

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

MEMBERS ABSENT: None

GUESTS PRESENT: Julie Oelsner, UNR Intern
Chris Broderick, Las Vegas Review Journal
John Roethel, City of Las Vegas
Guy Louis Rocha, Nevada State, County and
Municipal Archives
Roger Detweiler, State Bar of Nevada
Joyce Hall, Nevada Division of Mineral Resources
Katie-Ann Galli

Chairman Stewart called the meeting to order at 8:10 a.m. and indicated that the committee would take action on bills heard March 17 before proceeding with the agenda.

AB 265: Increases certain fees for services of constables.

Chairman Stewart just briefly mentioned that a sub-committee had been assigned to look into the bill further.

AB 270: Broadens eligible substitutes for police judges.

Mrs. Cafferata asked if there were some way to amend the language at line 7 to a qualified adult resident. Chairman Stewart commented that the qualifications would have to be set forth and he was not sure what those would have to be. Mr. Sader stated that originally the city attorney wanted to draft the bill so that it would only be attorneys, but the lay people, the City Council and the judge said no. He didn't know what qualifications would be appropriate since the average person does not have legal background. Mr. Beyer commented that the person would have to be qualified under (a). Chairman Stewart clarified for Mr. Beyer that it was (a) or (b) or (c).

Mr. Sader moved DO PASS AB 270, seconded by Mr. Malone and carried unanimously by the committee.

AB 280: Eliminates population requirement for hiring clerks for constables.

Chairman Stewart pointed out that the question had been raised to whether or not the reasonable number of clerks was determined by the constable or by the county commissioners. He felt it should be the county commissioners and that was the intent of the bill.

Mr. Sader moved DO PASS AB 280, seconded by Mrs. Cafferata, and carried unanimously by the committee.

AB 303: Increases compensation of witnesses at hearings.

Mrs. Cafferata asked if there could be research done on whether there are laws in existence to protect people from losing their jobs as a result of having to testify as in the case of voting. Chairman Stewart felt there might be some on the books. He indicated the committee would wait for Mrs. Cafferata to conduct her research before acting on the bill.

AB 112: Limits exercise of eminent domain to take land in historic districts for use in mining or related activities.

Mr. Sader passed out a proposed amendment to AB 112, attached as EXHIBIT A. He stated that the language was compiled by John Roethel, who had been asked to research the case law and prepare an amendment to eliminate the decision by the historic district on eminent domain and provide guidelines on whether eminent domain in historic districts would be proper. He continued by saying that it is not merely mining, but any use of eminent domain which is allowed by a non-governmental or public utility, which includes the private uses of eminent domain.

Mr. Sader noted that the (a), (b) and (c) criteria comes from the statute on eminent domain which tells the court what it can consider.

Miss Foley asked how the mining industry feels about the proposed amendment. Mr. Sader stated that his previous amendment did a similar thing, but did not have proper guidelines, taking the decision away from the historic district and giving it to the county commission. He commented that it was his impression that the mining industry would prefer that the bill be killed, but viewed this as a massive improvement on the previous language.

Mr. Thompson stated he had talked with the lobbyist for the mining industry and agreed that they would rather have the bill killed. He felt that in view of what had happened with the Houston oil company, this would be the best solution to the problem. He felt this would provide a vehicle whereby everyone could be heard and would be a fair solution.

Mr. Sader indicated that when he talked with the mining lobbyist, they pretty much agreed that the county commission in a historic already has the power to restrict mining in various ways. This additional authority is not giving them a lever with which to make the county anti-mining. He felt the amendment was quite conservative.

Mrs. Cafferata asked for a response from the mining people to the proposed amendment. Chairman Stewart asked to hear from the other committee members on their feelings about continuing testimony.

Miss commented that the amendment looked good to her, but was concerned that prior objections were to the constitutionality of it. She agreed that she would like to hear from the mining people.

Mr. Beyer expressed concern over the control given to the county commissioners by this amendment.

Mr. Price stated he had no problem moving with the amendment, but did express his opinion that to resolve the constitutionality problem, the mining companies should be removed from the eminent domain business.

Mr. Malone agreed that he would like to hear from the mining companies, but commented that it is an excellent amendment and would make the bill a workable bill.

Mrs. Ham stated she was against the bill altogether, but commented she would like to hear from the mining companies.

Chairman Stewart stated there would be an additional hearing scheduled on Monday, March 30, 1981.

AB 148: Prohibits manufacture, sale, delivery
or advertisement of drug paraphernalia.

Chairman Stewart asked John Roethel to testify to the research he had performed on this bill and make his suggested amendments.

John Roethel, Deputy City Attorney, City of Las Vegas, stated that AB 148 is based upon the model drug paraphernalia act developed by the Law Enforcement Assistance Administration and Drug Enforcement Agency. He commented that it is tricky legislation which has been adopted in several states and is a limitation to litigation. There are currently a number of cases progressing through the courts, with a decision having already come out of the Sixth Circuit and one coming out of the Eighth Circuit. The cases seem to indicate that, in general, the bill is constitutional. The major problem with the bill is criminal vagueness. Mr. Roethel stated that it is very difficult to define drug paraphernalia specifically enough to put someone on notice of what they can and cannot do.

Mr. Roethel continued by saying that there are so many items which can be adapted, designed or used as drug paraphernalia that it is very difficult to specifically define the paraphernalia. Most of the items that the paraphernalia industry utilizes are items which have legitimate uses and the court is not interested in making it illegal to possess a paper clip. Therefore, the Drug Enforcement Administration went to great effort in working up the model drug ordinance. The courts which have interpreted the ordinance thus far are not quite willing to go along with everything in it. Based on the state of the case laws as they stand currently, which is a rapidly developing area, Mr. Roethel suggested the following amendments.

At page 2, Section 2(12), Mr. Roethel pointed out that sub-section 12 is the catch-all section, giving examples of objects intended for use with drugs. He suggested that the model drug ordinance has a much more inclusive listing and those items should be included in the bill. He pointed out that some of the items omitted include chamber pipes, carburetor pipes, electric pipes, air driven pipes, etc. To the average individual, those terms mean nothing, but they are terms of art in the drug paraphernalia industry. He felt that the courts might view these omissions as an intent to allow these items to remain legal. He felt that it is very important to follow the Act by including these items.

In Section 3 of the Act, there is a listing of factors used in determining whether or not an item is drug paraphernalia. The cases at bar make it clear that these are not rules of evidence, but merely guidelines for the court to consider in determining whether an item is drug paraphernalia or not. Due to the use of the word "legitimate", at page 3, lines 7 through 9 and 12 through 13, the court cases have had problems with. One of the factors would be whether the owner is a legitimate supplier of related items. The court considers the term "legitimate" to be vague because it is hard to determine legitimacy. As a result, the courts

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have held sub-sections 11 and 13 unconstitutional. It was Mr. Roethel's suggestion that these sections be deleted from the bill. He added that items which have a lawful use now can be used for drug paraphernalia if an individual is creative.

Section 6 of the bill, at line 36, adds a provision to NRS 453.301, which is the state's general forfeiture provision for controlled substances and related items. Mr. Roethel stated the difficulty with this section again is vagueness. The courts have uniformly held that there is no such thing as drug paraphernalia, per se, since almost every item has legitimate uses and can be used as drug paraphernalia. He suggested that the section be amended by adding the language at the end of the section, "used in violation of Sections 4, 5, 6 and 8 of this Act." If the court determines that a certain item is not drug paraphernalia, an individual can be prosecuted for it if he intends to use it with controlled substances, whereas another person cannot be prosecuted if he intends to use it for a legitimate purpose.

Mr. Sader asked about a severability clause. Mr. Roethel stated it is very important to have a severability clause in this bill. One of the reasons the Sixth Circuit in Ohio struck down the statute was primarily because of a defective severability clause. The problem was that the severability clause was sloppily drafted in that it referred back to sections 4, 5, and 6, stating that if any part of those sections were held unconstitutional, that section should be severed and the remainder remain. The clause did not cover the entire statute and the entire ordinance fell down when an uncovered section was found faulty. Mr. Roethel suggested that this statute contain as broad a severability clause as possibility. He did not feel that the stock severability clause already contained in NRS would be safe to go with. In view of the difficulty with this statute and the fact that the case law is not clear yet, a very broad severability clause should be included in this bill.

Mr. Malone pointed out that it had been discussed that Section 5 be changed from gross misdemeanor to felony to correspond with Section 6. Mr. Roethel stated that it was his understanding and his opinion that when you get into the drug area, in effect a lot of the drug business has been legalized by making it a felony since the district attorneys do not have the resources, time, etc. to prosecute. He added that the idea of Section 6 is to make it a more serious offense to violate 4 and 5 with or to a minor. He stated he did not agree with having Section 6 a felony.

Chairman Stewart pointed out that the object of Mr. Malone's suggestion is that the "head shops" are probably the more serious violators since they encourage use by the youth.

Mr. Beyer pointed out that he had seen objects at the previous hearing which had no use other than for drug paraphernalia. Mr. Roethel again pointed out that the problem with drug paraphernalia is that objects are being utilized illegally which can be utilized legitimately. He gave examples such as a tobacco pipe. Mr. Malone added the use of alligator clips used in electronics. Mr. Roethel stated that there are items which are designed specifically for use with controlled substances, but can also be used legitimately. He added that the only way it can be tied in is through the intent of the user or seller.

Mr. Sader pointed out that while an item may be clearly designed for use with drugs, an alligator clip is not, and there are enough of these items to fog up the definition of paraphernalia.

Mr. Roethel added that in Section 2(11) of AB 148, hypodermic syringes are included. He suggested that provision be reviewed since there is already a provision in NRS which deals specifically with hypodermic devices. He felt that including this provision in the bill would muddy the water.

Mrs. Cafferata asked if Section 5 had been resolved. There was general agreement that in Section 5 at line 31, the gross misdemeanor be changed to felony.

Chairman Stewart suggested that the problem with the hypodermic provisions be discussed with the bill drafter.

Mr. Price moved AMEND AND DO PASS AB 148 in accordance with the foregoing, seconded by Mr. Sader, and carried unanimously by the committee.

Mr. Sader suggested that Sections 5 and 6 be coordinated with the bill drafter.

AB 228: Relieves court administrator of duties of secretary of commission on judicial discipline.

Mr. Beyer stated that AB 228 had been assigned to a sub-committee to discuss with the attorney general the possibility of his office providing a secretary to the commission. He indicated the committee had met with Dick Bryan and he felt it would be a conflict since his office represents the supreme court. Mr. Beyer stated that the sub-committee felt that the commission should advertise, interview and hire their own independent secretary.

Mr. Beyer added that there was a fiscal note coming out of Mike Brown's office in the neighborhood of \$26,000 for a full-time secretary. The fiscal division was asked to look into this and indicated that a part-time secretary at the grade of Administrator I could be hired for \$7,000 with a raise to \$7,400 in 1983.

Mr. Sader added for clarification to the committee that the attorney general represents the supreme court justices as individuals in court actions filed against them as a result of their decisions. By giving one of their secretaries the screening power, would create tremendous problems. He commented that the sub-committee had discussed having the Department of Administration or some other agency supply a secretary to the commission, but concluded there would be problems.

Mr. Beyer stated that another amendment proposed arose from the language stating that one of the duties of the secretary would be to perform those duties of a district court clerk which are appropriate to the function of the commission. It was suggested that the language either exactly spell out the duties or be changed to say duties as required by the commission.

Section (c) was asked to be deleted since that is covered in AJR 14, requiring the commission to write the rules of the commission.

On a question from Mrs. Ham on payment of attorneys, Mr. Stewart stated the bill would be referred to Ways and Means, so the committee would not need to take that into consideration. Mr. Sader added that the Supreme Court has made a recommendation to Ways and Means for a budget for the commission.

Mr. Beyer commented on a question previously raised by Mrs. Cafferata as to jurisdiction of municipal and justice courts by the commission. He stated that in reading NRS 1.440, the commission has exclusive jurisdiction over the censure, removal and involuntary retirement of justices of the peace and justices of district courts. Chairman Stewart stated that it would require a constitutional amendment to change that jurisdiction. Mrs. Cafferata commented she had raised the question since it could have been added to AJR 14. On discussion, it was determined that AJR 14 had not yet been reported out of committee.

Mrs. Cafferata moved AMEND AND DO PASS AB 228, seconded by Mr. Beyer, and carried unanimously by the committee, Mr. Banner being absent.

AJR 14: Proposes constitutional amendment to provide that records and proceedings of commission on judicial discipline are open to public.

Chairman Stewart proposed AJR 14 be amended to include lower court judges under the authority of the judicial commission.

Mr. Beyer moved AMEND AJR 14, seconded by Mr. Sader, and carried unanimously by the committee, Mr. Banner being absent.

SB 107: Conforms certain statutory provisions to constitutional provisions relating to jurisdiction of courts of record.

Mr. Sader reminded the committee that he had requested a delay to check with Justice Court judges in Washoe County on their feelings about the bill. He stated that they had indicated they had not problems with the bill. Judge Kelly in Las Vegas, however, had indicated that the bill describes the jurisdiction of the justice court, limiting it by saying that it is limited to exactly what's included in the bill. Judge Kelly pointed out that there are several issues not covered by the bill. Mr. Sader recommended that in the two places where the new language has been added "and no others" be deleted and the following language be inserted instead: ". . . except as otherwise provided by law."

Mr. Sader moved AMEND AND DO PASS SB 107.

Mr. Malone pointed out that lines 21 through 29 on page 2 were to be deleted.

Mr. Sader moved DO PASS AND AMEND SB 107, seconded by Mrs. Cafferata, and carried unanimously by the committee, Mr. Banner being absent.

AB 241: Provides procedure for return of child where petitioner for child custody decree acts wrongfully.

Mr. Sader commented that after discussing the language of the bill with the bill drafter, he was withdrawing his suggested amendment.

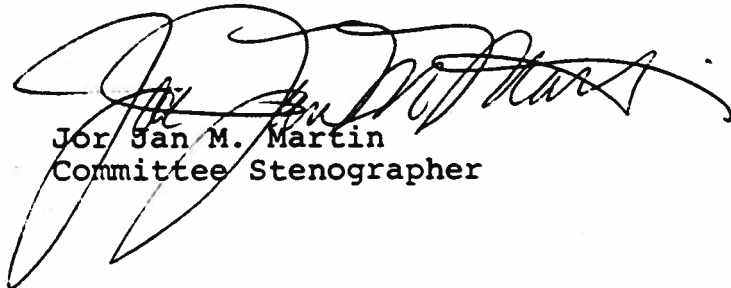
Mr. Price moved DO PASS AB 241, seconded by Mr. Beyer.

Mrs. Cafferata asked about the term "reasonable time" in the bill. It was suggested by Chairman Stewart that the language be changed to read "20 days".

Mr. Price moved DO PASS AND AMEND AB 241, seconded by Mr. Beyer, and carried by the committee, Mrs. Cafferata abstaining from the vote and Mr. Banner being absent.

There being no further business, the Chairman adjourned the meeting at 9:45 a.m.

Respectfully submitted,



Jor Jan M. Martin
Committee Stenographer

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: March 18, 1981
 SUBJECT: AB 270: Broadens eligible substitutes for
police judges.

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

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____
 AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	—	—	—	—	—
Foley	<u>XX</u>	—	—	—	—	—
Beyer	<u>XX</u>	—	—	—	—	—
Price	<u>XX</u>	—	—	—	—	—
Sader	<u>XX</u>	—	—	—	—	—
Stewart	<u>XX</u>	—	—	—	—	—
Chaney	<u>XX</u>	—	—	—	—	—
Malone	<u>XX</u>	—	—	—	—	—
Cafferata	<u>XX</u>	—	—	—	—	—
Ham	<u>XX</u>	—	—	—	—	—
Banner	<u>XX</u>	—	—	—	—	—
TALLY:	<u>11</u>	—	—	—	—	—

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

ATTACHED TO MINUTES OF March 18, 1981

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: March 18, 1981

SUBJECT: AB 280: Eliminates population requirement for hiring clerks for constables.

MOTION:

DO PASS XX AMEND _____ INDEFINITELY POSTPONE _____
RECONSIDER _____

MOVED BY: Sader SECONDED BY: Cafferata

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	XX	—	—	—	—	—
Foley	XX	—	—	—	—	—
Beyer	XX	—	—	—	—	—
Price	XX	—	—	—	—	—
Sader	XX	—	—	—	—	—
Stewart	XX	—	—	—	—	—
Chaney	XX	—	—	—	—	—
Malone	XX	—	—	—	—	—
Cafferata	XX	—	—	—	—	—
Ham	XX	—	—	—	—	—
Banner	XX	—	—	—	—	—
TALLY:	<u>11</u>	—	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____
AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF March 18, 1981

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: March 18, 1981
 SUBJECT: AB 148: Prohibits manufacture, sale, delivery
 or advertisement of drug paraphernalia.

MOTION:
 DO PASS XX AMEND XX INDEFINITELY POSTPONE _____
 RECONSIDER _____
 MOVED BY: Price SECONDED BY: Sader

AMENDMENT:
 Page 2, Sec. 2(12), amended to add language as contained
 in Model Act.
 Page 3, Section 3, (11) and (13) be deleted.
 Section 6: add ". . . used in violation of Sections 4, 5, 6 & 8
 MOVED BY: of this Act." SECONDED BY: _____

AMENDMENT:
 Add broad severability clause to bill.
 Provisions relating to hypodermic devices be deleted as
 they are covered under separate statutes.
 Section 5: Change gross misdemeanor to felony.
 MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	___	___	___	___	___
Foley	<u>XX</u>	___	___	___	___	___
Beyer	<u>XX</u>	___	___	___	___	___
Price	<u>XX</u>	___	___	___	___	___
Sader	<u>XX</u>	___	___	___	___	___
Stewart	<u>XX</u>	___	___	___	___	___
Chaney	<u>XX</u>	___	___	___	___	___
Malone	<u>XX</u>	___	___	___	___	___
Cafferata	<u>XX</u>	___	___	___	___	___
Ham	<u>XX</u>	___	___	___	___	___
Banner	<u>XX</u>	___	___	___	___	___
TALLY:	<u>11</u>	___	___	___	___	___

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

ATTACHED TO MINUTES OF March 18, 1981

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: March 18, 1981
 SUBJECT: AB 228: Relieves court administrator of duties of secretary of commission on judicial discipline.

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

AMENDMENT:
 Revise language to allow commission to hire its own secretary.
 Revise language to allow that duties of the secretary shall be as required by the judicial discipline commission.

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

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

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

ATTACHED TO MINUTES OF March 18, 1981

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: March 18, 1981
 SUBJECT: AJR 14: Proposes constitutional amendment to provide that records and proceedings of commission on judicial discipline are open to public.

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

AMENDMENT:
 Include lower court judges under authority of judicial discipline commission.

MOVED BY: _____ SECONDED BY: _____
 AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

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

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

ATTACHED TO MINUTES OF March 18, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: March 18, 1981

SUBJECT: SB 107: Conforms certain statutory provisions to constitutional provisions relating to jurisdiction of courts of record.

MOTION:

DO PASS XXX AMEND XXX INDEFINITELY POSTPONE _____
 RECONSIDER _____

MOVED BY: Sader SECONDED BY: Cafferata

AMENDMENT:

limiting language "and no others" be deleted and replaced by "except as otherwise provided by law."

Page 2, lines 21 through 29 be deleted.

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

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

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

ATTACHED TO MINUTES OF March 18, 1981

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: March 18, 1981

SUBJECT: AB 241: Provides procedure for return of child where petitioner for child custody decree acts wrongfully.

MOTION:

DO PASS XX AMEND XX INDEFINITELY POSTPONE _____
RECONSIDER _____

MOVED BY: Price SECONDED BY: Beyer

AMENDMENT:

Change "reasonable time" to "20 days".

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

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

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

ATTACHED TO MINUTES OF March 18, 1981

Before any person, other than a governmental body or a public utility, may exercise the right of eminent domain of any land within an historic district formed pursuant to Chapter 384, he must first obtain the approval of the Board of County Commissioners of the county wherein said land lies;

PROVIDED, that such consent must not be withheld if the person seeking to exercise the right of eminent domain shows that:

- a. the exercise is in behalf of a public use;
- b. the exercise is necessary to the operation of the business for which it is sought; and
- c. the exercise is for a purpose of great public benefit and interest in, and to the advantage of, the immediate community or area wherein the land lies.