

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

AB 814 Broadens authority for deposit of public money in savings and loan associations.

Senator Raggio moved to rerefer AB 814 to the committee on Commerce and Labor.

Seconded by Senator Sloan.

Motion carried unanimously. Senator Ashworth abstained from the vote.

AB 763 Limits liability for certain injuries at ski resorts.

For testimony, further discussion and action on this measure, see the minutes of the meetings for May 9, 15, 17, and 22, 1979.

Senator Sloan moved to rescind the action of May 22, 1979, whereby it was amended.

Seconded by Senator Hernstadt.

Motion carried. Senator Ashworth voted "no" saying that he would stick by his chairman, right or wrong.

Senator Raggio informed the committee that he had talked with John Gianatti regarding the new amendments and that Mr. Gianatti, as a representative of the ski resorts, was opposed to them.



Mr. Gianatti's main objection was the placement of an affirmative responsibility on the part of the ski operator.

Senator Dodge stated that in order to pass this bill, there should be such an affirmative responsibility. He felt that if the operator's did not want a bill in this form, it would be best to have no bill at all.

Senator Dodge moved to indefinitely postpone AB 763.

Seconded by Senator Raggio.

Motion carried unanimously.

AB 333 Consolidates, clarifies and amends certain provisions relating to comparative negligence.

For testimony and further discussion on this measure, see the minutes of the meeting for May 23, 1979.

Richard Garrod, Farmer's Insurance Group, testified in opposition to this measure. He stated that there had been a comment made in yesterday's meeting that insurance monies are all placed in one pot. By legislative procedure, classes of insurance have been established; commercial, fire, casualty. Those monies cannot be spent on automobile insurance and vice versa. He further stated that if Nevada goes to the equitable situation, each determination will have to be settled by a court or jury and insurance rates will increase tremendously.

Senator Sloan stated that Nevada has had, with the exception of the last 3 or 4 years, joint and several liability since the inception of common law. He asked Mr. Garrod if he was saying that when comparative negligence was passed, that the insurance companies reduced their rates to reflect that there was then only several liability. He stated that if that was the case, then the insurance companies missed him and he wanted his money. Senator Sloan further stated that every time the legislature does anything, the insurance companies come in and testify that the rates are going to go up. He did not see how it was fair to come in and say that the rates are going to skyrocket, when it is the same system that Nevada has had since its inception.

Senator Close stated that when this was passed in 1973, they realized that they were passing both comparative negligence and contribution. It was not a mistake. Their intention was to permit the situation where the plaintiff is also liable and the jury or the court determine the liability percentages among all the parties. He felt that they could retain the present law, but amend to make that intention more clear.

Senator Dodge moved to indefinitely postpone AB 333.

Seconded by Senator Hernstadt.

Motion lost. The vote was as follows:

AYE: Senator Close	NAY: Senator Ashworth
Senator Dodge	Senator Ford
Senator Hernstadt	Senator Raggio
	Senator Sloan

The committee began a section by section review of the measure.

SECTION 1: Senator Close stated that the first decision was whether to go with pro rata or equitable.

Senator Sloan stated that the Attorney General has suggested equitable.

Senator Ashworth stated that he believed that, as a practical matter, the carriers would take the equitable route on their own.

It was the consensus of the committee to go with equitable.

SECTION 2: Senator Ford stated that an amendment was needed on Page 2, between lines 3 and 4. A pro rata was retained when the bill was being redrafted.

SECTION 3: Senator Close stated that "not" should be deleted with regard to the relative degrees of fault being considered, inasmuch as the committee had decided to go with equitable.

SECTION 4: No discussion.



SECTION 5: Senator Ashworth asked what was meant by "the plaintiff or his decedent".

Senator Sloan stated that there are only two people who can bring this action; the estate or one of the survivors. In a wrongful death or survival action, the plaintiff is someone who files on behalf of the decedent.

Senator Close stated that it was his recollection that lines 48 through 50 were being deleted.

Senator Raggio stated that it was his understanding that the Assembly insisted that be included.

Senator Close responded that they would have to go to conference committee on that because the term "substantial" is an undefined element. He further stated that on page 3, line 1, "or his decedent" should be included after "plaintiff".

Senator Ashworth moved to report AB 333 out of committee with an "amend and do pass" recommendation.

Seconded by Senator Sloan.

Motion carried. The vote was as follows:

AYE: Senator Ashworth	NAY: Senator Close
Senator Ford	Senator Hernstadt
Senator Raggio	
Senator Sloan	ABSENT: Senator Dodge

AB 691 Requires certain notice to general contractor before mechanic's lien is perfected.

John Medole, representing the Associated General Contractors, testified in support of this measure. He stated that on a large job, sometimes it is difficult for the general contractor to know whether or not a second or third tier subcontractor or material supplier is even on the job. This would give them a little bit better notice.

Senator Raggio moved to report AB 691 out of committee with a "do pass" recommendation.

Seconded by Senator Sloan.

Motion carried unanimously. Senator Ford was absent from the vote.

AJR 27 Urges Congress to exclude United States Supreme Court from jurisdiction to review certain cases involving prayers in public schools.

Assemblywoman Peggy Cavnar, District 1, and Sam Cavnar, national chairman of Project Prayer, testified in support of this measure.

Mr. Cavnar stated the intent of the founding fathers of this country was not to infringe upon the rights of the individual states. If a state decided they wanted to have a church/state, they could. He believed that the Supreme Court has over-reached its jurisdiction in this, and in other areas, and that Congress should step in and set some limits. The Supreme Court has usurped the law and have made the law themselves by their decision regarding prayers in schools.

Senator Sloan moved to report AJR 27 out of committee with a "do pass" recommendation.

Seconded by Senator Raggio.

Motion carried. The vote was as follows:

AYE: Senator Close	NAY: Senator Hernstadt
Senator Dodge	
Senator Ashworth	ABSENT: Senator Ford
Senator Raggio	
Senator Sloan	

SB 548 Makes chairman of state board of parole commissioners its executive officer and provides for his powers and duties.

Senator Dodge moved to concur in Assembly amendment #1303.

Seconded by Senator Ashworth.

Motion carried unanimously. Senators Ford, Hernstadt and Raggio were absent from the vote.

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Cheri Kinsley*  
Cheri Kinsley, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman