

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

APRIL 6, 1977

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

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

ABSENT:

AB 441 Deletes requirement that foreign corporations file annual business statements with county assessors.

William Swackhammer, Secretary of State requested the following amendment on page 1, line 5 after the word "business", insert ", 3 consecutive issues." This would be consistent with action taken on an earlier Senate bill (SB 2 which changes certain filing and publication requirements for corporations)

Senator Gojack moved to amend and do pass.
Seconded by Senator Ashworth.

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

SB 419 Provides additional penalty for certain crimes against blind and aged persons.

Larry Hicks, Washoe County District Attorney and President of Nevada District Attorney's Association stated that the present penalties in the law for aggravated cases are adequate. If the victims are elderly or suffer from some sort of disability, these are considerations that go into longer sentences. He did not see a need for this as the maximum penalties are adequate.

Senator Ashworth moved to indefinitely postpone.
Seconded by Senator Gojack.

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

AB 466 Permits deliberating juries to depart for home or be sequestered overnight at discretion of court.

AB 466 Larry Hicks stated that this bill was requested by Washoe District Judge Guinan. It is a practice that has been followed by many of the judges. They have interpreted the statute to allow for this and this is a request to clarify it so that there would be no question about the court's authority. If a case were aggravated and there was a lot of media coverage, the court would still have the discretion to sequester the jury.

Senator Ashworth moved a do pass.
Seconded by Senator Gojack.
Motion carried unanimously. Senator Sheerin was absent from the vote.

AB 418 Eliminates jurisdiction of juvenile division of district court over child previously certified for trial as adult.

Frank Carmen, Director of Clark County Juvenile Court Services testified in support of this measure. He stated that the certification process is a very involved and lengthy one. They look at past offenses; whether or not he is a threat to the community; what his rehabilitation chances are; home background; etc., and then the child is certified to adult status for strictly criminal proceedings. The problem is, is that if that child is booked again on another serious offense, they have to go through the whole certification process again.

Larry Hicks concurred with Mr. Carmen's comments and further stated that he had a drafting problem with the bill on line 11 where it says that the "case shall proceed in the ordinary manner." He felt that perhaps it should say that the "case shall proceed as though the child was a certified adult."

Senator Close stated that there should be some process that would enable the court to certify the child back down should the situation warrant it.

Senator Bryan concurred and stated that there should be a discretionary provision which would allow the court to certify down but to put the burden on the juvenile to petition for the recertification.

Senator Bryan moved to amend and do pass.
Seconded by Senator Dodge.
Motion carried unanimously. Senator Sheerin was absent from the vote.

AB 321 Increases certain fees and deletes certain fees of county clerks.

Vaughn Smith, Carson City County Clerk testified in support of this measure.

AB 321 Tom Moore, representing Clark County testified in support of this bill and informed the Committee that it was more or less a housekeeping measure in that the fees had not been increased in over 8 years. He stated that what they had wanted to do was to increase the initial filing fees and decrease or eliminate a number of other fees; essentially to have the cost paid up front on most of the actions. He submitted for the Committee's review, a cost analysis based on 1976 figures, of revenues expended and received by Clark County. (see attached Exhibit A) He stated that approximately 100% of the estimated increase will go to areas other than the general fund of the county and will result in a decrease of county cost of \$180,000.

The Committee requested that he contact Loretta Bowman, Clark County Clerk of Court, and have her prepare a more detailed cost outline.

No action was taken at this time.

AB 211 Permits capital leasing of gaming equipment.

For further testimony on this measure, see minutes of joint hearings on March 8 and March 9, 1977.

Jack Stratton, Gaming Control Board testified in support of this measure. This bill limits this to banking institutions in the state of Nevada, where they have a handle on them.

Sam Belford, Nevada National Bank, informed the Committee that capital leasing of slot machines is another way of financing them. They are full-payout leases. Because of a 1960 amendment to the Gaming Control Act to forestall some federal action, all lessors were required to be licensed. This would allow a capital lease, non-participating, full-payout transaction to be non-licensed.

Senator Ashworth moved a do pass.

Seconded by Senator Bryan.

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

AB 468 Increases penalty for conducting cheating game.

Jack Stratton, Gaming Control Board informed the Committee of their support for this measure.

Larry Hicks stated that this bill was supported by the District Attorney's Association and was drafted with the assistance of the Resort Owner's Association. This would increase the penalty

AB 468 for cheating done by a gaming establishment from a gross misdemeanor to a felony. The current laws generally provide that if a player cheats or uses some kind of bunker fraud, that is a felony offense. It was their feeling that if the gaming establishment were involved in the same type of activity, they should be subject to the same penalty.

Senator Gojack moved a do pass.
Seconded by Senator Bryan.
Motion carried unanimously. Senator Sheerin was absent from the vote.

AB 470 Revises method of selecting grand juries in larger counties.

Larry Hicks testified in support of this bill and stated that what it would allow would be a random selection of 100 names, from which the district judges would choose 36. Out of the 36, 17 would be randomly chosen to serve on the grand jury.

Senator Bryan pointed out that this language was somewhat similar to the language that was struck down in 1973 by Judge Noel Manoukian wherein he said that the judges could not randomly select from the initial 100.
Senator Close concurred and suggested and the term "select" be more specifically defined so that that same problem doesn't re-occur.

Senator Dodge also suggested that they make the deliberate selection down to the 36 before calling the entire 100 down to the courthouse.

Senator Bryan moved to amend and do pass.
Seconded by Senator Ashworth.
Motion carried unanimously. Senator Sheerin was absent from the vote.

SB 427 Limits smoking restrictions to specified places in state buildings.

The Committee felt that this was already covered in the law.

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

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

ABSENT FROM THE VOTE: Senator Sheerin

SB 368 Revises provisions relating to alimony and disposition of community property in divorce actions.

Senator Dodge stated that on line 40, someone had indicated that those changed circumstances might involve personal conduct. He disagreed with that and stated that he felt it meant a change in financial status but that that should be clarified.

Senator Bryan concurred but didn't feel that a change of circumstances should be limited to one fact pattern. He suggested language such as "including but not limited to."

Senator Close stated that he would get some amendatory language and report back to the Committee.

No action was taken at this time.

SB 416 Prohibits certain acts involving personal property from which identification number is removed.

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

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

ABSENT FROM THE VOTE: Senator Sheerin.

SB 431 Prohibits under certain circumstances acceptance of incorporation documents for filing where name of corporation contains specific terms relating to engineering.

Senator Dodge moved to rerefer to Commerce and Labor.
Seconded by Senator Bryan.
Motion carried unanimously. Senator Sheerin was absent from the vote.

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

For testimony on this measure, see minutes of meetings for March 15, March 23 and March 25, 1977.

It was the consensus of the Committee to amend, on page 2, lines 10-19, to permit the judge to make an award of attorney's fees in appropriate cases and allow him to require evidence but

SB 263 not mandate him to do so.

No action was taken at this time.

AB 383 Allows court to sentence certain habitual criminals to life imprisonment with or without possibility of parole.

For testimony on this measure, see minutes of meeting for March 31, 1977.

Senator Bryan moved a do pass.

Seconded by Senator Dodge.

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

AB 366 Extends governmental immunity to fire districts.

Assemblyman Joe Dini testified in support of this measure and requested that the Committee amend the bill to further define political subdivisions to include other agencies.

Senator Gojack moved to amend and do pass.

Seconded by Senator Bryan.

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

SB 413 Makes substantial changes in procedure for disciplining physicians.

For testimony on this measure, see minutes of meeting for April 4, 1977.

Senator Close informed the Committee that he had received the amendments on this and suggested that the bill should be put out on the floor now and they could review the amendments then.

Senator Bryan moved to amend and do pass.

Seconded by Senator Gojack.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,


Cheri Kinsley, Secretary

APPROVED:

OFFICE - COUNTY CLERK

APPROXIMATE COUNTY REVENUE EARNED 1976

Miscellaneous	\$336,800		
Trust Account (Interest Earnings)	75,100		
	<u>\$411,900</u>	\$411,900	\$411,900

Other Fees Collected:

Legal Aid Society	\$ 20,400		
Law Library	94,000		
Fines (To School District)	11,600		
	<u>\$126,000</u>	\$126,000	

State Revenue Earned 1976

Judicial Fees (Salaries)	<u>\$195,500</u>	<u>\$195,500</u>	
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TOTAL REVENUE (Approx)		<u>\$733,400</u>	
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Budgeted Cost 1977-78 (Courts Only)			<u>\$960,000</u>
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Present Net Loss to Clark County (Approx)			<u>(\$548,100)</u>
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411,075

Less \$180,000			180,000
Future Approximate County Cost			<u>(231,075)</u>

EXHIBIT A

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