

Subary

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: R.E. Cahill, Nevada Resort Association
Jerry Higgins, Gaming Industry Association
Patty Becker, Deputy A.G. - Gaming
John Roethel, City of Las Vegas

Chairman Stewart called the meeting to order at 8:15 a.m. and asked for testimony on SB 385.

SB 385: Amends provisions relating to issuance and expiration of work permits for gaming employees.

Patty Becker, Deputy Attorney General - Gaming, stated that the Board has no objection to this bill as presently drafted. It requires that if there is an objection to a work card, notice must be given to the applicants stating the grounds of that objection before he has a hearing. She stated that this process has already been implemented. She added that discovery has been allowed for the applicant or the applicant's attorney so that they have access to all of the documents and evidence upon which the Board is relying prior to the hearing.

To Mr. Stewart's question, Patty Becker stated that the Board initiates the revokation proceedings. The county or issuing authority is informed that the Board objects to the work permit and they are asked to pick up the actual permit. At that point the applicant is sent a letter stating the grounds. The Gaming Control Board has a hearing officer who does the work card hearings. The local authority is not advised of the grounds for revokation. The Board believes that for the protection of the applicant, there is really no need for the county or city to know the grounds. The only objection is to the gaming portion and does not apply to other employment positions. Many times the grounds may be that it was thought the applicant was fired for cheating. If the evidence shows that the grounds are unfounded, the objection is then rescinded and the person returns to work.

On questions from Mr. Malone, Ms. Becker stated that bartenders and cocktail waitresses are exempted from a gaming permit, but have county or city permits. The Gaming Control Board has no jurisdiction over them. Every gaming employee has to have a gaming work permit. If the county does not issue a work permit, then the Gaming Control Board does.

SB 413: Makes various changes in provisions regarding supervision of certain gaming establishments.

Patty Becker stated that SB 413 makes some changes in the supervisor's bill that was passed last session. It addresses the situation where the Federal Court took jurisdiction over the Aladdin. It also includes at the bottom of page 2 a provision where if the commission so desires, they can petition the district court and the district court must terminate the supervisorship if there are second or subsequent grounds to revoke the license. If the Aladdin were under a supervisorship and that had been on-going for three months and, during that time, the commission found subsequent violations or violations that had occurred prior to the original revokation that are grounds for second revokation, they file a complaint, have a full hearing, and revoke the license a second time. The commission may then opt to file a petition with the district court for revokation of the supervisorship. If they do, the district court must then terminate the supervisorship. They have no discretion. In all other instances, the district court has discretion as to whether or not terminate the supervisorship.

Mrs. Cafferata asked what the Senate did to this bill. Ms. Becker stated there was a second section on page three where if it appears that continued operation of a gaming establishment has been material and adversely affected by the strike of a labor union or a walk-out by employees of the establishment, the commission could petition the district court for termination of the supervisorship and it would be mandatory. The Senate felt that should still be discretionary.

Mr. Chaney asked if there had been instances where a supervisorship should have been terminated and the courts did not order it. Ms. Becker stated this provision of the law has never been used at all. In the past, the commission would have petitioned the district court and it would have been discretionary with the court. In this instance, the termination of the supervisorship would be mandatory with the district court. The commission has always been under the belief that licensure should be within their jurisdiction. Under this, even if there were a second revokation, the commission could still have the discretion not to petition the district court. It is not mandatory on the part of the Gaming Commission.

By way of explanation, Ms. Becker stated that the Commission would file a complaint action, revoke a license, and the owners of the license gaming establishment would say that they didn't want to close the establishment pending the sale. All parties would go into court, the Commission would petition for the appointment of a supervisor, and the court would appoint someone to run that establishment. If 3 or 4 months later it is found that even though the licensees had been convicted out of state for hidden ownership, they also had been skimming the entire time the establishment was open, the Commission would file a second complaint action and go through the entire due process proceeding to prove the case, holding that the license would have been revoked a second time. The Commission would then have a hearing on whether or not that establishment should actually close and petition the court for a termination of the supervisorship.

SB 414: Limits requirements for termination of employment of persons denied gaming license.

Patty Becker stated that this bill came of Mr. Daykin's office, correcting the language that the Nevada Supreme Court declared constitutionally infirm under the Rosenthal decision. Under that decision, the Supreme Court held that our statutes stated that if someone was found unsuitable as a key employee, that was an automatic termination of their work permit and was not constitutionally permissible. Once someone has a work permit, he has due process rights and a revocation complaint must be filed with a full hearing on the revocation of the work permit. Even though an individual is found unsuitable to have certain positions within a gaming establishment, he could still go back to work in a non-key employee position such as a dealer.

Mrs. Ham asked if the recent court decision on Rosenthal applied to this. Ms. Becker stated it did not and explained that Mr. Rosenthal had also tried to sue the commission and the board in Federal Court under a civil rights action, seeking \$1 million worth of punitive damages. Judge Foley dismissed that case holding that the state officials had immunity from those types of lawsuits and that the Nevada Supreme Court decision was res judicata. In other words, all the issues had already been decided by state court and there was no reason for the Federal Court to share the same issues. If they had not been heard by the state court, Rosenthal could have raised those issues and decided not to.

SB 385: Amends provisions relating to issuance and expiration of work permits for gaming employees.

Mr. Chaney moved DO PASS SB 385, seconded by Mrs. Cafferata, and carried unanimously by the committee.

SB 413: Makes various changes in provisions regarding supervision of certain gaming establishments.

Miss Foley commented that she had a problem with the last section simply because if people are crooks and do something wrong, more than likely they are going to do more than one wrong thing. If the Control Board or an out-of-state court finds these people guilty of hidden ownership, more than likely they will be doing something else wrong like skimming. If only the hidden ownership comes out at the time and the license is revoked, with a supervisorship establishment, and the Gaming Control Board then finds that they were skimming, etc., it would then be absolutely mandatory that the district court close the establishment. Those people convicted are no longer there, the state is running the establishment, and this all happened prior to the supervisor took over. She expressed concern over the fact that the judge has no discretion in keeping it open once the Commission has determined a second revokation.

Chairman Stewart agreed that it was a good point and should be discussed with Ms. Becker. Mr. Chaney concurred in those feelings as did Mr. Sader.

SB 414: Limits requirements for termination of employment of persons denied gaming license.

Chairman Stewart indicated he would like to hold action until he could review the Rosenthal case.

SB 38: Establishes annual salaries for members of Nevada Gaming Commission.

Chairman Stewart explained that this bill entitles the Chairman to \$15,000 a year and the other members \$12,000 a year. This came out of the interim study committee on gaming and reminded the committee of the previous hearings with the Senate on this bill. Miss Foley wanted to know what kind of an increase these salaries represent. Chairman Stewart did not feel it was much of an increase over the hourly rates and the extensive time-keeping process previously required was mentioned.

Miss Foley moved DO PASS SB 38, seconded by Mr. Thompson, and carried unanimously by the committee.

AB 561: Exempts small tear gas weapons for use in self-defense from certain statutory regulations.

Mr. Malone distributed the amendments to AB 561 (EXHIBIT A) and explained that what it does is puts in penalties and control of the container and removes the word "bomb", and further changes the title, requires serial number for registration, and addresses the weight as 2 fluid ounces. The container seen by the committee was 1.72 fluid ounces and was rounded to 2.

Mr. Beyer commented that he had talked to someone about the registration and regulation of handguns. He explained that when a handgun is purchased, the person fills out a form giving name, address, age, date of birth, is he a drug user or alcoholic, etc., and occupation. That is kept in the store where the weapon is purchased. If that weapon is found in the commission of a crime, the police department contacts the manufacturer who has a record of which serial numbers went to which dealers. The sportsman has the record of the weapons sold. The dealer to whom Mr. Beyer spoke indicated there would be no problem keeping the same type of records on these tear gas containers.

Chairman Stewart reviewed the amendment section by section stating that section 1 puts the container in the category of a deadly weapon. If a crime is committed with one of these containers, it is the same as committing a crime with a gun. Mr. Malone commented that is for the reason that this can be used in committing a crime. Mr. Sader pointed out that this device is not capable of producing death. Mr. Malone commented that this language is taken right out of the concealed weapon statute. The tear gas weapon is considered a concealed weapon. Therefore, if used in the commission of a crime, it would be treated as such.

Mr. Malone continued by saying that the California law is so tight, that this amendment tries to loosen it up considerably. To Mr. Thompson's question, Mr. Malone stated that in California these are illegal for sale to minors.

Mrs. Ham asked for an explanation of Section 3. Mr. Malone stated that is currently the law and tear gas was just added. Mr. Sader commented that this language applies to offenses where just having the weapon is an offense.

There was further discussion among the committee members on whether or not tear gas devices should be included in the category of deadly weapons, some in favor and some against. The main argument was that these devices are not deadly weapons, i.e. cannot cause death. There were also arguments that due to health problems, the use of the tear gas might cause death.

Mr. Malone moved AMEND AB 561 by adopting Amendment No. 914, seconded by Mr. Beyer.

Mr. Sader moved AMEND the AMENDMENT to AB 561 to exclude the underlined language on page 1 of the amendment (EXHIBIT A), seconded by Mrs. Cafferata. Mr. Sader explained that would exclude the tear gas from the deadly weapon statute, but leaves in the remainder of the amendment. Mr. Sader's motion failed, Mr. Thompson, Mr. Sader and Mrs. Cafferata voting aye, and Mr. Stewart and Mr. Chaney being absent.

Mr. Malone's motion carried unanimously with Mr. Chaney and Mr. Stewart being absent.

Miss Foley moved DO PASS AB 561 as amended, seconded by Mr. Thompson, and carried unanimously by the committee, Mr. Chaney and Mr. Stewart being absent.

SB 282: Establishes immunity from liability for certain persons and authorizes creation of centers for collection and distribution of donated food.

Mr. Sader reminded the committee that there were two questions on this bill, one being on the immunity from liability for people who donate food. The original language was too broad and this amendment provides that injury resulting from consumption of food donated is exempted.

Mr. Sader moved AMEND SB 282, seconded by Mrs. Cafferata. Mr. Price asked about the diligence in storage of food. It was commented that there were private and county inspections. Mr. Sader added that this only excludes simple negligence. Gross negligence or willful acts are not excluded. The motion carried unanimously, Mr. Chaney, Mr. Beyer and Mr. Banner being absent.

Mr. Malone moved DO PASS SB 282 as amended, seconded by Mr. Thompson, and carried unanimously, Mr. Chaney, Mr. Beyer and Mr. Banner being absent.

AB 490: Provides for continuation of child support after death of responsible parent.

Mrs. Cafferata stated she had researched the priority question raised on this bill. She stated that the priority on will is funeral expenses, last illness, family allowance, debts by preference by laws of the U.S., wages up to \$600, and then child support. Mr. Sader asked about estate administration costs. Mrs. Cafferata stated it was not included and Mr. Sader commented that it must be covered under another statute, providing that the costs of administering the estate be paid first.

At page 2, line 3, Mrs. Cafferata stated that the language is changed to "shall cease". Mr. Sader commented that the language of the bill should remain the same with two additional sections added. He pointed out that this does not require that the estate remain open in order to make payments to the minor child. If there is enough money in the estate, an annuity or some other bank account can be established to make periodic payments to the child.

Mr. Stewart moved AMEND AB 490, seconded by Mr. Malone, and carried unanimously, Mr. Beyer being absent. Mrs. Cafferata stated she would have the necessary amendment drafted and returned to the committee for review.

Mr. Malone moved DO PASS AB 490 as amended, seconded by Mrs. Ham, and carried by majority vote, Mr. Chaney voting nay, and Mr. Beyer being absent.

There followed a discussion on the arrangements for the committee party to be held May 21. Miss Foley and Mr. Chaney were appointed to the committee to make the arrangements and report back.

Chairman Stewart adjourned the meeting at 9:55 a.m.

Respectfully submitted,


Joy Jan M. Martin
Committee Stenographer

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

DATE: May 12, 1981

SUBJECT: SB 385: Amends provisions relating to issuance and expiration of work permits for gaming employees.

MOTION:

DO PASS XX AMEND _____ INDEFINITELY POSTPONE _____
RECONSIDER _____

MOVED BY: Chaney 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>	—	—	—	—	—
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 May 12, 1981

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

DATE: May 12, 1981
 SUBJECT: SB 38: Establishes annual salaries for
 members of Nevada Gaming Commission

MOTION:
 DO PASS XX AMEND _____ INDEFINITELY POSTPONE _____
 RECONSIDER _____
 MOVED BY: Foley 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>	—	—	—	—	—
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 May 12, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: May 12, 1981
 SUBJECT: Exempts small tear gas weapons for use
AB 561: in self-defense from certain statutory
 regulations.

MOTION:
 DO PASS XX AMEND XX INDEFINITELY POSTPONE _____
 RECONSIDER _____

MOVED BY: Foley SECONDED BY: Thompson

AMENDMENT:

Include Amendment No. 914

MOVED BY: Malone SECONDED BY: Beyer

AMENDMENT:

Exclude underlined portions of page 1 of Amendment
 No. 914.

MOVED BY: Sader SECONDED BY: Cafferata

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	—	<u>XX</u>	—	<u>XX</u>	—
Foley	<u>XX</u>	—	<u>XX</u>	—	—	<u>XX</u>
Beyer	<u>XX</u>	—	<u>XX</u>	—	—	<u>XX</u>
Price	<u>XX</u>	—	<u>XX</u>	—	—	<u>XX</u>
Sader	<u>XX</u>	—	<u>XX</u>	—	<u>XX</u>	<u>XX</u>
Stewart	<u>ABSENT</u>	—	<u>ABSENT</u>	—	—	—
Chaney	<u>ABSENT</u>	—	<u>ABSENT</u>	—	<u>ABSENT</u>	—
Malone	<u>XX</u>	—	<u>XX</u>	—	—	<u>XX</u>
Cafferata	<u>XX</u>	—	<u>XX</u>	—	<u>XX</u>	<u>XX</u>
Ham	<u>XX</u>	—	<u>XX</u>	—	—	<u>XX</u>
Banner	<u>XX</u>	—	<u>XX</u>	—	—	<u>XX</u>
TALLY:	<u>9</u>	—	<u>9</u>	—	<u>3</u>	<u>6</u>

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

ATTACHED TO MINUTES OF May 12, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: May 12, 1981

SUBJECT: SB 282: Establishes immunity from liability for certain persons and authorizes creation of centers for collection and distribution of donated food..

MOTION:

DO PASS XX AMEND XX INDEFINITELY POSTPONE _____
RECONSIDER _____

MOVED BY: Malone SECONDED BY: Thompson

AMENDMENT:

Excludes simple negligence from liability in conjunction with consumption of donated food.

MOVED BY: Sader 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>XX</u>	___	<u>XX</u>	___	___	___
Beyer	<u>ABSENT</u>	___	<u>ABSENT</u>	___	___	___
Price	<u>XX</u>	___	<u>XX</u>	___	___	___
Sader	<u>XX</u>	___	<u>XX</u>	___	___	___
Stewart	<u>XX</u>	___	<u>XX</u>	___	___	___
Chaney	<u>ABSENT</u>	___	<u>ABSENT</u>	___	___	___
Malone	<u>XX</u>	___	<u>XX</u>	___	___	___
Cafferata	<u>XX</u>	___	<u>XX</u>	___	___	___
Ham	<u>XX</u>	___	<u>XX</u>	___	___	___
Banner	<u>ABSENT</u>	___	<u>ABSENT</u>	___	___	___
TALLY:	<u>8</u>	___	<u>8</u>	___	___	___

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

ATTACHED TO MINUTES OF May 12, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: May 12, 1981

SUBJECT: AB 490: Provides for continuation of child support after death of responsible parent.

MOTION:

DO PASS XX AMEND XX INDEFINITELY POSTPONE _____
RECONSIDER _____

MOVED BY: Malone SECONDED BY: Ham

AMENDMENT:

To include in list of priorities following . . . wages up to \$600.

MOVED BY: Stewart SECONDED BY: Malone

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	—	<u>XX</u>	—	—	—
Foley	<u>XX</u>	—	<u>XX</u>	—	—	—
Beyer	<u>ABSENT</u>	—	<u>ABSENT</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>1</u>	<u>10</u>	—	—	—

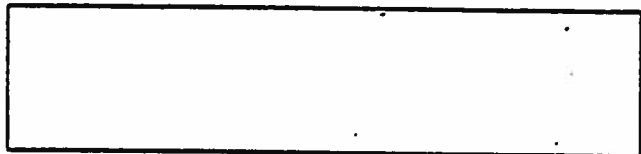
ORIGINAL MOTION: Passed _____ Defeated _____ Withdrawn _____
 AMENDED & PASSED XX AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF May 12, 1981

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION Assembly.....	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to <u>Assembly</u>	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/> <u>Joint</u>	
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Bill No. <u>561</u>	Resolution No. _____
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	BDR <u>15-1666</u>	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by <u>Committee on Judiciary</u>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>		
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>		

Amendment N^o 914



Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and by adding a new section designated section 1, preceding section 1, to read as follows:

"Section 1. NRS 193.165 is hereby amended to read as follows:

193.165 1. Any person who uses a firearm or other deadly weapon or a weapon containing or capable of emitting tear gas, whether or not its possession is permitted by section 2 of this act, in the commission of a crime shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for such crime. The sentence prescribed by this section shall run consecutively with the sentence prescribed by statute for such crime.

2. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. The provisions of subsections 1 and 2 do not apply where the use of a firearm, [or] other deadly weapon or tear gas is a necessary element of such crime.

4. The court shall not grant probation to or suspend the sentence of any person who is convicted of using a firearm, [or] other deadly weapon or tear gas in the commission of any of the following crimes:

To: E & E
LCB File
Journal
Engrossment
Bill

Drafted by: JGS:smc Date: 5-8-81

Exhibit A 1864

- (a) Murder;
- (b) Kidnaping in the first degree;
- (c) Sexual assault; or
- (d) Robbery."

Amend section 1, page 1, line 4, by deleting "except" and inserting "including a minor but not including".

Amend section 1, page 1, by deleting lines 6 and 7 and inserting:

"(a) Shell or cartridge containing or capable of emitting tear gas, which does not exceed two fluid ounces in volume, and which is marked with a unique and permanent serial number; or".

Amend section 1, page 1, line 8, by deleting "shell, cartridge or bomb" and inserting:

"shell or cartridge".

Amend section 1, page 1, by inserting between lines 11 and 12:

"2. Each seller of a shell or cartridge permitted by subsection 1 shall include with it a registration form provided by the police department or sheriff's office. The card, with blanks for the name, address and telephone number of the purchaser and the brand name, model number or type and serial number of the shell or cartridge must be completed and filed by the purchaser with the police department or sheriff's office of the city or county in which the purchaser resides."

Amend section 1, page 1, line 12, by deleting "2." and inserting "3."

Amend sec. 2, page 1, line 22, by deleting "1." and inserting "2."

Amend the title of the bill on the third line before "and providing" by inserting:

"requiring serial numbers and registration of shells and cartridges with the police or sheriff's office; providing penalties;".