

MEMBERS PRESENT: Chairman Stewart
Vice Chairman Sader
Mr. Thompson
Mr. Beyer
Mr. Price
Mr. Chaney
Mr. Malone
Mrs. Cafferata
Ms. Ham
Mr. Banner

MEMBERS ABSENT: Ms. Foley (Excused)

GUESTS PRESENT: Frank Daykin, Legislative Counsel
Bill Swackhammer, Secretary of State
Barbara Durbin, Dept. Parole & Probation
Bob Bayer, Dept. of Prisons
Colleen Dolan, UNR Intern
Bob Evans, UNR Intern

Chairman Stewart called the meeting to order at 8:05 a.m. and asked for testimony on SB 12.

SB 12: Requires that information on effect of crime on victim be included in report of presentence investigation.

Barbara Durbin, Deputy Chief, Department of Parole & Probation, stated that she appeared in the Senate Judiciary Committee at the time of hearing this bill and proposed amendments at that hearing. She indicated that those amendments had been incorporated in the current bill and, therefore, had the complete support of her department. Ms. Durbin stated that the bill simply legislates what her people already do by policy.

Since there was no further discussion or testimony on SB 12, Mr. Malone moved DO PASS SB 12, seconded by Mrs. Cafferata, and unanimously carried by the committee, Ms. Foley being absent.

SB 104: Provides penalty for foreign corporation's failure to file certain documents.

Bill Swackhammer, Secretary of State, stated that SB 104 was introduced at the request of his office for the reason that the law requires that when a foreign corporation files amendatory documents with the state or nation where it is domestic, that it file in Nevada as well within 30 days. He stated that if they raise their capitalization pay, there are fees required.

Mr. Swackhammer indicated that there has been no penalty for failure to do this and SB 104 allows the Secretary of State to revoke the charter of a corporation that refuses to pay the required fees with these amendatory documents. Chairman Stewart asked if their charter was revoked in the event they did not file an annual list with the Secretary of State. Mr. Swackhammer stated it was. On a question by Mr. Stewart of the fee required for the amendatory documents, Mr. Swackhammer responded that a \$20 fee for any amendment is required, but if the capitalization is raised, there is a fee required for that. Mrs. Cafferata asked how often a corporation did not pay these required fees, to which Mr. Swackhammer replied it did not happen very often.

Since there was no further discussion or testimony on SB 104, Mr. Beyer moved DO PASS SB 104, seconded by Mr. Thompson, and carried unanimously by the committee, Ms. Foley being absent.

SB 110: Clarifies statutory procedure for releasing mechanic's lien upon posting surety bond.

Frank Daykin, Legislative Counsel, stated that the statutory procedure for releasing a mechanic's lien on posting a surety bond provides for signature by the principal (p.2, line 4). On page 4 at lines 40 through 42 of the existing text, that provision was inadvertently left out. This bill therefore cures the form of the bond.

Mr. Daykin next pointed out that pages 4 through 7 were merely reduced in length and not in content and rewritten into small sections of the bill. He noted that the only substantive change to the bill was as mentioned in the preceding paragraph.

SB 111: Ratifies technical corrections made to various chapters of NRS.

SB 112: Ratifies technical corrections made to multiple amendments of sections of NRS.

On a request from Chairman Stewart, Mr. Daykin explained to the committee that all revisor's bills are submitted by the Legislative Counsel pursuant to NRS 220 to call inconsistencies or conflicts in the statutes to the attention of the Legislature. He stated that SB 111 and SB 112 stem from the fact that near the end of the legislative sessions all the successive amendments to one section of NRS are not completely drafted and reconciled. Therefore, when the supplements are printed, those that have not been completed are printed as intended and brought back the following session for ratification. He pointed out

that SB 111 is the bill which deals with corrections where there were clear inconsistencies due to oversight and SB 112 deals with successive amendments to a section of NRS.

Mr. Daykin pointed out that in these types of bills, anything in italics is already printed in NRS and anything bracketed has already been deleted from NRS. Therefore, these bills are merely ratifying the corrections made in printing the supplement. He noted that the only alternative to handling these bills in this manner is to print each version of the section giving the history of each and leaving it to the attorneys and courts to decipher.

Mr. Daykin stated that an exception that arose to these types of bills came from SB 112 and will be handled separately.

Mr. Sader asked how long this ratification procedure had been utilized. Mr. Daykin thought it had been used since NRS was first enacted as positive law in 1957.

Mr. Daykin continued his testimony on SB 112 by stating that it deals with multiple corrections from defective multiple amendments. He referred to Section 2 of the bill pointing out that there are two separate elements. The first point discussed was line 36, page, where Section 12 of the Session Law is amended by providing Sections 1, 5 and 6 of this act shall become effective at 12:01 a.m. Section 6 of the act begins at line 11 on page 1. He stated that the only way the multiple amendment becomes defective is that two bills, both amending the section, became effective at midnight preceding July 1. The first amendment was changed to become effective at midnight and the second amendment becomes effective at 12:01 a.m. in order to reflect both changes.

Mr. Daykin commented that since 1957 it has been the usual practice of the Legislative Counsel, formerly the Statute Revision Commission, to substitute the effective date of an act for an expression such as "the effective date of this act" or "heretofore, hereafter, has been or hereafter is". March 15, 1955, which occurs first on line 15 of page 1, is the date of enactment of the original session law which provided for the registration of convicted persons. The date was inserted literally corresponding to the language of the session law "has been or hereafter is", which created the problem that March 15, 1955 is a date on which convictions may not have counted since the language refers to before and after that date, but not inclusive of that date. The amendment proposed is to amend Section 2 out of SB 112, making this only a non-substantive correction bill as previously discussed. There is a bill proposed that will deal only with Section 2 of the act, ratifying the effective date of the bill by making Section 6 of Chapter 524 of 1979 statutes effective at 12:01 and

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one minute later amending NRS as it now reads with that and the words "before or after" by adding "on" and changing it to read "before, on or after".

Mr. Daykin stated that he had the detailed notes on each of the Sections of the bill in the event there were questions on the amendments being made and again pointed out that they are only ratifications of corrections already in NRS.

Mr. Chaney moved AMEND SB 112 by deleting Section 2, seconded by Mrs. Cafferata, and unanimously carried by the committee, Ms. Foley being absent.

Mr. Malone moved DO PASS AS AMENDED SB 112, seconded by Mrs. Cafferata, and unanimously carried by the committee, Ms. Foley being absent.

Mr. Chaney moved DO PASS SB 110, seconded by Mr. Malone, and unanimously carried by the committee, Ms. Foley being absent.

Mrs. Cafferata moved DO PASS SB 111, seconded by Mr. Thompson, and unanimously carried by the committee, Ms. Foley being absent.

The committee unanimously moved to introduce the following bill drafts on the Floor (Mr. Thompson and Ms. Foley being absent for the vote):

- BDR 16-739: Increases penalty for assault. (AB 202)
- BDR 16-740: Establishes minimum punishment for (AB 203) certain attempts.
- BDR 18-858: Empowers attorney general to sub- (AB 204) poena documents.
- BDR 16-1726: Fills gap and makes technical (AB 205) corrections in statute on registration of convicts.
- AB 3: Provides for abandonment of fictitious name and makes certain other changes to requirements for conducting business under a fictitious name.

Chairman Stewart reviewed the amendments prepared for this bill to the Committee (EXHIBIT A). Since there were no questions or comments on the amendments, Mr. Beyer moved AMEND AB 3, seconded by Mr. Malone, and carried unanimously by the

committee, Mr. Thompson and Ms. Foley being absent for the vote.

Mr. Chaney moved DO PASS AS AMENDED AB 3, seconded by Mr. Sader, and carried unanimously by the committee, Mr. Thompson and Ms. Foley being absent for the vote.

Chairman Stewart then reminded the committee that there is a work session scheduled for Thursday, February 26, 1981, to take action on bills heard by the committee, and that there would be no meeting scheduled for Friday.

Chairman Stewart adjourned the meeting at 9:02 a.m.

Respectfully submitted,


Jor Jan M. Martin
Committee Stenographer



61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 24, 1981
SUBJECT: SB 12: Requires that information on effect of crime on victim be included in report of presentence investigation.

MOTION:
DO PASS XX AMEND INDEFINITELY POSTPONE
RECONSIDER
MOVED BY: Malone SECONDED BY: Cafferata

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Foley	<u>ABSENT</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Beyer	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Price	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Sader	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Stewart	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Chaney	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Malone	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Cafferata	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Ham	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Banner	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TALLY:	<u>10</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

ORIGINAL MOTION: Passed XX Defeated Withdrawn
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 24, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 24, 1981
 SUBJECT: SB 104: Provides penalty for foreign corporation's failure to file certain documents.

MOTION:
 DO PASS XX AMEND INDEFINITELY POSTPONE
 RECONSIDER
 MOVED BY: Beyer SECONDED BY: Thompson

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____
 AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>
Thompson	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Foley	<u>ABSENT</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Beyer	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Price	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Sader	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Stewart	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Chaney	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Malone	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Cafferata	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Ham	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Banner	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TALLY:	<u>10</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

ORIGINAL MOTION: Passed XX Defeated Withdrawn
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 24, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 24, 1981
SUBJECT: SB 112: Ratifies technical corrections made to multiple amendments of sections of NRS.

MOTION:
DO PASS XX AMEND XX INDEFINITELY POSTPONE ___
RECONSIDER ___
MOVED BY: Malone SECONDED BY: Cafferata
AMENDMENT: Delete Section 2.

MOVED BY: Chaney SECONDED BY: Cafferata
AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	___	<u>XX</u>	___	___	___
Foley	<u>ABSENT</u>	___	<u>ABSENT</u>	___	___	___
Beyer	<u>XX</u>	___	<u>XX</u>	___	___	___
Price	<u>XX</u>	___	<u>XX</u>	___	___	___
Sader	<u>XX</u>	___	<u>XX</u>	___	___	___
Stewart	<u>XX</u>	___	<u>XX</u>	___	___	___
Chaney	<u>XX</u>	___	<u>XX</u>	___	___	___
Malone	<u>XX</u>	___	<u>XX</u>	___	___	___
Cafferata	<u>XX</u>	___	<u>XX</u>	___	___	___
Ham	<u>XX</u>	___	<u>XX</u>	___	___	___
Banner	<u>XX</u>	___	<u>XX</u>	___	___	___
TALLY:	<u>10</u>	___	<u>10</u>	___	___	___

ORIGINAL MOTION: Passed ___ Defeated ___ Withdrawn ___
AMENDED & PASSED XX AMENDED & DEFEATED ___
AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 24, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 24, 1981
SUBJECT: SB 110: Clarifies statutory procedure for releasing mechanic's lien upon posting surety bond.

MOTION:
DO PASS XX AMEND ____ INDEFINITELY POSTPONE ____
RECONSIDER ____
MOVED BY: Chaney SECONDED BY: Malone

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____
AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	XX					
Foley	ABSENT					
Beyer	XX					
Price	XX					
Sader	XX					
Stewart	XX					
Chaney	XX					
Malone	XX					
Cafferata	XX					
Ham	XX					
Banner	XX					
TALLY:	<u>10</u>					

ORIGINAL MOTION: Passed xx Defeated ____ Withdrawn ____
AMENDED & PASSED _____ AMENDED & DEFEATED _____
AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 24, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 24, 1981
SUBJECT: SB 111: Ratifies technical corrections made
to various chapters of NRS.

MOTION:

DO PASS XX AMEND INDEFINITELY POSTPONE
RECONSIDER

MOVED BY: Cafferata SECONDED BY: Thompson

AMENDMENT:

MOVED BY: SECONDED BY:

AMENDMENT:

MOVED BY: SECONDED BY:

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Foley	<u>ABSENT</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Beyer	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Price	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Sader	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Stewart	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Chaney	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Malone	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Cafferata	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Ham	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Banner	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TALLY:	<u>10</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

ORIGINAL MOTION: Passed XX Defeated Withdrawn
AMENDED & PASSED AMENDED & DEFEATED
AMENDED & PASSED AMENDED & DEFEATED

ATTACHED TO MINUTES OF February 24, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 24, 1981

SUBJECT: AB 3: Provides for abandonment of fictitious name and makes certain other changes to requirements for conducting business under a fictitious name.

MOTION:

DO PASS XX AMEND XX INDEFINITELY POSTPONE _____
RECONSIDER _____

MOVED BY: Chaney SECONDED BY: Sader

AMENDMENT: SEE EXHIBIT A ATTACHED

MOVED BY: Beyer SECONDED BY: Malone

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	ABSENT	_____	ABSENT	_____	_____	_____
Foley	ABSENT	_____	ABSENT	_____	_____	_____
Beyer	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Price	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Sader	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Stewart	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Chaney	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Malone	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Cafferata	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Ham	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Banner	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
TALLY:	<u>9</u>	_____	<u>9</u>	_____	_____	_____

ORIGINAL MOTION: Passed _____ Defeated _____ Withdrawn _____
 AMENDED & PASSED XX AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 24, 1981

EXHIBIT A

**THIS EXHIBIT IS MISSING FROM BOTH THE ORIGINAL
MINUTES AND THE MICROFICHE.**