

The meeting was called to order at 10:00 a.m. Senator Close was in the Chair.

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

ABSENT: None

SB 99 Consolidates various provisions relating to wrongful death actions.

For testimony and discussion on this measure, see the minutes for the meetings of January 31, February 7, 8, 14, and 21.

Senator Sloan moved that SB 99 be reported out of committee with a "do pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried unanimously.

SB 256 Provides additional methods of service of process upon deputy sheriffs.

For testimony and discussion on this measure, see the minutes for the meeting of March 5.

Senator Close informed the committee that he had reviewed the laws of other states in this regard and found almost all require that personal service be made on an individual.

Senator Sloan moved to indefinitely postpone SB 256.

Seconded by Senator Dodge.

Motion carried unanimously.

SB 174 Amends requirements for notice of check refused for payment because of insufficient funds.

For testimony and discussion of this measure, see the minutes for the meetings of February 15, 16 and March 15.

Frank Daykin, Legislative Counsel Bureau, testified on this measure at the request of the committee.

In response to a question from Senator Close, Mr. Daykin stated that the only 2 real changes were in the type of notice that is given to the drawer of the bad check and the one dealing with the address. The remainder of the changes are only to bring the language into the present tense.

Senator Close stated that it was his understanding that if a check is given in payment of a note for an existing debt, that check is not subject to the bad check law.

Mr. Daykin responded that that is existing law and is not changed by this. Despite the fact that the language reads "for the payment of any obligation," it has been interpreted by the courts not to extend to that. The theory is that if credit has already been extended, then the giving of a bad check is not a criminal offense.

Senator Raggio asked if this would apply to post-dated checks.

Mr. Daykin replied that it would not. A post-dated check is not invalid because it is post-dated. It is just not a valid order until the date arrives. A post-dated check is not automatically a check on insufficient funds.

Senator Raggio asked if the term "instrument" included promissory note.

Mr. Daykin responded that it would. The prohibition is drawn upon any real or fictitious person, etc., when, in fact, the person drawing the note has insufficient funds to pay it. If a promissory note were issued for an amount of money that did not exist, that would be fictitious.

Senator Raggio questioned whether or not the inability to pay a promissory note would incur more than the usual civil obligations as a result of this measure.

Mr. Daykin replied that, literally applied, you would, under both existing law and the proposed measure.


No action was taken at this time.

Senator Hernstadt requested committee introduction of a bill which would authorize cameras in court.

The committee declined introduction.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Cheri Kinsley, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 99

SENATE BILL NO. 99—COMMITTEE ON JUDICIARY

JANUARY 24, 1979

Referred to Committee on Judiciary

SUMMARY—Consolidates various provisions relating to wrongful death actions.
(BDR 3-274)

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 civil actions for wrongful death; consolidating various statutory provisions; clarifying the damages recoverable in those actions; 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 41 of NRS is hereby amended by adding thereto
2 a new section which shall read as follows:

3 1. *As used in this section, "heir" means a person who, under the*
4 *laws of this state, would be entitled to succeed to the separate property*
5 *of the decedent if he had died intestate.*

6 2. *When the death of any person, whether or not a minor, is caused*
7 *by the wrongful act or neglect of another, the heirs of the decedent and*
8 *the personal representatives of the decedent may each maintain an action*
9 *for damages against the person who caused the death, or if the wrongdoer*
10 *is dead, against his personal representatives, whether the wrongdoer died*
11 *before or after the death of the person he injured. If any other person is*
12 *responsible for the wrongful act or neglect, or if the wrongdoer is*
13 *employed by another person who is responsible for his conduct, the action*
14 *may be maintained against that other person, or if he is dead against his*
15 *personal representatives.*

16 3. *An action brought by the heirs of a decedent pursuant to subsec-*
17 *tion 2 and the cause of action of that decedent brought or maintained by*
18 *his personal representatives which arose out of the same wrongful act or*
19 *neglect may be joined.*

20 4. *The heirs may prove their respective damages in the action*
21 *brought pursuant to subsection 2 and the court or jury may award each*
22 *person pecuniary damages for his grief or sorrow, loss of probable sup-*
23 *port, companionship, society, comfort and consortium, and damages for*

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.