

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

APRIL 29, 1977

The meeting was called to order at 8:35 a.m. Senator Close was in the Chair.

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

ABSENT: None

AB 210 Prescribes creditors' rights upon dissolution of corporations.

Senator Close stated that the Assembly refused to concur with our amendment.

Senator Dodge stated that they are still hung up on that 6 months period, they thought it was too short. Also, he felt that at the end of that 6 months period we could permit dispersal of claims that were in and approved.

Senator Close stated then we refuse to receed on this bill.

AJR 1 Proposes to remove requirement that county clerk be ex officio clerk of court.

Senator Close stated that they refused to receed on that.

SB 412 Replaces rape and other sex-related crimes with offense of sexual assault.

Senator Close stated that the Assembly wants us to authorize homosexuality.

Senator Sheerin stated he would rather loose the whole bill than concur with that.

Senator Bryan stated that they also want some of the penalties reduced.

The Committee refused to receed.

Senator Close brought out at this time that it was stated yesterday that the tapes of these meetings are retained, and felt that was inappropriate. The Committee felt that because of the sesitivity of the equipment that can pick up a whisper that there is the possibility of someone coming in and editing these, and publish them. So after

the minutes have been prepared, have been reviewed by the Committee and signed by the Chairman, the tapes should then be destroyed, or erased.

Senator Ashworth moved that it be the rule of this Committee to have the tapes erased as soon as the written record has been obtained off of them.

Senator Dodge seconded the motion.

The motion carried unanimously.

SB 385 Provides for organization and immunity from liability of commission on judicial discipline.

Senator Close stated that the Assembly had amended our bill by putting in each days meeting rather than attendance.

The Committee concured.

SB 89 Reduces time convicted person must wait to apply for restoration of civil rights.

Senator Close stated that we had it at 3 years and the Assembly changed it to 5 years.

The Committee concured with the amendment.

AB 268 Specifies conditions under which persons under disability may recover damages for parents' or guardians' failure to bring medical malpractice action.

Senator Close stated he wanted the Committee to look over the amendments as this is the third set we have had. The first thing taken out was the legal disability when a person is in prison. We are deleting when in prison on a criminal charge or execution of the sentence of the criminal court less then his natural life. The next thing was to take out on page 1 section 1 line 21 the entire sentence. On page 2 section 1 delete line 5 and put it back the way it was originally. Delete line 7 and 8 and insert "against any health care provider on sub-section 1". So that puts this back the way it was. On page two the entire subsection 3 is out.

Senator Bryan stated what he thought they should do is take the tolling of the statute of limitations with respect to the warden out of the law.

After some discussion of the Committee it was decided that other then having something in there about tolling the statutes while the minor is under the care of a public custodian, they concured with the amendments.

SB 132 Allows religious congregation or denomination to incorporate as nonprofit corporation.

Senator Bryan stated that an amendment had been tacked on to the end of this bill to make a majority instead of the 2/3 majority vote on articles of corporation. This would have to do with non-profit, non-stock, cooperative corporations. This was added as they had no place else to tack this particular piece of legislation.

The Committee concurred that it was alright as it really did nothing to the rest of the bill.

SB 60 Prohibits certain deceptive carnival games.

Senator Ashworth stated he didn't like the bill and didn't know why this problem couldn't be taken care of on a local level.

Senator Gojack stated that one of the things they are after is actually going into the booth to inspect the games. Many of the games are rigged so there is no way that the customer can ever win.

Bart Jacca stated that he admits there is a problem throughout the State, but he would like to make a brief explanation of what they do in Clark County. When he was a patrol commander he would go out when the carnival came to town and meet with them and lay out to them that there would be no doubling up, literally see the reaction, nothing to support what you are talking about, but talk along the fraud statute line. We would give them notice that if they violated our warning that we would simply close the game down.

Senator Dodge asked if they could be prosecuted under a fraud statute?

Mr. Jacca stated that was hard to prove. He stated he wanted a clear cut law to go in and examine the games. He stated that one of the problems in trying to draft something was because of the laws on gaming in the State.

Senator Gojack asked Mr. Jacca if there was something that he would suggest that could be added to make it possible for them to go in and inspect these games.

Mr. Jacca stated that they had the authority on a local level. What Sheriff Galli wants is the felony punishment for some of these things. But he feels that they can do what you are asking for on a local level.

Senator Gojack stated that being it was so late in the session maybe they, as a Committee, could write a letter of intent to the Washoe County Sheriff.

Senator Dodge stated that maybe we could go into the definition section of razzle-dazzle and if it is a fraudulent game by obtaining successive points and so on, and give them the authority to close the game down. And perhaps we can talk to Frank Daykin and find out if it is constitutional to do that.

Mr. Jacca stated that they operate in closing them down under the licensing ordinance. And generally the operator will go along with us, and if the law enforcement agency is there and represents what they expect of him as an operator you generally will not have too much of a problem. It is when we aren't there and continue that the problem exists. He stated that perhaps they could get together with Washoe County and Frank Daykin and try to get something together for next session, because it really is so late to try and do much now.

The Committee concurred that they would send a letter to Washoe County to explain what they would try and do.

Senator Dodge moved do kill.
Seconded by Senator Sheerin
Motion carried unanimously, Senator Ashworth absent for the vote.

SB 1

Authorizes professional corporation employees to participate in employee stock ownership trusts.

Senator Hilbrecht stated that the controlling standard was already in the bill, but in a different place.

The Committee agreed that the amendment made no substantive change.

AB 38

Permits issuance of writ of habeas corpus after plea.

Senator Dodge moved do pass.
Seconded by Senator Sheerin.
Motion carried unanimously, Senator Ashworth absent for the vote.

AB 476

Makes changes in Juvenile Court Act and child labor laws.

Senator Close stated this was the bill that there was a problem on as to who will pick up the child. Bart Jacca, Welfare and Juvenile got together and they agreed that we can take out that thing in it's entirety, they have agreed among themselves as to how to handle the problem. Mr. Jacca told him that if there are any problem they will come in two years from now and ask for something to cover it. Also, instead of using the sliding scale they were going to use the language from the Welfare bill. Also, they would leave it to the discretion of the court as to if the parent has the ability to pay. Then instead of say "certified for adult proceedings" it should just say "certified as an adult".

There was some discussion by the Committee as to whether the juvenile should be taken to jail or to the juvenile section. They concured after some discussion to leave it as it is, as the juvenile judge would exercise proper judgment if there were a juvenile section in the jail. They also had a problem with the certification, so the will take out the word "conditionally" and just leave "waived". Also there they would put in District Court Judge as they have had a problem where the Justice of the Peace is certifying, and the Distict Court is where the arraignment is held. The last item was to change "place in a home" to "permit".

Senator Bryan moved amend and do pass.
Seconded by Senator Dodge.
Motion carried unanimously.

AB 489 Revises compensation for victim of crimes provisions.

Senator Close stated we had passed this and then Finance killed it, so he felt we should get together with Bob Price the primary sponser of the bill and see if we could do something to save it or if it would be futile.

As the Committee had to go into session the meeting was adjourned.

Respectfully submitted,


Virginia C. Letts, Secretary

APPROVED:

SENATOR MELVIN D. CLOSE, JR., CHAIRMAN