

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON JUDICIARY

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 30, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 9:20 a.m., Saturday, May 30, 1981, in Room 213 of the Legislative Building, Carson City, Nevada.

COMMITTEE MEMBERS PRESENT:

Senator Melvin D. Close, Chairman
Senator Keith Ashworth, Vice Chairman
Senator Don W. Ashworth
Senator William J. Raggio
Senator Jean Ford
Senator William H. Hernstadt
Senator Sue Wagner

STAFF MEMBER PRESENT:

Shirley LaBadie, Committee Secretary

SENATE BILL NO. 35--Redefines "cheating" and increases penalties for gaming offenses.

Ms. Patty Becker, Deputy Attorney General, Gaming Division advised the committee there were no problems with the changes made by the assembly committee to S. B. No. 35.

Senator Ford moved to concur with Amendment No. 1248 to S. B. No. 35.

Senator Hernstadt seconded the motion.

The motion carried. (Senator Don Ashworth, Hernstadt and Raggio were absent for the vote.)

SENATE BILL NO. 527--Makes various changes to the laws regulating gaming.

Ms. Becker advised the committee the only substantive changes in the bill were on page 6 and page 38 and the gaming division concurred with the changes. Senator Raggio stated he would review the bill with Ms. Becker before committee approval.

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SENATE BILL NO. 413--Makes various changes in provisions regarding supervision of certain gaming establishments.

Committee review of the changes by the assembly committee resulted in the following motion.

Senator Hernstadt moved to concur with Amendment No. 1251 to Senate Bill No. 413.

Senator Ford seconded the motion.

The motion carried. (Senators Don Ashworth and Raggio were absent for the vote.)

SENATE BILL NO. 414--Limits requirements for termination of employment of persons denied gaming license.

Senator Wagner moved to concur with Amendment No. 1241 to Senate Bill No. 414.

Senator Ford seconded the motion.

The motion carried. (Senator Don Ashworth and Raggio were absent for the vote.)

ASSEMBLY BILL NO. 336--Requires standard form to record convictions and permits use of form to prove prior convictions.

Chairman Close advised the committee that the assembly had refused to concur with the amendments by them.

Senator Wagner moved not to recede from the Senate amendment to A. B. No. 336.

Senator Hernstadt seconded the motion.

The motion carried. (Senator Don Ashworth was absent for the vote.)

ASSEMBLY BILL No. 68--Increases statutory rate for interest on judgments from 8 to 12 percent.

Senator Wagner moved not to recede from the Senate amendment to A. B. No. 68.

Senator Ford seconded the motion.

The motion carried. (Senator Don Ashworth was absent for the vote.)

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SENATE BILL NO. 425--Increases number of district judges in eighth judicial district.

Chairman Close asked Mr. Daykin to comment on Section 10, page 4 which is new language. Mr. Daykin said assuming the language in NRS 8.5 is effective, this covers it both ways. It says it shall become effective on the first occurrence of a vacancy or on January 1, 1982, whichever occurs first. If the language that the bill itself creates a vacancy, that vacancy first occurs. For the purpose of nominating and electing the additional district judges and on the first monday of 1983 for other purposes which means that no judge would take his seat until the first monday of January 1983. If your language about creating a vacancy is not effective, then by this language, you are saying that you shall try to elect district judges in 1982 and seat them in 1983. Then subsection 2 goes on in the case the Supreme Court does not agree with this, if no judges are so elected but a vacancy occurs before the first monday of January 1985, it shall be filled by appointment. Then if there has been no vacancy and the act has not become effective therefore, it becomes effective January 1, 1984 for the purpose of electing judges for that term beginning in 1985.

Mr. Daykin stated Clark County for budgetary reasons does not want to have any additional judges until the first monday of January 1983 in any case. This bill says if there are not judges elected at the 1982 election, then a real vacancy occurs, the judge would be appointed immediately. But if the vacancy occurred after the general election, he still would not take his seat until the first monday in January 1983. This is covering a number of possibilities. The legislature is creating new judges regardless of the constitution.

Senator Raggio moved to concur with Assembly Amendment No. 1212 to S. B. No. 425.

Senator Wagner seconded the motion.

The motion carried. (Senator Hernstadt was absent for the vote. Senator Keith Ashworth abstained from voting.)

SENATE JOINT RESOLUTION NO. 32--Proposes to amend Nevada constitution to establish staggered terms for district judges.

Chairman Close asked Mr. Daykin to explain the changes suggested by the assembly.

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Mr. Daykin stated this would avoid any two year terms and in order to do that, it requires two successive four years terms for one class of judges.

SENATE JOINT RESOLUTION NO. 32

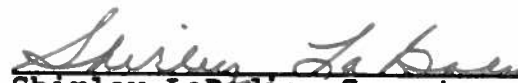
Senator Hernstadt moved to concur with the assembly amendment to S. J. R. No. 32.

Senator Ford seconded the motion.

The motion carried.


There being no further business, the meeting adjourned at 10:00 a.m.

Respectfully submitted:



Shirley LaBadie, Secretary

APPROVED:



Senator Melvin D. Close, Chairman

DATE: June 3, 1981