

SENATE JUDICIARY
MINUTES OF MEETING
JANUARY 17, 1978

The meeting was called to order at 10:00 am, Senator Close was in the chair.

PRESENT

Senator Close
Senator Hernstadt
Senator Don Ashworth
Senator Dodge
Senator Ford
Senator Raggio
Senator Sloan

ABSENT

None

Senator Dodge brought up the fact that if a bill is supported in Committee that it should then be supported on the floor. He felt that if it wasn't it could destroy the credibility of the Committee.

Senator Close stated that if it is voted on by a Committee member favorably in committee, then they should support it on the floor.

Senator Ford said that she felt if there was new information on the bill, then it should be brought back into committee before it was voted on, on the floor..

Senator Close stated that if the member had new information, they should tell him and then he would bring the bill back to committee. He asked if everyone had a chance to review all the committee rules, and that they were the same ones that had been adopted last session. He stated that to pass or hold a bill requires the majority of the entire committee, which means that it takes four members to pass a bill, but to reconsider a bill takes one more, or a majority of 5. As a matter of courtesy, we always allow new evidence to be brought back to the attention of the committee. If you want any particular matter on the agenda you will contact, me, however, a day ahead will not be satisfactory. You will have to allow three days to put it on the agenda downstairs, so if you will notify me a day ahead, we can then get it scheduled for a definite time, but we would like at least three days notice in order to move something onto the agenda.

Senator Ford stated that if we change that to read four days, that would give us enough time.

Senator Close said that Committee introductions will take place with the unanimous consent of the committee members present. He said he would probably not introduce a bill without the full intent of the committee, unless he should feel that it is so innocuous that it would have no significant effect.

Senator Raggio stated that on number 6, he would hate to run into a situation where one member of the committee might resist committee introduction, and would hope that they would all recognize that an introduction would not necessarily mean that the membership as a whole was committed.

Senator Close brought out the fact that under number 7, the meetings will be in the morning, at present, at 10 o'clock but that will be changing probably as time goes on, to 9:00, and then earlier if necessary, at 8:00. He stated there will be a meeting tomorrow, but he will be out of town on Friday, and unless there are more bills that come in, there will probably be no meeting on Monday. He also said that there had been a problem in the past with Judiciary getting down to the floor on time. However, many times witnesses take more time than they had figured and in those cases Senator Gibson should be notified, and they would go in before the vote was taken.

Senator Ashworth brought up the fact that he felt the wording in number 3 was a little vague as to previous action on a bill.

After some discussion Senator Hernstadt moved that the wording should be changed in the first sentence amending it to read, "In order to reconsider previous final action taken,....". Also in number 5, it should read "....by contacting the committee chairman four days....".

Senator Ford asked if there wasn't a standing rule that we could move to an emergency situation at the end of the session and if that should not be included.

Senator Close stated that would be put in the rule at the end of the session, when that time arrives. He asked if there were any other amendments to the committee rules.

There being none, Senator Ford seconded the motion and the motion passed unanimously.

Senator Hernstadt stated that he had a bill for introduction that would increase the maximum contractual rate of interest from 12% to 18%, the BDR number was 8-187*.

The committee voted unanimously for committee introduction.

Secretary of State, William Swackhammer said that he had four pieces of legislation that he would like to explain to the committee for introduction. The first was BDR18-124 which authorizes for an assistant to the Secretary of State. All that would do would be a change in title alone.

After some discussion it was decided that this should go to Government Affairs.

Mr. Swackhammer stated that BDR7-123^T would change the date of filing certain corporation requests and that the auditors had requested this bill be drafted.

Senator Close asked if there was any objection to this being introduced, there being none it was voted unanimously for committee introduction.

Mr. Swackhammer said he also had BDR7-120, which would extend the time for reservation for corporate names from 35 to 45 days and raise the fee from two to five dollars. It would also provide for a foreign corporation to file certified copies in the office of the county where they would have their principal office. This was originally omitted.

Senator Raggio moved for committee introduction, Senator Dodge seconded the motion and the motion passed unanimously.

Mr. Swackhammer stated that also he had BDR52-122 which is the uniform trade-market act.

Senator Hernstadt stated that would go to Commerce and Labor.

Mr. Swackhammer said the last one he wished to introduce was BDR7-649. This would provide for appraisal right in certain circumstances of corporate shareholders entitled to fractional shares. Under the present law the corporation can arbitrarily set a figure and the stockholder has no right of appeal. This would give some right of arbitration.

Senator Hernstadt moved for committee introduction, Senator Dodge seconded the motion and the motion carried unanimously.

*SB 26

+SB 109


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Senator Raggio stated that he had a bill for introduction, which was requested by Judge Charles Thompson of Las Vegas, BDR3-398. This is regarding criminal conversation and seduction.

Senator Dodge moved for committee introduction, Senator Hernstadt seconded the motion and the motion carried unanimously.

There being no further business the meeting was adjourned at 10:30 am.

Respectfully submitted,



VIRGINIA C. LETTS, Secretary

APPROVED:

SENATOR CLOSE, Chairman

COMMITTEE RULES - 60th SESSION

JUDICIARY COMMITTEE

1. Four members constitute a quorum of the committee.
2. Motions will be moved, seconded, and passed by a simple majority of those present, except that definite action (do pass or hold) on a bill will require a majority of the entire committee.
3. In order to reconsider previous final action taken, an affirmative vote of 5 members of the committee will be required. However, a majority may allow the hearing of new evidence or information which would be pertinent to the determination of whether or not a matter or an action should be reconsidered.
4. Mason's Manual will be followed as to parliamentary procedure.
5. Any member of the committee may request an item on the agenda by contacting the committee chairman four days ahead of the committee meeting.
6. Committee bill introduction will be only by unanimous approval of the committee members present. Committee introduction does not imply in any way a commitment on the part of any committee member to support the bill introduced.
7. The Judiciary Committee has an assigned meeting time and, unless prior arrangement is agreed upon by the committee, will meet at that time each day. Members are urged to plan their work so that they can be present each day and so that they will be on hand at the appointed hour. No committee action on bills or resolutions will be taken during a hearing.