

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:

Don Ashworth	Senator
Peggy Cavnar	Assemblyman
Melvin Close	Senator
John Cockle	Nevada Bankers Trust Committee
Tom Davis	Carson City Justice of the Peace
Jean Ford	Senator
Bill Furlong	Nevada State Welfare
Norman Glaser	Senator
Bill Hernstadt	Senator
Scott Jordan	Law Center for the Disabled
Jim Joyce	
Walter T. Lloyd	Deputy Attorney General, Welfare Division
Mike Malloy	Washoe County District Attorney's Office
Ace Martelle	Nevada State Welfare
Russ McDonald	
Ray Pike	Deputy Attorney General, Gaming Control Board
Jim Pollard	
Gloria Ross	Developmental Disabilities
David Small	Carson City District Attorney
Jack E. Stratton	Gaming Control Board
Ed Taylor	Deputy Attorney General

Chairman Hayes called the meeting to order at 8:06 a.m.

ASSEMBLY BILL 777

Extends power of attorney general in criminal prosecutions.

Mr. Taylor said that this bill gives the Attorney General statutory authority to file criminal complaints and criminal

information only in those areas where he is presently required to prosecute. He said that of the four methods to institute a criminal proceeding: complaint in justice court or municipal court, information of gross misdemeanor or felony following preliminary examination, information by affidavit, and grand jury indictment; the grand jury indictment was the only one that can be used by the Attorney General. He said that the result of this is that the Attorney General has been given responsibility to prosecute, but the full range of tools which is available to District Attorneys is not available to the Attorney General. He said that although the Attorney General is not able to institute various types of actions, he may intervene after an action is instituted.

Mr. Malloy said that there could be a problem on Page 1, Lines 17 and 18 with respect to the matter of filing an information within 15 days after a person has been bound over from justice court or waived a preliminary hearing. He said that case law has recognized that this rule is not absolutely mandatory, but it would appear that this bill would make this statute mandatory.

On Page 2, Line 39, Mr. Malloy said that it is true that a felony prosecution must be instituted by complaint. He said that the problem of allowing the Attorney General access to instituting a complaint of this type is that there might be some point in time when an Attorney General would wish to commence a complaint for political reasons. This would permit an Attorney General, if he wished, to practically take over the local District Attorney's jurisdiction. He suggested that a better alternative would be to specify the type of cases which the Attorney General could enter with permission of the local District Attorney.

Mr. Stewart asked what might happen in a situation where a District Attorney would be involved in activities where he was not doing his job. Mr. Malloy answered that with the supervisory authority of the Attorney General over District Attorneys, the Attorney General could petition the court for mandamus.

ASSEMBLY BILL 783

Authorizes two justices of the peace for Carson City.

Judge Davis said that this bill in its present sense mandates two justices of the peace in Carson City who would serve on a full time basis. He said that Carson City was seeking the ability of the Board of Supervisors to appoint a part-time justice. He requested that the Committee temporarily postpone discussion on this bill until the Carson City District Attorney had an opportunity to check with the bill drafters on what would be the proper method to use in a bill.

SENATE BILL 379

Makes various changes to law on guardianships.

Mr. Cockle said that this bill makes certain corrections in the procedures in the administration of guardianships. He said that guardianship procedures are only slightly different in sales of real or personal property than those taken by a fiduciary in a similar estate or trust proceeding. He said there should not be any difference, and this bill would adopt estate procedures.

Mr. Cockle said the second change had to do with the situation when a nonresident of Nevada is appointed as a guardian. He said presently the law requires the nonresident to associate as a co-guardian a Nevada bank. In many instances, he said that the guardian is appointed over a minor, and there is no reason for a bank to be involved in the estate. This bill would provide that a resident of the State could serve as co-guardian.

Mr. Cockle said the next change had to do with providing notice in guardianship cases. He said that Chapter 155 covers all manner of notices in any court proceedings, and he felt these should be adopted for all guardianships.

Mr. Cockle said the last change in this bill had to do with resolving a conflict that had been created in an amendment to NRS 146.080 changing a monetary amount from \$2,000 to \$5,000. The same change would be made in NRS 159.197.

SENATE BILL 165

Tightens certain provisions relating to gaming licensing and control.

Mr. Pike said that there had been changes from the original bill as it was heard in the joint sessions of the Senate and Assembly Judiciary Committees. In Section 5, the language "without the prior approval of the commission" was added. Also added was an exculpatory clause that allowed for a statutory presumption that every contract or agreement would contain certain language that would allow the gaming houses to escape the contract if there was a finding of unsuitability. NRS 463.645 also added the language "without the prior approval of the commission." He said that Section 3 was added to this bill to make the act effective on passage and approval.

SENATE BILL 236

Makes various changes to laws regulating gaming.

Mr. Stratton said that after the joint meetings on this bill, there was only one major change. On Page 12, Section 2 and

Section 5, changes were made in regard to clarifying the language regarding the chairman's revolving fund. The amount in Section 5 which the chairman can draw was changed from \$30,000 to "the amount authorized by the Legislature." On Page 17, there was a deletion of Section 15. The \$7,000 amount in this section was not necessary.

SENATE BILL 294

Provides for establishing parentage and enforcing support of children.

Mr. Furlong presented statistics regarding cases seeking to establish paternity within the period of one year. He said there had been 2047 total cases. 329 of those had been referred to District Attorneys' offices. Seventy-five percent of the cases had run out of the statute of limitations. He said that out of the 2047 cases, paternity was established in only 24 cases. He said that this has an adverse effect on taxpayers and on the children born out of wedlock.

Mr. Furlong said that prosecutors have identified the lack of scientific evidence as the major obstacle in prosecuting these cases.

Mr. Lloyd said that this bill principally contains provisions of the Uniform Parentage Act, and it also addresses Chapter 126 which was the original illegitimacy act. He said that the object of this bill was to protect the rights of an illegitimate child. He said the bill tends to eliminate the term "illegitimate" and says instead a "child born out of wedlock."

Chairman Hayes requested a thorough discussion of this bill.

Mr. Lloyd said that Section 1 was introductory. Section 2 would specify that this bill would apply to all persons no matter when they were born. Section 3 provided definitions. Section 4 would provide that a parent and child relationship would exist no matter what the marital status of the parents was. Section 5 addresses the means of establishing the parent-child relationship. Section 6 describes the various types of factual relationships that give rise to a presumption that a male individual involved has fathered a particular child.

Chairman Hayes said that Section 6 would appear to show that a male was guilty until proven innocent. Mr. Martelle said the bill would provide better protection than what is in the present law for men. He said the bill provides adequate tools so that the courts and professional experts may prove who a father is. Mr. Lloyd described blood tests that are now being used to help establish paternity.

Mr. Stewart asked if blood tests were admissible now in court. Mr. Lloyd said that the law in 1955 allowed submission of blood tests that could show that a man was not involved, but they cannot be used to show the man's involvement.

Mr. Stewart said that if people were living together in a common law situation, he thought there should be a situation of presumption. He said this was needed in the bill.

Chairman Hayes asked if a mother might not be able to get welfare payments due to the fact that a father of a child was not supporting the child. Mr. Furlong answered that the Welfare Division would have an obligation to provide support where it was necessary, but they would also work on getting a court order against the father to provide support.

Mr. Lloyd said that Section 7 of the bill addresses the "ground rules" of parentage in an artificial insemination situation. Section 8 deals with the timeliness of bringing actions. An action would be stayed until the birth of a child. An action would be brought during a child's infancy or within three years after reaching the age of majority. If the Welfare Division came into the picture, they would have one year to try to establish paternity.

Mr. Lloyd said that Section 10 establishes the area of jurisdiction for paternity cases. Actions may be brought where the alleged father resides, where the child resides, or in the case of a deceased father, in the place where the probate action is held. Section 12 addresses the procedure incident to a pretrial hearing. Section 14 outlines evidence that can be used in the determination of paternity. Section 15 would provide if the parties could not reach a settlement, there would be a full trial.

In Section 16, Mr. Stewart questioned a statement of not allowing evidence of an unidentified man at any time.

Mr. Lloyd said that Section 17 addresses an order of support. In this section, Mr. Horn asked why the phrase "all relevant factors" was used and then a shopping list of those items that would be considered relevant followed. Mr. Lloyd said that the use of the word "all" was not important in this section.

Mr. Lloyd said that Section 19 addressed the enforcement of a judgment on order. Section 20 provides for modification of an order in such proceeding. Section 21 provides for a free transcript of the proceedings on appeal. Section 22 provides that the hearings and related records are to be held as confidential matters. Section 23 would provide that if there is an uncertainty as to who the mother of a child is, the same procedures applicable to fathers can be applied.

Mr. Lloyd said that Section 24 recognizes that frequently these matters are resolved where an alleged father will end up signing a promise to support. The proviso in this section indicates that such an agreement is enforceable. Section 25 would discuss the handling of related birth rights. Section 26 sets up the procedure for custodial acts and notification of the father. Present law does not make provisions for the involvement of the illegitimate father.

Mr. Lloyd said that Sections 27, 28, and 29 related to Chapter 421 where there is a provision for a party to bring a petition to declare the parental relationship.

Mr. Lloyd said that Section 30 talks about the affirmative use of blood tests and makes provision for the use of experts. Section 31 provided for a gender type of modification of a provision of NRS. Section 33 provides that adoptive rights supersede the natural parents' rights. Sections 35 and 36 are also gender changes.

Mr. Lloyd said that Section 36 addressed a situation where a presumed father was purposely not present at the court proceeding. He said that evidence proving the paternity would be brought before the court, and a hollow finding of fault could be made against the father. Section 37 provides that a child may be substituted as the complaining party if the court elects.

Mr. Lloyd said that Section 39 provides for repayment of support money to the Welfare Division by a father. Section 40 provided for the incarceration of a defendant for nonpayment of support. Section 43 addresses the manner of adoption processes. Section 44 states that the failure to provide support gives rise to the presumption that the parent intended to abandon the child. Section 46 was a gender amendment. Subsection 2 provides that an intermittent sentence can be imposed so that a father can work to support a child. This would give a judge a very significant leverage or tool.

Mr. Lloyd said that Section 47 was a gender amendment, and Section 48 was a clean-up clause.

ASSEMBLY BILL 783

Mr. Small said that Carson City wanted authority to appoint a justice of the peace when another one was needed. This would be unconstitutional. He said that legislative counsel had suggested an amendment doing away with Section 1. Section 2 would provide authorization for establishing a municipal judge. This approach would allow the present justice of the peace to serve as ex officio municipal judge and allow the appointment of an additional municipal judge when the need arises. Salary of this additional judge would be set by the Board of Supervisors.

SENATE BILL 321

Authorizes judicial review of corporate takeover bids.

Mr. McDonald said that Committee members had received a letter from Prince Hawkins (Exhibit A) concerning this bill. He noted that this letter suggested an amendment in Section 4, Page 2, Line 19 of changing 20 days to "30 days". He said that the Senate would concur in this amendment.

ASSEMBLY JOINT RESOLUTION 27

Urges Congress to exclude United States Supreme Court from jurisdiction to review certain cases involving prayers in public schools.

Assemblyman Cavnar said that this resolution urges Congress to limit the purview of the Supreme Court in the area of prayer in schools. There is a different feeling now than in 1962 going through Congress as to their ability, responsibility, and right to limit the court in certain types of matters. She said that this resolution specifically stipulates voluntary school prayer.

Mr. Coulter stated that he felt this resolution was an attempt to satisfy local pressure groups rather than representing the majority. He said that there had not been anyone in his district who had expressed a need to pray in school.

Mr. Coulter said that what would bother him is what could happen in the future if Congress took an action such as this. He said that the 11 appellate courts could render 11 different decisions regarding school prayer. Further, each of the States' Supreme Courts could render separate decisions on this issue.

Mrs. Cavnar said that she felt the particular part of the Constitution allowing for limiting of the Supreme Court's jurisdiction by Congress was put in the same as the provision allowing for constitutional conventions in case the Supreme Court did not come within the wishes of the people.

Mr. Coulter asked Mrs. Cavnar to suppose what might have happened if Congress had limited the Supreme Court's purview in the interpretation of the Fourteenth Amendment to the Constitution. He said that Federal appellate courts would each be making their own interpretation of this amendment, and he further suggested that the Mississippi Supreme Court would have been able to make its own interpretation of this amendment.

Mrs. Cavnar said that she felt there were areas that should not be in the purview of the Supreme Court and should be overseen by local governments. She said that the same people who

pushed for the United States Supreme Court decision regarding prayer in the schools in 1962 are now trying to take the words, "In God We Trust", off of American coins. The Supreme Court decision in 1962 was only the "tip of the iceberg."

Mr. Sena moved to Do Pass A.J.R. 27; Mr. Horn seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Fielding, Horn, Malone, Polish,
Prengaman, Sena - 8.
Nay - Banner, Coulter - 2.
Absent - Brady - 1.

ASSEMBLY BILL 777

Extends power of attorney general in criminal prosecutions.

Mr. Stewart said that presently the Attorney General is able to get involved in a complaint after it has been filed. If there was a complaint to be filed, he is more or less blocked from filing a criminal prosecution without passage of this bill.

Mr. Sena moved to Amend, and Do Pass A.B. 777 As Amended.

Mr. Sena withdrew his motion.

Mr. Sena moved to indefinitely postpone A.B. 777; Mr. Banner seconded the motion. The motion lost on the following vote:

Aye - Hayes, Banner, Coulter, Polish - 4.
Nay - Stewart, Horn, Malone, Prengaman - 4.
Not Voting - Fielding, Sena - 2.
Absent - Brady - 1.

Chairman Hayes said that amendments would be drawn for this bill.

SENATE BILL 165

Mr. Sena moved to Do Pass S.B. 165; Mr. Coulter seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Coulter, Fielding, Horn, Malone,
Polish, Prengaman, Sena - 9.
Nay - Banner - 1.
Absent - Brady - 1.

SENATE BILL 236

Mr. Sena moved to Do Pass S.B. 236; Mr. Malone seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Coulter, Fielding, Horn,
Malone, Polish, Prengaman, Sena - 10.
Nay - None.
Absent - Brady - 1.

SENATE BILL 379

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

Aye - Hayes, Stewart, Banner, Coulter, Horn, Malone,
Polish, Sena - 8.
Nay - Fielding, Prengaman - 2.
Absent - Brady - 1.

SENATE BILL 130

Provides appraisal rights in certain circumstances to corporate shareholders entitled to fractional shares.

Senator Close said that in the case of a reduction of shares in a corporation with a result of shareholders holding fractions of shares, those shareholders would have the right of an appraisal of the value of the fractions they possessed. In the past, there was not this right of appraisal. He said this would be protecting the small shareholders.

SENATE BILL 174

Amends requirements for notice of check refused for payment because of insufficient funds.

Senator Glaser said that an incident had occurred in Ely where a man had issued a bad check that did not have his name or address printed on it. Because of a technicality regarding the fact that these items were not printed on the check, the man was not prosecuted. This bill would provide that notice be given to a person's address on a check whether the address is written or printed mechanically.

Senator Close said that the existing law on bad checks had been amended on a piecemeal basis for years and did not say what it should say. It also applied to notes, bills or other instruments in writing. He said that the statute has been amended to make it applicable only to checks.

SENATE BILL 354

Limits certain actions against estates for which no letters of administration have been issued.

Senator Don Ashworth said that a deceased individual that had his property in trust or in joint tenancy could never cut creditors off because there was never a probate proceeding filed. He said that this bill would limit this time to three years after the death of the individual.

SENATE BILL 395

Expands powers of guardians.

Senator Don Ashworth said that this bill would simply place a guardian of a ward in the same position that the incompetent person would be in if he could act for himself.

SENATE BILL 373

Requires payment of fee when filing claim with medical-legal screening panel.

Senator Close said that presently there is a deficit in running the medical-legal screening panel. He said that creating this charge seemed to be a good idea, but he did not know if people who file claims before this panel would also think so. The bill would require a filing fee of \$50 to go before the panel, and this would be paid by each plaintiff and each defendant. Both parties would pay because they are both able to benefit from a hearing before the panel.

Senator Don Ashworth said that the money collected in the manner proposed by this bill would be used to set up secretarial staff and getting people to the hearings and setting up the meetings. No fees would be used in regard to the professionals involved.

Chairman Hayes said she thought this bill might be defeating the purpose of the panel in the first place. Poor people might be deterred from filing complaints.

Senator Close said he did not think \$50 would be a deterrent. He said he saw no undue burden for a \$50 charge to go before the panel.

SENATE BILL 305

Prohibits solicitation of minor to engage in acts which would constitute infamous crime against nature if performed by an adult.

Senator Close said this bill addressed a situation in Las Vegas where a man solicited minors to engage in the infamous crime against nature, but he himself did not touch the minors. The Nevada Supreme Court ruled that this was not a prosecutable crime. He recommended that this bill be amended to provide for a felony to conform with the penalty that had been established in A.B. 142 regarding child pornography films.

SENATE JOINT RESOLUTION 18

Proposes to amend Nevada constitution to permit legislature to authorize inferior courts to suspend sentences and grant probation.

Senator Close said that this resolution would make legal what is being done in some jurisdictions. For example, before a person might be sentenced in municipal court for shoplifting, he might be compelled to go to a class that teaches him the evils of shoplifting. At the completion of the class, the case would be dropped, and the individual would not be sentenced.

Senator Close said that this program has been successful where it has been tried, and the rate of repeat offenders had been low. He said this is an alternative to putting someone in jail or giving them a record. Discretion would be with the court, and if they chose, a jail sentence could still be imposed.

SENATE BILL 362

Provides for service of process on corporation after dissolution, expiration or forfeiture of charter.

Senator Close said that when a corporation has been dissolved, often those involved with the corporation escape from liability. Theoretically, the directors hold the property after the dissolution, and this bill would provide a method for a judgment against the corporation. Using a notice sent to the Secretary of State, the judgment could be sought from a resident agent and each officer or director from the latest list filed with the Secretary of State. He said this bill provides the chance to obtain payment of just debts.

SENATE BILL 398

Revises provisions of law concerning estates of decedents and minors.

Senator Close said that when a will is prepared, a person has to list all of his dispositive possessions. He said that many times a person changes his mind about these possessions. This bill would enable individuals to prepare their will and

in the will refer to the other document that deals with the personal property. This would preclude the necessity of going back to the attorney and changing the will again. He said there could be possible abuse, but in 99 cases out of 100, it would be very worthwhile.

SENATE BILL 295

Requires certain justices of the peace to serve full time.

Mr. Joyce noted that there had been a rather lengthy hearing on this bill in regard to amendments relative to salary increases for justices of the peace and other lower court judges. He said he did not know the Committee's appetite for those amendments, but in the very least, he said he wanted to propose an amendment allowing municipal court judges to be able to receive a pay raise during their term of office if it is the will of the city council or governing body. He said that justices of the peace are now able to receive a pay raise while in office. He felt that these provisions should be consistent for the lower court judges.

SENATE JOINT RESOLUTION 21

Urges abolition of statute of limitations for Nazi war crimes.

Senator Ford said she had requested to have this resolution drafted by members of the Jewish communities of the State of Nevada. She said this resolution reflects part of a concern for the 11,000,000 people who were killed as a part of the "Holocaust" in World War II. She said that 6,000,000 Jews as well as 5,000,000 noncombatants were killed in Germany at that point in time. She said the resolution has been passed by New York, California, Kansas, and several other states. She said she thought passage of the resolution reflected the concern that there is no statute of limitation on this type of crime in the United States.

Mr. Coulter asked if it was appropriate that the Nevada Legislature was passing resolutions having to do with foreign policy. Senator Ford answered that each item has to be considered on its own merits. She said that the particular resolution was narrowly drawn and it related only to one country and a specific act.

Senator Ford distributed information to the Committee regarding this subject (Exhibit B).

SENATE BILL 295

In regard to this bill, Chairman Hayes stated she did not feel it was fair to raise the jurisdiction of the lower court judges without considering added compensation.

Mr. Prengaman stated that it seemed that some of the lower court judges wanted the salaries raised because they are attorneys who will lose their private practices.

SENATE CONCURRENT RESOLUTION 29

Encourages training of police officers to deal with domestic violence.

Mr. Coulter moved that S.C.R. 29 Be Adopted; Mr. Malone seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Coulter, Fielding, Malone,
Prengaman, Polish, Sena - 8.
Nay - None.
Absent - Banner, Brady, Horn - 3.

SENATE JOINT RESOLUTION 18

Mr. Sena moved Do Pass of S.J.R. 18; Mr. Polish seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Coulter, Fielding, Malone,
Prengaman, Polish, Sena - 8.
Nay - None.
Absent - Banner, Brady, Horn - 3.

SENATE BILL 492

Corrects omission of word "anal" from definition of statutory sexual seduction.

Chairman Hayes stated that this bill involved a technical correction in what was a misprint correcting the wording "and intercourse" in the definition of statutory rape to read, "anal intercourse."

Mr. Coulter moved Do Pass with Chairman Hayes speaking on the Assembly floor; Mr. Stewart seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Coulter, Fielding, Horn, Malone,
Prengaman, Polish, Sena - 9.
Nay - None.
Absent - Banner, Brady - 2.

Mr. Sena moved to put this bill on the consent calendar; Mr. Prengaman seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Coulter, Fielding, Horn, Malone,
Prengaman, Polish, Sena - 9.
Nay - None.
Absent - Banner, Brady - 2

SENATE BILL 362

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

Aye - Hayes, Stewart, Banner, Coulter, Fielding, Horn,
Malone, Polish, Prengaman, Sena - 10.
Nay - None.
Absent - Brady - 1.

SENATE BILL 395

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

Aye - Hayes, Stewart, Banner, Coulter, Fielding, Horn,
Malone, Polish, Prengaman, Sena - 10.
Nay - None.
Absent - Brady - 1.

SENATE BILL 174

Chairman Hayes said that this bill should be amended to show that it did not apply to situations of stopped payment on checks.

Mr. Sena moved to Amend, and Do Pass S.B. 174 as Amended; Mr. Stewart seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Coulter, Fielding, Horn,
Malone, Sena - 8.
Nay - Polish, Prengaman - 2.
Absent - Brady - 1.

SENATE BILL 398

Mr. Polish moved Do Pass; Mr. Sena seconded the motion.

Mr. Polish withdrew the motion.

Mr. Sena moved to indefinitely postpone S.B. 398; Mr. Polish seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Coulter, Fielding, Horn, Malone,
Polish, Prengaman, Sena - 9.
Nay - None.
Absent - Banner, Brady - 2.

SENATE BILL 321

Mr. Horn moved to Amend, and Do Pass S.B. 321 as Amended, the amendment being on Page 2, Line 19 changing the number of days from "20" to "30"; Mr. Stewart seconded the motion. The Committee approved the motion on the following vote:

(Committee Minutes)

Aye - Hayes, Stewart, Coulter, Fielding, Horn, Malone,
Polish, Prengaman, Sena - 9.

Nay - None.

Absent - Banner, Brady - 2.

SENATE BILL 305

Senator Hernstadt said that this bill could be called the "Lucas Loophole Bill." He said that the Supreme Court of Nevada earlier this year had ruled that the solicitation of minors to engage in sexual acts with each other was not a punishable crime. This bill would close that loophole and create this crime in the statute. He said that A.B. 142 did take care of using children in public performances of sexual acts for pornographic purposes.

Senator Hernstadt said that his only problem with the bill as it was written was that the penalty was only a misdemeanor. He said it should be amended to conform with A.B. 142 in making this a felony.

Chairman Hayes said that the Committee had agreed in questioning why this was not a felony. Senator Hernstadt stated that this should not be considered a crime between consenting people.

Mr. Stewart suggested that if a solicitation was made to engage in such acts as covered by this bill that it should be a gross misdemeanor.

Mr. Stewart moved to Amend, and Do Pass S.B. 305 as Amended; Mr. Sena seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Coulter, Fielding, Horn, Malone,
Polish, Prengaman, Sena - 9.

Nay - None.

Absent - Banner, Brady - 2.

The meeting was adjourned at 2:12 p.m.

Respectfully submitted,

Carl R. Ruthstrom, Jr.

Carl R. Ruthstrom, Jr.
Secretary

HAWKINS, RHODES, SHARP & BARBAGELATA

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May 1, 1979.

Mrs. Karen Hayes, Chairman,
Assembly Judiciary Committee,
Carson City, Nevada 89710

Re: SB 321 - Corporate Takeover Bid.

Dear Mrs. Hayes:

You will recall that at the hearing upon the above corporate takeover bill, we invited your committee to consider certain amendments subject to the possibility of Senate concurrence which you asked us to ascertain. We have been given to understand that the Senate Judiciary Committee would approve the substitution of 30 for 20 days in Section 4 (Page 2 Line 19), amending NRS 78.3771 so that it would read -

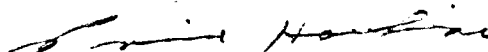
"At least 30 days prior to the making of a takeover bid, the offeror shall file with the resident agent of the offeree corporation a statement containing the following information: *** "

Further, that the Senate Judiciary Committee did not favor the balance of the amendments we proposed.

Therefore, we would ask the Assembly Committee to amend the bill only to substitute the 30 days and to refer it to the Assembly with a do-pass recommendation, with the expectation that the Senate would concur in the amendment.

Thank you for your kind consideration of this matter.

Sincerely,



Prince A. Hawkins.

PAH:GHF

cc - Assemblymen Stewart, Banner, Coulter, Fielding,
Horn, Polish, Sena, Brady, Prengaman, Malone.

Bonn: new impetus to prosecute Nazi crimes

By Elizabeth Pond

Staff correspondent of The Christian Science Monitor

Bonn

West Germans are again struggling to come to terms with the horrors of Germany's Nazi past.

Their Parliament was scheduled March 29 to open debate on Bill 2653, which would end the statute of limitations for war crimes committed in the 1940s.

Under this bill, which seems assured of passage, persons suspected of having committed concentration-camp or other mass murders during World War II could still be tried in 1980, 2000, or any year thereafter. There would be no deadline at all for initiation of prosecution. At present the deadline is 30 years after a murder.

The bill is evidence of the recent West German shift away from the urge to forget Germany's black Nazi history toward the contrary urge to pay the full moral price for this history.

At the end of last year extension of the statute of limitations was doubtful. But a scant three months later some 245 members of Parliament from all the Bundestag political parties except the conservative Christian Social Union already have signed legislation to lift the time limit on murder prosecutions altogether. Observers now expect the revision to pass the 518-man chamber.

Existing limit is cherished

Without this legislation no new prosecutions of Nazi-era murderers could have been started after Dec. 31 of this year.

The existing statute of limitations for murder is a cherished provision that goes back to 19th century legal liberalization and modernization in Germany. It is only the special horror of the Nazi crimes against humanity that now is leading West

German legislators to revoke the limitation.

Twice before, West Germany has extended its statute of limitations temporarily. In 1965 the Bundestag postponed a final decision by stipulating that the existing 20-year cutoff date on prosecution of murders would apply to Nazi-era murders not in 1965 (twenty years after the wartime defeat of Nazi Germany), but only in 1969, 20 years after the end of Allied occupation and establishment of an independent West German government.

Then in 1969 the Bundestag again postponed final decision by adding ten years to the cutoff date in the hope that by 1979 the limitation would no longer be an issue.

The fact that it is so viable now is in no small measure due to the extraordinary impact here of the January showing of the American TV series "Holocaust." A new wave of revulsion at the cold-blooded Nazi killing of 6 million Jews and others has swept over public opinion. And Bundestag members, who are voting according to their individual conscience rather than according to party discipline, have shared this revulsion.

Some have misgivings

Some MPs do have misgivings about lifting the statute of limitations, on political, legal, and practical grounds. A few are courting the favor of dormant right-wing nationalists. Others fear a weakening of government by law when sound general legislation is altered to catch special categories of criminals.

All the doubters question as well the value of trials that drag on for years, tax the memories and stamina of elderly defendants and witnesses, and in 98 percent of cases in the past decade have ended in acquittals for lack of hard proof at this late date.

As the Bundestag prepares to vote on Bill 2653, however, there is every indication that the perceived need to permit continued prosecutions of Nazi-era criminals is outweighing the perceived reservations.

Internationally, the West German Government wants to ensure that East Germany does not suddenly produce some damning document after expiry of the statute of limitations showing hitherto unknown Nazi involvement by some West German official. Other countries such as Poland have cooperated fully with West Germany in sharing evidence that might be used in West German prosecution of Nazi-era criminals, but East Germany has not.

Moreover, West Germany wants to refute the suspicions of those Swedes, British, and other Western Europeans who sometimes accuse West Germany of coddling old Nazis.

Morally, too — however much West Germany would like to lift the yoke of the past from that majority of the population that is too young to have played a role in Nazi Germany — the nation still feels a continuing responsibility to dissociate itself totally from the Nazi brutalities.

To prove its good faith in prosecutions the West German Government recently released a report by the director of the West German Center for the Investigation of Nazi Crimes, Adalbert Rueckerl.

West Germany began major prosecutions of Nazi criminals only in the mid-1960s, after considerable international prodding and after the highly publicized example of the trial in Israel in 1961 of Adolf Eichmann, the Gestapo chief of the Jewish genocide. Since that time the West German Government has prosecuted extensively, indicting some 84,403 Nazi murder suspects — though it has obtained convictions in only 6,432 cases.