

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON JUDICIARY

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
April 30, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:10 a.m., Thursday, April 30, 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:

Sally Boyes, Committee Secretary

SENATE BILL NO. 577:

Removes obsolete references relating to gaming licensing and control. See Exhibit C. and Exhibit D

Senator Hernstadt moved amend and do pass S.B. 577.

Senator Don Ashworth seconded the motion.

The motion carried unanimously. (Senators Wagner, Raggio and Keith Ashworth were absent for the vote.)

SENATE BILL 579: (Exhibit E)

Removes duplicative statutory language and supplies omitted provision concerning marriage.

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Mr. Joe Midmore, Affiliated Wedding Chapels, stated this was a bill drafters revision bill to remove duplicate language. He asked if the word "his" was being substituted for "such persons" on line eight, page one and would it have the same authority. Chairman Close stated yes. Mr. Midmore stated the part taken out in lines nine through 11 is covered in section c, line 14. Senator Ford asked when authorization of the district court was required. Senator Don Ashworth stated it was when a person was under 16 years of age.

SENATE BILL NO. 579:

Senator Ford moved do pass S.B. 579.

Senator Hernstadt seconded the motion.

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

SENATE BILL NO. 580: (Exhibit F)

Requires marriage license to bear the seal of the county.

Senator Don Ashworth moved do pass S.B.580.

Senator Wagner seconded the motion.

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

SENATE BILL NO. 581: (Exhibit G)

Makes various changes in provisions regarding estates of decedents.

Senator Don Ashworth moved do pass S.B. 581.

Senator Hernstadt seconded the motion.

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

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SENATE BILL NO. 530: (Exhibit H)

Eliminates all exemptions from service on juries.

Chairman Close stated the list of people would be read and a decision would be made on each one as whether or not they would be exempt from jury duty. The committee decided federal or state officers were to remain exempt; judge, justice of the peace or attorney at law were to remain exempt; county clerk, recorder, assessor, sheriff, constable and police officer were to remain, deputy sheriff and deputy constable were to be deleted; physician, dentist, graduate nurse or registered pharmacist were to be deleted; locomotive engineer, locomotive fireman, conductor, brakeman, switchman or engine foreman were to be deleted; mail carrier engaged in the actual carrying of the United States mail on a star route in a rural area was to remain exempt; all of (g), teachers principal etc., were to be deleted; members and officers of fire departments were to be deleted; any officer or correctional officer employed by the department of prisons were to remain exempt; any member of the legislature or the legislative counsel bureau while the legislature is in session would remain exempt; all persons 65 and over would remain exempt.

Senator Don Ashworth moved amend and do pass S.B. 530.

Senator Hernstadt seconded the motion.

The motion carried unanimously. (Senators Raggio and Wagner were absent for the vote.)

SENATE BILL NO. 418:

Authorizes state gaming control board to charge for cost of certain investigations outside state after licensing or registration.

Senator Hernstadt moved indefinitely postpone S.B. 418.

Senator Ford seconded the motion.

The motion carried unanimously. (Senators Keith Ashworth, Wagner and Raggio were absent for the vote.)

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SENATE BILL NO. 527:

Makes various changes to the laws regulating gaming.

The committee agreed a separate bill request would be made in regard to the amendments the Gaming Control Board requested on page three.

Senator Don Ashworth moved to have a second bill requested.

Senator Hernstadt seconded the motion.

The motion passed unanimously. (Senators Wagner, Raggio and Keith Ashworth were absent for the vote.)

SENATE BILL NO. 39: (Exhibit I)

Reduces duplication of state and local investigations for gaming licenses.

Chairman Close stated the counties do not want this bill; they would like their control over gaming as it is now. He also stated the gamblers in the state do not want the bill.

Senator Hernstadt stated he understood the industry wanted this bill for the large clubs. Chairman Close stated the industry has stated no approval for the bill at all. Senator Ford stated if the bill was not passed, the industry would have to deal with each county on its own terms; the purpose of this bill was to put together some uniform process.

Senator Raggio stated the county and state should use the same forms.

The committee agreed to the following amendments: basic application, and including, if required, a personal history statement and an invested capital questionnaire; line seven, supplemental form instead of basic form; line 10 and 11 the words "such forms" was added; line 7 will be a new section which will state each county and city may require an additional form; gaming license must be filed with the state and any other jurisdiction, if required and the state shall investigate applicant and either

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license or deny the applicant; notification will be made by the state to the county of denial or license granted within 30 days after the completion of investigation; if the county so desires, a county investigation may be conducted by a majority vote of the commissioners; should no investigation be conducted, the stated recommendation shall be accepted

SENATE BILL NO. 39:

Senator Wagner moved amend and do pass S.B. No. 39.

Senator Don Ashworth seconded the motion.

The motion carried unanimously. (Senators Keith Ashworth, Raggio and Hernstadt were absent for the vote.)

SENATE BILL NO. 437:

Broadens definitions or increases penalties for certain crimes and amends miscellaneous criminal law.

Senator Ford moved to indefinitely postpone S.B. No. 437.

Senator Wagner seconded the motion.

The motion carried unanimously. (Senators Raggio, Hernstadt and Keith Ashworth were absent for the vote.)

SENATE BILL NO. 436: (Exhibit J)

Provides variable rate of interest for judgments.

The committee agreed to have a department review the Treasury Bill semi-annually, decide on the interest, and then set the interest for the next six month period. This would be done January 1 and July 1 of each year.

Senator Don Ashworth moved amend and do pass S.B. No. 436.

Senator Wagner seconded the motion.

The motion carried unanimously. (Senators Raggio, Hernstadt and Keith Ashworth were absent for the vote.)

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SENATE BILL NO. 563: (Exhibit K)

Requires search of certain arrested persons for devices which indentify medical conditions.

The committee agreed to insert the words " other visable devises" into the bill.

Senator Don Ashworth moved amend and do pass S.B. 563.

Senator Wagner seconded the motion.

The motion carried unanimously. (Senators Raggio, Hernstadt and Keith Ashworth were absent for the vote.)

SENATE BILL NO. 519: (Exhibit L)

Increases and speed compensation of attorneys representing indigents.

Senator Wagner moved do pass and rerefer to Senate Finance.

Senator Ford seconded the motion.

The motion carried unanimously. (Senators Raggio, Hernstadt and Keith Ashworth were absent for the vote.)

SENATE BILL NO. 520: (Exhibit M)

Sets time limit for bringing certain actions for malpractice and reduces time limit for certain other actions.

Senator Wagner moved do pass S.B. 520.

Senator Don Ashworth seconded the motion.

The motion carried unanimously. (Senators Keith Ashworth, Raggio, and Hernstadt were absent for the vote.)

SENATE BILL NO. 544: (Exhibit N)

Provides procedure whereby vendor of contract for conveyance of real property may elect to declare forfeiture upon default.

Senator Ford moved amend and do pass S.B. 544 and re-refer to Judiciary Committee.

Senator Wagner seconded the motion.

The motion carried unanimously. (Senators Raggio, Hernstadt and Keith Ashworth were absent for the vote.)

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SENATE BILL NO. 578: (Exhibit O)

Requires certain hearing after placement of foster child.

Senator Don Ashworth moved do pass S.B. 578.

Senator Wagner seconded the motion.

The motion carried unanimously. (Senators Raggio, Hernstadt and Keith Ashworth were absent for the vote.)

ASSEMBLY CONCURRENT RESOLUTION NO. 10: (Exhibit P)

Urges district attorneys of Nevada's more populous counties to acquire staff necessary to prosecute properly crimes involving mobile homes.

Senator Wagner moved do pass A.C.R. 10.

Senator Ford seconded the motion.

The motion carried unanimously. (Senators Raggio, Hernstadt and Keith Ashworth were absent for the vote.)

ASSEMBLY BILL NO. 205: (Exhibit Q)

Fills gap and makes technical corrections in statute on registration of convicts.

Senator Don Ashworth moved do pass A.B. 205.

Sentaor Wagner seconded the motion.

The motion carried unanimously. (Senators Raggio, Hernstadt and Keith Ashworth were absent for the vote.)

ASSEMBLY BILL NO. 342: (Exhibit R)

Prohibits more than one licensed operation at single establishment.

Senator Wagner moved do pass A.B. 343.

Senator Don Ashworth seconded the motion.

The motion carried unanimously. (Senators Raggio, Hernstadt and Keith Ashworth were absent for the vote.)

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ASSEMBLY BILL NO. 303: (Exhibit S)

Increases compensation of witnesses at hearings.

Senator Wagner moved do pass A.B. 303.

Senator Don Ashworth seconded the motion.

The motion carried unanimously. (Senators Raggio,  
Hernstadt and Keith Ashworth were absent for the vote.)

There being no further business, the meeting adjourned at  
10:20 a.m.

Respectfully submitted by:

Sally Boyes  
Sally Boyes, Secretary

APPROVED BY:

Melvin D. Close, Jr.  
Senator Melvin D. Close, Chairman

DATE: May 16, 1981



SENATE AGENDA

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213.

Day Thursday, Date April 30, Time 8:00 a.m.

S. B. No. 577--Removes obsolete references relating to gaming licensing and control.

S. B. No. 579--Removes duplicative statutory language and supplies omitted provision concerning marriage.

S. B. No. 580--Requires marriage license to bear the seal of the county.

S. B. No. 581--Makes various changes in provisions regarding estates of decedents.

SENATE COMMITTEE ON JUDICIARY

DATE: April 30, 1981

PLEASE PRINT

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PLEASE PRINT

NAME

ORGANIZATION & ADDRESS

TELEPHONE

Joe Midmont

MEMORANDUM

DATE: April 29, 1981

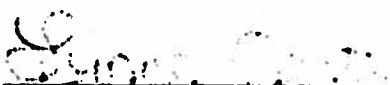
TO: Senator Melvin D. Close, Chairman  
Senate Judiciary Committee

FROM: Lynne Carter, Legal Researcher  
State Gaming Control Board

SUBJECT: S.B. 577

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Attached is an amendment to S.B. 577. Because S.B. 577 re-  
moves the definitions of "fiscal director" and "surveillance  
director" from the statutes, it would seem appropriate to also  
remove the reference to those terms in NRS 463.040.

  
\_\_\_\_\_  
Lynne Carter

:lc  
cc: Board Members  
Harlan Elges  
Commissioner Dodge  
Patty Becker  
Senate Judiciary Committee

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GCB PROPOSED AMENDMENTS TO S.B. 577

Add new section which amends NRS 463.040, subsections 5 and 6, as follows:

5. One member of the board [, who shall serve as its fiscal director,] shall be a certified public accountant licensed by this state or another state of the United States or a public accountant qualified to practice public accounting under the provisions of chapter 628 of NRS, having 5 years of progressively responsible experience in general accounting, and have a comprehensive knowledge of the principles and practices of corporate finance; or such person shall possess the qualifications of an expert in the fields of corporate finance and auditing, general finance, gaming or economics.

6. One member of the board [, who shall serve as its surveillance director,] shall be selected with special reference to his training and experience in the fields of investigation, law enforcement, law or gaming.

**(REPRINTED WITH ADOPTED AMENDMENTS)**

**FIRST REPRINT**

**S. B. 577**

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**SENATE BILL NO. 577—COMMITTEE ON JUDICIARY**

**APRIL 21, 1981**

Referred to Committee on Judiciary

**SUMMARY**—Removes obsolete references relating to gaming licensing and control. (BDR 41-1464)

**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 the state gaming control board; removing references to former divisions and their directors; 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 463.0101 is hereby amended to read as follows:  
2 463.0101 As used in this chapter, the words and terms defined in  
3 NRS 463.0102 to [463.0128,] *463.01275*, inclusive, have the meanings  
4 ascribed to them in such sections unless a different meaning clearly  
5 appears in the context.
- 6 SEC. 2. NRS 463.040 is hereby amended to read as follows:  
7 463.040 1. Each member of the board shall:  
8 (a) Be a citizen of the United States.  
9 (b) Be, or within 6 months after appointment become and remain, a  
10 resident of the State of Nevada.
- 11 2. No member of the legislature, no person holding any elective  
12 office in the state government, nor any officer or official of any political  
13 party [shall be eligible to] *is eligible for* appointment to the board.
- 14 3. It is the intention of the legislature that the board [shall] be  
15 composed of the most qualified persons available.
- 16 4. The chairman of the board, who [shall serve as] *is* its executive  
17 director, [shall have had] *must have* at least 5 years of responsible  
18 administrative experience in public or business administration or [shall]  
19 possess broad management skills.
- 20 5. One member of the board [ , who shall serve as its fiscal director,  
21 shall] *must* be a certified public accountant licensed by this state or  
22 another state of the United States or a public accountant qualified to  
23 practice public accounting under the provisions of chapter 628 of NRS,

- 1 have 5 years of progressively responsible experience in general account-  
2 ing, and have a comprehensive knowledge of the principles and practices  
3 of corporate finance; or such person [shall] *must* possess the qualifica-  
4 tions of an expert in the fields of corporate finance and auditing, general  
5 finance, gaming or economics.
- 6 6. One member of the board [ , who shall serve as its surveillance  
7 director, shall] *must* be selected with special reference to his training and  
8 experience in the fields of investigation, law enforcement, law or gaming.
- 9 SEC. 3. NRS 463.01097 and 463.0128 are hereby repealed.
- 10 SEC. 4. This act shall become effective upon passage and approval.

**S. B. 579**

**SENATE BILL NO. 579—COMMITTEE ON JUDICIARY**

**APRIL 21, 1981**

**Referred to Committee on Judiciary**

**SUMMARY—Removes duplicative statutory language and supplies omitted provision concerning marriage. (BDR 11-64)**

**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 marriage; removing duplicative statutory language and supplying an omitted provision concerning evidence of consent to certain marriages; 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 122.020 is hereby amended to read as follows:
- 2 122.020 1. A male and a female person, at least 18 years of age, not
- 3 nearer of kin than second cousins or cousins of the half blood, and not
- 4 having a husband or wife living, may be joined in marriage.
- 5 2. A person at least 16 years of age but less than 18 years of age may
- 6 marry only if he has the consent of:
- 7 (a) Either parent; or
- 8 (b) [Such person's] *His* legal guardian.
- 9 [3. Consent may be given in person or by written statement
- 10 acknowledged before a notary public or other officer authorized to take
- 11 acknowledgments.]
- 12 SEC. 2. NRS 122.040 is hereby amended to read as follows:
- 13 122.040 1. Before persons may be joined in marriage, a license
- 14 must be obtained for that purpose from the county clerk of any county
- 15 in the state. Licenses may be obtained at the county seat.
- 16 2. Before issuing a marriage license, the county clerk may require
- 17 evidence that the applicant for the license is of age. The county clerk
- 18 shall accept a statement under oath by the applicant and the applicant's
- 19 parent, if available, that the applicant is of age.
- 20 3. The county clerk issuing the license shall require the applicant to
- 21 answer under oath each of the questions contained in the form of
- 22 license, and, if the applicant cannot answer positively any questions with
- 23 reference to the other person named in the license, the clerk shall require
- 24 both persons named in the license to appear before him and to answer,

1 under oath, the questions contained in the form of license. If any of the  
2 information required is unknown to [such person or persons, he or she  
3 shall] *the person responding to the question, he must state that the*  
4 *answer is unknown.*

5 4. If any of the persons intending to marry is under age and has not  
6 been previously married, *and if the authorization of a district court is*  
7 *not required*, the clerk shall issue the license if the consent of the parent  
8 or guardian is:

9 (a) Personally given before the clerk;

10 (b) Certified under the hand of the parent or guardian, attested by two  
11 witnesses, one of whom must appear before the clerk and make oath that  
12 he saw the parent or guardian subscribe his name to the annexed certifi-  
13 cate, or heard him or her acknowledge it; or

14 (c) In writing, subscribed to and duly acknowledged before an officer  
15 authorized by law to administer oaths.

16 5. *If the authorization of a district court is required, the county clerk*  
17 *shall issue the license if that authorization is given to him in writing.*

18 6. All records pertaining to marriage licenses are public records and  
19 open to inspection pursuant to the provisions of NRS 239.010. Any  
20 county clerk who refuses to permit such an inspection is guilty of a  
21 misdemeanor.

22 SEC. 3. This act shall become effective upon passage and approval.



**S. B. 580**

**SENATE BILL NO. 580—COMMITTEE ON JUDICIARY**

**APRIL 21, 1981**

**Referred to Committee on Judiciary**

**SUMMARY—Requires marriage license to bear the seal of the county.  
(BDR 11-1859)**

**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 marriage licenses; requiring them to bear the seal of the county; 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 122.050 is hereby amended to read as follows:  
2 122.050 The marriage license [shall] *must* be substantially in the  
3 following form:

4 MARRIAGE LICENSE  
5 STATE OF NEVADA }  
6 } ss.  
7 COUNTY OF..... }

9 These presents are to authorize any minister who has obtained a cer-  
10 tificate of permission, any supreme court justice or district judge within  
11 this state, or justice of the peace within a township wherein he is per-  
12 mitted to solemnize marriages, or any commissioner of civil marriages  
13 or his deputy within a commissioner township wherein they are per-  
14 mitted to solemnize marriages, to join in marriage .....  
15 of (City, town or location) ....., State of .....  
16 State of birth (If not in U.S.A., name of country) .....;  
17 Date of birth ..... Father's name .....  
18 Father's state of birth (If not in U.S.A., name of country) .....  
19 Mother's maiden name ..... Mother's state of birth  
20 (If not in U.S.A., name of country) ..... Number of this mar-  
21 riage (1st, 2nd, etc.) ..... Wife deceased ..... Divorced .....  
22 Annulled ..... When ..... Where .....  
23 And ..... of (City, town or location) .....  
24 State of ..... State of birth (If not in U.S.A., name of  
25 country) .....; Date of birth ..... Father's

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1 name ..... Father's state of birth (If not in U.S.A.,  
 2 name of country) ..... Mother's  
 3 maiden name ..... Mother's state of birth (If  
 4 not in U.S.A., name of country) ..... Number  
 5 of this marriage (1st, 2nd, etc.) ..... Husband deceased .....  
 6 Divorced ..... When ..... Where .....;  
 7 and to certify the [same] marriage according to law.

8 Witness my hand and the seal of the [district court of the .....  
 9 judicial district of the State of Nevada, in and for the county of  
 10 .....], county, this ..... day of .....  
 11 A.D. 19.....

12 .....  
 13 ..... Clerk

14 (Seal) .....  
 15 .....  
 16 ..... Deputy clerk

**S. B. 581**

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**SENATE BILL NO. 581—COMMITTEE ON JUDICIARY**

**APRIL 21, 1981**

**Referred to Committee on Judiciary**

**SUMMARY—**Makes various changes in provisions regarding estates of decedents. (BDR 12-865)

**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 the estates of decedents; clarifying the provision pertaining to the vesting of a husband's estate when his wife has died intestate; authorizing the delay of the accounting due from a special administrator when he is subsequently appointed executor; 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 134.210 is hereby amended to read as follows:  
2 134.210 Whenever any wife dies intestate, [without issue,] leaving  
3 heirs, [and] if the husband dies intestate subsequently to his wife, with-  
4 out heirs, leaving property, his estate [shall vest] vests in the heirs of  
5 the wife, subject to expenses of administration and payment of legal  
6 debts against the estate.  
7 SEC. 2. NRS 140.080 is hereby amended to read as follows:  
8 140.080 The special administrator shall also render an account,  
9 under oath, of his proceedings in like manner as other administrators  
10 are required to do; but if a person serving as special administrator is  
11 appointed the succeeding general administrator [.] or the executor, the  
12 accounting otherwise due from him as special administrator may be  
13 included in his first accounting as general administrator [.] or executor.  
14 SEC. 3. This act shall become effective upon passage and approval.

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(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

S. B. 530

## SENATE BILL NO. 530—COMMITTEE ON JUDICIARY

APRIL 10, 1981

Referred to Committee on Judiciary

SUMMARY—Eliminates all exemptions from service on juries. (BDR 1-1897)

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 jurors; eliminating certain exemptions from service; 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 6.020 is hereby amended to read as follows:  
 2 6.020 1. Upon satisfactory proof, made by affidavit or otherwise,  
 3 the following-named persons, and no [other, shall be] *others except as*  
 4 *provided in subsection 2, are exempt from service as grand or trial*  
 5 *jurors:*
- 6 (a) Any federal or state officer.
  - 7 (b) Any judge, justice of the peace or attorney at law.
  - 8 (c) Any county clerk, recorder, assessor, sheriff, deputy sheriff, con-  
 9 stable [ , deputy constable ] or police officer.
  - 10 (d) [Any physician, dentist, graduate nurse or registered pharmacist.
  - 11 (e) ] Any locomotive engineer, locomotive fireman, conductor,  
 12 brakeman, switchman or engine foreman.
  - 13 [(f) Any mail carrier engaged in the actual carrying of the United  
 14 States mail on a star route in a rural area.
  - 15 (g) Any teacher, principal or superintendent actually engaged in teach-  
 16 ing or in the supervision of teaching in the public schools of this state,  
 17 and any member of the faculty of the University of Nevada System, shall  
 18 be exempt from jury duty during the session of the public schools or uni-  
 19 versity of this state in which he is employed. Nothing in this paragraph  
 20 shall excuse or be construed to excuse any teacher, principal, superintend-  
 21 ent or university faculty member from jury duty during school vacation,  
 22 except when he is taking training in his professional work or in finishing  
 23 his school reports and other matters incident thereto within 1 month of  
 24 the day of the closing of the school in which he is employed, or in prepara-  
 25 tion for the opening of school during the 2 weeks immediately preced-  
 26 ing the opening of school.

1 (h) Members and officers of paid and volunteer fire departments and  
2 members of exempt firemen's associations, societies or organizations, as  
3 follows:

4 (1) One-half of all members of each regularly enrolled fire depart-  
5 ment in this state as specified by such department. This exemption shall  
6 not apply to any fire department having 50 or more regular paid person-  
7 nel.

8 (2) Any member of a volunteer fire department, association, society  
9 or organization in this state.

10 This exemption shall not apply to more than 50 members as designated  
11 by such department, association, society or organization.

12 (i) (e) Any officer or correctional officer employed by the depart-  
13 ment of prisons.

14 [(j)] (f) Any member or employee of the legislature or the legisla-  
15 tive counsel bureau while the legislature is in session.

16 2. All persons of the age of 65 years or over are exempt from serving  
17 as grand or trial jurors. Whenever it [shall appear] appears to the satis-  
18 faction of the court, by affidavit or otherwise, that a juror is over the age  
19 of 65 years, the court shall order the juror excused from all service as a  
20 grand or trial juror, if the juror so desires.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 39

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SENATE BILL NO. 39—COMMITTEE ON JUDICIARY

JANUARY 21, 1981

Referred to Committee on Judiciary

SUMMARY—Reduces duplication of state and local investigation for gaming licenses. (BDR 41-452)

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 gaming; providing for the better coordination of the information and documents required of applicants for gaming licenses; 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 1. *The board shall investigate the information required by each*  
4 *county and city which licenses gaming, and shall prepare a basic form of*  
5 *application and supporting documents which must include:*  
6 (a) *A statement concerning the applicant's personal history;*  
7 (b) *A questionnaire concerning the amount and sources of the capital*  
8 *to be invested in the establishment, and his personal financial statement;*  
9 *and*  
10 (c) *Any other information which the board finds is required by all or a*  
11 *majority of these counties and cities or the state.*  
12 *In preparing these basic forms the board shall consider the form which it*  
13 *requires of applicants for a state gaming license, and to the greatest extent*  
14 *possible shall so design the forms for local use that a copy or partial copy*  
15 *of the state's form supplies the information required.*  
16 2. *Each county and city which licenses gaming shall use the basic*  
17 *documents whose form is prescribed by the board, and may require only*  
18 *such additional information as is not contained in those documents. Each*  
19 *county and city is responsible for reproducing blank forms as required.*

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**(REPRINTED WITH ADOPTED AMENDMENTS)**

**FIRST REPRINT**

**S. B. 436**

**SENATE BILL NO. 436—COMMITTEE ON JUDICIARY**

**MARCH 23, 1981**

Referred to Committee on Judiciary

**SUMMARY—Provides variable rate of interest for judgments. (BDR 2-1309)**

**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 interest; providing a rate of interest which varies semiannually for judgments, claims against estates, liens and certain contracts that do not fix a rate of interest; 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 17.130 is hereby amended to read as follows:
- 2 17.130 1. In all judgments and decrees, rendered by any court of
- 3 justice, for any debt, damages or costs, and in all executions issued
- 4 thereon, the amount [shall] *must* be computed, as near as may be, in
- 5 dollars and cents, rejecting smaller fractions, and no judgment, or other
- 6 proceedings, may be considered erroneous for that omission.
- 7 2. When no rate of interest is provided by contract or otherwise by
- 8 law, or specified in the judgment, the judgment draws interest *each day* at
- 9 the rate [of 8 percent per annum] *specified in NRS 99.040* from the
- 10 time of service of the summons and complaint until satisfied, except for
- 11 any amount representing future damages, which draws interest at that
- 12 rate only from the time of the entry of the judgment until satisfied.
- 13 SEC. 2. NRS 37.175 is hereby amended to read as follows:
- 14 37.175 1. The plaintiff shall pay interest on the final judgment at the
- 15 rate [of 8 percent per annum,] *specified in NRS 99.040* but shall not
- 16 pay interest on any sum deposited pursuant to the provisions of NRS
- 17 37.100 or 37.170.
- 18 2. [Such interest shall run] *The interest runs* from the date of entry
- 19 of judgment or, if the plaintiff has occupied the property of the defendant
- 20 pursuant to the provisions of NRS 37.100, from the date fixed by order
- 21 on which the plaintiff was entitled to [such] occupancy, until the final
- 22 judgment is satisfied.
- 23 SEC. 3. NRS 99.040 is hereby amended to read as follows:
- 24 99.040 When there is no express contract in writing fixing a different

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1 rate of interest, interest [shall] *must* be allowed at [the rate of 8 percent  
2 per annum] *a rate equal to the rate for 6-month Treasury bills of the*  
3 *United States at the first auction on or after January 1 for the first half*  
4 *of any year, or July 1 for the second half of the year, upon all money*  
5 *from the time it becomes due, in the following cases:*

6 1. Upon contracts, express or implied, other than book accounts.

7 2. Upon the settlement of book or store accounts from the day on  
8 which the balance is ascertained.

9 3. Upon money received to the use and benefit of another and  
10 detained without his consent.

11 4. Upon wages or salary, if it is unpaid when due, after demand  
12 therefor has been made.

13 SEC. 4. NRS 108.237 is hereby amended to read as follows:

14 108.237 1. Any number of persons claiming liens may join in the  
15 same action. When separate actions are commenced the court may con-  
16 solidate them.

17 2. The court may also allow interest at the rate [of 7 percent per  
18 annum] *specified in NRS 99.040* on the amount of the lien found pay-  
19 able, such interest to accrue and be payable from the date that the pay-  
20 ment is found to have been due, and may allow, as part of the costs, the  
21 money paid for recording the lien.

22 3. The court shall also allow to the prevailing party reasonable  
23 attorney's fees for the preparation of the lien and for representation of  
24 the lien claimant in the action.

25 SEC. 5. NRS 147.220 is hereby amended to read as follows:

26 147.220 All claims paid [shall] bear interest from date of filing at  
27 the rate [of 8 percent per annum] *specified in NRS 99.040* unless a  
28 different rate is applicable by contract or otherwise.

29 SEC. 6. For the purposes of subsection 2 of NRS 17.130, the direc-  
30 tor of the department of commerce shall notify each district court of the  
31 rate of interest for 6-month Treasury bills of the United States on the  
32 dates specified in NRS 99.040 as soon as that rate is fixed.

33 SEC. 7. The provisions of sections 1, 2 and 4 of this act apply to all  
34 actions and proceedings filed on or after July 1, 1981.



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 563

SENATE BILL NO. 563—SENATORS RAGGIO, GETTO,  
McCORKLE, KEITH ASHWORTH, WILSON, CLOSE, FAISS,  
WAGNER, BLAKEMORE, JACOBSEN AND HERNSTADT

APRIL 20, 1981

Referred to Committee on Judiciary

SUMMARY—Requires search of certain arrested persons for devices which  
identify medical conditions. (BDR 14-1577)

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 criminal procedure; requiring an investigation of certain  
arrested persons for devices or other identification which identify medical con-  
ditions; 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 171 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:

3 1. *Every peace officer shall, when arresting any person who appears*  
4 *to be intoxicated or not in control of his physical functions, investigate*  
5 *in a reasonable manner to determine whether or not that person is wear-*  
6 *ing a bracelet, necklace, other visible device or other identification iden-*  
7 *tifying a medical condition which might account for the actions of the*  
8 *person.*

9 2. *Any arresting officer who discovers identification of a medical*  
10 *condition during an investigation conducted pursuant to subsection 1*  
11 *shall take reasonable steps to aid the afflicted person in receiving medi-*  
12 *cation or other treatment for his medical condition.*

**S. B. 519**

**SENATE BILL NO. 519—COMMITTEE ON JUDICIARY**

APRIL 8, 1981

Referred to Committee on Judiciary

**SUMMARY—Increases and speeds compensation of attorneys representing indigents. (BDR 1-1316)**

**FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State or on Industrial Insurance: Yes.**

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

AN ACT relating to attorneys at law; increasing and speeding the compensation of attorneys who represent indigents; 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 7.125 is hereby amended to read as follows:
- 2 7.125 1. Except as limited by subsections 2 to 4, inclusive, an
- 3 attorney other than a public defender appointed by a magistrate or a
- 4 district court to represent or defend a defendant at any stage of the
- 5 criminal proceedings from the defendant's initial appearance before the
- 6 magistrate or the district court through the appeal, if any, is entitled to
- 7 receive a fee in accordance with the following schedule:
- 8 (a) For consultation, research and other time reasonably spent on
- 9 the matter to which the appointment is made, except court appearances,
- 10 ~~[\$20]~~ \$30 per hour.
- 11 (b) For court appearances, ~~[\$30]~~ \$40 per hour.
- 12 2. The total fee for each attorney in any matter regardless of the
- 13 number of offenses charged or ancillary matters pursued ~~[shall]~~ *must*
- 14 not exceed:
- 15 (a) If the most serious crime is a felony punishable by death or by
- 16 imprisonment for life with or without possibility of parole, ~~[\$2,500;]~~
- 17 \$3,500;
- 18 (b) If the most serious crime is a felony other than a felony included
- 19 in paragraph (a) or is a gross misdemeanor, ~~[\$1,000;]~~ \$1,500;
- 20 (c) If the most serious crime is a misdemeanor, \$300;
- 21 (d) For an appeal of one or more misdemeanor convictions, \$300; or
- 22 (e) For an appeal of one or more gross misdemeanor or felony con-
- 23 victions, ~~[\$1,000;]~~ \$1,500.
- 24 3. An attorney appointed by a district court to represent an indigent

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1 petitioner for a writ of habeas corpus or other post-conviction relief, if  
2 the petitioner is imprisoned pursuant to a judgment of conviction of a  
3 gross misdemeanor or felony, [shall be paid] *is entitled to receive a fee*  
4 *not to exceed* [\$300.] \$500.

5 4. As used in this subsection "extraordinary circumstances" [means]  
6 *includes but is not limited to* financial burdens and hardships [far] in  
7 excess of those normally attendant upon the defense of indigent per-  
8 sons [.] , *or unusually complex or novel issues of law or fact*. If the  
9 appointing court deems it appropriate because of extraordinary circum-  
10 stances to grant a fee in excess of the applicable maximum, [such] *the*  
11 *payment may be made only if the court in which the representation was*  
12 *rendered certifies that the amount of the excess payment is both reason-*  
13 *able and necessary and the payment is approved by the chief judge of*  
14 *the judicial district in which the attorney was appointed, or if there is*  
15 *no chief judge or if the chief judge presided over the court in which the*  
16 *representation was rendered, then by the district [court] judge who holds*  
17 *seniority in years of service in office.*

18 5. The magistrate, the district court or the supreme court may, in the  
19 interests of justice, substitute one appointed attorney for another at any  
20 stage of the proceedings, but the total amount of fees granted all  
21 appointed attorneys [shall] *must not exceed those allowable if but one*  
22 *attorney represented or defended the defendant at all stages of the*  
23 *criminal proceeding.*

24 6. A claim made pursuant to this section [shall] *must not be paid*  
25 *unless it is submitted within 60 days after the appointment is terminated*  
26 *and a statement made under oath is submitted specifying:*

- 27 (a) The amount of time spent on the matter;  
28 (b) The type of service rendered;  
29 (c) The amount of expenses incurred; and  
30 (d) Any compensation or reimbursement which is applied for or  
31 received from any other source.

32 7. *An attorney appointed by a justice's court is entitled to bill for*  
33 *and to receive that portion of his fee which has accrued at the time the*  
34 *defendant is held to answer in the district court. The attorney's sub-*  
35 *sequent billing for fees accrued in the district court must reflect the*  
36 *amount paid for services rendered in the justice's court and must not*  
37 *exceed the limits set in this section.*

S. B. 520

## SENATE BILL NO. 520—COMMITTEE ON JUDICIARY

APRIL 8, 1981

Referred to Committee on Judiciary

**SUMMARY**—Sets time limit for bringing certain actions for malpractice and reduces time limit for certain other actions. (BDR 2-1313)

**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 civil actions; fixing the limit of time within which actions for malpractice may be commenced against persons in certain professions; shortening the time for commencing actions based on certain deficiencies in the design or construction of improvements to real property; 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 11 of NRS is hereby amended by adding thereto  
2 a new section which shall read as follows:  
3     1. *No action against any accountant, attorney or veterinarian to*  
4 *recover damages for malpractice, whether based on a breach of duty or*  
5 *contract, may be commenced more than 4 years after the plaintiff sustains*  
6 *damage and discovers or through the use of reasonable diligence should*  
7 *have discovered the material facts which constitute the cause of action.*  
8     2. *This time limitation is tolled for any period during which the*  
9 *accountant, attorney or veterinarian conceals any act, error or omission*  
10 *upon which the action is founded and which is known or through the use*  
11 *of reasonable diligence should have been known to him.*  
12     **SEC. 2.** NRS 11.190 is hereby amended to read as follows:  
13     11.190 Actions other than those for the recovery of real property,  
14 unless further limited by NRS 11.205, by *section 1 of this act*, or by or  
15 pursuant to the Uniform Commercial Code, can only be commenced  
16 as follows:  
17     1. Within 6 years:  
18     (a) An action upon a judgment of decree of any court of the United  
19 States, or of any state or territory within the United States.  
20     (b) An action upon a contract, obligation or liability founded upon  
21 an instrument in writing, except those mentioned in the preceding sections  
22 of this chapter.  
23     2. Within 4 years:

1 (a) An action on an open account for goods, wares and merchandise  
2 sold and delivered.

3 (b) An action for any article charged in a store account.

4 (c) An action upon a contract, obligation or liability not founded upon  
5 an instrument in writing.

6 3. Within 3 years:

7 (a) An action upon a liability created by statute, other than a penalty  
8 or forfeiture.

9 (b) An action for waste or trespass of real property; but when the  
10 waste or trespass is committed by means of underground works upon any  
11 mining claim, the cause of action shall not be deemed to have accrued  
12 until the discovery by the aggrieved party of the facts constituting such  
13 waste or trespass.

14 (c) An action for taking, detaining or injuring personal property,  
15 including actions for specific recovery thereof; but in all cases where the  
16 subject of the action is a domestic animal usually included in the term  
17 "livestock," having upon it at the time of its loss a recorded mark or  
18 brand, and when [such] the animal [was] strayed or was stolen from  
19 the true owner without his fault, the statute [shall] does not begin to run  
20 against an action for the recovery of [such] the animal until the owner  
21 has actual knowledge of such facts as would put a reasonable man upon  
22 inquiry as to the possession thereof by the defendant.

23 (d) An action for relief on the ground of fraud or mistake; the cause  
24 of action in such case not to be deemed to have accrued until the dis-  
25 covery by the aggrieved party of the facts constituting the fraud or  
26 mistake.

27 4. Within 2 years:

28 (a) An action against a sheriff, coroner or constable upon the liability  
29 incurred by the doing of an act in his official capacity and in virtue of  
30 his office, or by the omission of an official duty, including the nonpay-  
31 ment of money collected upon an execution.

32 (b) An action upon a statute for a penalty or forfeiture, where the  
33 action is given to [an individual, or to] a person or the state, or [an  
34 individual and the state,] both, except when the statute imposing it  
35 prescribes a different limitation.

36 (c) An action for libel, slander, assault, battery, false imprisonment  
37 or seduction.

38 (d) An action against a sheriff or other officer for the escape of a  
39 prisoner arrested or imprisoned on civil process.

40 (e) An action to recover damages for injuries to a person or for the  
41 death of a person caused by the wrongful act or neglect of another. The  
42 provisions of this paragraph relating to an action to recover damages for  
43 injuries to a person [shall] apply only to causes of action which [shall]  
44 accrue after March 20, 1951.

45 5. Within 1 year:

46 (a) An action against an officer, or officers de facto:

47 (1) To recover any goods, wares, merchandise or other property  
48 seized by any such officer in his official capacity, as tax collector, or to  
49 recover the price or value of any goods, wares, merchandise or other  
50 personal property so seized, or for damages for the seizure, detention,

1 sale of, or injury to any goods, wares, merchandise or other personal  
2 property seized, or for damages done to any person or property in  
3 making such seizure.

4 (2) For money paid to any such officer under protest, or seized by  
5 such officer in his official capacity, as a collector of taxes, and which, it  
6 is claimed, ought to be refunded.

7 (b) Actions or claims against a county, incorporated city, town or  
8 other political subdivision of the state which have been rejected by the  
9 board of county commissioners, city council or other governing body, as  
10 the case may be, after the first rejection thereof by such a board, city  
11 council or other governing body, or the expiration of the time limited for  
12 failure to act by subsection 3 of NRS 41.036.

13 (c) Actions or claims against the state not arising out of contract, after  
14 rejection by the state board of examiners or the expiration of the time  
15 limited for their failure to act by subsection 2 of NRS 41.036.

16 SEC. 3. NRS 11.205 is hereby amended to read as follows:

17 11.205 1. No action in tort, contract or otherwise [shall] may be  
18 commenced against any person performing or furnishing the design, plan-  
19 ning, supervision or observation of construction, or the construction, of  
20 an improvement to real property more than [6] 4 years after the sub-  
21 stantial completion of such an improvement, for the recovery of damages  
22 for:

23 (a) Any deficiency in the design, planning, supervision or observation  
24 of construction or construction of such an improvement; [or]

25 (b) Injury to real or personal property caused by any such deficiency;  
26 or

27 (c) Injury to or wrongful death of a person caused by any such  
28 deficiency.

29 2. Notwithstanding the provisions of NRS 11.190 and subsection 1  
30 of this section, where injury occurs in the [sixth] fourth year after sub-  
31 stantial completion of such an improvement, an action for damages for  
32 injury to property or person, damages for wrongful death resulting from  
33 such an injury or damages for breach of contract may be commenced  
34 within 1 year after the date of [such] the injury, irrespective of the date  
35 of death, but in no event may an action be commenced more than [7]  
36 5 years after the substantial completion of the improvement.

37 3. Where an action for damages for wrongful death or injury to per-  
38 son or property caused by any deficiency in an improvement to real  
39 property is brought against a person in actual possession or control as  
40 owner, tenant or otherwise of such an improvement, the limitation pre-  
41 scribed by this section [shall not be] is not a defense for [such] that  
42 person.

(REPRINTED WITH ADOPTED AMENDMENTS)  
SECOND REPRINT

**S. B. 544**

SENATE BILL NO. 544—COMMITTEE ON  
COMMERCE AND LABOR

APRIL 14, 1981

Referred to Committee on Judiciary

**SUMMARY**—Provides procedure whereby vendor of contract for conveyance of real property may elect to declare forfeiture upon default. (BDR 9-1486)

**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 real property; defining the rights of vendor and purchaser upon default under a land contract; 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. Title 9 of NRS is hereby amended by adding thereto
- 2 a new chapter to consist of the provisions set forth as sections 2 to 4,
- 3 inclusive, of this act.
- 4 SEC. 2. As used in this chapter, "land contract" means an executory
- 5 agreement under which the vendor agrees to convey real property located
- 6 in this state, the purchaser agrees to pay the price in installments, and the
- 7 vendor retains title to the property as security for the purchaser's obliga-
- 8 tion.
- 9 SEC. 3. 1. If a purchaser fails to perform any obligation under a land
- 10 contract, the vendor may give notice of default and intention to sell the
- 11 real property. Such a notice must be recorded in the office of the county
- 12 recorder of the county in which the property is located and a copy of the
- 13 notice of default and intention to sell must be mailed by certified mail
- 14 with postage prepaid to the purchaser or to his successor in interest at the
- 15 address of the purchaser or his successor if known, otherwise to the
- 16 address of the real property. The notice of default and intention to sell
- 17 must describe the deficiency in performance or payment and may contain
- 18 a notice of intent to declare the entire unpaid balance due and payable if
- 19 acceleration is permitted by the land contract, but acceleration must not
- 20 occur if the deficiency in performance or payment is made good and any
- 21 costs, fees and expenses incident to the preparation or recordation of

1 such notice and incident to the making good of the deficiency in perform-  
2 ance or payment are paid within 35 days after the notice is recorded or  
3 mailed, whichever is later.

4 2. If the deficiency is not made good within those 35 days, the vendor  
5 may sell the real property 90 days or more after the notice is recorded,  
6 unless a different period is provided in the land contract. The vendor shall  
7 give notice of the time and place of the sale in the manner and for a time  
8 not less than that required by law for the sale of real property upon exe-  
9 cution. The sale itself may be made at the office of the vendor, if the  
10 notice so provided, whether the real property is located within the same  
11 county as the office of the vendor or not.

12 3. Every sale made under the provisions of this section vests in the  
13 purchaser the title of the vendor and original purchaser without equity or  
14 right of redemption. The sale of a lease of a dwelling unit of a cooperative  
15 housing corporation vests in the purchaser title to the shares in the cor-  
16 poration which accompany the lease.

17 SEC. 4. The vendor may purchase the real property. The purchaser is  
18 entitled to any surplus after his obligation and the costs of the notice and  
19 sale are paid.

20 SEC. 5. NRS 40.430 is hereby amended to read as follows:

21 40.430 1. Except as provided in chapter 104 of NRS, there [shall  
22 be] *is* but one action for the recovery of any debt, or for the enforcement  
23 of any right secured by mortgage or lien upon real estate, [which action  
24 shall be] *or of the obligation of a purchaser under a land contract. That*  
25 *action must be conducted* in accordance with the provisions of this section  
26 and NRS 40.440 to 40.459, inclusive. In [such] *that* action, the judg-  
27 ment [shall] *must* be rendered for the amount found due the plaintiff,  
28 and the court [shall have power,] *may*, by its decree or judgment, [to]  
29 direct a sale of the [encumbered] property, or such part thereof as  
30 [shall be] *is* necessary, and apply the proceeds of the sale to the payment  
31 of the costs and the expenses of the sale, the costs of the suit, and the  
32 amount due to the plaintiff.

33 2. A sale directed by the court pursuant to subsection 1 [shall] *must*  
34 be conducted by the sheriff of the county in which the [encumbered land]  
35 *real property* is situated, and if [the encumbered land] *it is* situated in  
36 two or more counties, the court shall direct the sale to be conducted in  
37 one of [such] *those* counties by the sheriff of the county. [with like pro-  
38 ceedings and effect as if the whole of the encumbered land were situated  
39 in that county.]

40 SEC. 6. NRS 40 440 is hereby amended to read as follows:

41 40.440 If [there be] *a surplus of money [remaining] remains* after  
42 payment of the amount due on the mortgage, lien [or incumbrance,] .  
43 *encumbrance or contract for conveyance of real property*, with costs, the  
44 court may cause the [same] *surplus* to be paid to the person entitled to  
45 it, [and in the meantime] *or may* direct it to be deposited in court [.]  
46 *until the person may be paid.*

47 SEC. 7. NRS 40.450 is hereby amended to read as follows:

48 40.450 If the debt for which the mortgage, lien or [incumbrance]  
49 *encumbrance* is held [be] , *or the purchase price under the land con-*  
50 *tract, is not all due, [so] as soon as sufficient of the property has been*



1 sold to pay the amount due, with costs, the sale [shall cease; and after-  
 2 wards, as] *must cease*. As often as more becomes due for principal or  
 3 interest, the court may, on motion, order more to be sold. But if the  
 4 property cannot be sold in portions without injury to the parties, the  
 5 whole may be ordered to be sold in the first instance, and the entire debt  
 6 or price and costs paid, [there being a rebate of interest where such  
 7 rebate is proper.] *with a rebate of interest where appropriate.*

8 SEC. 8. NRS 40.451 is hereby amended to read as follows:

9 40.451 As used in NRS 40.453 to 40.459, inclusive, "indebtedness"  
 10 means the principal balance of the obligation secured by a mortgage or  
 11 deed of trust [.] or *outstanding on a land contract*, together with all  
 12 interest accrued and unpaid [prior to] *before* the time of sale, all costs  
 13 and fees of [such] *the* foreclosure sale, all advances made with respect  
 14 to the property by the beneficiary, and all other amounts secured by the  
 15 mortgage or deed of trust or which constitute a lien on the real property  
 16 in favor of the person seeking the deficiency judgment. [Such] *The*  
 17 amount constituting a lien is limited to the amount of the consideration  
 18 paid by the lienholder [.] or *the amount outstanding on a contract for*  
 19 *conveyance of real property.*

20 SEC. 9. NRS 40.453 is hereby amended to read as follows:

21 40.453 1. It is hereby declared by the legislature to be against pub-  
 22 lic policy for any document relating to the sale of real property to contain  
 23 any provision whereby a mortgagor [or trustor] , *grantor of a deed of*  
 24 *trust, or purchaser under a land contract* waives any right secured to him  
 25 by the laws of this state.

26 2. No court [shall] *may* enforce any such provision.

27 SEC. 10. NRS 40.455 is hereby amended to read as follows:

28 40.455 Upon application of the judgment creditor, *the vendor under*  
 29 *a land contract*, or the beneficiary of the deed of trust within 3 months  
 30 from the date of the foreclosure sale or the trustee's sale held pursuant to  
 31 NRS 107.080, [respectively,] and after the hearing conducted under  
 32 NRS 40.457, the court may award a deficiency judgment to the judgment  
 33 creditor, *the vendor* or the beneficiary of the deed of trust if it appears  
 34 from the sheriff's return or the recital of consideration in the *land con-*  
 35 *tract or in the trustee's deed* that there is a deficiency of sale proceeds and  
 36 a balance remaining due to the judgment creditor, *the vendor* or the bene-  
 37 ficiary of the deed of trust, respectively.

38 SEC. 11. NRS 40.459 is hereby amended to read as follows:

39 40.459 After the hearing under NRS 40.457, the court may award a  
 40 money judgment against the defendant or defendants personally liable for  
 41 the debt. The court shall not render judgment for more than the amount  
 42 by which the amount of indebtedness which was secured by the mortgage,  
 43 deed of trust or other lien or *the purchase price due under the land con-*  
 44 *tract* at the time of the [foreclosure sale or trustee's] sale, as the case  
 45 may be, exceeded the fair market value of the property sold at the time  
 46 of [such] *the* sale, with interest from the date of [such sale. In no event  
 47 shall the court award such] *the sale. The court shall not award a judg-*  
 48 *ment, exclusive of interest after the date of such sale, in an amount*  
 49 *exceeding the difference between the amount for which the property was*  
 50 *actually sold at the foreclosure sale or trustee's sale and the amount of*

1 indebtedness which was secured by the mortgage, deed of trust or other  
2 lien or the purchase price due under the land contract at the time of  
3 [such] the sale.

4 SEC. 12. The provisions of this act do not apply to any contract for  
5 the conveyance of real property entered into before July 1, 1981, to the  
6 extent that the application of those provisions would impair the obligation  
7 of that contract.

S. B. 578

SENATE BILL NO. 578—COMMITTEE ON JUDICIARY

APRIL 21, 1981

Referred to Committee on Judiciary

SUMMARY—Requires certain hearings after placement of foster child. (BDR 5-1797)

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 foster children; requiring annual dispositional hearings after placement; 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 62.225 is hereby amended to read as follows:
- 2 62.225 1. Except as provided in subsection [3,] 5, the placement
- 3 by the court of a child in a *foster* home or *other similar* institution
- 4 [shall] *must* be reviewed by a judge or [duly] *an* appointed master
- 5 semiannually for the purpose of determining [if:] *whether*:
- 6 (a) Continued placement or supervision is in the best interest of the
- 7 child and the public; and
- 8 (b) The child is being treated fairly.
- 9 2. In conducting [such] *the* review, the court may:
- 10 (a) Require a written report from the child's protective service officer,
- 11 welfare worker or other guardian or custodian of the child which includes
- 12 but is not limited to an evaluation of the child's progress and recom-
- 13 mendations for further supervision, treatment or rehabilitation.
- 14 (b) Request any information or statements it deems necessary for
- 15 the review.
- 16 3. *Except as provided in subsection 5, a dispositional hearing must*
- 17 *be held no later than 18 months after the placement by the court of a*
- 18 *child in a foster home or other similar institution and annually there-*
- 19 *after, unless otherwise determined by the court.*
- 20 4. *Each dispositional hearing must be held by the court to determine*
- 21 *whether*:
- 22 (a) *The child should be returned to his parents or other relatives;*
- 23 (b) *The child's placement in the foster home or other similar institu-*
- 24 *tion should be continued;*

1 (c) *The child should be placed for adoption or under a legal guardian-*  
2 *ship; or*

3 (d) *The child should remain in the foster home or other similar institu-*  
4 *tion on a long-term basis.*

5 5. The provisions of this section do not apply to the placement of:

6 (a) A delinquent child.

7 (b) A child in the home of the child's parent or parents.

8 [4.] 6. This section does not limit the power of the court to order  
9 a review or similar proceeding *under subsection 1* other than semi-  
10 annually.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. C. R. 10

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 ASSEMBLY CONCURRENT RESOLUTION NO. 10—ASSEMBLYMEN PRENGAMAN, HAYES AND ROBINSON
 

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JANUARY 22, 1981

Referred to Committee on Judiciary

**SUMMARY**—Urges district attorneys of Nevada's more populous counties to acquire staff necessary to prosecute properly crimes involving mobile homes. (BDR 25)

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

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**ASSEMBLY CONCURRENT RESOLUTION**—Urging the governing bodies of Nevada's more populous counties to direct the efforts of their officers and employees to investigate and prosecute properly crimes involving mobile homes.

- 1 WHEREAS, It is the responsibility of all district attorneys in this state  
 2 to prosecute criminal offenses relating to the construction, sale, installa-  
 3 tion and servicing of mobile homes and to the relationship of landlord  
 4 and tenant in mobile home parks; and  
 5 WHEREAS, The legislative commission's subcommittee to study the  
 6 problems of owners and renters of mobile homes has been told of a dis-  
 7 turbing number of serious cases of fraud, forgery and deceptive trade  
 8 practices in the sale of mobile homes and accessories and of persistent  
 9 violations of law by certain landlords of mobile home parks; and  
 10 WHEREAS, The offices of the district attorneys of Nevada's three most  
 11 populous counties where most of these offenses occur have advised the  
 12 subcommittee that they lack the staff to investigate and prosecute prop-  
 13 erly such criminal offenses; now, therefore, be it  
 14 *Resolved by the Assembly of the State of Nevada, the Senate concur-*  
 15 *ring,* That the Nevada legislature urges the boards of county commis-  
 16 sioners of Clark and Washoe counties and the board of supervisors of  
 17 Carson City to direct the action of their officers and employees to investi-  
 18 gate and prosecute properly alleged criminal offenses involving:  
 19 1. The construction, sale, installation and servicing of mobile homes  
 20 and mobile home accessories; and  
 21 2. The relationship of landlord and tenant in mobile home parks; and  
 22 be it further  
 23 *Resolved,* That a copy of this resolution be prepared and transmitted  
 24 forthwith by the legislative counsel to the district attorneys of Carson  
 25 City and Clark and Washoe counties.

**A. B. 205**

**ASSEMBLY BILL NO. 205—COMMITTEE ON JUDICIARY**

**FEBRUARY 24, 1981**

Referred to Committee on Judiciary

**SUMMARY**—Fills gap and makes technical corrections in statute on registration of convicts. (BDR 16-1726)

**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 crimes and punishments; specifying the inclusion, among convicted persons required to register, of those convicted on March 15, 1955; correcting a defective double amendment of NRS 207.080 by the 60th session of the legislature; 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 207.080 is hereby amended to read as follows:
- 2 207.080 1. For the purpose of NRS 207.080 to 207.150, inclusive,
- 3 a "convicted person" is defined as:
- 4 (a) Any person who, before, *on* or after March 15, 1955, was or is
- 5 convicted of an offense punishable as a felony in the State of Nevada, or
- 6 who has been or who is hereafter convicted of any offense in any place
- 7 other than the State of Nevada, which offense, if committed in the State
- 8 of Nevada, would be punishable as a felony.
- 9 (b) Any person who, before, *on* or after March 15, 1955, was or is
- 10 convicted in the State of Nevada, or elsewhere, of the violation of any
- 11 law, whether the violation is or is not punishable as a felony:
- 12 (1) Relating to or regulating the possession, distribution, furnishing
- 13 or use of any habit-forming drug of the kind or character described and
- 14 referred to in the Uniform Narcotic Drug Act.
- 15 (2) Regulating or prohibiting the carrying, possession or ownership
- 16 of any concealed weapon, or deadly weapon, or any weapon capable of
- 17 being concealed, or regulating or prohibiting the possession, sale or use
- 18 of any device, instrument or attachment designed or intended to be used
- 19 for the purpose of silencing the report or concealing the discharge or flash
- 20 of any firearm.
- 21 (3) Regulating or prohibiting the use, possession, manufacture or
- 22 compounding of tear gas, or any other gas, which may be used for the
- 23 purpose of temporarily or permanently disabling any human being.

1 (c) Any person who, before, *on* or after March 15, 1955, was or is  
2 convicted of a crime in the State of Nevada, under the provisions of one  
3 or more of NRS 122.220, 201.120 to 201.170, inclusive, 201.249, 201.-  
4 251, 201.270, 201.360 to 201.400, inclusive, 201.420, 202.010, 202.-  
5 040, 202.055, 202.200 to 202.230, inclusive, 212.170, 212.180,  
6 433.564, 451.010 to 451.040, inclusive, 452.300, 462.010 to 462.080,  
7 inclusive, 465.030 to 465.070, inclusive, 646.010 to 646.060, inclusive,  
8 647.095, 647.100, 647.110, 647.120, 647.130, 647.140 and 647.145,  
9 or who, before, *on* or after March 15, 1955, was or is convicted, in any  
10 place other than the State of Nevada, of an offense which, if committed  
11 in this state, would have been punishable under one or more of such  
12 sections.

13 (d) Any person who, before, *on* or after March 15, 1955, was or is  
14 convicted in the State of Nevada or elsewhere of any attempt or con-  
15 spiracy to commit any offense described or referred to in NRS 207.080 to  
16 207.150, inclusive.

17 2. Any person, except as set forth in NRS 207.090 to 207.150, inclu-  
18 sive, whose conviction is or has been set aside in the manner provided by  
19 law shall not be deemed a convicted person.

20 SEC. 2. Sections 6 and 12 of chapter 524, Statutes of Nevada 1979,  
21 at pages 1019 and 1020, respectively, are hereby amended to read  
22 respectively as follows:

23 Sec. 6. NRS 207.080 is hereby amended to read as follows:

24 207.080 1. For the purpose of NRS 207.080 to 207.150, inclu-  
25 sive, a "convicted person" is defined as:

26 (a) Any person who [has been or hereafter] *before or after*  
27 *March 15, 1955, was or is* convicted of an offense punishable as a  
28 felony in the State of Nevada, or who has been or who is hereafter  
29 convicted of any offense in any place other than the State of Nevada,  
30 which offense, if committed in the State of Nevada, would be pun-  
31 ishable as a felony.

32 (b) Any person who [has been or hereafter] *before or after*  
33 *March 15, 1955, was or is* convicted in the State of Nevada, or  
34 elsewhere, of the violation of any law, whether the violation is or is  
35 not punishable as a felony:

36 (1) Relating to or regulating the possession, distribution, fur-  
37 nishing or use of any habit-forming drug of the kind or character  
38 described and referred to in the Uniform Narcotic Drug Act.

39 (2) Regulating or prohibiting the carrying, possession or own-  
40 ership of any concealed weapon, or deadly weapon, or any weapon  
41 capable of being concealed, or regulating or prohibiting the posses-  
42 sion, sale or use of any device, instrument or attachment designed  
43 or intended to be used for the purpose of silencing the report or  
44 concealing the discharge or flash of any firearm.

45 (3) Regulating or prohibiting the use, possession, manufacture  
46 or compounding of tear gas, or any other gas, which may be used  
47 for the purpose of temporarily or permanently disabling any human  
48 being.

49 (c) Any person who [has been, or who hereafter is,] *before or*  
50 *after March 15, 1955, was or is* convicted of a crime in the State of

1 Nevada, under the provisions of one or more of NRS 122.220,  
2 201.120 to 201.170, inclusive, [201.250,] 201.249, 201.251, 201.-  
3 270, 201.360 to 201.400, inclusive, 201.420, 202.010, 202.040,  
4 202.055, 202.200 to 202.230, inclusive, 212.170, 212.180, 433.-  
5 564, 451.010 to 451.040, inclusive, 452.300, 462.010 to 462.080,  
6 inclusive, [465.010] 465.030 to 465.070, inclusive, 646.010 to  
7 646.060, inclusive 647.095, 647.100, 647.110, 647.120, 647.-  
8 130, 647.140 and 647.145, or who [has been, or hereafter is,]  
9 before or after March 15, 1955, was or is convicted, in any place  
10 other than the State of Nevada, of an offense which, if committed in  
11 this state, would have been punishable under one or more of such  
12 sections.

13 (d) Any person who [has been, or who hereafter is,] before or  
14 after March 15, 1955, was or is convicted in the State of Nevada or  
15 elsewhere of any attempt or conspiracy to commit any offense  
16 described or referred to in NRS 207.080 to 207.150, inclusive.

17 2. Any person, except as [hereinafter] set forth in NRS 207.-  
18 090 to 207.150, inclusive, whose conviction is or has been set aside  
19 in the manner provided by law shall not be deemed a convicted  
20 person.

21 Sec. 12. Sections 1, 5 and 6 of this act shall become effective at  
22 12:01 a.m. on July 1, 1979.

23 SEC. 3. This act shall become effective upon passage and approval.



**A. B. 342**

**ASSEMBLY BILL NO. 342—COMMITTEE ON JUDICIARY**

**MARCH 13, 1981**

Referred to Committee on Judiciary

**SUMMARY—Prohibits more than one licensed operation at single establishment. (BDR 41-753)**

**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 gaming; prohibiting more than one licensed operation at a single establishment; 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 **1.** *All licenses issued to the same person, including a wholly owned*  
4 *subsidiary of that person, for the operation of any game, including a*  
5 *sports pool or horse race book, which authorize gaming at the same*  
6 *establishment must be merged into a single gaming license. A gaming*  
7 *license may not be issued to any person if the issuance would result in*  
8 *more than one licensed operation at a single establishment, whether or*  
9 *not the profits or revenue from gaming are shared between the licensed*  
10 *operations.*

11 **2.** *A person who has been issued a nonrestricted gaming license may*  
12 *establish a sports pool or horse race book on the premises of the estab-*  
13 *lishment at which he conducts a nonrestricted gaming operation only*  
14 *after obtaining permission from the commission.*

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(REPRINTED WITH ADOPTED AMENDMENTS)

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**A. B. 303**

**ASSEMBLY BILL NO. 303—ASSEMBLYMEN MAY, DINI,  
AND FOLEY**

**MARCH 9, 1981**

Referred to Committee on Judiciary

**SUMMARY—Increases compensation of witnesses at hearings. (BDR 4-1141)**

**FISCAL NOTE: Effect on Local Government: Yes.  
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 witnesses; increasing their compensation; prohibiting termination of employment or a threat of termination of employment because of appearance as a witness; providing penalties; 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 50 of NRS is hereby amended by adding thereto
- 2 a new section which shall read as follows:
- 3 1. *Any person, corporation, partnership, association or other entity*
- 4 *who is:*
- 5 (a) *An employer; or*
- 6 (b) *The employee, agent or officer of an employer, vested with the*
- 7 *power to terminate or recommend termination of employment,*
- 8 *of a person who is a witness or who has received a summons to appear as*
- 9 *a witness in any court, who deprives the witness or person summoned of*
- 10 *his employment, as a consequence of his service as a witness or prospec-*
- 11 *tive witness, or who asserts to the witness or person summoned that his*
- 12 *service as a witness or prospective witness will result in termination of*
- 13 *his employment, is guilty of a misdemeanor.*
- 14 2. *A person discharged from employment in violation of subsection*
- 15 *1 may commence a civil action against his employer and obtain;*
- 16 (a) *Wages and benefits lost as a result of the violation;*
- 17 (b) *An order of reinstatement without loss of position, seniority or*
- 18 *benefits;*
- 19 (c) *Damages equal to the amount of the lost wages and benefits; and*
- 20 (d) *Reasonable attorney's fees fixed by the court.*
- 21 SEC. 2. NRS 50.225 is hereby amended to read as follows:

1 50.225 Witnesses required to attend in the courts of this state are  
2 entitled to receive the following compensation:

3 1. For attending in any criminal case, or civil suit or proceeding  
4 before a court of record, master, commissioner, justice of the peace, or  
5 before the grand jury, in obedience to a subpoena, [\$15] \$25 for each  
6 day's attendance, [which shall include] *including* Sundays and holidays.

7 2. Mileage [shall be allowed and] *must be paid* at the rate of [15]  
8 19 cents a mile [, one way only,] for each mile necessarily and actually  
9 traveled from *and returning to* the place of residence by the shortest and  
10 most practical route, but:

11 (a) A person [shall not be] *is not* obliged to testify in a civil action or  
12 proceeding unless his mileage and at least 1 day's fees have been paid  
13 him; and

14 (b) Any person in attendance at the trial and sworn as a witness is  
15 entitled to witness fees irrespective of service of subpoena.

16 3. Witness fees in civil cases [shall] *must* be taxed as disbursement  
17 costs against the defeated party upon proof by affidavit that they have  
18 been actually incurred. Costs [shall] *may* not be allowed for more than  
19 two witnesses to the same fact or series of facts, nor [shall] *may* a party  
20 plaintiff or defendant be allowed any fees or mileage for attendance as a  
21 witness in his own behalf.