

The meeting was called to order at 8:10 a.m. Senator Close was in the Chair.

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

ABSENT: None

SB 292 Provides for periodic payments of certain damages recovered in malpractice claims against providers of health care.
(See minutes of March 15, 28, 29, April 3, 20, and May 1 for testimony and discussion.)

Senator Close stated that the problem we are having here is that we are requesting the jury to make a special verdict. They would be required to set apart the amount as far as future damages. Also, what the life expectancy of the defendant is and there could be varying testimony on that.

Senator Hernstadt stated that say a person was 40 years old, according to the actuarial thing, if he were a perfectly normal individual he could live to 75 years, but because of his circumstances it is estimated he will only live 10 more years.

Frank Daykin stated that he felt if you go to the jury, while they may very well take into consideration the factors you have discussed, he is sure they don't take them in the rationale as an experienced trial lawyer has laid them out here.

Senator Raggio stated that in the traditional case they will have the evidence of the standard mortality. Taking that evidence and the evidence of the plaintiff's doctors, who will say because of his condition he will probably only live X number more years, they will have to make some bype of determination on their own.

Mr. Daykin stated that as an alternative to the plaintiff is to require the trust with the fixed amount dispersed, which is going to end, plus interest, presumably upon the declining balance, so he would be getting more in the earlier years and less in the later years.

Senator Close stated that they also had concern over Section 6 of the bill. The judgment once it is set by the jury for future damages is not to be modified. It is the concern of the Committee that the payments might be modified under the language in that section.

Mr. Daykin stated that the proposed amendment would allow them to modify the payments, but not the term amount of the judgment.

Senator Close stated that there were two other concerns. On page 3, subsection 2, there is language in there to provide that if the payments are not made on time the entire debt will be accelerated. Also, over on Page 2, line 15, the injured party can also cause the deficiency of the collateral to be repealed.

Mr. Daykin asked that if the judgment debtor, in this instance is an insurance company, do you want them to be able to issue their own annuity if they are otherwise qualified to issue an annuity, or must they turn to a third party and purchase an annuity.

Senator Close stated that it was the consensus of the Committee for the insurance company to have the choice.

Mr. Daykin stated that the Legislative Counsel Bureau has amendments that cover many of the points and they will revise the bill to cover the remainder.

No action was taken at this time.

SB 453 Revises provisions for casino entertainment tax.
(See minutes of April 24 for testimony and discussion)
(See attachment A for proposed amendments)

Senator Close stated that as he recalled the amendment to this added in "theatre tickets."

Senator Sloan stated that it rearranged the text of NRS 463.401, Subsection 1, in some small degree and then in subsection 2 they added Theatre Tickets and Harrah's asked that "muesum" be included.

Senator Raggio stated that as he recalled if there was going to be a refund, they wanted whatever the excess was after payments and costs of attorney's fees.

Senator Sloan stated that that was what the industry wanted but the control board did not want to agree to it. This is because in the MGM case, where \$300,000 was collected from the public on Jai Lai plus the 10%. The MGM brought suit to have that money refunded and also asked for a prospective declaration that the tax did not apply. The case was settled out of court with the State keeping 2/3 or the money. Basically what the argument was was the theory of constructive trust. They did not pay the tax therefore they were not entitled to it. A law firm had assumed over \$100,000 in refund for legal fees, prevailed, and got about \$30,000 back. That should be negotiable and the court should be able to make that determination.

Senator Close stated that right now the law reads that if you sue for \$10,000 or more the court is precluded from allowing attorney's fees.

Senator Sloan asked if there could be some form of reciprocity

so that the State has to sue to collect from MGM or anyone else. If they don't want to pay the tax and brought a suit at the outset for declaratory relief they would still have had to pay their attorney's fees. He felt that this situation, however, was much less significant than the ticket loophole. He stated that if there was a problem he would rather put in the law about significant costs and attorney's fees. He would rather see that than lose the bill.

Senator Raggio asked if this would have application to anything other than what is presently in the law. If this is going to provide for other things then what is being considered here, he would like to know about it now.

No action was taken at this time.

AB 338 Limits privilege of husband or wife to prevent testimony of other to testimony regarding events occurring after marriage.

Jan Stewart, Assemblyman, stated that this bill was amended in Assembly Judiciary to that it only applies to criminal types of cases. The main problem is the situation in which a criminal defendant will marry one of the main witnesses and thus be able to avoid any type of prosecution. The Supreme Court recently made a study and they suggested in their report to Congress that there be a specific instruction as to introduction of evidence in a criminal proceeding. One of these referred to matters occurring before the marriage, which is the exact same exception that is proposed in this bill. Congress then went even further, in saying that the only exception was to confidential communications that occurred during the marriage, and had no application prior to the marriage. Our rule does not go as far as the Federal rule, but goes as far as what was suggested by the Supreme Court.

Senator Raggio moved that AB 338 be passed out of Committee with a "do pass" recommendation.

Senator Sloan seconded.

Motion carried unanimously, Senator Ashworth was absent for the vote.

SB 477 Makes certain changes in provisions for gaming licensing and control which affect publicly traded corporations.
(See minutes of April 24 for testimony and discussion.)

Senator Hernstadt moved that SB 477 be "indefinitely postponed."

Senator Sloan seconded.

Motion carried unanimously, Senator Ashworth was absent for the vote.

SB 279 Provides for receivership for gaming establishments in certain cases.
(See minutes of March 21 and March 26 for testimony and discussion.)

It was the concurrence of the Committee to go with SB 500 rather than this bill.

Senator Sloan moved that SB 279 be "indefinitely postponed."

Seconded by Senator Hernstadt.

Motion carried unanimously, Senator Ashworth was absent from the vote.

AB 546 Expands membership of medical-legal screening panels to include hospital administrators. (See April 24 for previous testimony)

Fred Hillerby, Nevada Hospital Association, stated that their intent was not to disrupt the pre-trial screening panels. They feel that they are very important and that is why the hospitals wish to participate, and only when a hospital is named as a party to the claim. He stated that he, with the help of Russ MacDonald, had drafted an amendment which he would like to have the Committee look over. (See attachment B.)

Senator Raggio asked what Mr. Hillerby's comment would be to the comment that was made at the previous hearing, that the administrator may not be qualified to sit on the panel.

Mr. Hillerby stated that the administrator is selected by the Board of Trustees. He is given the responsibility of managing the affairs of the hospital. The quality of care that goes on in the hospital is his main responsibility. He would have the expertise and the experience to know how to handle any given situation in the hospital. Obviously he cannot be an expert in every field, but he does surround himself with people that are experts in any particular field.

Senator Close asked if the Hospital Association would have any objections to putting some language in the bill that would relate only to a direct act of negligence, other than the fact the doctor was hired by the hospital.

Mr. Hillerby stated that he did not feel that would be a problem for any of the hospitals.

Rick Peugh, Executive Director of the State Medical Association, stated that the Medical Association is in agreement with peer review and the screening process. However they do have a problem with the numbers of the people on the panel. He suggested that they would suggest 4 attorneys, 2 physicians and 2 Hospital Administrators. He submitted a letter from the Association explaining their position. (See attachment C.)

The vote was unanimous among those present. Senators Dodge, Ashworth and Hernstadt were absent for the vote.

AB 605 Eliminates monetary limit to liability of parents or guardians for willful certain misconduct of minor.

Dick Garrett, Farmers Insurance Group, stated that when you make it the law that the parent is liable for the act of the child it can become a real problem. If we are the insurer it then becomes a legal obligation and the insurance company steps in on behalf of the parent. Our concern is over the 300% inflationary increase. There could be situations where a family does not have comprehensive liability and one of their children, say, burns down a school house, you could wipe that family's savings out completely.

Senator Close stated that you could turn that hypothetical around and if that child comes in and burns my house down, the parents should have some responsibility.

Senator Sloan moved that AB 605 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Raggio.

The vote was unanimous among those present. Senators Dodge, Ashworth and Hernstadt were absent for the vote.

AB 735 Requires prisoner to pay for treatment of self-inflicted injury.

Senator Raggio moved that AB 735 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Sloan.

The vote was unanimous among those present. Senators Dodge, Ashworth and Hernstadt were absent for the vote.

SB 424 Removes obligation of counties and cities to pay share of cost of judicial instruction.

After a short discussion by the Committee it was felt that because this was part of the overall package for State funding for the court systems this should go to Finance.

Senator Raggio moved to take no action on this bill and refer to Finance.

Seconded by Senator Sloan.

The vote was unanimous among those present. Senators Dodge, Ashworth and Hernstadt were absent for the vote.

AB 669 Allows Service of summons on trial jurors by ordinary mail.
(See minutes of April 26 for testimony and discussion.)

Senator Raggio moved that AB 669 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Sloan.

The vote was unanimous among those present. Senators Dodge, Ashworth and Hernstadt were absent for the vote.

AB 526 Permits substitution of police judge for justice of peace in certain circumstances.
(See minutes of April 26 for testimony and discussion.)

Senator Raggio moved that AB 526 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Sloan.

The vote was unanimous among those present. Senators Dodge, Ashworth and Hernstadt were absent for the vote.

AB 389 Provides penalty for stopping payment on a check under certain circumstances.
(See minutes of April 26 and May 4 for testimony and discussion.)

Senator Raggio stated that there had to be a policy decision on this bill because of the gaming situation. He feels that not only the situation where a check is given for markers but perhaps all gaming situation should be excluded. Also, there should be some language to cover the situation where merchandise cannot be returned. There should be some language too that indicates it is not a crime everytime someone stops payment on a check. It should be made clear this is only effective if there is intent to defraud.

No action was taken on this bill at this time.

AB 479 Provides injunctive relief in certain situations of domestic violence.
(See minutes of April 20, 26 and May 1 for previous testimony and discussion.)

After a short discussion it was agreed to change the 30 days to 15 days on Page 1, last line and put within 2 days of notice and upon the request of the applicant.

Senator Ford moved that AB 479 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Sloan.

The vote was unanimous among those present. Senators Dodge and Ashworth were absent for the vote.

1101

Minutes of the Nevada State Legislature

Senate Committee on Judiciary

Date: May 2, 1979

Page: 8

The meeting was adjourned at 10:20 a.m.

Respectfully submitted,

Virginia C. Letts, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman

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April 25, 1979

Senator Mel Close
Chairman, Senate Committee on Judiciary
Legislative Building
Carson City, Nevada 89710

Re: S.B. 453

Dear Mr. Chairman:

As you requested during the April 24 hearing on S.B. 453, representatives of the State Gaming Control Board and the gaming industry met to develop new language that would make the casino entertainment tax applicable to admission charges when entertainment is provided in a casino showroom or lounge in connection with the serving or selling of food, refreshment or merchandise and there is a separate charge for admission. At present, the tax does not apply to such admission charges.

With that new language, NRS 463.401 (1) would read as follows:

463.401 1. In addition to any other license fees and taxes imposed by this chapter, a [tax, to be known as the] casino entertainment tax [,] equivalent to 10 percent of all amounts paid for admission, food, refreshments or merchandise is hereby levied, except as provided in subsection 2, upon each licensed gaming establishment in this state, where music and dancing privileges or any other entertainment, except instrumental or mechanical music alone, is provided to the patrons in connection with the serving or selling of food [, refreshments or merchandise.] or refreshments, or the selling of any merchandise.

LIQNEL SAWYER & COLLINS
ATTORNEYS AT LAW

Senator Mel Close
April 25, 1979

Page Two

You will note that the exemption for "instrumental or mechanical music alone," which was deleted by S.B. 453, has been restored. The Board agreed that unless this is done the tax would be extended to rooms in which strolling musicians appear, unless only non-alcoholic drinks were served. The Board agreed this was not their intention.

We suggested the list of exemptions at lines 27 and 28 of page of S.B. 453 be expanded to include non-profit benefits and filmed entertainment. While it is probable no specific exemptions are necessary in order to protect the listed events from being taxed, we felt it would avoid any future disagreements to list them.

We were unable to come to any agreement on Mr. Segelin's suggestion concerning Section 1 of S.B. 453 to the effect that, even if a licensee would not otherwise be entitled to refund of an overpayment, the licensee should be allowed to recover his legal fees and expenses in challenging an illegal tax assessment. The rationale is that S.B. 453 would allow illegal assessments to go unchecked because licensees would find it more expedient to avoid the high costs of executive and legal time spent in challenging such assessments and simply pass the tax along to customers.

It is my understanding the full text of the new language has been submitted by the Board. I have also given it to the Nevada Resort Association to make sure its members are in agreement. If there is any objection, I will notify you immediately.

Sincerely,



ROBERT D. FAISS

RDF:es

cc: Senator Sloan^t
State Gaming Control Board
Nevada Resort Association

AMENDMENTS TO AB 546

Amend the bill as a whole by inserting on page 3 following line 19 the following:

"Sec. 3. NRS 41A.040 is hereby amended to read as follows:

41A.040 1. The screening panels are state agencies. Their administrators shall adopt the required rules of practice, which shall be uniform for the panels.

2. All medical malpractice claims against any physician, his associates, servants, agents or employees, or against any nurse individually where a physician is not joined in the claim, shall be submitted and heard by the appropriate screening panel pursuant to the uniform procedural rules adopted by the administrators.

3. If a medical malpractice claim also names a licensed general hospital where such claim arises from alleged medical malpractice of individuals named in subsection 2, the claim shall be submitted simultaneously with the medical malpractice claim provided for in subsection 2 and heard by the appropriate screening panel pursuant to the uniform procedural rules adopted by the administrators."

**NEVADA
STATE
MEDICAL
ASSOCIATION**

3660 Baker Lane • Reno, Nevada 89509 • (702) 825-6788

May 1, 1979

TO: Senate Judiciary Committee

FROM: Richard Pugh, Medical Administrator--Medical/Legal Screening Panel

SUBJ: A.B. 546

The Nevada State Medical Association has consistently supported the concept of panels for the screening of potential medical malpractice cases before they reach the courts. In the mid '60s Nevada physicians and attorneys saw the need for such committees to review cases in an informal manner and, after deliberation, resolve two questions: (1) Was there malpractice involved in the case, and (2) were damages incurred? Panels in Las Vegas and Reno have reviewed hundreds of cases in the ensuing years and have worked very effectively in speeding up the legal process.

A.B.546, before you today for consideration, adds a representative from one of Nevada's hospitals to screening panels whenever cases are heard involving hospitals. In those cases where only physicians are involved the panel composition remains the same as in law at present--3 physicians and 3 attorneys.

From a paper work standpoint we do not believe this change in the present statute will appreciably alter the amount of staff time by either the Medical or Bar Associations. We feel that the concept and philosophy of peer review on these panels can and will work effectively.

There is one amendment we would like to offer to strengthen the bill in its present form. We would strongly recommend that the numbers of representatives from participating disciplines be increased in the following manner: Attorneys - from 2 to 4, Physicians - from 1 to 2, Hospital Administrators - from 1 to 2.

The bill as it is presently drafted would seriously impair future success of these panels and we would strongly urge your committee, Sen. Close, to adopt this amendment.

ASSEMBLY BILL NO. 338—COMMITTEE ON JUDICIARY

FEBRUARY 7, 1979

Referred to Committee on Judiciary

SUMMARY—Limits privilege of husband or wife to prevent testimony of other to testimony regarding events occurring after marriage. (BDR 4-835)

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 privileges; limiting the privilege of a husband or wife to prevent testimony of the other to testimony regarding events which occurred after the marriage; 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 49.295 is hereby amended to read as follows:
2 49.295 1. Except as provided in [subsection 2] *subsections 2 and 3*
3 and NRS 49.305:
4 (a) A husband cannot be examined as a witness for or against his
5 wife without her consent, nor a wife for or against her husband without
6 his consent.
7 (b) Neither a husband nor a wife can be examined, during the mar-
8 riage or afterwards, without the consent of the other, as to any com-
9 munication made by one to the other during marriage.
10 2. The provisions of subsection 1 do not apply to a:
11 (a) Civil proceeding brought by or on behalf of one spouse against
12 the other spouse;
13 (b) Proceeding to commit or otherwise place his spouse, the property
14 of his spouse or both the spouse and the property of the spouse under
15 the control of another because of the alleged mental or physical condition
16 of the spouse;
17 (c) Proceeding brought by or on behalf of a spouse to establish his
18 competence;
19 (d) Proceeding in the juvenile court pursuant to chapter 62 of
20 NRS; or
21 (e) Criminal proceeding in which one spouse is charged with:
22 (1) A crime against the person or the property of the other spouse
23 or of a child of either, or of a child in the custody or control of either,
24 whether such crime was committed before or during marriage.

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

SENATE BILL NO. 477—COMMITTEE ON JUDICIARY

APRIL 17, 1979

Referred to Committee on Judiciary

SUMMARY—Makes certain changes in provisions for gaming licensing and control which affect publicly traded corporations. (BDR 41-1639)

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 gaming licensing and control; exempting publicly traded corporations from certain restrictions on disposition and ownership of their securities and requiring the corporations to impose conditions upon the holding of certain shares; 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 463.625 is hereby amended to read as follows:
2 463.625 [The commission may exempt a publicly traded corpora-
3 tion from compliance with:

4 1. The provisions of subsection 4 of NRS 463.510.

5 2. Some or all of the provisions of NRS 463.585 to 463.615, inclu-
6 sive. To the extent of such exemption, such corporation shall comply
7 instead with the provisions of NRS 463.635 to 463.645, inclusive.]

8 1. *A publicly traded corporation is exempt from compliance with*
9 *the provisions of NRS 463.510 and subsection 5 of NRS 463.585.*

10 2. *The commission may exempt a publicly traded corporation from*
11 *compliance with some or all of the remaining provisions of NRS 463.-*
12 *585 and the provisions of NRS 463.595 to 463.615, inclusive. To the*
13 *extent of such exemption, a corporation shall comply instead with the*
14 *provisions of NRS 463.635 to 463.645, inclusive.*

15 SEC. 2. NRS 463.635 is hereby amended to read as follows:

16 463.635 1. If a corporation applying for or holding a state gaming
17 license is or becomes owned in whole or in part or controlled by a
18 publicly traded corporation, such a publicly traded corporation must:

19 (a) *Provide in its corporate charter or bylaws that any voting security*
20 *of the corporation is held subject to the conditions that if the share-*
21 *holder is found unsuitable by the commission, the shareholder, after*
22 *a date specified by the commission, may not:*

23 (1) *Hold, directly or indirectly, ownership of the security.*

24 (2) *Receive any dividend or interest upon the security.*

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

SENATE BILL NO. 279—SENATORS WILSON AND SLOAN

MARCH 1, 1979

Referred to Committee on Judiciary

SUMMARY—Provides for receivership for gaming establishments in certain cases. (BDR 41-1943)

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 gaming establishments; providing for receivership upon the revocation or suspension of the gaming license of such an establishment; 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 463 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this act.
3 SEC. 2. 1. *If the commission revokes or suspends the license of any*
4 *person who owns or operates a licensed gaming establishment, the*
5 *commission may immediately thereafter file a petition for the appoint-*
6 *ment of a receiver for the establishment, in the district court for the*
7 *county where the commission maintains its principal office, for the pur-*
8 *pose of preserving the status of the establishment's employees and the*
9 *property of its owners.*
10 2. *Upon request of the district court, the commission may submit to*
11 *the court the names of any persons whom the commission finds to be*
12 *qualified and available for appointment as the receiver.*
13 3. *The district court which receives a petition pursuant to subsection*
14 *1 for the appointment of a receiver for a gaming establishment shall*
15 *immediately thereafter appoint a person who is qualified in management*
16 *of gaming establishments as the receiver.*
17 4. *If the person appointed by the district court is a person whose*
18 *name was submitted to the court by the commission, the appointment is*
19 *effective without further consideration by the commission.*
20 5. *If the person appointed by the court is a person whose name was*
21 *not submitted to the court by the commission, the court shall send to the*
22 *commission the name of the person so appointed and a statement of his*
23 *qualifications to serve as the receiver. The commission must immediately*
24 *approve or disapprove the appointment. If the commission approves the*

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

ASSEMBLY BILL NO. 546—COMMITTEE ON JUDICIARY

MARCH 15, 1979

Referred to Committee on Judiciary

SUMMARY—Expands membership of medical-legal screening panels to include hospital administrators. (BDR 3-1413)

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 medical-legal screening panels; expanding the membership of tentative panels to include hospital administrators; 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 41A.010 is hereby amended to read as follows:
2 41A.010 As used in NRS 41A.020 to 41A.095, inclusive, unless the
3 context otherwise requires:

4 1. "Administrator" means a screening panel administrator desig-
5 nated by the board of governors of the State Bar of Nevada, the execu-
6 tive committee of the Nevada State Medical Association, *the board of*
7 *directors of the Nevada Hospital Association* or the board of directors
8 of the Nevada Nurses' Association.

9 2. "Hospital administrator" means *the administrator, assistant admin-*
10 *istrator or other similarly qualified employee of a licensed general*
11 *hospital.*

12 3. "Medical malpractice" means neglect or negligence that imports
13 a want of such attention to the natural or probable consequences of an
14 act or omission of an act or standard of care as would reasonably be
15 expected of an ordinarily prudent physician or nurse.

16 [3.] 4. "Nurse" means a person who has been licensed as a pro-
17 fessional nurse by the state board of nursing pursuant to chapter 632
18 of NRS.

19 [4.] 5. "Physician" means a person who is a graduate of an aca-
20 demic program approved by the board of medical examiners of the
21 State of Nevada and has been issued a license by the board of medical
22 examiners of the State of Nevada pursuant to chapter 630 of NRS.

23 [5.] 6. "Screening panel" means a joint medical-legal screening
24 panel composed of attorneys, *hospital administrators* and physicians or

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

SENATE BILL NO. 538—COMMITTEE ON JUDICIARY

APRIL 27, 1979

Referred to Committee on Judiciary

SUMMARY—Allows credit against term of imprisonment in jail for prisoners who perform work. (BDR 16-1920)

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 county and city jails; allowing prisoners who perform work a credit against their terms of imprisonment; providing for forfeiture of the credit under certain circumstances; 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 211.170 is hereby amended to read as follows:
2 211.170 1. For each month in which [the prisoner appears,] a
3 prisoner:
4 (a) *Appears* by the record provided for in NRS 211.150, to have been
5 obedient, orderly and faithful, [5 days shall, with the consent of] the
6 board [having power in the premises, be deducted from his term of
7 sentence.] of county commissioners of the county in which the prisoner
8 is incarcerated may deduct not more than 5 days from the term of
9 imprisonment of the prisoner.
10 (b) *Diligently performs his assigned work, the board may deduct not*
11 *more than 5 additional days from the term of imprisonment of the*
12 *prisoner.*
13 2. *Deductions earned for any period of time less than a month must*
14 *be credited on a pro rata basis.*
15 3. *If, while incarcerated, a prisoner:*
16 (a) *Commits a criminal offense;*
17 (b) *Commits an act which endangers human life; or*
18 (c) *Intentionally disobeys a rule of the jail,*
19 *all or part of any deductions the prisoner has earned under this section*
20 *may be forfeited as the board determines.*
21 4. *Before any forfeiture under subsection 3 may occur, the prisoner*
22 *must be given reasonable notice of the alleged misconduct for which the*
23 *forfeiture is sought and an opportunity for a hearing on that misconduct.*

ASSEMBLY BILL NO. 605—ASSEMBLYMEN
HAYES AND SENA

MARCH 22, 1979

Referred to Committee on Judiciary

SUMMARY—Eliminates monetary limit to liability of parents or guardians for certain willful misconduct of minor. (BDR 3-1253)

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 actions concerning persons; eliminating the monetary limit to the liability of parents or guardians for certain willful misconduct of a minor; 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 41.470 is hereby amended to read as follows:
2 41.470 1. Any act of willful misconduct of a minor which results
3 in any injury or death to another person or injury to the private property
4 of another or to public property ~~shall be~~ *is* imputed to the parents or
5 guardian having custody and control of the minor for all purposes of
6 civil damages, and ~~such~~ *the* parents or guardian having custody or
7 control ~~shall be~~ *are* jointly and severally liable with the minor for all
8 damages resulting from ~~such~~ *the* willful misconduct.
9 2. ~~The joint and several liability of one or both parents or guardian~~
10 ~~having custody or control of a minor under this section shall not exceed~~
11 ~~\$3,000 for any such act of willful misconduct of the minor.~~
12 3. ~~The liability imposed by this section is in addition to any liability~~
13 ~~now imposed by law.~~

20

ASSEMBLY BILL NO. 526—ASSEMBLYMAN GETTO

MARCH 12, 1979

Referred to Committee on Judiciary

SUMMARY—Permits substitution of police judge for justice of peace in certain circumstances. (BDR 1-1106)

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 justices of the peace; permitting substitution of a police judge when a justice of the peace is disqualified or not able to serve; 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 4 of NRS is hereby amended by adding thereto
2 a new section which shall read as follows:
3 *In any case in which the justice of the peace is disqualified by reason*
4 *of being a party to or interested in a proceeding pending in the justice's*
5 *court or of being related to the defendant, plaintiff or complaining wit-*
6 *ness in the proceeding by consanguinity or affinity within the third*
7 *degree, or in any case of his sickness, absence or inability to act, and*
8 *if a substitute justice of the peace has not been obtained pursuant to*
9 *NRS 4.340, a police judge of a municipal court of any city in the*
10 *county may, on the written request of the chairman of the board*
11 *of county commissioners, serve in place of the justice of the peace. The*
12 *board of county commissioners may apportion the salary of the justice*
13 *of the peace to the police judge for the period of temporary service and*
14 *deduct the sum apportioned from the salary of the justice of the peace.*

ASSEMBLY BILL NO. 479—ASSEMBLYMEN WAGNER, HAYES,
STEWART, COULTER, CAVNAR, BARENGO, BEDROSIAN,
WEISE, BENNETT, HORN, PRENGAMAN, CHANEY,
MALONE AND BANNER

FEBRUARY 28, 1979

Referred to Committee on Judiciary

SUMMARY—Provides injunctive relief in certain situations of domestic violence. (BDR 3-674)

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 injunctions; providing for a temporary restraining order in certain situations of domestic violence; providing a penalty; 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 33 of NRS is hereby amended by adding thereto
2 a new section which shall read as follows:
3 1. *A temporary restraining order may be granted, with or without*
4 *notice to the adverse party, if it appears to the satisfaction of the court*
5 *from specific facts shown by affidavit that:*
6 (a) *The applicant is related to the adverse party by blood or marriage,*
7 *or is or was actually residing with him;*
8 (b) *The adverse party has committed an act of violence resulting in*
9 *actual physical injury upon:*
10 (1) *The applicant; or*
11 (2) *A minor child of one of the parties; and*
12 (c) *There exists the threat of further and imminent physical injury to*
13 *the applicant or minor child if the adverse party is not restrained.*
14 2. *The court by the temporary restraining order may:*
15 (a) *Enjoin the adverse party from threatening or physically injuring*
16 *the applicant or minor child.*
17 (b) *Exclude the adverse party from the applicant's home for a period*
18 *not to exceed 30 days where this exclusion is necessary to the physical*
19 *or mental well-being of the applicant or minor child.*
20 3. *A temporary restraining order which is granted with notice to the*