

The meeting was called to order at 9:00 a.m. Senator Close was in the Chair.

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

ABSENT: None

SB 112 Amends title of chapter 567, Statutes of Nevada 1977, relating to crimes and punishments.

Frank Daykin, Legislative Counsel Bureau, stated that this was a technical bill amending the title of the 1977 Statute to make sure that it is broad enough to cover all of the changes that were actually made by the law. The constitutional phrase in the title was "An Act Relating to Controlled Substances," and in the course of amending it, sections dealing with conspiracy and obtaining property by false pretenses were also amended. He stated that, under the constitutional subject rule, it would be better if it were entitled "An Act Relating to Crimes and Punishments."

Senator Sloan stated that there was a case, In Re Madeiros 57 Nevada 301 (1937) in which the Supreme Court took the position that the legislature, by amending the title after the fact, recognized that there had been a constitutional defect. He asked if we could expect that type of problem with this.

Mr. Daykin responded that in the case of Madeiros, the prosecution was for something which occurred before the amendment of the title. He felt it was conceivable that this amendment might be held not to relate back but that it would at least cure the application of the statute to future conditions.

Senator Dodge moved that SB 112 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried unanimously.

SB 113 Makes technical correction to chapter 561, Statutes of Nevada 1977.

Frank Daykin, Legislative Counsel Bureau, stated that this is a correction of what amounts to a misprint or clerical

error in the Charter. He felt that it would be better to submit a bill than to go before the Legislative Commission to correct an enrolled bill.

Senator Hernstadt moved that SB 113 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Ford.

Motion carried unanimously.

SB 114 Permits actions against political subdivisions without naming members of their governing bodies.

Frank Daykin, Legislative Counsel Bureau, stated that the purpose of this was to avoid having to personally name each member of a board or commission. This would make it clear to the plaintiff that he can sue without naming the individual members.

Senator Raggio questioned whether it would be possible to enlarge this to include, for example, members of the gaming commission.

Mr. Daykin responded that he felt that would be possible.

Senator Sloan stated that on many occasions, it is difficult to have process served on a mayor or the Chairman of the Board of Commissioners in that their duties often call them out of the office. He asked if it would be possible to have service made upon the County Clerk.

Mr. Daykin replied that it would, however there would be a certain degree of contradiction between the statute and the rules of civil procedure. He suggested that this be made an enabling statute and then by resolution, request the Supreme Court to conform the rule to the statute.

It was the consensus of the Committee to enlarge SB 114 to include boards and commissions and to allow service upon Clerks.

Robert L. Sullivan, Director, Carson City Council of Governments, testified in support of this measure. He stated that he concurred with the proposed amendments.

Senator Dodge moved that SB 114 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Raggio.

Motion carried unanimously.

SB 115 Ratifies technical corrections made to multiple amendments of sections of NRS.

Frank Daykin, Legislative Counsel Bureau, stated that this bill corrects bills of the 1977 legislative session which were amended more than once, and where those amendments were inconsistent.

Senator Ford moved that SB 115 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried unanimously.

SB 109 Changes date for filing certain corporation reports.

William Swackhammer, Secretary of State, and Wilma V. Heckman, Office of the Secretary of State, testified in support of this measure.

Mr. Swackhammer stated that this measure came out of a request from the state auditors. The problem that arose was that his office was receiving the reports all at the same time and they were unable to keep up with the work load. He said that during one period they had 3 people in his office doing nothing but opening mail. When the auditors came in for their examination, they found \$150,000 worth of checks and lists in the filing cabinet that his office was unable to take care of due to the amount of filings received. He stated that this would spread the work load out over the year rather than having peak and slump periods. He further stated that there are presently four other states which have gone to the anniversary date system and that all of them have said that they are experiencing no difficulty with it.

Senator Don Ashworth pointed out that this measure would need a one-time fiscal note in order to develop the computer program.

Mr. Swackhammer requested that the bill be amended to include foreign corporations. He stated that the way it presently reads, it would apply only to domestic corporations.

It was the consensus of the Committee to amend SB 109 to include foreign corporations and to rerefer it to Finance.

Senator Hernstadt moved that SB 109 be passed out of committee with an "amend and do pass, and refer to Finance" recommendation.

Seconded by Senator Don Ashworth.

Motion carried unanimously.

(Committee Minutes)

SB 110 Resolves conflict in description of document to be filed with secretary of state by foreign corporations.

William Swackhammer, Secretary of State, testified that this measure would conform the law on foreign corporations to what is presently being done with domestic corporations. This would require that foreign corporations coming into this state file a certificate of corporate existence with the secretary of state's office.

Senator Dodge moved that SB 110 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried unanimously.

SB 98 Provides for filing and enforcement of foreign judgments.

For testimony on this measure, see the minutes of the meeting for Wednesday, January 31, 1979.

Senator Raggio expressed concern over the definition of foreign judgment. He felt that that was an all-inclusive term which applies not only to judgments and decrees but also to orders of the court. He stated that there are situations where you distinguish between those judgments which are entitled to full faith and credit, and those that are not.

Senator Close stated that he would like to have the notice sent to the attorney of the judgment debtor, if known.

It was the consensus of the Committee to amend SB 98 by deleting "order" from the definition of foreign judgment and to require notice be sent to the attorney of the judgment debtor, if known.

Senator Dodge moved that SB 98 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Raggio.

Motion carried unanimously.

SB 87 Eliminates certain requirements for restoration of civil rights of convicted persons.

(For testimony on this, see minutes for Monday, January 29, 1979. Senator Ford stated that she felt there was some value in considering immediate restoration of some of the civil rights.

Senator Raggio disagreed and commented that at the present time, the Parole and Pardons Board has the ability to

restore civil rights immediately upon parole or probation if the case warrents it.

Senator Sloan concurred with Senator Raggio and further stated that he felt it should be left to the discretion of the Parole and Pardons Board in that they are familiar with the facts of each individual case.

Senator Raggio moved that SB 87 be indefinitely postponed.

Seconded by Senator Dodge.

Senators Ford and Hernstadt voted no.

Motion carried.

SB 45 Substantially revises law on notaries public.

For testimony on this measure, see minutes of the meeting for Friday, January 26, 1979.

Senator Don Ashworth moved that SB 45 be indefinitely postponed.

Seconded by Senator Hernstadt.

Senator Dodge abstained from the vote as he was not present for the testimony.

Motion carried unanimously.

SB 103 Requires bail to continue through different proceedings on same charge.

For testimony on this measure, see the minutes of the meeting for Wednesday, January 31, 1979.

Senator Raggio stated that it was his understanding that this would not work for all appeals; that this was to cover an appeal from the Justice Court to the District Court.

Senator Close concurred and stated that this would be amended to exclude appeals but would be valid for any action from Justice Court to the District Court.

Senator Close further stated that he felt there should be some time limitation placed on the bond. According to his interpretation of Section 2, even if the court were to exonerate a bond, if they came back later with a charge, the bond would still be valid.



Senator Raggio suggested that could be taken care of by saying "unless the bond has expired by its term or is otherwise exonerated."

Senator Hernstadt moved that SB 103 be reported out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Raggio.

Motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Cheri Kinsley*  
Cheri Kinsley, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman

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SENATE BILL NO. 112—COMMITTEE ON JUDICIARY

JANUARY 24, 1979

Referred to Committee on Judiciary

SUMMARY—Amends title of chapter 567, Statutes of Nevada 1977, relating to crimes and punishments. (BDR S-183)

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.

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AN ACT to amend the title of an act entitled, "An Act relating to controlled substances; revising penalties for various unlawful activities; adding certain crimes; removing age distinctions in certain crimes; prohibiting probation and restricting parole eligibility for certain offenders; and providing other matters properly relating thereto," approved May 16, 1977.

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

- 1 SECTION 1. The title of the above-entitled act, being chapter 567,  
2 Statutes of Nevada 1977, at page 1407, is hereby amended to read as  
3 follows:  
4 An Act relating to [controlled substances;] *crimes and punish-*  
5 *ments; revising penalties [for various unlawful activities;] and other*  
6 *provisions in the laws regulating controlled substances; adding cer-*  
7 *tain crimes; removing age distinctions in certain crimes; prohibiting*  
8 *probation and restricting parole eligibility for certain offenders;*  
9 *allowing different punishments to be specifically provided by law as*  
10 *exceptions to the punishments provided by the general laws on*  
11 *conspiracy and obtaining property by false pretenses; and providing*  
12 *other matters properly relating thereto.*

SENATE BILL NO. 113—COMMITTEE ON JUDICIARY

JANUARY 24, 1979

Referred to Committee on Judiciary

SUMMARY—Makes technical correction to chapter 561, Statutes of Nevada 1977. (BDR S-110)

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 to amend chapter 561, Statutes of Nevada 1977; making a technical correction; 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. Section 9 of chapter 561, Statutes of Nevada 1977, at
- 2 page 1395, is hereby amended to read as follows:
- 3 Sec.9. Section 3.060 of the above-entitled act, being chapter
- 4 662, Statutes of Nevada 1971, as last amended by chapter [666,
- 5 Statutes of Nevada 1975, at page 1318,] 98, *Statutes of Nevada*
- 6 *1977, at page 210*, is hereby amended to read as follows:
- 7 Sec. 3.060 City attorney: Qualifications; duties; salary.
- 8 1. The city attorney shall be a duly licensed member of the
- 9 State Bar of Nevada and a resident of the city [at the time of]
- 10 for at least 6 months before his election. He shall hold office for
- 11 the term of 4 years and until his successor shall be duly elected
- 12 and qualified.
- 13 2. The city attorney shall be the legal officer of the city and
- 14 shall perform such duties as may be designated by ordinance. He
- 15 shall be present at all meetings of the city council and shall be
- 16 counsel for the civil service commission. He shall devote his full
- 17 time to the duties of the office and shall not engage in the private
- 18 practice of law.
- 19 3. The city attorney shall receive a salary as fixed by resolu-
- 20 tion of the city council.
- 21 4. The city attorney may appoint and remove such assistants
- 22 as he may require in the discharge of the duties of his office. Such
- 23 assistants shall not be civil service employees. The council may
- 24 appropriate such funds as it may deem proper to compensate any

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(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 114

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SENATE BILL NO. 114—COMMITTEE ON JUDICIARY

JANUARY 24, 1979

Referred to Committee on Judiciary

**SUMMARY**—Permits actions against political subdivisions without naming members of their governing bodies. (BDR 2-118)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.



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**EXPLANATION**—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

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AN ACT relating to civil actions, permitting actions against political subdivisions and other governmental agencies without naming the members of their governing bodies; 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 12 of NRS is hereby amended by adding thereto  
2 a new section which shall read as follows:  
3 *Any political subdivision, public corporation, special district, or other*  
4 *agency of state or local government which is capable of being sued in*  
5 *its own name may be sued by naming it as the party without naming the*  
6 *individual members of its governing body in their representative capacity.*  
7 *In addition to any other method which may be provided by statute or*  
8 *rule of court, service may be made upon the clerk or secretary of the*  
9 *political subdivision, corporation or agency.*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 109

SENATE BILL NO. 109—COMMITTEE ON JUDICIARY

JANUARY 24, 1979

Referred to Committee on Judiciary

SUMMARY—Changes date for filing certain corporation reports. (BDR 7-123)

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 private corporations; changing time for filing certain annual reports from July 1 to anniversary month of incorporation or qualification to do business in this state; providing for a transition period; removing the requirement for certain publications; 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. NRS 78.150 is hereby amended to read as follows:  
2 78.150 1. [Each] *Beginning on January 1, 1981, each* corporation  
3 organized under the laws of this state shall, on or before [July 1 of]  
4 *the last day of the month in which the anniversary date of incorporation*  
5 *occurs in each year, file with the secretary of state a list of its officers*  
6 *and directors and a designation of its resident agent in this state, certified*  
7 *by the president, secretary or other officer of the corporation.*  
8 2. Upon filing the list of officers and directors and designation of  
9 resident agent, the corporation shall pay to the secretary of state a fee  
10 of \$20.  
11 3. The secretary of state shall, [30 days prior to July 1 of each  
12 year,] *60 days before the last day for filing the list required by sub-*  
13 *section 1, cause to be mailed to each corporation required to comply*  
14 *with the provisions of NRS 78.150 to 78.190, inclusive, and which has*  
15 *not become delinquent, the blank forms to be filed with the secretary of*  
16 *state. Failure of any corporation to receive the forms [will] does not*  
17 *excuse the corporation from the penalty imposed by law.*  
18 SEC. 2. NRS 78.170 is hereby amended to read as follows:  
19 78.170 1. Each corporation required to make the filings and pay  
20 the fee provided in NRS 78.150 to 78.190, inclusive, which refuses or  
21 neglects to do so within the time provided shall be deemed in default.  
22 2. For default there shall be added to the amount of the fee a pen-  
23 alty of \$5, and unless the filings are made and the fee and penalty are

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SENATE BILL NO. 110—COMMITTEE ON JUDICIARY

JANUARY 24, 1979

Referred to Committee on Judiciary

**SUMMARY**—Resolves conflict in description of document to be filed with secretary of state by foreign corporations. (BDR 7-291)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.



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**EXPLANATION**—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

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AN ACT relating to foreign corporations; resolving a conflict in the description of the document to be filed by such a corporation with the secretary of state; 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. NRS 80.130 is hereby amended to read as follows:  
2 80.130 1. Each foreign corporation coming into this state shall,  
3 within 60 days after the filing of its [articles of incorporation] *certificate*  
4 *of corporate existence* with the secretary of state:  
5 (a) File a list of its officers and directors and a designation of its resi-  
6 dent agent, and a certificate of acceptance signed by the resident agent  
7 designated. The address of the resident agent shall be the same as that of  
8 the principal office.  
9 (b) Pay to the secretary of state a fee therefor of \$20.  
10 2. The corporation shall annually file a list of its officers and direc-  
11 tors and designation of resident agent and pay the fee prescribed by law.  
12 SEC. 2. This act shall become effective upon passage and approval.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

S. B. 98

SENATE BILL NO. 98—COMMITTEE ON JUDICIARY

JANUARY 24, 1979

Referred to Committee on Judiciary

SUMMARY—Provides for filing and enforcement of foreign judgments.  
(BDR 2-397)

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 foreign judgments; providing for their filing and enforcement; 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 17 of NRS is hereby amended by adding thereto  
2 the provisions set forth as sections 2 to 9, inclusive, of this act.

3 SEC. 2. *Sections 2 to 9, inclusive, of this act may be cited as the*  
4 *Uniform Enforcement of Foreign Judgments Act.*

5 SEC. 3. *In sections 2 to 9, inclusive, of this act "foreign judgment"*  
6 *means any judgment of a court of the United States or of any other court*  
7 *which is entitled to full faith and credit in this state.*

8 SEC. 4. *An exemplified copy of any foreign judgment may be filed*  
9 *with the clerk of any district court of this state. The clerk shall treat the*  
10 *foreign judgment in the same manner as a judgment of the district court*  
11 *of this state. A judgment so filed has the same effect and is subject to the*  
12 *same procedures, defenses and proceedings for reopening, vacating or*  
13 *staying as a judgment of a district court of this state and may be enforced*  
14 *or satisfied in like manner.*

15 SEC. 5. 1. *At the time of the filing of the foreign judgment, the judg-*  
16 *ment creditor or his attorney shall file with the clerk of the court an*  
17 *affidavit setting forth the name and last-known post office address of the*  
18 *judgment debtor and the judgment creditor. The affidavit must also*  
19 *include a statement that the foreign judgment is valid and enforceable,*  
20 *and the extent to which it has been satisfied.*

21 2. *Promptly upon filing the foreign judgment and affidavit, the judg-*  
22 *ment creditor or someone on his behalf shall mail notice of the filing*  
23 *of the judgment and affidavit, attaching a copy of each to the notice, to*

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SENATE BILL NO. 87—SENATOR NEAL

JANUARY 23, 1979

Referred to Committee on Judiciary

SUMMARY—Eliminates certain requirements for restoration of civil rights of convicted persons. (BDR 16-282)

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 pardons and paroles; eliminating certain requirements for restoration of civil rights of convicted persons; 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. NRS 213.090 is hereby amended to read as follows:
- 2 213.090 1. When a pardon is granted for any offense committed, the
- 3 pardon may or may not include restoration of civil rights. If the pardon
- 4 includes restoration of civil rights, it shall be so stated in the instrument
- 5 or certificate of pardon; and when granted upon conditions, limitations
- 6 or restrictions, they shall be fully set forth in the instrument.
- 7 2. In any case where a convicted person has received a pardon
- 8 without immediate restoration of his civil rights, [and has not been
- 9 convicted of any offense greater than a traffic violation within 5 years
- 10 after such pardon,] he may apply to the state board of pardons com-
- 11 missioners for restoration of his civil rights and release from penalties
- 12 and disabilities resulting from the offense [or crime] of which he was
- 13 convicted. If, after investigation, the board determines that the applicant
- 14 meets the requirements of this subsection, it shall restore him to his civil
- 15 rights and release him from all penalties and disabilities resulting from
- 16 the offense [or crime] of which he was convicted. If the board refuses
- 17 to grant [such] the restoration and release, the applicant may, after
- 18 notice to the board, petition the district court in which the conviction
- 19 was obtained for an order directing the board to grant [such] the
- 20 restoration and release.
- 21 SEC. 2. NRS 213.155 is hereby amended to read as follows:
- 22 213.155 1. The board may restore a paroled prisoner to his civil
- 23 rights, [such] the restoration to take effect at the expiration of his
- 24 parole.

Original bill is 2 pages long. Contact the Research Library for a copy of the complete bill.

SENATE BILL NO. 45—SENATORS K. ASHWORTH,  
GLASER AND CLOSE

JANUARY 18, 1979

Referred to Committee on Judiciary

SUMMARY—Substantially revises law on notaries public. (BDR 19-125)

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 notaries public; substantially revising the law regulating notaries public; providing penalties; 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 240 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 27, inclusive, of this act.  
3 SEC. 2. 1. *Upon application, the secretary of state may appoint per-*  
4 *sons as notaries public in this state.*  
5 2. *The secretary of state may not appoint as a notary public any*  
6 *person who submits an application containing any substantial and mate-*  
7 *rial misstatement or omission of fact.*  
8 SEC. 3. *Notaries public may perform notarial acts in any part of this*  
9 *state for a term of 4 years, unless sooner removed.*  
10 SEC. 4. *The secretary of state may designate such local offices within*  
11 *this state as he deems necessary for the public convenience to keep rec-*  
12 *ords and specimen official signatures of notaries public whose business*  
13 *or residence offices are located near the designated local offices.*  
14 SEC. 5. *Every applicant for appointment as a notary public must file*  
15 *an application with the secretary of state stating:*  
16 1. *That he is a citizen of the United States, or if he is not, that he is*  
17 *a citizen or national of a country which permits American citizens to*  
18 *become notaries public therein;*  
19 2. *If he is a citizen of the United States, that he is a registered voter*  
20 *of a state of the United States at the time of his application;*  
21 3. *That he is able to read and write the English language;*  
22 4. *The address of his business or residence in this state;*  
23 5. *His social security number, if he has one; and*