONEMENT, Mr. Ross seconded the motion. The motion carried unanimously.

Senate Bill 152, Mrs. Wagner moved for a DO PASS AS AMENDED, the amendment would encompass removing all of the sections that dealt with the issuance of new subpoenas with the Board and Commissioners, thus we would have only remaining the uniform procedure for the issuance of subpoenas, Mr. Sena seconded the motion. The motion carried unanimously.

Senate Bill 412, Mrs. Hayes moved for a DO PASS AS AMENDED, the amendments being as outlined by Mr. Ross, one, on page 2 of the first reprint, it would add in a provision that anyone who was guilty of sexual assault on a child under the age of 14, would have a mandatory life sentence; second, on page 7, to eliminate lines 30 through and including line 39; third, on line 41, place the word "consenting" between the words "between" and "persons", Mr. Sena seconded the motion. Mrs. Wagner abstained from voting. The motion carried.

Senate Bill 335, Mr. Ross moved for an INDEFINITE POSTPONEMENT, Mr. Polish seconded the motion. The motion carried unanimously.

Senate Bill 248, Mr. Ross moved for a DO PASS, Mrs. Hayes seconded the motion, the motion carried unanimously.

Senate Bill 220, Mr. Ross moved for a DO PASS AS AMENDED, the amendments being to amend page 3, section 7, starting with line 7 and return it to page 3, line 26 of the old bill; to amend section 10 to provide for a three-judge panel to review the sentence, Mrs. Hayes seconded the motion. The motion carried unanimously.

Senate Bill 44, Mr. Ross moved for an INDEFINITE POSTPONEMENT, Mr. Polish seconded the motion. The motion carried unanimously.

Senate Bill 23, Mr. Ross moved for an INDEFINITE POSTPONEMENT, Mr. Sena seconded the motion. Mrs. Hayes voted "no". The motion carried.

This meeting was adjourned at 9:45 a.m., there being no further business to consider.

Respectfully submitted,



Anne M. Peirce