

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON JUDICIARY

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
March 3, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:35 a.m., Tuesday, March 3, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Shirley LaBadie, Committee Secretary

The following Bill Drafting Requests were presented and received for committee introduction:

BDR NO. 4-1147 (Senator Close) (S.B. 357)

Provides for admission of evidence of transactions with deceased persons under certain circumstances.

BDR NO. 12-134 (Judge Torvinen) (S.B. 358)

Prohibits a murderer from succeeding to community property.

BDR 14-135 (Judge Torvinen) (S.B. 356)

Changes provisions relating to dishonorable discharges from probation.

BDR NO. 16-1173 (Senator Ford) (S.B. 355)

Limits duration of and expands permitted reasons for temporary furloughs of prison inmates.

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Senator Ford asked the committee to discuss the proposed amendments to S. B. No. 30. Chairman Close advised the changes were some made by Frank Daykin, possibly to conform the language to the language on page 2 of S. B. 30. Senator Ford said on line 39, page 4, the language, business, or had been deleted. She questioned if the word person would cover a business. That was the original intent of the amendment. Chairman Close said he would check with Frank Daykin to see if person includes businesses.

ASSEMBLY BILL NO. 83--Raises threshold amount over which certain statutory liens become secondary. (Exhibit F)

Mr. Daryl Capurro, Nevada Franchised Auto Dealers Association, Executive Director, stated basically A. B. No. 83 is a simple bill. A change is made in line 3, increasing the amount of a lien under the mechanics lien provisions of NRS 108 from \$300 to \$750. He stated last session a bill was processed which raised the small claims and municipal court limits for jurisdiction from \$300 to \$750. It was suggested to the Assembly Judiciary Committee this provision should be included as an amendment to the bill. He was advised because of the large amount of testimony and the controversy over increasing the limits, it would be better to handle it separately in a separate session. This bill includes those changes. He stated this is an old provision, it goes back to 1943 when it was originally added to the law. He said because of inflation, \$300 is reached more quickly now than it was years ago. This would provide that the first \$750 on a lien on a motor vehicle would be primary, anything in excess, secondary. The bill had no opposition in Assembly Judiciary and he asked the committee to consider increasing the lien provision.

Senator Wagner asked about the amendment added in the assembly. Mr. Capurro stated it was a problem with language. The language was added, lien, or combination of liens, which changes the meaning. This was not the intent of the bill, an amendment was drafted to change the wording.

SENATE BILL NO. 212--Changes place to file to perfect certain security interests and provides filing and indexing fee and the procedure for federal tax liens.

Mr. William Swackhamer, Secretary of State, stated S. B. No. 212 was introduced at his request. He stated the Federal Government, Internal Revenue Service, files liens and there was a provision they could accumulate the liens and be billed once a month by the Secretary of State. This provision was removed two years ago

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inadvertently by the legislature. The filing of liens has been done without a fee to the revenue service, that provision should be put back in. Chairman Close advised Mr. Swackhamer the committee had already taken S. B. No. 212 into consideration and it was passed out of the committee on February 27, 1981.

SENATE BILL NO. 254--Makes various provisions for discharge from parole and probation. (Exhibit G)

Mr. Bud Campos, Chief, Parole and Probation Department stated 17 pieces of legislation had been drafted this session, nine of these bills were to save money for the department. S. B. No. 254 is one of these bills. They are asking that the parole board be given the power to discharge a person from a sentence, as opposed to parole if that person is going to a sentence of equal or greater magnitude. The only authority the parole board has when the person is eligible on the first sentence and is qualified for parole to the second sentence is that they parole him to the second sentence. He may be on that sentence for several years. The department has to keep a separate set of records on the parolee status of this individual. There are close to 200 cases which have to be tracked. Nothing usually is ever done if a parole is violated in an institutional type of parole because of the alternatives which are available. The department feels it would save approximately 10 hours a week of clerical time.

Mr. Campos stated Section 1 of S. B. No. 254 gives the courts the option of giving a dishonorable discharge to a person who has been convicted of an offense and received a sentence of one year or more. This has been done for years but never covered by law. This should be and was included in the bill. This language covers new convictions.

Chairman Close stated the language in section 1 does not necessarily apply to new convictions. Mr. Campos stated this could be clarified to read, who has been convicted of a subsequent offense. He stated the business of restoration of rights is highly questionable.

Chairman Close asked Mr. Campos to comment on A. J. R. 6 of the 60th session which authorizes every citizen to keep and bear arms for security and defense for lawful hunting and recreational use and for other lawful purposes. He asked Mr. Campos if this would give parolees and convicted persons the right to bear arms. Mr. Campos stated it would not give a felon or prior convicted felon the right to bear arms because those individuals would be

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covered under the Federal Firearms Act of 1968. Mr. Campos stated another area of concern is of the gross demeanant probationer who is prohibited by probationary rules from carrying firearms, but not by law. A court order with a person coming under a conviction, would automatically take his right away to own firearms.

SENATE BILL NO. 257--Changes certain provisions on restitution by offenders to victims of crime. (Exhibit H)

Mr. Campos stated the department does not have a provision in the accounting system for the disbursement of money collected for victims of crime when the victims are no longer available. There is no provision in law for the disbursement of the money. The Legislative Counsel Bureau audited the department and suggested legislation be introduced to use the money. The fund is about \$5,000, an accumulation of a number of years. Mr. Campos urged the passage of S. B. No. 254 and S. B. No. 257.

Mr. Campos asked that the committee consider Bill Drafting Request 18-782\* which would exempt the department from the administrative procedures act. He said when the department went out from under the Board of Parole Commissioners, the department was not exempted. At that time there was an oversight not to have the department exempted from the act. This legislation would correct this situation. He said after reviewing the revised policy manual, it was discovered nothing in the manual was required to go through the administrative procedures act process. The law is vague. He asked the committee to reconsider the original rejection of BDR 18-782\* request. Chairman Close stated the committee would look at the BDR again.

ASSEMBLY BILL NO. 83--Raises threshold amount over which certain statutory liens become secondary.

Senator Don Ashworth moved to Do Pass A. B. No. 83.

Senator Raggio seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 254--Makes various provisions for discharge from parole and probation.

Senator Wagner moved to Do Pass S. B. No. 254

Senator Hernstadt seconded the motion.

The motion carried unanimously.

\* S. B. 354

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SENATE BILL NO. 257--Changes certain provisions on restitution by offenders to victims of crime.

Senator Hernstadt moved to Do Pass S. B. No. 257.

Senator Wagner seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 246--Permits either spouse to bring an action for separate maintenance. (Exhibit I)

Senator Wagner moved to Do Pass S. B. 246.

Senator Hernstadt seconded the motion.

The motion carried unanimously.

Chairman Close advised the committee he had given each member a copy of a memorandum from Patricia Becker from the Attorney General office regarding S. B. No. 31. Chairman Close asked that the memorandum be attached to the minutes of February 17, 1981, when S. B. No. 31 was heard.

SENATE BILL NO. 252--Strengthens provisions for assignment of earnings in child support cases and revises provisions for reciprocal enforcement of support. (Exhibit J)

Chairman Close gave the committee some information regarding S. B. No. 252, attached hereto as Exhibit C. Chairman Close advised Senator Keith Ashworth in his absence on Friday, February 27, 1981, there was a 3-3 vote on S. B. No. 252. He informed Senator Ashworth that three of the committee had voted to eliminate the new language in Section 9, which permits the judge to use discretion as to an assignment of wages. The other three of the committee has voted to make it mandatory for an assignment of wages. Senator Keith Ashworth voted to have the language read, mandatory, which will give the judge the power to modify.

SENATE BILL NO. 252

Senator Hernstadt moved to amend and Do Pass S. B. No. 252 subject to additional information from judges.

Senator Wagner seconded the motion.

The motion carried unanimously.

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SENATE BILL NO. 149--Revises provisions relating to abuse and neglect of children.

Senator Don Ashworth moved to indefinitely postpone S. B. No. 149.

Senator Hernstadt seconded the motion.

Senator Wagner advised the committee she had received a letter from Washoe County Welfare Department with suggested changes in S. B. No. 149, however if the bill is not processed, they would not be needed. Chairman Close told the committee he had received a letter from the Attorney General regarding Sections 2 and 8, subsection 3 of this bill. He quoted from the letter, in 1979, 1,703 cases of child abuse statewide were substantiated cases. Of that figure 1,200 occurred in Clark County, 500 in Washoe County and rural counties combined. If the Attorney General Office was asked to assume the full caseload, the impact would be substantial. At least one additional deputy would be needed in Clark County to absorb the increased case load; in the northern part of Nevada, the two existing deputies would be able to absorb the case load

Senator Wagner advised the committee that in reviewing the information from Washoe County Welfare Department, there were major concerns with the bill. An additional social worker, clerical hours, and increased hours for the district attorney would be required.

Senator Raggio stated after reviewing the minutes on S. B. No. 149, he felt there was justification for the bill. Senator Don Ashworth stated several people he had talked to stated the bill was not needed.

Senator Ford suggested the Welfare Department be asked to review the bill and come back with the essential changes and requirements needed in the bill.

Senator Don Ashworth withdrew his motion to indefinitely postpone the bill.

SENATE BILL NO. 101--Removes limitations on interest rates for loans.

Senator Ford asked the committee to discuss S. B. No. 101 and the position of each member.

Senator Keith Ashworth stated he had no problem with voting on S. B. No. 101. He declared he is a director of a bank. If this creates a conflict he said he would state so on the floor

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of the Senate. Senator Don Ashworth stated he is a director on Home Savings and Loan, he has no stock, so he would not have a conflict of interest. Senator Hernstadt stated he headed the omnibus bill so it covered everything, even with the amendments, it affected all categories of lenders. Senator Raggio stated he had no conflict, however he owned a small amount of stock in Western Bank. Chairman Close stated what was done last year was completely unsatisfactory, the committee fouled up the usury law. Frank Daykin told the committee during the previous session the language as written in the bill would track the federal law, however it did not. The word penalty was put in the bill.

Chairman Close stated he was opposed to having no interest rate whatsoever. Senator Wagner questioned why the floating mechanism would not work. Senator Hernstadt answered under federal regulations, bankers stated there is a conflict in it. Under the old law, the prime rate is set by the three largest banks. The rates fluctuate and sometimes there is a split rate, this creates real problems.

SENATE BILL NO. 190--Alters population classification relating to impaneling grand juries. (Exhibit K)

Senator Norman Glaser stated the bill was introduced at the request of the district judge, Joseph McDaniels in Elko. There is a problem with the selection of a grand jury. Elko county went over the population of 15,000 and the law reads the selection of a grand jury must be made in a certain manner. On lines 2 and 3 of S. B. No. 190, there is a requirement that any county having a population of 15,000 or more, the selection is made at random from 1,000 qualified, 100 persons have to be impaneled and there is a requirement to call the grand jury every four years. In Section 2, page 2, line 31, which deals with the smaller counties, less than 15,000, only 50 qualified persons are selected. In the smaller counties a grand jury may not be required every four years. The judge wanted the flexibility to call for a grand jury as necessary. Chairman Close read a letter to the committee from Judge McDaniel. See Exhibit D attached hereto.

Senator Raggio asked how often is a grand jury called in Elko. Senator Glaser stated not very often, however there is one now. He stated grand juries serve a useful purpose from time to time.

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SENATE BILL NO. 190

Senator Keith Ashworth moved to Do Pass S. B. 190.

Senator Don Ashworth seconded the motion.

The motion carried unanimously.

Senator Raggio stated S. B. No. 225 which was passed out of committee on February 27, 1981, corrects a scrivener's error which was in S. B. No. 264 of the 59th Session of 1977. That statute provided an alternative method of selecting jurors. The crucial language from NRS 16.030 was inadvertently deleted. He said Judge Thompson requested that S. B. No. 225 be effective upon passage and approval.

SENATE BILL NO. 245--Allows certain justices of the peace to have partners who practice law. (Exhibit L)

Mr. Jim Mancuso, Justice of the Peace, Incline Village, Nevada, stated he was appointed several months ago. He said he is an attorney and shortly after being appointed he was confronted with NRS 1.270 which interprets very restrictively that an attorney and a justice of the peace cannot have any kind of association with any other attorneys. This restricts the individual from being an employee or working for a professional corporation. He stated he has a part-time job with a part-time salary which requires full-time work. In order to make a living it is necessary to do private practice, and need to be in some sort of association. This law restricts this.

Chairman Close stated the rationale for the law was because a judge should not have a partner who could go before other judges, because of the possibility of favoritism. Mr. Mancuso stated he had checked into California laws which requires that all of the justice of the peace have to be attorneys. The law specifies that the language in the California law is similar to that drafted in S. B. No. 245, The law as originally drafted in the 1860's did not have the ethical restraints or code of judicial conduct that is present now. He said since justice courts are courts of record, attorneys should be encouraged to take these jobs. He stated a law was passed that covered townships with a population of greater than 60,000, which allows a justice of the peace to practice law, but may not appear in court.

Senator Wagner asked Mr. Mancuso if he was the only person who has encountered this problem. Mr. Mancuso stated he is the only attorney justice of the peace outside the metropolitan areas.



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SENATE BILL NO. 245

Senator Raggio moved to Do Pass S. B. No. 245.

Senator Don Ashworth seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 33--Empowers attorney general to prosecute gaming offenses under certain conditions. (Exhibit M)

Chairman Close asked Mr. Richard Bunker, Gaming Control Board to answer questions regarding S. B. No. 33. Chairman Close asked why the attorney general should be involved in the prosecutions and does it do any harm to S. B. No. 33 if the district attorneys, when refusing to prosecute, if he has to respond back and tell the attorney general why. Senator Ford suggested the language in Section 2 should include a time limit.

Mr. Richard Bunker stated at the present time, the board cannot initiate action, they would like to have that right. He stated if a district attorney will not file because he felt there is not a case, the board cannot pursue the matter. He stated that if in small communities the case is marginal and the district attorney is closely connected to the people, it is a difficult decision for him to make to prosecute. There is little problem in Clark and Washoe counties but the smaller counties do present a problem. In a marginal case, the gaming board would like to have the authority to make a decision to prosecute.

Mr. Bunker explained the intent of Section 1 of the bill. If a case is taken to the district attorney and he refuses to prosecute the case, the attorney general or our legal counsel is advised to institute proceedings and this section gives him the authority to do so. Regarding the 15 day time limit, this gives the district attorney that time to review the complaint and come back with a decision. If an answer is not received in that time, the deputy attorney general will institute proceedings. Mr. Bunker stated if language is needed in the bill as to who will initiate proceedings, he would request the gaming control board have the authority. The board would request the attorney general to file a complaint. Chairman Close stated what Mr. Bunker is asking for in the bill is not how it is written.

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Senator Raggio read from the NRS 228.120 which is the authority of the attorney general to file all criminal cases. It states the attorney general may, when acting pursuant to any provision of law allowing or requiring him to act in a criminal matter, after first obtaining leave of the court which has jurisdiction to try the matter, institute criminal proceedings by filing a complaint in justice court, etc. There is a special requirement where the attorney general institutes an action, he must get leave of court.

Senator Don Ashworth pointed out the board does not have the power to tell the attorney general to do anything. Chairman Close stated the board does not, only the commission. Mr. Bunker stated he had no objection to this, it would take additional time. Senator Keith Ashworth stated he felt the letter should come from attorney general, not the board or commission to the district attorney. Mr. Bunker stated before the board would proceed on a case, they would be advised by the attorneys of the board that they would prevail. The board does not make that independent judgment. Mr. Bunker stated the board wants to prosecute all gaming cases.

SENATE BILL NO. 33

Senator Ford moved to amend and Do Pass S. B. No. 33.

Senator Don Ashworth seconded the motion.

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

The committee asked for a legal interpretation of the amendments to S. B. No. 30 from Frank Daykin. (See Exhibit E attached hereto.) Mr. Daykin stated as he understood his instruction to Mr. Crockett, the two passages were to be made parallel. Chairman Close stated it was not the intent. Senator Ford stated it was requested to have the language business removed. Chairman Close stated that this would be agreeable then. Mr. Daykin stated the language, services or property, is the broadest language that can be used. Mr. Daykin stated person is defined in NRS 463, very broadly to include all forms of business organizations. Chairman Close stated the committee was satisfied with the amendment.

Chairman Close asked Mr. Daykin to comment on A. J. R. No. 6 of the 60th Session, which deals with firearms. The question deals with the right of a parolee or convicted person to bear firearms. The amendment states that every citizen has the right to keep and bear arms for lawful purposes. Chairman Close asked if that gives a convicted person the right to carry firearms. Mr. Daykin said

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as it has been interpreted in other states, no. Language very similar to that has been in the Ohio constitution since 1802 and Ohio has under it, limited the right of convicted persons to bear arms, has limited the carrying of concealed weapons, it has prohibited carrying hunting implements in the open, on Sunday and that may not be in the law any longer, but was for 100 years. The Ohio constitution also provides in the same section that standing armies are dangerous to liberty and shall not be kept up.

ASSEMBLY JOINT RESOLUTION NO. 6 of the 60th Session (Exhibit N)

Senator Raggio moved to Do Pass A. J. R. 6 of the 60th Session.

Senator Don Ashworth seconded the motion.

The motion carried unanimously.

This concluded the testimony on bills scheduled for March 3, 1981 and discussion of previous bills not acted on.

The following Bill Drafting Requests were presented and received for committee introduction:

BDR 7-850 (Senator Raggio) (S.B. 359)

Revises certain requirements for takeover bids affecting corporations.

BDR 18-782 (Senator Wagner) (S.B. 354)

Exempts department of parole and probation from requirements of Nevada Administrative Procedure Act.

There being no further business, the meeting adjourned at 10:50 a.m.

Respectfully submitted:

  
Shirley L. Badie, Secretary

APPROVED BY:

  
Senator Melvin D. Close, Chairman

DATE: March 5, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on JUDICIARY, Room 213  
Day Tuesday, Date March 3, Time 8:30 a.m.

AMENDED MEETING SCHEDULE

A. B. NO. 83--Raises threshold amount over which certain statutory liens become secondary.

S. B. NO. 212--Changes place to file to perfect certain security interests and provides filing and indexing fee and procedure for federal tax liens.

S. B. NO. 245--Allows certain justices of the peace to have partners who practice law..

S. B. NO. 246--Permits either spouse to bring an action for separate maintenance.

S. B. NO. 254--Makes various provisions for discharge from parole and probation.

S. B. NO. 257--Changes certain provisions on restitution by offenders to victims of crime.

SENATE COMMITTEE ON JUDICIARY

DATE: March 3, 1981

EXHIBIT B

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME

ORGANIZATION & ADDRESS

TELEPHONE

A.A. Campos

Parole & Probation

5040

P. M. Durbin

✓ ✓

✓

Daryl Caduro

NEVADA FRANCHISED AUTO DEALERS ASSN

331-6884

Sarah Mercedes

PUBLIC

P. M. Durbin

— 0 —

Jim Markens

Justice of the Peace, Indio Vlg.

831-4556

Richard Bunker

Parole Control



EXHIBIT C

RICHARD H. BRYAN  
ATTORNEY GENERAL

STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL  
WELFARE DIVISION  
HEROES MEMORIAL BUILDING  
CAPITOL COMPLEX  
CARSON CITY 89710  
TELEPHONE (702) 885-5035

WILBUR H. SPRINKEL  
CLAUDIA K. CORMIER  
SHARON L. McDONALD

March 2, 1981

Senate Judiciary Committee  
Nevada State Legislature  
Legislative Building  
401 South Carson Street  
Carson City, Nevada 89710

Dear Committee Members:

Re: SB 252 (NRS 130.305)

Pursuant to your request in the hearing on SB 252 held on February 26, 1981, I am enclosing a copy of 45 CFR 302.33, the federal regulation which delineates to whom the State URESA plans shall be made available.

Please be advised that the Nevada State Welfare Division has received two federal audit exceptions on NRS 130.305 as follows:

At page 32 of Interim Audit # NV 79-PC the auditor stated:

"We recommend that efforts be made to revise state statute 130.305 so that child support services are available to all individuals not otherwise eligible on a basis consistent with those provided to AFDC applicants."

At page 23 of Interim Audit # NV 78-PC the auditor stated:

"We recommend that applications from individuals not otherwise eligible be accepted and services provided as required by 45 CFR 302.33(a)."

I hope the foregoing information will be useful to the Committee in its deliberations on SB 252.

Very truly yours,

RICHARD H. BRYAN  
Attorney General

By: *Sharon L. McDonald*  
Sharon L. McDonald  
Deputy Attorney General  
Counsel to Welfare Division

SLM: dcm

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pursuant to paragraph (b) of this section exceeds the amount the family actually received for a month as an assistance payment and pursuant to § 302.51. Such excess shall be paid to the family. If the family is determined to be eligible, distribution will continue to be made pursuant to § 302.51.

**§ 302.33 Individuals not otherwise eligible for paternity and child support services.**

(a) The State plan shall provide that the child support collection or paternity determination services established under the plan shall be made available to any individual not otherwise eligible for such services upon application filed by such individual with the IV-D agency.

(b) The State plan may provide for an application fee to be charged each individual who applies for services under this section. If the State elects to charge a fee, the State plan shall specify either:

(1) A flat dollar amount not to exceed \$20 to be charged each applicant; or

(2) A fee schedule to be used to determine the fee to be charged each applicant. Such fee schedule will be based on each applicant's income and will be designed so as not to discourage the application for such services by those most in need of them.

(c) The State plan may provide for recovery of any costs incurred in excess of the application fee in collection of child support. If the State elects to recover such costs they shall be deducted from the amount of such recovery. In a particular case, large initial costs of establishing paternity or collecting child support may be prorated over a period of months for purposes of recovering such costs. If the State elects to recover costs under this paragraph, the individual for whom child support services are provided shall be informed of such fact.

(d) The IV-D agency may take an assignment of support rights from an individual applying for paternity or child support services under this section. However, such assignment shall not constitute an assignment for purposes of § 232.11 of this title and may

not be a condition of receipt of such services.

**§ 302.34 Cooperative arrangements.**

The State plan shall provide that the State will enter into written agreements for cooperative arrangements with appropriate courts and law-enforcement officials. Such agreements may be entered into with a single official covering more than one court, official, or agency. If such single official has the legal authority to enter into agreements on behalf of such courts, officials, or agencies. Such agreements shall contain provisions for providing courts and law-enforcement officials with pertinent information needed in locating absent parents, establishing paternity and securing support, including the immediate transfer of the information obtained under § 235.70 of this title to the court or law-enforcement official, to the extent that such information is relevant to the duties to be performed pursuant to the agreement. They shall also provide for assistance to the IV-D agency in carrying out the program, and may relate to any other matters of common concern. Under this requirement such agreements may include provisions:

(a) For the investigation and prosecution of fraud directly related to paternity and child support;

(b) To reimburse courts and law-enforcement officials for their assistance.

**§ 302.35 State parent locator service.**

The State plan shall provide that:

(a) The IV-D agency will establish a parent locator service utilizing:

(1) All sources of information and records available in the State, and in other States as appropriate; and

(2) The Federal PLS of the Department of Health, Education, and Welfare.

(b) The State PLS will have a central State office and may also establish or designate offices at the local level.

(c) The IV-D agency will accept applications to utilize the Federal PLS from:

(1) Any State or local agency or official seeking to collect child support obligations pursuant to the State plan;

FOURTH JUDICIAL DISTRICT COURT

ELKO COUNTY  
STATE OF NEVADA

JOS. O. MCDANIEL  
District Judge  
(8) 738-5987

Mailng Address:  
ELKO COUNTY COURTHOUSE  
Elko, Nevada 89801

February 12, 1981

Senator Mel Close, Chairman  
Committee on Judiciary  
Legislative Building  
Carson City, Nevada 89710

EXHIBIT D

In re: Senate Bill 190,  
Grand Juries in  
Counties Having a  
Population of More  
than 15,000

Dear Senator Close:

I received a letter from Senator Norman Glaser that the above-entitled Bill has been referred to your Committee, and that hearings will be held on February 24, 1981, at 9:00 a.m. I will not be able to appear in person.

The reason for the amendment is very simple. The law as presently written did not contemplate that a county with a population of more than 15,000 would only have one District Judge. Section 2 of the Bill, as now written, contemplates that "the District Judges shall meet within 15 days thereafter and shall, in order of seniority, each select one name from the list."

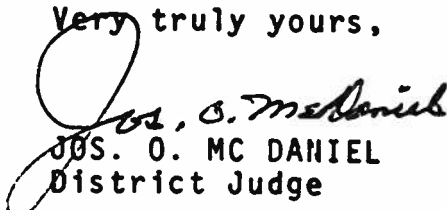
At this time Elko County and Douglas County have populations in excess of 15,000 but only one Judge. Therefore, the easiest way to correct the problem would be to increase the population to 30,000 or more, as proposed in SB 190. This would also take Elko and Douglas Counties out of the mandatory requirements of calling a Grand Jury every four years.

If this suggestion is not acceptable, then NRS 6.110 will have to be amended to provide a procedure for counties of more than 15,000 with only one Judge.



Thank you for your considerations in this regard.

Very truly yours,

  
JOS. O. MC DANIEL  
District Judge

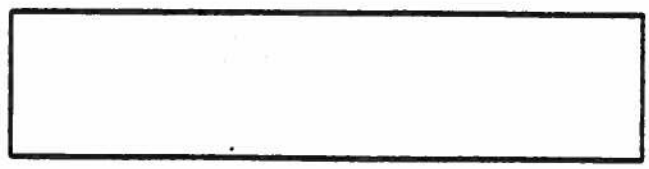
JOM:bj

1981 REGULAR SESSION (61st)

EXHIBIT E

ASSEMBLY ACTION	SENATE ACTION	Senate	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to <u>Senate</u>	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No. <u>30</u>	
Date: _____	Date: _____	<del>Joint</del> Resolution No. _____	
Initial: _____	Initial: _____	BDR. <u>41-428</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: _____	Date: _____		
Initial: _____	Initial: _____		

Amendment N<sup>o</sup> 136



Amend section 1, page 2, by deleting lines 21 through 29 and inserting:

"(e) If a person furnishes any services or property to a licensed gaming establishment for a compensation which the board or commission finds to be grossly disproportionate to the value of the services or property, demand access to and inspect, examine, photocopy and audit all papers, books and records of the person so furnishing them, on his premises and in his presence or the presence of his agent, respecting the gross income derived from the licensee or licensees."

Amend sec. 2, page 4, line 29, by placing brackets around "business or".

Amend sec. 2, page 4, line 30, by deleting "or busi-" and inserting "i [or busi-"

Amend sec. 2, page 4, line 31, after the colon, by inserting a closed bracket.

Amend sec. 2, page 4, by deleting lines 36 through 43 and inserting:

"(c) [Provides any goods or services] Furnishes any services or property to the licensed gaming establishment for a compensation which the board finds to be grossly disproportionate to the value of the [goods or services.] services or property.

*Just* If the commission determines that the [business or] person is unsuitable to be associated with a gaming enterprise, the association must be terminated. Any agreement which entitles a [business other than gaming to be conducted on the premises, or entitles a person or business other than gaming] person to conduct a business other than gaming on the premises or to conduct business with the licensed gaming establishment as".

To: E & E  
LCB File  
Journal  
Engrossment  
Bill

Drafted by... WC:ml Date 3-1-81

*ELJ*

(REPRINTED WITH ADOPTED AMENDMENTS)  
FIRST REPRINT

**A. B. 83**

ASSEMBLY BILL NO. 83—COMMITTEE  
ON TRANSPORTATION

JANUARY 29, 1981

Referred to Committee on Judiciary

SUMMARY—Raises threshold amount over which certain statutory  
liens become secondary. (BDR 9-454)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to statutory liens; raising the threshold amount over which certain statutory liens become second in priority to secured transactions; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

- 1 SECTION 1. NRS 108.290 is hereby amended to read as follows:  
2 108.290 1. Except as provided in subsection 2, any lien [or liens]  
3 in excess of [~~\$300~~] \$750 acquired as provided in NRS 108.270 to 108.  
4 360, inclusive, [~~shall be~~] *is a* secondary lien [or liens] when the motor  
5 vehicle, airplane, motorcycle, motor or airplane equipment, or trailer in  
6 question is the subject of a secured transaction.  
7 2. The lien of a trailer park keeper [~~shall~~] *may* not exceed \$200 or  
8 the total amount due and unpaid for 4 months for rentals and utilities,  
9 whichever is the lesser.

**S. B. 254**

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**SENATE BILL NO. 254—COMMITTEE ON JUDICIARY**

**FEBRUARY 18, 1981**

**Referred to Committee on Judiciary**

**SUMMARY—Makes various provisions for discharge from parole and probation. (BDR 14-779)**

**FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.**



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**EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.**

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**AN ACT relating to parole and probation; providing for discharge from parole or probation under certain conditions; and providing other matters properly relating thereto.**

***The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:***

- 1     **SECTION 1. NRS 176.245 is hereby amended to read as follows:**  
2     **176.245 Every defendant:**  
3     **1. [Whose probation has been revoked; or**  
4     **2.] Whose term of probation has expired, whose whereabouts are**  
5     **unknown, and for whose arrest a warrant has been issued [ , shall ] ; or**  
6     **2. *Who has been convicted of an offense and received a sentence of***  
7     ***1 year or more,***  
8     ***may be given a dishonorable discharge.***  
9     **SEC. 2. NRS 213.110 is hereby amended to read as follows:**  
10    **213.110 1. Subject to the provisions of NRS 213.120, the board**  
11    **[shall have power to establish rules and] *may adopt* regulations under**  
12    **which any prisoner who is [now or hereafter may be] imprisoned in the**  
13    **state prison, or in another jurisdiction as provided in NRS 176.045, may**  
14    **be allowed to go upon parole outside [of] the buildings or inclosures**  
15    **[ , ] but *is required* to remain, while on parole, in the legal custody and**  
16    **under the control of the board and subject at any time to be taken within**  
17    **the inclosure of the state prison.**  
18    **2. The board, for good cause and in order to permit induction into**  
19    **the military service of the United States, may suspend paroles during the**  
20    **period of the parolee's active service after induction into the military**  
21    **service.**  
22    **3. *If a prisoner has been sentenced to consecutive terms of imprison-***  
23    ***ment and the second or subsequent term is equal to or greater than the***



1 first term, the board may dispense with parole for the first term and per-  
2 mit the prisoner to begin serving the next term. The board may take this  
3 action after the prisoner has served a period of time which would have  
4 made him eligible for parole on the original sentence except for the sub-  
5 sequent sentence or sentences.

6 SEC. 3. NRS 213.115 is hereby amended to read as follows:

7 213.115 1. Notwithstanding the provisions of any other law, any  
8 prisoner may be released conditionally on parole at the request of the  
9 appropriate authority of another jurisdiction for prosecution for any  
10 crime of a magnitude equal to or greater than that for which he was  
11 imprisoned, as determined by the severity of the sentences for the two  
12 crimes. If after such a conditional parole and prosecution by another  
13 jurisdiction: [such]

14 (a) The prisoner is found not guilty of the crime as charged, he [shall,]  
15 must, pursuant to the board's written order, be returned to the actual  
16 custody of the warden of the Nevada state prison and shall serve such  
17 part of the unexpired term of his original sentence as may be determined  
18 by the board.

19 (b) The prisoner is convicted in the other jurisdiction and sentenced to  
20 a term which is equal to or greater than the term or total of the terms  
21 of his Nevada sentences, the board may discharge the prisoner from the  
22 conditional parole to serve his sentence in the other jurisdiction.

23 2. If a person has been released on parole by this state and he is  
24 thereafter sentenced in another jurisdiction to a term or terms which are  
25 equal to or greater than the total of the term or terms of his Nevada sen-  
26 tence, the board may discharge him from his parole to serve his sentence  
27 or sentences in the other jurisdiction.

**S. B. 257**

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**SENATE BILL NO. 257—COMMITTEE ON JUDICIARY**

**FEBRUARY 18, 1981**

Referred to Committee on Judiciary

**SUMMARY—Changes certain provisions on restitution by offenders to victims of crime. (BDR 14-780)**

**FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.**

**EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.**

AN ACT relating to compensation for victims of crime; providing that certain money paid by offenders be applied to other victims; changing the fund from which the state board of examiners pays compensation; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 176.189 is hereby amended to read as follows:  
2 176.189 1. The court may order as a condition of probation or sus-  
3 pension of sentence, in appropriate circumstances, that the defendant  
4 make restitution to the person or persons named in the order, at the  
5 times and in the amounts specified in [such] the order. Such an order  
6 may require payment for medical treatment of any person whom the  
7 defendant has injured.  
8 2. Failure to comply with the terms of an order for restitution is a  
9 violation of a condition of probation or suspension of sentence unless the  
10 defendant's failure has been caused by economic hardship resulting in his  
11 inability to pay the amount due. The defendant is entitled to a hearing to  
12 show the existence of such a hardship.  
13 3. *If, within 3 years after the defendant has been discharged from*  
14 *probation, the department of parole and probation has not located the*  
15 *person to whom the restitution was ordered, the money paid by the*  
16 *defendant must be deposited with the state treasurer for credit to*  
17 *the reserve for statutory contingency fund and may be used only to pro-*  
18 *vide compensation for victims of crime.*  
19 SEC. 2. NRS 213.126 is hereby amended to read as follows:  
20 213.126 1. The board may impose as a condition of parole, in  
21 appropriate circumstances, a requirement that the parolee make restitu-  
22 tion to the person or persons named in the statement of parole condi-  
23 tions, at the times and in the amounts specified in the statement.



1       2. All money received by the department for restitution for:

2       (a) One victim may; and

3       (b) More than one victim must,

4 be deposited in the state treasury for credit to the restitution trust fund  
5 which is hereby created. All payments from the fund must be paid as  
6 other claims against the state are paid.

7       3. Failure to comply with a restitution requirement imposed by the  
8 board is a violation of a condition of parole unless the parolee's failure  
9 was caused by economic hardship resulting in his inability to pay the  
10 amount due. The defendant is entitled to a hearing to show the existence  
11 of that hardship.

12       4. *If, within 3 years after the parolee is discharged from parole, the*  
13 *department has not located the person to whom the restitution was*  
14 *ordered, the money paid to the department by the parolee must be*  
15 *deposited with the state treasurer for credit to the reserve for statutory*  
16 *contingency fund and may be used only to provide compensation for vic-*  
17 *tims of crime.*

18       SEC. 3. NRS 217.260 is hereby amended to read as follows:

19       217.260 [Funds] Money for payment of compensation as ordered by  
20 the board [shall] must be paid from the [emergency fund.] reserve for  
21 statutory contingency fund.

22       SEC. 4. NRS 353.264 is hereby amended to read as follows:

23       353.264 1. The reserve for statutory contingency fund is hereby  
24 created as a trust fund.

25       2. The reserve for statutory contingency fund shall be administered  
26 by the state board of examiners, and the money in the fund may be  
27 expended only for:

28       (a) The payment of claims which are obligations of the state under  
29 NRS 41.03435, 41.0347, 41.0349, 41.037, 176.485, 179.310, 212.040,  
30 212.050, 212.070, 214.040, 217.260, 282.290, 282.315, 293.253, 293-  
31 405, 298.155, 353.120, 353.262, 412.154, and 475.240; and

32       (b) The payment of claims which are obligations of the state under  
33 NRS 7.125, 176.223, 177.345, 179.225, 213.153 and subsection 4 of  
34 NRS 361.055, but such claims must be approved for the respective pur-  
35 poses listed in this paragraph only when the money otherwise appropri-  
36 ated for those purposes has been exhausted.

**S. B. 246**

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SENATE BILL NO. 246—COMMITTEE ON JUDICIARY

FEBRUARY 18, 1981

Referred to Committee on Judiciary

SUMMARY—Permits either spouse to bring an action for separate maintenance. (BDR 11-702)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.



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EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to separate maintenance; changing the provisions to permit either spouse to bring an action; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 125.190 is hereby amended to read as follows:  
2 125.190 When [the wife] *a person* has any cause of action for  
3 divorce [against her husband,] or when [she] *he* has been deserted [by  
4 him and such] *and the* desertion has continued for [the space of] 90  
5 days, [she] *he* may, without applying for a divorce, maintain in the dis-  
6 trict court an action against [her husband] *his spouse* for permanent  
7 support and maintenance of [herself, or of herself and of her child or]  
8 *himself and their children.*
- 9 SEC. 2. NRS 125.200 is hereby amended to read as follows:  
10 125.200 During the pendency of such action, the court may, in its  
11 discretion, require [the husband] *either spouse* to pay any money neces-  
12 sary for the prosecution of the action and for the support and mainte-  
13 nance of the [wife, or of the wife and of her child or] *other spouse and*  
14 *their children.*
- 15 SEC. 3. NRS 125.210 is hereby amended to read as follows:  
16 125.210 1. In any such action the court [may assign] *may:*  
17 (a) *Assign* and decree to [the wife] *either spouse* the possession of  
18 any real or personal property of the [husband and may order] *other*  
19 *spouse;*  
20 (b) *Order* or decree the payment of a fixed sum of money for the sup-  
21 port of the [wife or for the support of the wife and of her child or chil-  
22 dren and provide] *other spouse and their children;*  
23 (c) *Provide* that the payment of the same be secured upon real estate,



1 [or] other security [may be required,] or *make* any other suitable pro-  
2 vision [may be made; payments to be made at such times and in such  
3 manner as to the court may seem proper.]; *and*

4 (d) *Determine the time and manner in which the payments must be*  
5 *made.*

6 2. The court [shall have the power to] *may* change, modify or  
7 revoke its orders and decrees from time to time.

8 3. No order or decree [shall be] *is* effective beyond the joint lives  
9 of the husband and wife.

10 SEC. 4. NRS 125.220 is hereby amended to read as follows:

11 125.220 1. At any time after the filing of the complaint, the [wife]  
12 *complaining spouse* may file a notice of pendency of the action in the  
13 office of the county recorder of any county in which the [husband] *other*  
14 *spouse* may have real property. [which shall have] *This notice has*  
15 *the same effect as [such] notice in actions directly affecting real property.*

16 2. The court may also enjoin [the husband] *either spouse* from dis-  
17 posing of any property during the pendency of the action.

18 SEC. 5. NRS 125.240 is hereby amended to read as follows:

19 125.240 The final judgment and any order [or orders] made before  
20 or after judgment may be enforced by the court by such order [or orders  
21 as in its discretion it may from time to time deem] *as it deems* necessary.  
22 A receiver may be appointed, security may be required, execution may  
23 issue, [under which] real or personal property of [the husband] *either*  
24 *spouse* may be sold as under execution in other cases, and disobedience  
25 of any order [or orders] may be punished as a contempt.

26 SEC. 6. NRS 125.250 is hereby amended to read as follows:

27 125.250 In all cases commenced under NRS 125.190 to 125.280,  
28 inclusive, the proceedings and practice [shall] *must* be the same, as  
29 nearly as may be, as [is now or hereafter may be] *those* provided in  
30 actions for divorce. Suit may be brought [, at the option of the wife,  
31 either] in the county in which [the wife shall reside] *either party resides*  
32 at the time the suit is commenced, or in the county in which the [hus-  
33 band] *spouse* may be found.

34 SEC. 7. NRS 125.280 is hereby amended to read as follows:

35 125.280 1. [Where the husband, in] *In* an action for separation,  
36 [makes default in paying] *where payment of* any sum of money [as]  
37 required by [the] judgment or order [directing the payment thereof,]  
38 *is in default*, the district court may make an order directing the entry of  
39 judgment for the amount of [such] *the* arrears, together with costs and  
40 disbursements not to exceed \$10 and a reasonable attorney's fee.

41 2. The application for such order [shall] *must* be upon such notice  
42 to the [husband] *parties* as the court may direct.

43 3. The judgment may be enforced by execution or in any other man-  
44 ner provided by law for the collection of money judgments.

45 4. The relief herein provided for is in addition to any [and every]  
46 other remedy [to which the wife may be entitled] *a party has* under the  
47 law.

**S. B. 252**

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**SENATE BILL NO. 252—COMMITTEE ON JUDICIARY**

**FEBRUARY 18, 1981**

Referred to Committee on Judiciary

**SUMMARY**—Strengthens provisions for assignment of earnings in child support cases and revises provisions for reciprocal enforcement of support. (BDR 11-183)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

**EXPLANATION**—Matter in *italics* is new; matter in brackets ( ) is material to be omitted.

AN ACT relating to support; strengthening provisions for assignment of earnings when a parent is ordered to pay child support; requiring such assignments in certain cases; revising provisions relating to reciprocal enforcement of support; specifically authorizing the appointment of masters in reciprocal enforcement cases; liberalizing the rules of evidence in such cases; providing the same treatment for resident obligees as for nonresidents; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 130.100 is hereby amended to read as follows:  
2 130.100 Whenever the state, or a political subdivision thereof, fur-  
3 nishes support to an individual obligee, it has the same right to initiate a  
4 proceeding under this chapter as the individual obligee for the purpose  
5 of securing reimbursement for support furnished [and] or of obtaining  
6 continuing support [.] , or both.  
7 SEC. 2. NRS 130.115 is hereby amended to read as follows:  
8 130.115 1. Jurisdiction of any proceeding under this chapter is  
9 vested in the district court.  
10 2. *The district court may appoint any person qualified by education,*  
11 *experience and training as a master to hear cases brought under this chap-*  
12 *ter. The master has the powers granted to special masters under Rule 53*  
13 *of the Nevada Rules of Civil Procedure or local district court rules.*  
14 SEC. 3. NRS 130.190 is hereby amended to read as follows:  
15 130.190 1. After the responding court receives copies of the com-  
16 plaint, certificate and law from the initiating court, the clerk of the court  
17 shall docket the case and notify the prosecuting attorney of his action.  
18 2. The prosecuting attorney shall prosecute all proper cases [dili-  
19 gently] upon the request of the court [.] and shall prosecute those cases  
20 *diligently and within a reasonable time.* He shall take all action necessary  
21 in accordance with the laws of this state to enable the court to obtain



1 jurisdiction over the obligor or his property and may initiate the proceed-  
2 ings under this chapter by civil summons or at any time request the  
3 court to set a time and place for a hearing and give notice thereof to the  
4 obligor in accordance with law.

5 3. The prosecuting attorney may, as necessary, utilize all the reme-  
6 dies available to a litigant in a civil proceeding, including attachment,  
7 execution and sequestration.

8 4. If the prosecuting attorney neglects or refuses to represent the  
9 obligee, the attorney general may order him to comply with the request  
10 of the court or may undertake the representation.

11 SEC. 4. NRS 130.210 is hereby amended to read as follows:

12 130.210 1. The court shall conduct proceedings under this chapter  
13 in the manner prescribed by law for an action for the enforcement of the  
14 type of duty of support claimed. [In any hearing for the civil enforce-  
15 ment of this chapter, the court is governed by the rules of evidence  
16 applicable in a civil court action in the district court.] *Strict rules of evi-*  
17 *dence need not be observed, but those prescribed in NRS 233B.123*  
18 *apply. In any action brought pursuant to this chapter, the affidavit of the*  
19 *obligee is admissible into evidence subject to challenges using the proce-*  
20 *cedure prescribed in NRS 130.205. If the action is based on a support*  
21 *order issued by another court, a certified copy of the order [shall] must*  
22 *be received as evidence of the duty of support and any arrearages which*  
23 *have accrued thereunder, subject only to any defenses available to an*  
24 *obligor with respect to paternity [(NRS 130.245)] or to a defendant in*  
25 *an action or a proceeding to enforce a foreign money judgment.*

26 2. Once an order of support is entered by the court in a proceeding  
27 under this chapter, it [shall have] *has* the same effect and is subject to  
28 the same procedures, defenses and proceedings for reopening, modifying,  
29 vacating or staying as any support order of this state and may be  
30 enforced and satisfied in a like manner.

31 3. The determination or enforcement of a duty of support owed to  
32 one obligee is unaffected by any interference by another obligee with  
33 rights of custody or visitation granted by a court.

34 SEC. 5. NRS 130.280 is hereby amended to read as follows:

35 130.280 1. A support order made by a court of this state pursuant to  
36 this chapter does not nullify and is not nullified by a support order made  
37 by a court of this state pursuant to any other law or by a support order  
38 made by a court of any other state pursuant to a substantially similar  
39 law or any other law, regardless of priority of issuance. [, unless other-  
40 wise specifically provided by the court in proper cases.]

41 2. Amounts paid for a particular period pursuant to any support  
42 order made by the court of another state [shall] *must* be credited against  
43 the amounts accruing or accrued for the same period under any support  
44 order made by the court of this state pursuant to a proceeding under this  
45 chapter. Arrearages which have accrued prior to an order of a court  
46 of this state in a proceeding under this chapter [shall] *must* be computed  
47 in a like manner.

48 SEC. 6. NRS 130.290 is hereby amended to read as follows:

49 130.290 1. *The provisions of this chapter apply only with respect to*  
50 *proceedings for the enforcement of duties of support and do not apply*

1 to the determination of any collateral issue or defense such as visitation,  
 2 custody, property settlements or other agreements which might effectively  
 3 exclude a child's right to support.

4 2. Participation in any proceeding under this chapter does not confer  
 5 jurisdiction upon any court over any of the parties thereto in any  
 6 other proceeding.

7 SEC. 7. NRS 130.305 is hereby amended to read as follows:

8 130.305 1. This chapter applies if both the obligee and the obligor  
 9 are in this state but in different counties, or if both obligee and obligor  
 10 reside in the same county. [In such cases the proceedings may be initiated  
 11 by the prosecuting attorney making application to the district court  
 12 to represent the obligee. The court may request the] The prosecuting  
 13 attorney [to] shall represent the obligee [as in other matters under this  
 14 chapter, upon a showing of one of the following:

15 (a) Present financial hardship; or

16 (b) No substantial compliance with a support order or agreement for  
 17 at least 6 months prior to application.] upon proper application by the  
 18 obligee.

19 2. In cases where the obligee and the obligor are in the same state  
 20 but in different counties, if the court of the county in which the complaint  
 21 is filed finds that the complaint sets forth facts from which it may  
 22 be determined that the obligor owes a duty of support and finds that a  
 23 court of another county in this state may obtain jurisdiction over the  
 24 obligor or his property, the clerk of the court shall send the complaint  
 25 and a certification of the findings to the court of the county in which the  
 26 obligor or his property is found.

27 3. The clerk of the court of the county receiving these documents  
 28 shall notify the prosecuting attorney of their receipt. The prosecuting  
 29 attorney and the court in the county to which the copies are forwarded  
 30 shall have duties corresponding to those imposed upon them when acting  
 31 for this state as a responding state.

32 4. In cases where the obligee and obligor reside in the same county,  
 33 the distinction of initiating and responding courts will be considered  
 34 merged in one uniform civil action for support originating in the district  
 35 court of the county where both parties reside, and all otherwise relevant  
 36 portions of this chapter [shall] apply to such a proceeding.

37 SEC. 8. Chapter 31 of NRS is hereby amended by adding thereto a  
 38 new section which shall read as follows:

39 *An employer may not use assignments under NRS 31.463 as a basis*  
 40 *for the discharge of an employee or for any disciplinary action against*  
 41 *the employee. An employer who discharges or disciplines an employee in*  
 42 *violation of this section may be required to make full restitution to the*  
 43 *aggrieved employee, including reinstatement and back pay.*

44 SEC. 9. NRS 31.463 is hereby amended to read as follows:

45 31.463 1. In any proceeding where the court has ordered a parent  
 46 to pay any amount for the support of a minor child, the court may order  
 47 the parent to assign to the county clerk or county officer designated by  
 48 the court to receive such payment, or to the state welfare administrator  
 49 in support enforcement cases arising under the provisions of chapter 425  
 50 of NRS, that portion of salary, wages or commissions of [a] the parent



1 due or to be due in the future which will be sufficient to pay the amount  
2 ordered by the court for the support, maintenance and education of the  
3 minor child. [Such order] *Upon proof that the responsible parent has*  
4 *failed to make an equivalent of two monthly support payments in any*  
5 *12-month period, the court shall order the responsible parent to make*  
6 *such an assignment.*

7 2. An order pursuant to subsection 1 operates as an assignment and  
8 is binding upon any existing or future employer of the responsible parent  
9 upon whom a copy of such order is served [.] *by certified mail, return*  
10 *receipt requested. For each payment the employer is entitled to receive*  
11 *\$3, which must be deducted from the amount paid the employee. [Any]*  
12 *No such order may be modified or revoked [at any time] by the court [.]*  
13 *until the responsible parent has made 12 consecutive payments that fully*  
14 *satisfy his court-ordered obligation. The employer shall cooperate with*  
15 *and provide relevant employment information to the prosecuting attorney*  
16 *for the purpose of enforcing the child support obligation. A disclosure*  
17 *made in good faith pursuant to this subsection does not give rise to any*  
18 *action for damages for the disclosure.*

19 [2.] 3. In any proceeding where a court makes or has made an  
20 order requiring payment of child support to a parent receiving welfare  
21 payments for the maintenance of minor children, the court shall direct  
22 that payments of support be made to the welfare division of the depart-  
23 ment of human resources, and the district attorney [may] *shall* appear  
24 in any proceeding to enforce such order.

25 4. *An employer who refuses to honor an assignment under this sec-*  
26 *tion may be required to pay the amount of the assignment to the clerk of*  
27 *the court.*

28 5. *Compliance by an employer with an order of assignment under*  
29 *this section operates as a discharge of the employer's liability to the*  
30 *employee as to that portion of the employee's salary, wages or commis-*  
31 *sions affected.*

32 Sec. 10. NRS 31.467 is hereby amended to read as follows:

33 31.467 1. The provisions of NRS 31.463 to 31.467, inclusive, and  
34 *section 8 of this act* apply to all money received by any person as a pen-  
35 sion, or as an annuity or retirement or disability or death or other bene-  
36 fit, or as a return of contributions and interest thereon from the United  
37 States government, or from the state, or any county, city or other politi-  
38 cal subdivision of the state, or any public trust, or public corporation, or  
39 from the governing body of any of them, or from any public board or  
40 boards, or from any retirement, disability, or annuity system established  
41 by any of them pursuant to statute.

42 2. When a certified copy of any order of assignment is served by  
43 *certified mail, return receipt requested*, on any public entity described in  
44 subsection 1, other than the United States government, that entity shall  
45 comply with any request for a return of employee contributions by an  
46 employee named in the order by delivering the contributions to the clerk  
47 of the court from which the order issued, unless the entity has received a  
48 certified copy of an order terminating the order of assignment. A court  
49 may not directly or indirectly condition the issuance, modification or  
50 termination of, or condition the terms or conditions of, any order for the

1 support of a minor child upon the issuance of such a request by such an  
2 employee.  
3 3. Upon receipt of money pursuant to NRS 31.463 to 31.467, inclu-  
4 sive, and *section 8 of this act* the clerk of the court, within 10 days, shall  
5 send written notice of that fact to the parties and any agency through  
6 whom payments have been ordered under this section. Such money is  
7 subject to any procedure available to enforce an order for child support,  
8 but if an enforcement procedure is not commenced within 60 days after  
9 the date when the notice of receipt is sent, the clerk shall, upon request,  
10 release the money to the responsible parent.



**S. B. 190**

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**SENATE BILL NO. 190—SENATOR GLASER**

**FEBRUARY 5, 1981**

Referred to Committee on Judiciary

**SUMMARY—**Alters population classification relating to impaneling grand juries. (BDR 1-605)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

**EXPLANATION—**Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to grand juries; increasing the population which divides the procedures for their impaneling; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 6.110 is hereby amended to read as follows:  
2 6.110 1. In any county having a population of [15,000] 30,000  
3 or more, the selection of persons as proposed grand jurors must be  
4 made in the manner prescribed in this section upon notice from any dis-  
5 trict judge as often as the public interest may require and at least once  
6 in each 4 years. The clerk of the court under the supervision of the  
7 district judge presiding over the impaneling of the grand jury shall select  
8 at random the names of not more than 1,000 qualified persons to be  
9 called as prospective grand jurors. The clerk shall then prepare and  
10 mail to each person whose name was selected a questionnaire prepared  
11 by the district judge stating the amount of pay, the estimated time  
12 required to serve and the duties to be performed. Each recipient of the  
13 questionnaire must be requested to complete and return the question-  
14 naire, indicating thereon his willingness and availability to serve on the  
15 grand jury. The clerk shall continue the selection of names and mailing  
16 of questionnaires until a panel of 100 persons who are willing to serve is  
17 established.  
18 2. A list of the names of persons who indicated their willingness to  
19 serve as grand jurors must be made by the clerk of the court and a  
20 copy furnished to each district judge. The district judges shall meet  
21 within 15 days thereafter and shall, in order of seniority, each select one  
22 name from the list until 36 persons have been selected. A list of the  
23 names of the persons selected as proposed grand jurors must be made  
24 by the clerk, certified by the district judges making the selection and

1 filed in the clerk's office. The clerk shall immediately issue a venire,  
2 directed to the sheriff of the county, commanding him to summon the  
3 proposed grand jurors to attend in court at such time as the district judge  
4 directs.

5 3. The sheriff shall summon the proposed grand jurors, and the dis-  
6 trict judge presiding over the impaneling of the grand jury shall select at  
7 random from their number 17 persons to constitute the grand jury and  
8 12 persons to act as alternate grand jurors. If for any reason eight or  
9 more proposed grand jurors fail to appear, additional proposed grand  
10 jurors sufficient to complete the panel of grand jurors and alternates  
11 must be selected from the list of prospective grand jurors by the district  
12 judge presiding over the impaneling, and the persons so selected must  
13 be summoned to appear in court at such time as he directs.

14 4. Every person named in the venire as a grand juror must be served  
15 by the sheriff mailing a summons to such person commanding him to  
16 attend as a juror at a time and place designated therein. The summons  
17 must be registered or certified and deposited in the post office addressed  
18 to the person at his usual mailing address. The receipt of the person so  
19 addressed for the registered or certified summons must be regarded as  
20 personal service of the summons upon such person and no mileage may  
21 be allowed for service. The postage and fee for registered or certified  
22 mail must be paid by the sheriff and allowed him as other claims against  
23 the county.

24 5. If for any reason a person selected as a grand juror is unable to  
25 serve on the grand jury until the completion of its business, the district  
26 judge shall select one of the alternate grand jurors to serve in his place.  
27 An alternate must be served by the sheriff in the manner provided in sub-  
28 section 4.

29 SEC. 2. NRS 6.120 is hereby amended to read as follows:

30 6.120 1. In any county having a population of less than [15,000,  
31 30,000, the county clerk under the supervision of the district judge, shall  
32 randomly select the names of 50 qualified persons to serve as prospective  
33 grand jurors. The county clerk shall then prepare and mail to each person  
34 whose name was selected a questionnaire drawn up by the district judge  
35 or presiding district judge, where applicable, stating the amount of pay,  
36 the estimated time required to serve, and the duties to be performed.  
37 Each recipient of the questionnaire shall be requested to return the ques-  
38 tionnaire, indicating on it his willingness to serve on the jury. The  
39 county clerk shall continue the selection of names and mailing of ques-  
40 tionnaires until a panel of 36 persons who are willing to serve is estab-  
41 lished. The requirement of subsection 1 of NRS 6.110 that a grand jury  
42 must be called at least once in every 4 years does not apply to the county  
43 unless the district judge otherwise directs. A list of the names of the 36  
44 persons who indicate their willingness to serve as grand jurors must be  
45 made and certified by the county clerk and filed in the county clerk's  
46 office, and the clerk shall immediately issue a venire, directed to the  
47 sheriff of the county, commanding him to summon the persons willing to  
48 serve as grand jurors to attend in court at such time as the district judge  
49 may have directed.

50 2. The sheriff shall summon the grand jurors, and out of the number



1 summoned each district judge in rotation according to seniority, shall  
2 select one name from the venire until 17 persons to constitute the  
3 grand jury and 12 persons to act as alternate grand jurors are chosen.

4 3. Every person named in the venire as a grand juror shall be served  
5 by the sheriff mailing a summons to that person commanding him to  
6 attend as a juror at a time and place designated therein, which summons  
7 shall be registered or certified and deposited in the post office addressed  
8 to the person at his usual post office address. The receipt of the person  
9 addressed for the registered or certified summons must be regarded as  
10 personal service of the summons upon that person and no mileage may  
11 be allowed for service. The postage and fee for registered or certified  
12 mail must be paid by the sheriff and allowed him as other claims against  
13 the county.

14 4. If for any reason a person selected as a grand juror is unable to  
15 serve on the grand jury until the completion of its business, the district  
16 judge shall select one of the alternate grand jurors to serve in his place.  
17 The alternate shall be served by the sheriff in the manner provided in  
18 subsection 3.

19 SEC. 3. NRS 6.105 is hereby repealed.

S. B. 245

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SENATE BILL NO. 245—COMMITTEE ON JUDICIARY

FEBRUARY 18, 1981

Referred to Committee on Judiciary

SUMMARY—Allows certain justices of the peace to have partners who practice law. (BDR 1-849)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

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AN ACT relating to justices of the peace; allowing certain justices of the peace to have partners who practice law; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 1.270 is hereby amended to read as follows:  
2 1.270 **[No]** 1. *Except as provided in subsection 2, no judge or*  
3 *justice of the peace [shall] may have a partner acting as an attorney or*  
4 *counsel in any court in this state.*  
5 2. *A justice of the peace who is permitted by NRS 4.215 to practice*  
6 *law may have as a partner, and may share fees, commissions or expenses*  
7 *with, any person acting as an attorney or counsel in any court in this*  
8 *state.*

**S. B. 33**

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**SENATE BILL NO. 33—COMMITTEE ON JUDICIARY**

**JANUARY 21, 1981**

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**Referred to Committee on Judiciary**

**SUMMARY—Empowers attorney general to prosecute gaming offenses under certain conditions. (BDR 41-207)**

**FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.**

**EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.**

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AN ACT relating to gaming; empowering the attorney general to prosecute violations of the gaming statutes if the appropriate district attorney fails to do so; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 463 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 *If a district attorney in whose county a violation of this chapter or of*  
4 *chapter 463B, 464 or 465 of NRS occurs fails to file a complaint or*  
5 *information for that offense or present it to a grand jury, within 15 days*  
6 *after the attorney general so requests in writing, the attorney general may*  
7 *file a complaint or information or present the matter to a grand jury, as*  
8 *the facts may warrant, and thereafter proceed as appropriate to complete*  
9 *the prosecution. The attorney general has exclusive charge of any such*  
10 *prosecution.*
- 11 SEC. 2. NRS 463.141 is hereby amended to read as follows:  
12 463.141 [1.] The commission or board shall initiate [and direct  
13 the] proceedings [.] or actions [or prosecutions instituted] appropriate  
14 to enforce the provisions of this chapter [.
- 15 2. The commission may call upon the district attorney of any county,  
16 or, if a district attorney refuses to take appropriate action, upon the attor-  
17 ney general, to institute and conduct such criminal proceedings as are  
18 requested by the commission.], and may recommend the prosecution of  
19 any public offense committed in violation of any provision of this chapter  
20 or of chapter 463B or 464 of NRS.



**EXHIBIT N**

**A. J. R. 6 of the 60th Session**

**ASSEMBLY JOINT RESOLUTION NO. 6—ASSEMBLYMEN ROBINSON, POLISH, BREMNER, BARENGO, BANNER, HORN, RHOADS, HARMON, HAYES, SENA, JEFFREY, BRADY, FITZPATRICK, FIELDING AND CRADDOCK**

JANUARY 16, 1979

Referred to Committee on Judiciary

**SUMMARY—Proposes to amend Nevada constitution to confer right upon private citizens to keep and bear arms. (BDR C-852)**

**EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.**

**ASSEMBLY JOINT RESOLUTION—Proposing to amend the constitution of the State of Nevada by conferring a right upon private citizens to keep and bear arms for their defense and security and other lawful purposes.**

- 1     *Resolved by the Assembly and Senate of the State of Nevada, jointly,*  
2     That section 11 of article 1 of the constitution of the State of Nevada be  
3     amended to read as follows:  
4     **[Sec:]** *Sec. 11. 1. Every citizen has the right to keep and bear*  
5     *arms for security and defense, for lawful hunting and recreational use and*  
6     *for other lawful purposes.*  
7     2. The military shall be subordinate to the civil power; No standing  
8     army shall be maintained by this State in time of peace, and in time of  
9     War, no appropriation for a standing army shall be for a longer time than  
10    two years.