

The meeting was called to order at 8:20 a.m. Senator Close was in the Chair.

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

SJR 21 Urges abolition of statute of limitations for Nazi war crimes.

Lloyd Katz, stated that he is here to make a statement about which he and many others feel very strongly. He submitted his testimony for the record. (See attachment A).

Senator Dodge asked how many of these people are still alive, that aren't going to die soon anyway.

Mr. Katz stated that in terms of age in his opinion that is irrelevant. The point is that punishment will be meted out so long as there is a breath of life in the party who has committed these injustices. There are many living in other countries, where they cannot be touched, but they will know that they will be brought to justice as long as they live.

Senator Dodge asked that if the statute were extended, why won't these people just stay where they are.

Mr. Katz stated that there is that possibility. However, the movement that is being carried on is to move in on them and make a case and attempt to get them extradited wherever possible.

Senator Hernstadt stated that in this country there is no statute of limitations on murder. He questioned if there were a statute of limitation on private homicide in West Germany.

Mr. Katz stated that in late 1971 a law was established which provided that the statute of limitation on murder was not to exceed 20 years that was adjusted to 30 years to accommodate the Nazi war crimes.

Senator Ford stated that she had a letter from John P. Marschall, with the National Institute for Campus Ministeries, which she would like entered into the record. (See attachment B.) She stated she also would like to comment that in the Christian Science Monitor, in March, they commented that since the mid 1960's, after considerable international prodding, the West German government has prosecuted extensively. They have obtained 6,500 convictions out of 84,403 Nazi murder suspects, and so they are actively pursuing these people.

Senator Hernstadt moved that SJR 21 be passed out of committee with a "do pass" recommendation.

Seconded by Senator Sloan.

Motion carried unanimously. Senator Dodge was absent for the vote.

SB 262 Specifies certain rights and liabilities of lessor and lessee upon termination or expiration of lease of motor vehicle. (See minutes of March 9, 27 and 29 for testimony and discussion.)

Testifying before the Committee were David Hagen, Nevada National Bank, De Armond Sharpe, Security National Bank, and John Colluras, with the Bankers Association.

Mr. Sharpe stated that he had looked over the amendments to this bill with the Association for the first time last Friday. They feel that there is an entirely new facet in the bill.

Senator Close stated that he had advised Mr. Hagen earlier that the bill had been changed considerably.

Mr. Sharpe stated that he would like to pass out an outline to the Committee stating just exactly what the Association felt the bill should do. (See attachment C.)

Senator Hernstadt stated that what the Committee tried to do in the bill, was to make sure that there was no low-balling. That there was the opportunity to bid, even if the lessor did not accept the bid, but that would be used in calculating the termination benefit.

Mr. Sharpe stated that the Huff decision created a problem. It characterized a typical open-end lease, where the lessee had liability for the unamortized capitalized cost of the vehicle. That decision stated that it was nothing more than a conditional sale. The amendment proposed was the definition of an open-end lease, with the language that dealt with the open-end lease precisely. It would amend NRS 97.105 which is the Installment Sales Act. Conceptually, it is broad enough to accommodate what the Committee is interested in doing in Section 3, which deals essentially with single leasing.

Senator Close stated that the Committee had gone beyond the recommendations of the Association. It is not merely a matter of what the Association wants to accomplish, but also takes care of other problems that the Committee perceives may exist.

Mr. Sharpe stated that before they got into the outline, he would just like to make a statement about what is needed. The Huff case deals only with open-end leases, and out of precedent they used the definition to cover both open-end and closed-end leases. In so far as the Committee would like to



give some protection to commercial lessee's, we believe that what should be done is to cover those individuals, who for tax reasons, get into a commercial lease. We can accommodate that and offer to the commercial lessee the limitation of liability to the pre-payment rule. We would like the commercial lessee to have the option to waive the pre-payment rule, in order to adjust the unamortized capitalized cost, which in turn will permit him to have a different payment structure and different lease term to fit his needs. We would like to have a definition of vehicle lease long enough to cover open-end and closed-end leases for disclosure and limitation liability. If this definition is to accommodate the exposure to limitational liability provisions, as to the commercial lessee, we are going to need a slightly expanded definition to accommodate that.

Senator Close stated that what it comes down to is that it still has to be a vehicle lease when it goes through the statutes. It has to be structured as a vehicle lease whether it is closed-end or open-end leasing.

After going through the outline and discussion of it, the Committee decided that there should be defined the difference between commercial and consumer lease. The difference between the closed-end lease and open-end lease should be defined enough so that they could be understood as a vehicle lease by definition. Make sure that this lease cannot be construed as a purchase/option. The definition of substantial fair market value and substantial wholesale value should be defined if they are different. Make sure that the lessee knows what his inside and outside liability is.

Senator Close stated that the Association knows what their concerns are, and would like them to prepare some language and bring it back to be considered again. He stated he feels that what has happened is that they tried to change the Committee's philosophy and that affected the Committee's consideration of the bill.

No action was taken at this time.

AB 393

Provides for establishment of procedures for allowing offenders to retain certain personal property in prison.

Mike Medema, Department of Prisons, stated that this bill resulted from an interim study of the prison system. The prison has a procedure for handling of inmates' personal property, but there is nothing in the statutes to handle this. This would leave the responsibility to the superintendent level at each institution. The reason for this is that each institution has different property regulations. The concern of the interim study was that if Warden Woolf left, the project would not be carried on, and they wanted it set by statute.

Senator Hernstadt moved that AB 393 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Raggio.

Motion carried unanimously. Senator Dodge was absent for the vote.

AB 646 Removes certain duties of county clerk in petition to court for establishing parentage or date or place of birth.

Jack Homeyer, Chief File Statistician for the Division of Health, stated that this bill covers the same territory that the Committee considered under SB 294, so he sees no need for the Assembly bill. He stated the only other comment he would make is under Chapter 41 procedures; there is nothing requiring that the person exhaust the Administrative procedures before going to court, and this is not covered under SB 294.

No action was taken on this bill at this time.

SB 480 Allows deed of trust in lieu of surety bond in certain circumstances.

Senator Lawrence Jacobsen stated that this bill came about because some of the people in the agricultural area are required to have a surety bond. As long as they have had a reasonable amount of experience, they would be able to substitute a lien on their property and this does not loosen the requirements in any manner. This would save them from obtaining a bond, which in many cases costs a considerable sum of money. They would have to have it on deposit and it would encumber the property on the primary deed of trust.

Senator Close stated that he felt it would be a lot easier to foreclose on a deed of trust rather than a bond, if that occasion should arise.

No action was taken on this bill at this time.

The meeting adjourned at 10:55 a.m.

Respectfully submitted,

APPROVED:

  
Virginia C. Letts, Secretary

Senator Melvin D. Close, Jr., Chairman



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I thank you for the opportunity to speak before you & address myself to an issue about which I feel very strongly.

I commend you all on introducing this resolution on the abolition of the Statute of Limitations for Nazi War Crimes and for your sensitive grasp of the issue inherent therein.

History has proved that the most heinous of conspiracies is the conspiracy of silence. The sins of omission begot the sins of commission. We now have a rare opportunity to raise our voices in concern in the matter of the pursuit of justice - not just in the States or the Nation - but in the World Community.

To paraphrase a current TV commercial - "When the U.S. talks - the World listens" How effective our message is may be determined by its urgency and conviction. I might point out that the German Government will vote on this issue as early as June of this year. They will unquestionably be influenced by World opinion to which this <sup>is</sup> <sup>my</sup> <sup>contribution</sup>.

The issue is at once a legal <sup>and</sup> moral one. It asks: When do we cease pursuing justice? What conditions and circumstances allow "getting away with murder?" How do we establish strong deterrents in our systems that guarantee against the recurrence of ~~the~~ heinous crimes of genocide? To set a time limit in this issue is to extinguish the hope of civilized man - for he relies on these systems for his secure future.

To those who will protest - "let us be done with it" - I suggest that we will never be done with it until we are assured that it will never be possible for any

Government is going to systematically exterminate 6 million  
Jews and 5 million other non-combatants of various nationalities  
and religious persuasions.

And Why is more time needed? Between 1949-1959 (the original 10  
year extension) some 10,000 new cases were opened and processed.  
There are voluminous files on large numbers of other Nazi War  
Criminals on which additional preparation is required. These  
fugitives now remain in hiding waiting for the day the statute expires  
if they emerge as free men then in effect, we are all guilty of a lack  
of justice.

On 2 separate public occasions - Once on Nov. 9, 1948 in a Colloque  
Synagogue and again last month on Mar. 15 in Germany in a meeting  
with American business leaders and several U.S. congressmen -  
Chancellor Schmidt stated he policies and welcomes additional dialogue  
on this issue. He intimated that the expiration of the statute would  
then leave a pale of guilt over Germany.

You find a distinguished roster of states who have passed this resolution  
- New York - California - Massachusetts - Michigan and Kansas. Texas is in  
the process of passing it now. Other states are preparing its presentation.

A word of caution. Presently there is only a slight margin of 2 votes  
in favor of the resolution in the <sup>SENATE</sup> ~~congressional~~ ~~legislative~~ ~~department~~. This is to the  
the minimum sign. I suggest we must act in large numbers and  
urgently to ~~avoid~~ ~~preclude~~ ~~another~~ ~~hope~~ ~~this~~ ~~barriage~~ ~~of~~ ~~justice~~.

Thank you for your attention.



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• WESTERN REGIONAL DIRECTOR

April 20, 1979

The Honorable Jean Ford  
Legislative Building  
Capitol Complex  
Carson City, Nevada 89710

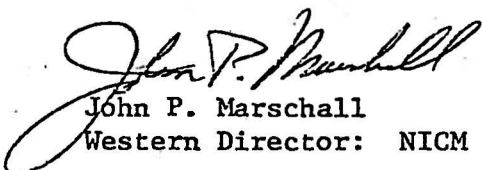
Dear Jean,

I regret that I will be at a staff meeting in Boston on Monday, April 23, and therefore I will be unable to testify concerning SJR 21.

As you know, I strongly support this resolution for humanitarian reasons. Some Nazi perpetrators of the Jewish Holocaust may still be alive and free. Their crime against a significant portion of an entire ethnic group has horrified all conscientious human beings. Their action must not be allowed to be forgotten by the passage of time.

The strong position on human rights for which this nation stands compels us to support SJR 21.

Sincerely,



John P. Marschall  
Western Director: NICM

JPM:ah

S. B. 262 - OUTLINE OF PROPOSED GOALSI. Legislation Resolving Problems Posed by Nevada National Bank v. Huff

## A. Definitions

1. Vehicle (single rather than fleet)
2. Person
3. Open-end vehicle lease

## B. Mechanism by which value of vehicle upon termination is established for lessee liability purposes

1. Value established by bid or sale
2. Must be commercially reasonable
3. Lessee has right to bid
  - a. 10 day notice stating potential liability and right to bid
  - b. Exercised by submitting written bid within 10 day period or before value is established, whichever is later
  - c. If lessee's bid is accepted lessee must tender bid amount within 3 days of acceptance
4. Highest bid received or actual sale price is vehicle value
5. Lessor cannot recover deficiency if lessor fails to comply

## C. Conforming amendment to NRS 97.105 regarding lease definition

## D. Effective upon passage and approval

## E. Applicable to all leases terminating after effective date

## II. Legislation Regarding Business or Commercial Purposes Leases

## A. Definitions

1. Vehicle
2. Person
3. Vehicle lease
  - a. Covers both open-end and closed-end leases
  - b. Primarily for business or commercial purposes
  - c. For leases having a total contractual obligation of \$25,000 or less
  - d. Applicable to single vehicle transactions only
4. Estimated residual value

## B. Disclosures required at or before consummation (substantially same as proposed in Section 3 of Amendment No. 612)



C. Lessee's expiration liability to be based on estimated residual value unless lessee specifically agrees otherwise

D. If lessee's expiration liability based on estimated residual value, three payment rule applicable (same as Section 4 of Amendment No. 612)

E. Penalties for non-compliance

1. Actual damages
2. Punitive damages not to exceed 25% of lease payments or \$1,000, whichever is less

F. One year statute of limitations

G. Effective as to new leases 6 months following passage and approval

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SENATE JOINT RESOLUTION NO. 21—COMMITTEE ON  
JUDICIARY

APRIL 12, 1979

—○—  
Referred to Committee on Judiciary

SUMMARY—Urges abolition of statute of limitations for  
Nazi war crimes. (BDR 1751)



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

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SENATE JOINT RESOLUTION—Memorializing the United State Government to urge the German Federal Republic to abolish the statute of limitations for Nazi war crimes or to extend the period in which the guilty persons may be prosecuted.

1 WHEREAS, It is the policy of the State of Nevada, as manifested in its  
2 law of homicide, that responsibility for the commission of a single  
3 murder may not be discharged by the mere passage of time; and

4 WHEREAS, The magnitude of the crime of mass murder on the scale  
5 suffered during the Nazi holocaust is an overwhelming reason to toll  
6 any applicable statute of limitations; and

7 WHEREAS, The present law of the German Federal Republic relating  
8 to Nazi war criminals, if left unchanged, will preclude the initiation of  
9 investigations or prosecutions of such persons after December 31, 1979;  
10 and

11 WHEREAS, If the law is not changed to extend or make perpetual  
12 liability for these crimes, thousands of persons guilty of involvement in  
13 the calculated and brutal murder of masses of innocent persons will  
14 certainly escape justice; and

15 WHEREAS, It is in the interest of all free people to ensure that future  
16 generations not be allowed to forget the consequences of such horrible  
17 crimes; and

18 WHEREAS, An international campaign to convince the German Federal  
19 Republic to eliminate or extend the current statute of limitations has  
20 been initiated by concerned persons and organizations to which the  
21 people of the State of Nevada would add their voice; now, therefore, be it

22 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*  
23 That the United States Government is respectfully requested to urge  
24 the German Federal Republic and the members of its parliament to  
25 abolish or extend the statute of limitations relating to Nazi war crimes;  
26 and be it further

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



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**ASSEMBLY BILL NO. 393—ASSEMBLYMEN MANN, SENA,  
CHANEY AND POLISH**

**FEBRUARY 13, 1979**

—○—  
Referred to Committee on Judiciary

**SUMMARY—**Provides for establishment of procedures for allowing offenders to retain certain personal property in prison. (BDR 16-77)

**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 relating to prisons; provides for the establishment of procedures for allowing offenders to retain reasonable amounts of personal property in prison; 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 209 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 *The board shall specify by regulation the personal property which an*  
4 *offender may retain in his possession, including:*  
5 1. *Procedures necessary to ensure that offenders are permitted to*  
6 *retain reasonable amounts of personal property, consistent with security*  
7 *and the proper functioning of the institution.*  
8 2. *Necessary procedures for the careful handling and secure storage*  
9 *of the personal property of an offender.*