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Members Present:

Chairman Hayes
Vice Chairman Stewart
Mr. Banner
Mr. Brady
Mr. Coulter
Mr. Fielding
Mr. Horn
Mr. Malone
Mr. Polish
Mr. Prengaman
Mr. Sena

Members Absent:

None

Guests Present:

Melvin Close	Senator
Sam Mamet	Clark County
Stein E. Moen	Commissioner for Veteran Affairs
Ralph Bailey	Washoe County Coroner

Chairman Hayes called the meeting to order at 8:19 a.m.

ASSEMBLY BILL 382

Provides for fee against certain estates administered by Nevada commissioner for veteran affairs.

Mr. Moen stated that the new language of Section 2, Subsection 3 was what was apparently inadvertently removed from the law four years ago. He said that with removal of this language, he had been unable to take care of his bond which should be registered with the Secretary of State. This language would correct that situation.

Mr. Moen said that he would request the Committee to consider the assessment of an annual fee against the estates he handles through his duties as Commissioner for Veteran Affairs. He said that Nevada is one of the few states that does not charge for handling a guardianship program. The estate would have to be valued over \$1,000, and the assessment would be 1% of that value. He said this program would bring in about \$6,000 a year into his office.

Mr. Moen said he would like to use the money collected by the assessment to be able to visit out-of-state wards at least once a year. Any amount accumulated over \$4,000 would go into a Veterans Relief Fund. He said that the only way money is added to this fund presently is if one of his wards died without an heir. He would petition the court for part of that money. He related the various situations in which the money from the relief fund is distributed.

Mr. Stewart asked if any of the money collected would go for salaries. Mr. Moen answered that none of the money would go for salaries. He said it would go for travel as he described previously, and it would also go to help pay for the bond which he addressed earlier in his testimony.

Mr. Prengaman asked if it would be more equitable to charge an assessment against the estates that are out-of-state and necessitate the travel costs. Mr. Moen said this could be done, but he would still want to see a 1% charge against the other states to help pay his bond and to go into the Veterans Relief Fund.

ASSEMBLY BILL 313

Authorizes coroner who performs autopsy to retain body tissues and fluids under certain circumstances.

Mr. Mamet said this bill had been requested by the Clark County Coroner. He said he had asked the coroner from Washoe County to speak in behalf of the bill.

Mr. Bailey distributed to the Committee copies of a proposed amendment to the bill and of the present ordinance in Washoe County addressing the aspects of the bill (Exhibit A).

Mr. Bailey said that coroners sometimes have to hold tissues and fluids after an autopsy is completed. He said it is physically impossible and a total hardship to hold a total body for the same period of time. He said he had recognized the need for the protection of the coroner to hold these tissues.

Mr. Bailey said there had been a concern raised on the language of the bill in that it is a blanket situation for the coroner to hold tissues whenever he needs. He said that if the bill passed, he would recommend either the language of the Washoe County ordinance or the language he also submitted in Exhibit A.

Mr. Malone asked Mr. Bailey what would be the amount of tissues that could be held. Mr. Bailey answered that in most autopsies, a representative block of tissues would be all that would be taken. He said that in some rare cases involving certain head injuries, the entire brain must be kept. Fluids that would be kept are restricted to blood, urine, bile and vitreous humor from the eyes.

Mr. Brady asked what would happen if a coroner sold body tissues to a laboratory. Mr. Bailey answered that he thought it would be a misdemeanor.

Mr. Sena requested that a letter be received from the Clark County coroner expressing his feelings on this bill.

Chairman Hayes said she would hate to open up a black market situation where coroners would be giving or selling body parts to laboratories or interested persons. Mr. Bailey said he could understand the concern. He suggested consideration of the Washoe County ordinance and inclusion in the bill some kind of structure that would create an offense for donating or selling body tissues.

The Committee was in recess at 9:01 a.m. and reconvened at 9:07 a.m.

SENATE BILL 101

Limits peremptory challenges of jurors by each side.

Senator Close said that at the present time in a jury trial, each party involved is entitled to four peremptory challenges against jurors. If four defendants were involved, he said there could be up to 16 challenges. At times, he said it was difficult to get that many jurors summoned for a jury trial. He said the bill would allow each side to have four challenges. It would be up to the parties to decide how to divide those challenges, and if no decision could be reached, the judge could make the division. If the defendant and plaintiff had objections to the same person, the judge could allow additional challenges.

Mr. Stewart asked how this bill would apply to a third party defendant. Senator Close answered that a third party defendant would also have four challenges.

SENATE BILL 182

Relaxes restrictions on use of fictitious names by professional corporations and associations.

Senator Close said that at the present time sole proprietorships and partnerships can use fictitious names, but corporations are not able to use fictitious names. He related a situation where some individuals had operated as a partnership, but they wanted to become a corporation for the tax and retirement benefits. He said that they had to make the choice of whether or not to keep the name they had used for years or make this change to a corporation. He said that since a fictitious name may be used by an individual or partnership, there should be no reason why it could not be used by a corporation.

Chairman Hayes related that Senator Young, sponsor of this bill, would request the Committee to delay action so he could contact an individual to testify on the bill.

SENATE BILL 88

Allows costs to prevailing defendant in certain actions.

Senator Close said that this bill allows for the recovery of attorneys' fees by a prevailing defendant where the judgment that is sought is over \$300. He said that at the present, a defendant is never able to recover costs. He said that if a plaintiff never has to pay the defendant's costs, he can continue to randomly bring actions.

Mr. Stewart asked how the bill would apply if a plaintiff sought \$500 and received \$200. Senator Close said that the language would read "where the plaintiff seeks to recover \$300 or more", and it was not addressed to the amount of the award.

ASSEMBLY BILL 382

Mr. Fielding moved to Indefinitely Postpone; Mr. Banner seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Banner, Brady, Fielding, Horn, Polish, Prengaman - 7.

Nay - Stewart, Coulter, Malone, Sena - 4.

ASSEMBLY BILL 313

Chairman Hayes said that an amendment should be prepared on the bill to tighten up the language concerning the handling of tissues by coroners.

SENATE BILL 88

Mr. Brady moved for Do Pass; Mr. Sena seconded the motion. The Committee unanimously approved the motion.

SENATE BILL 101

Mr. Stewart moved for Do Pass; Mr. Sena seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Brady, Coulter, Fielding, Horn, Malone, Polish, Prengaman, Sena - 10.

Nay - Banner - 1.

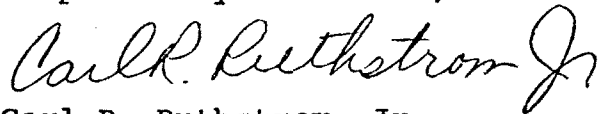
ASSEMBLY JOINT RESOLUTION 6

Proposes to amend Nevada constitution to confer right upon private citizens to keep and bear arms.

Mr. Malone said he had received an Attorney General's opinion regarding the effect of this resolution. He said that six sections of present law would be invalidated. He said that other states have passed similar legislation, but with gaming in Nevada this type of legislation would do more harm than good.

Chairman Hayes declared the meeting adjourned at 9:33 a.m.

Respectfully submitted,



Carl R. Ruthstrom, Jr.
Secretary

ASSEMBLY BILL NO. 313—ASSEMBLYMAN HARMON

FEBRUARY 7, 1979

Referred to Committee on Judiciary

SUMMARY—Authorizes coroner who performs autopsy to retain body tissues and fluids under certain circumstances. (BDR 40-1041)

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 dead bodies; authorizing a coroner who performs an autopsy to retain body tissues and fluids under certain circumstances; and providing other matters properly relating thereto.

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

- 1 SECTION 1. Chapter 451 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 *When an autopsy is performed by a coroner, he may remove and*
- 4 *retain such body tissues and fluids as he deems necessary for scientific*
- 5 *purposes or to be in the public interest,*

with the exclusion that the coroner
cannot donate tissues or fluids to a
teaching institution without the consent
of the next of kin.

Next Page - Section 19, Paragraph B - Lines 9 thru 13 -

SUMMARY: An ordinance creating the Office of County Coroner.

BILL NO. 433

ORDINANCE NO. 273

AN ORDINANCE CREATING THE OFFICE OF WASHOE COUNTY CORONER;
DEFINING THE DUTIES OF THE OFFICE; PROVIDING FOR THE APPOINTMENT
OF A CORONER; PROVIDING FOR THE ADMINISTRATION OF THE OFFICE;
AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO
ORDAIN:

SECTION 1. Definition of Terms.

- A. Autopsy Report: The term "autopsy report" shall mean any report of an autopsy of postmortem examination, including all reports of laboratory examinations and other technical tests performed.
- B. Board: The term "Board" shall mean the County Commissioners of the County of Washoe.
- C. Inquest: The term "inquest" shall mean an inquiry before a coroner's jury, with testimony obtained under oath, duly recorded and handed down.
- D. Inspection: The term "inspection" shall mean an examination of a dead human body, the death of which must be investigated by the Coroner or the Coroner's deputies or assistants under the terms of this ordinance. It shall also refer to a Medical Examiner's medical examination and/or a partial or complete autopsy as necessary to determine the cause and manner of death.
- E. Investigation: The term "investigation" shall mean an inquiry by the Coroner's office and may include testimony obtained from witnesses under oath.
- F. Medical Examiner: The term "Medical Examiner" shall mean an individual licensed to practice medicine and surgery in the State of Nevada; and who, when practicable, shall be a skilled pathologist with training or experience in forensic pathology and certified by the American Board of Pathology or qualified to be so certified. When such a pathologist is not available, the Coroner may designate and authorize a qualified doctor of medicine (not necessarily a pathologist) to serve in the place of such medical examiner for the purpose of making a particular examination or report, or to serve as a temporary substitute. The Medical Examiner or temporary appointee who is not a skilled pathologist may call any other medical examiner who is a skilled pathologist for consultation and assistance. The compensation

SECTION 19. Powers and Duties of Coroner in Examination
of Bodies.

If the preliminary investigation of the County Coroner, or of others assisting the Coroner has failed to satisfy the Coroner or Medical Examiner as to the cause of the particular death, or where reasonable grounds exist to suspect that a crime has been committed, the County Coroner, or Medical Examiner is hereby authorized to:

- A. Take possession of, and inspect or examine, the body of the deceased person, including a postmortem examination, which shall include the power to exhume such body, in connection with any inspection or examination authorized herein, and no search warrant shall be necessary for access thereto.
- B. In his discretion, make or cause to be made, an analysis of the stomach, blood, or contents of organs, or tissues of the body, and secure professional opinions as to the result of such postmortem examination. The information so secured shall be reduced to writing and filed by the Coroner in his records of the death of the deceased person. In his discretion, the County Coroner may, if the circumstances warrant it, hold an inquest as hereinabove provided. The County Coroner or medical Examiner shall have the right to retain only such tissue of the body removed at the time of the autopsy as may in his opinion be necessary or advisable to make proper investigation of the case, or for verification of the findings relating to the cause of death.
- C. The County Coroner, or any person assisting him, who may be duly licensed by the State of Nevada to do, may perform an autopsy of any remains as to which the Coroner has jurisdiction and authority as herein provided, if the deceased, prior to his death, has authorized such an autopsy in his will or other written instrument, or upon receipt of a written authorization from a person representing himself to be any of the following: (1) the surviving spouse; (2) a surviving child or parent; (3) a surviving brother or sister; (4) any other kin or person who has, or has acquired, the right to control the disposition of the remains; (5) the District Attorney of Washoe County; (6) any other duly authorized public officer.
(Amended by Bill No. 502, Ordinance No. 336, Item 76-1988)

WASHOE MEDICAL CENTER
AUTHORIZATION FOR AUTOPSY

Date _____ Time _____ AM
PM

I (We) request and authorize the physicians and surgeons in attendance at the Washoe Medical Center Hospital to perform an autopsy on the remains of _____, and I (we) authorize the removal and retention of tissues, parts, and organs, such as, but not limited to, the following: brain, spinal cord, eyes, liver, kidneys, heart and great vessels, and other visceral organs, as such physicians and surgeons deem proper for diagnostic, scientific, or therapeutic purposes.

This authority is granted subject to the following restrictions:

- IF NO RESTRICTIONS, WRITE "NONE" -

The following special examinations shall be made:

- IF NONE, WRITE "NONE" -

I (We) wish the remains to be released to:

_____ MORTUARY CITY STATE

I (We) represent that I am (we are) the _____ RELATIONSHIP

of the deceased and entitled by law to control the disposition of the remains. I (We) further verify that I (we) have read the foregoing, that I (we) fully understand the same, and voluntarily have executed this agreement and release.

Signed _____

Signed _____

Witnesses:

Name of person obtaining authorization:
