

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON JUDICIARY

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
May 1, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:10 a.m., Friday, May 1, 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 William J. Raggio  
Senator Jean Ford  
Senator William H. Hernstadt  
Senator Sue Wagner

STAFF MEMBERS PRESENT:

Shirley LaBadie, Committee Secretary

SENATE BILL NO. 585--Allows gaming establishments to provide for interchangeable use of gaming tokens.

Senator Wilbur Faiss, stated he was the sponsor of the bill. He said it was drafted to solve a problem gaming establishments are having in Las Vegas by having to separate chips from the various places and returning them to the proper club. People from the gaming industry felt it would be wise to have a standard chip which could be interchanged. He had requested the bill so the legislative staff would have a record of this in the future. Mr. Jack Stratton, Gaming Control Board, advised the committee there is a federal law prohibiting the use of interchangeable tokens.

Senator Wagner moved for an indefinite postponement of S. B. No. 585.

Senator Hernstadt seconded the motion.

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

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SENATE BILL NO. 600--Revises provisions for incorporating  
Protestant Episcopal churches. (Exhibit E)

Senator Wagner advised the committee she had requested the bill. She advised the committee research was done in 1977 on sex discriminations statutes and in NRS 82 there is a reference to the Episcopal church. There is a section which states nothing shall be held to exclude women from serving as members of the vestry, but not more than one-half shall be women. This dates back to 1862. The change has the support of the bishop and others in the church, the other changes are minor. Many women serve in the vestry, in some cases there are more than half, therefore the change should be made. Senator Wagner itemized the numerous groups included in this section of NRS 82. She advised if the section was repealed, then any small group of people within the church could go down to the Secretary of State and incorporate and have a struggle within the church and promote litigation.

SENATE BILL NO. 600

Senator Raggio moved to Do Pass S. B. No. 600.

Senator Keith Ashworth seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 604--Removes requirement of marginal notation  
by county recorder when real property is sold on execution. (Exhibit F)

Mr. Joe Melcher, Washoe County Recorder, stated he requested S. B. No. 604, it is a clarification on some minor problems. This bill refers to sheriff's certificate deeds and notations. Page 2, line 17 requires that the recorder note the record thereof in the margin of the record or if on microfilm, in the margin of the index of the certificate of sale. With computer indexing, it is impossible to place notations on the margins.

SENATE BILL NO. 605--Transfers duty of recording certain certificates of incorporation from county recorder to county clerk. (Exhibit G)

Mr. Melcher stated this is also a clean-up of the bill. It is one of the few things recorded in his office which are non-profit corporations. The clerk does all the other corporations and it is logical to take this one item out of the recorders and put it in the clerk's office where the rest of the records are.

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SENATE BILL NO. 604

Senator Wagner moved to Do Pass S. B. No. 604.

Senator Hernstadt seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 605

Senator Hernstadt moved to Do Pass S. B. No. 605

Senator Wagner seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 610--Clarifies applicability of licensing requirements where gaming interest already subject of license is placed in trust.

Senator Don Ashworth stated when an individual creates a revocable living trust, then transfers the interest he owns in a gaming establishment into the trust, and he picks up the interest as a trustee, then a situation arises where relicensing may be requested. However in looking at the bill, he felt the language was too broad. He felt it should state the interest, rather than an interest on line 6. He stated if a husband and wife combination were licensed to begin with and transfers interest into a revocable living trust, and they are the beneficiaries, no additional qualifications should take place.

Ms. Patty Becker, Deputy Attorney General, Gaming Control Board stated if there are any new parties to the trust whatsoever, they have to be licensed. If the person is already licensed, he does not have to be relicensed. Senator Don Ashworth stated the board wanted an extensive statement prepared to update the license. Senator Raggio stated the gaming control board should be notified by the trust of any transfers.

Ms. Becker stated the community property aspect has never been addressed. Spouses on every single license would be approved. When it comes to dealing with a beneficiary, and is placed in a legal document, at that point the gaming control board does call them forward for licensure whether a spouse or children.

Ms. Becker asked if a statute is being passed for one specific problem. Senator Don Ashworth stated yes. Ms. Becker asked if she could review the language, check with her staff and see if it is standard policy or can be worked with within the board. Senator Raggio stated it should be placed in the law.

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Ms. Becker said the board will have to look at a trust to determine that the trustee and all the beneficiaries are licensed to make sure there is proper language in the trust. Senator Raggio stated this will create problems with estate planning.

Senator Raggio proposed some changes to the following effect. The provisions of the trust shall not become effective as to other beneficiaries until they are properly licensed. Senator Don Ashworth stated he agreed with the proposed language.

Discussion of the bill resulted in some proposed language as follows. The trustee must be a licensed person and if that person is also the same; any president or beneficiary must be licensed, if any beneficiary becomes entitled to income, then that person must be licensed before he can receive any income.

Ms. Becker advised the committee she would check with the board regarding the policies regulating trusts.

Senator Raggio advised the committee he would like to have a bill drafted in the legislature to repeal the present authority given for the use of laetrile which was passed last session. Articles had appeared in the paper that it was useless. The committee discussed the issue but rejected the suggestion because the entire committee would not approve the request.

Senator Hernstadt stated he would like to have S. B. No. 600, 604 and 605 placed on the consent calendar which would save time on the floor. Chairman Close asked for a motion.

Senator Hernstadt moved to have S. B. No. 600, 604 and 605 placed on the consent calendar.

Senator Raggio seconded the motion.

The motion carried. (Senator Keith Ashworth and Don Ashworth voted against the motion.)

Senator Raggio asked for a bill introduction in regard to NRS 111.353A regarding a master form deed of trust. A group of attorneys in Washoe had approached him. Committee discussion resulted in the rejection of the request.

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ASSEMBLY BILL NO. 4--Increases fees for official reporters in district courts. (Exhibit H)

The committee discussed several possibilities in the fees which were requested in the bill. After discussion and various proposals by the committee members, the following was decided upon.

Senator Raggio moved to amend and Do Pass A. B. No. 4 to provide the sum of \$100 on lines 5, 13, 15 and 16. The amendment on line 12 would be accepted. Delete brackets on lines 13, 14 and 17 and insert the sum of \$100. The the folio charges will remain in Section (b) as presently established.

Senator Wagner seconded the motion.

The motion carried unanimously.

The chairman advised the committee discussion was needed on S. B. No. 34 and S. B. No. 502 regarding gross revenue. He said the question is should local entities be allowed to have a gross revenue tax, then S. B. No. 34 should be passed which eliminates the necessity of another audit. If the portion of S. B. No. 502 is passed which states they cannot have a gross revenue tax, then S. B. No. 34 would need to be killed.

Senator Raggio stated Clark County has a tax on gross revenue which is 1/10th of the state's tax, no other county has this tax and it only applies to unincorporated areas but cities are not included. Senator Keith Ashworth stated the question is, should Clark County be allowed to have a gross revenue tax or should they go back to a flat tax and mandate that no other county can have a gross tax. He said a determination has to be made, the percentage tax on gaming has always been a prerogative of the state, Clark County got into it and was not challenged, now they have a gross tax on gaming.

Senator Hernstadt stated he had told the committee previously he would vote for the percentage tax on the basis it could be applied anywhere. He felt if is going to be processed that no other county can have this, it is unfair and he preferred the flat tax.

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Senator Wagner stated she felt the flat tax is extremely unfair. Senator Raggio expressed his opinion that the percentage tax authority be retained at the state level and that there are no uncontrolled evasions of that, it will cause an inequity. He felt this is really an income tax and caution should be used in this area.

Senator Keith Ashworth stated if the gaming establishments are taken out of the gross business, they can change their ordinance and the licensees will seek their own level in the rates by giving the lower ones a little increase.

Senator Hernstadt stated as a matter of policy, he thinks the gross revenue tax is the fairest and should be allowable in all entities. In the absence of that, the next fairest thing is a flat tax which increases as the number of tables increase. He said the least fair tax is the across the board flat tax.

Senator Keith Ashworth stated that during testimony during the subcommittee on gaming, the gaming people were concerned with the confidentiality of S. B. No. 34 in allowing the state to share and give those gross figures. No one can obtain the gross figures out of the Gaming Control Board.

Chairman Close stated S. B. No. 34 would make sense if there is going to be gross gaming. Committee discussion resulted in S. B. No. 502 being processed. Chairman Close said he would check with the bill drafter on the appropriate sections dealing with gross revenue tax and amend the bill leaving in the language in the bill prohibiting gross revenue taxes in cities and counties and eliminate the balance of the bill.

Senator Wagner requested a letter to be drafted to the county officials and cities telling them why the committee took the action they did regarding gross revenue tax. Chairman Close stated such a letter would be sent out to all those affected.

SENATE BILL NO. 502--Limits local gaming license fees and investigations. (Exhibit I)

Senator Ford moved to amend and Do Pass S. B. No. 502.

Senator Hernstadt seconded the motion.

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

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SENATE BILL NO 34--Authorizes disclosure of gross revenue of gaming establishments to certain local governments.

Senator Hernstadt moved to indefinitely postpone S. B. No. 34.

Senator Ford seconded the motion.

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

SENATE BILL NO. 372--Revises statutes relating to adoption of minor children. (Exhibit J)

Senator Wagner advised the committee that Kristine Martin had given the committee some proposed changes and exclusions to S. B. No. 372. (See Exhibit C attached hereto.) The committee reviewed the changes. There was no objection to the changes on page 2, lines 34 through 39 with the proposed amendment which would be numbered No. 5.

Senator Ford stated in reference to page 4, lines 28-32, if the language is left as is in the current law and adopt the new language, that would allow them to seek from anyone a recommendation and an attorney would be placed in conflict if they answer. Chairman Close stated they should be, they should not be involved in placing children for adoption.

Senator Hernstadt felt Section 5 should be deleted and the proposed amendment suggested this.

The committee reviewed all the proposed amendments with no additional changes.

Senator Raggio stated he would not support the bill even with the proposed amendments, and has indicated this consistently. He felt the child adoption laws are adequate and were designed to meet a bad situation and were adopted with the inclusion of the language of NRS 127.280 that allowed a person to recommend a placement. He felt that language was contrary to the counsel bureau study which was made and runs counter to the entire approach to this problem which occurred as a result of the bad publicity and practices relating to adoptions. Any extension of the law which allows direct placements by natural parents or extends in anyway the ability to recommend a placement of children is a step backwards and he cannot support any change in the law.

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Chairman Close stated he felt a parent should be allowed to advise his daughter or counsel her and recommend someone so far as an adoption is concerned. Senator Raggio felt if the girl was referred to an appropriate agency, this is alright but not to recommend someone.

Senator Ford stated she strongly supported S. B. No. 372 and the proposed amendments. She felt the proponents had pointed out the law needs to be clarified and had suggested the minimum amount of clarification and urged the bill be processed.

Senator Raggio advised the committee he would speak against the bill on the floor once it was passed out of the committee.

SENATE BILL NO. 372

Senator Ford moved to amend and Do Pass S. B. No. 372.

Senator Wagner seconded the motion.

The motion carried. (Senators Ford, Wagner, Hernstadt and Don Ashworth voted for the motion. Senators Raggio, Close and Keith Ashworth voted against the motion.)

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

Chairman Close asked Mr. William LaBadie, State Welfare Division, in regard to the money which is available through the Federal Government and the feeling of the division as to the proposed language of Judge Mendoza. Mr. LaBadie stated the language was very specific and the money would come to us for the guardian ad litem program. However there is no problem because the word may is in there and an application can be made, but not necessarily given. Mr. LaBadie said the money would be available for any program in the area of child abuse, Judge Mendoza had intended for it to be used for the guardian ad litem program only.

The committee and Mr. LaBadie discussed the proposed language on "physical injury". Mr. LaBadie stated it was agreeable to the Welfare Department. Chairman Close stated the bill drafters need to reword the description because it did not read well.

Ms. Mary Lee, State Welfare Division, advised the committee to review the proposed draft of S. B. No. 149, attached hereto as Exhibit D. She said Section 2 and 3 of the original bill were removed. Also Sections 5, 6, and 7 of the original bill were deleted.



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Ms. Lee advised the committee the word severe had been removed from the definition of "mental injury". She said Judge Mendoza had an objection to the definition of severe. The committee discussion resulted in the language being changed by using the word substantial rather than severe. The definition of "physical injury" has been changed.

Ms. Lee stated the language regarding "sexual exploitation was new to the bill. Section 7 is a new section. The committee decided to leave out Section 7, subsection 2. The brackets were removed on Section 5, subsection 2 on the proposed draft.

SENATE BILL NO. 149

Senator Hernstadt moved to amend and do Pass S. B. No. 149.

Senator Keith Ashworth seconded the motion.

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

There being no further business, the meeting adjourned at 11:00 a.m.

Respectfully submitted:

Shirley LaBadie  
Shirley LaBadie, Secretary

APPROVED BY:

Melvin D. Close  
Senator Melvin D. Close, Chairman

DATE: May 14, 1981

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213.  
Day Friday, Date May 1, Time 8:00 a.m.

S. B. No. 585--Allows gaming establishments to provide for interchangeable use of gaming tokens.

S. B. No. 600--Revises provisions for incorporating Protestant Episcopal churches.

S. B. No. 604--Removes requirement of marginal notation by county recorder when real property is sold on execution.

S. B. No. 605--Transfers duty of recording certain certificates of incorporation from county recorder to county clerk.

S. B. No. 610--Clarifies applicability of licensing requirements where gaming interest already subject of license is placed in trust.

ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON JUDICIARY

EXHIBIT B

DATE: May 1, 1981

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME

ORGANIZATION & ADDRESS

TELEPHONE

Jack Stratton Gaming Control Bd. 885-4701

Patty Barber GCB 885-4994

JOE MELEHER WASHOE RECORDER ~~785-7418~~

Mrs. Sheelans 3rd grade C.C. Schools CC 885-6341

Shupe

Revises statutes relating to adoption of minor children.

Proposed amendments and exclusions for consideration by The Senate Judiciary Committee.

Page 2, lines 3-6 may be deleted if the Committee so desires.

Page 2, lines 15 & 16. Definition of the word recommend needs to remain intact.

Page 2, lines 34-39 must remain intact:

#4. This section does not prohibit any person from recommending prospective adoptive parents to a parent or guardian desiring to place a child for adoption, or prohibit any person from recommending to prospective adoptive parents a parent or guardian desiring to place a child for adoption. The prospective adoptive parents or the parent or guardian may seek recommendation from any person.

AMENDMENT--- to follow #4 stated above.

#5. Any person who receives any compensation or thing of value for making a recommendation may be guilty of a gross misdemeanor.

Page 4, lines 28 - 32. The <sup>15</sup> wording of the existing law may be retained here if it pleases the Committee.

or

If you desire to consider the new language of the bill;

Page 1, lines 33 & 34 may be retained because it is already stated that any person may make recommendations.

Page 1, lines 35 & 36 may be deleted.

Page 1, line 37 may be retained as this is common practice for attorneys in adoption proceedings.

Page 1, lines 38 & 39 may be retained as a guideline for attorneys when establishing fees for services rendered.

AMENDMENT--- to be added to the section on attorneys Page 1 following line 39.

Any attorney who does not have in full force a license to operate a child placing agency may not:

(a) Place or arrange the placement of any child for adoption or permanent free care.

(b) Advertise in any periodical or newspaper or by radio or other public medium, that he will place children for adoption, or accept, singly, provide or obtain children for adoption, or cause any advertisement to be published in or by any public medium soliciting, requesting or taking for any child or children for adoption.

re 4, lines 40 - 50 &  
re 5, lines 1 - 10. It appears that the bill drafters became excessively  
wordy and the existing law did not need to be altered.

Thank you for your consideration and support of the above recommendations!

Kristine Martini

*Kristine Martini*

copies to all Senate Judiciary Committee members.



STATE OF NEVADA  
EIGHTH JUDICIAL DISTRICT  
JUVENILE DIVISION

3401 EAST BONANZA ROAD  
LAS VEGAS, CLARK COUNTY, NEVADA 89101  
(702) 649-3611 EXT. 325

EXHIBIT D

JOHN F. MENDOZA  
DISTRICT JUDGE

JACK E. BUTLER  
CHIEF DEPUTY  
FRED L. FISHER  
DEPUTY

April 17, 1981

Mr. Bill LaBadie  
Nevada State Welfare Division  
Capitol Complex  
Carson City, Nevada

Dear Bill:

Attached please find a copy of SB 149 as amended pursuant to our telephone conversation of this date.

Please submit it to the Senate Judiciary Committee for their consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John F. Mendoza", written over the typed name and title.

JOHN F. MENDOZA  
District Judge  
Juvenile Division

JFM/egg

enclosure

AMENDED SB 149

1 SEC 1. NRS 62.040 is hereby amended to read as follows:

2 62.040 1. Except as otherwise provided in this chapter,  
3 the court has exclusive original jurisdiction in proceedings:

4 (a) Concerning any child living or found within the county  
5 who is neglected because:

6 (1) He has been abandoned by his parents, guardian, or  
7 other custodian;

8 (2) He is without proper parental care and control,  
9 or subsistence, education, medical or other care or control  
10 necessary for his well-being because of the faults or habits  
11 of his parents, guardian or other custodian or their neglect  
12 or refusal, when able to do so, to provide them;

13 (3) He has been subjected to physical or mental injury  
14 of a non-accidental nature, sexual abuse, sexual exploitation  
15 or negligent treatment or maltreatment constituting abuse and  
16 neglect as defined in NRS 200.5011 by a person who is res-  
17 ponsible for his welfare under circumstances which indicate  
18 that his health or welfare is harmed or threatened thereby;

19 (4) His parents, guardian, or other custodian are  
20 unable to discharge their responsibilities to and for the child  
21 because of incarceration, hospitalization or other physical or  
22 mental incapacity; or

23 (5) He has been placed for care or adoption in violation  
24 of law.

25 (b) Concerning any child living or found within the county  
26 who is in need of supervision because he:

27 (1) Is a child who is subject to compulsory school  
28 attendance and is an habitual truant from school;

29 (2) Habitually disobeys the reasonable and lawful  
30 demands of his parents, guardian, or other custodian, and  
31 is unmanageable; or

32 ...

1 (3) Deserts, abandons or runs away from his home or  
2 usual place of abode, and is in need of care or rehabilitation.  
3 The child shall not be considered a delinquent.

4 (c) Concerning any child living or found within the county  
5 who has committed a delinquent act. A child commits a delin-  
6 quent act if he:

7 (1) Commits an act designated a crime under the  
8 law of the State of Nevada except murder or attempted murder,  
9 or violates a county or municipal ordinance or any rule or  
10 regulation having the force of law; or

11 (2) Violates the terms or conditions of an order  
12 of court determinating that he is a child in need of supervision.

13 (d) Concerning any child in need of commitment to an  
14 institution for the mentally retarded.

15 2. This chapter does not deprive other courts of the right  
16 to determine the custody of children upon writs of habeas  
17 corpus, or to determine the custody of guardianship of children  
18 in divorce or domestic relations cases.

19 3. This chapter does not deprive justices' courts and municipal  
20 courts in any county having a population of 250,000 or more  
21 of original jurisdiction to try juveniles charged with minor  
22 traffic violations but:

23 (a) The restrictions set forth in subsection 3 or  
24 NRS 62.170 are applicable in those proceedings; and

25 (b) Those justices' courts and municipal courts may,  
26 upon adjudication of guilt of the offenses, refer any juvenile  
27 to the juvenile court for sentencing if the referral is deemed  
28 in the best interest of the child and where the minor is unable  
29 to pay the fine assessed or has been ordered to be imprisoned.  
30 In all other cases prior consent of the juvenile court judge  
31 or judges is required before reference to the juvenile court  
32 may be ordered. Any child charged in a justice's court or



1 municipal court pursuant to this sub-section shall be accom-  
2 panied at all proceedings by a parent or legal guardian.

3 4. Any action taken by the juvenile court pursuant to sub-  
4 section (1)(a)(3) shall not deprive the District Attorney  
5 from bringing a criminal action against a parent, guardian  
6 or other custodian in the District Court pursuant to NRS  
7 200.5011 based on the same facts and circumstances.

8  
9 SEC 2. NRS 200.5011 is hereby amended to read as follows:  
10 200.5011 As used in NRS 201.501 to 200.509 inclusive:

11 1. "Child abuse and neglect" means (the nonaccidental) physical  
12 or mental injury of a nonaccidental nature, sexual abuse,  
13 sexual exploitation or negligent treatment or maltreatment of  
14 a child under the age of 18 years by a person who is respon-  
15 sible for the child's welfare under circumstances which indi-  
16 cate that the child's health or welfare is harmed or threatened  
17 thereby.

18 2. "Mental Injury" means an injury to the intellectual  
19 or psychological capacity of a child as evidenced by an ob-  
20 servable and substantial impairment of his ability to function  
21 within his normal range of performance or behavior.

22 3. "Negligent treatment or maltreatment" includes, but is  
23 not limited to abandonment of the child, lack of proper paren-  
24 tal care, control and supervision, and lack of subsistence,  
25 education, medical care or other care or control necessary  
26 for the well-being of the child because of the faults or  
27 habits of his parents, guardian or custodian or their neglect  
28 or refusal, when able to do so, to provide them.

29 4. "Person responsible for the child's welfare" includes  
30 but is not limited to, child's parent, guardian, foster parent  
31 or a person in charge of, or employed in, a public or private  
32 residential home or facility having physical custody of the child.

1        5. "Physical injury" includes, but is not limited to  
2 injuries resulting from excessive corporal punishment, dis-  
3 figurement or impairment of any bodily function or organ or  
4 any other method by which bodily harm or injury may be inflicted.

5        6. "Sado-masochistic abuse" has the meaning ascribed to it  
6 in NRS 201.262.

7        7. "Sexual abuse" includes, but is not limited to, acts  
8 upon the child constituting:

9            (a) Incest under NRS 201.180;

10          (b) The infamous crime against nature [under NRS 201.190];

11          (c) Lewdness with a child under NRS 201.230;

12          (d) Annoyance or molestation of a minor under

13 NRS 207.260;

14          (e) Sado-masochistic abuse;

15          (f) Sexual assault under NRS 200.366; and

16          (g) Statutory sexual seduction under NRS 200.368.

17        8. "Sexual exploitation" includes, but is not limited to  
18 allowing or encouraging a child to engage in prostitution and  
19 allowing or encouraging a child to engage in obscene or  
20 pornographic filming, photographing or recording on video tape.

21  
22 SEC 3. NRS 200.502 is hereby amended to read as follows:

23 200.502 1. A report ~~shall~~ must be made promptly to the local  
24 office of the welfare division of the department of human  
25 resources, to any county agency authorized by the juvenile  
26 court to receive such reports, or to any police department or  
27 sheriff's office when there is reason to believe that a child  
28 under 18 years of age has been abused or neglected. If the  
29 report of child abuse and neglect involves the acts or  
30 omissions of the welfare division or a county agency authorized  
31 by the juvenile court to receive reports, or a law enforcement  
32 agency, the report ~~shall~~ must be made to and the investigation

1 made by an agency other than the one alleged to have committed  
2 the acts or omissions. Upon the receipt of a report concerning  
3 the possible abuse or neglect of a child, the welfare division,  
4 county agency or law enforcement agency shall, within 3 working  
5 days, investigate. The law enforcement agency shall forthwith  
6 refer the report to the local office of the welfare division or  
7 county agency. No child about whom a report is made shall be  
8 removed from his parents, stepparents, guardian or other  
9 persons having lawful custody by a law enforcement agency  
10 without consultation with the division unless, in the judgment  
11 of the reporting physical or the law enforcement agency,  
12 immediate removal is essential to protect the child from further  
13 injury or abuse.

14 2. Reports (shall) must be made:

15 (a) By every physician, dentist, chiropractor, opto-  
16 metrist, resident and intern licensed in this state, examining,  
17 attending or treating an apparently abused or neglected child.

18 (b) By the superintendent, manager or other person in  
19 charge of a hospital or similar institution, upon notification,  
20 which shall be provided by every physician whose attendance  
21 with respect to an apparently abused or neglected child is  
22 pursuant to his performance of services as a member of the  
23 staff of the hospital or institution.

24 (c) By every professional or practical nurse, physi-  
25 cian's assistant, psychologist and advanced emergency medical  
26 technician-ambulance licensed or certified to practice in this  
27 state, who examines, attends or treats an apparently abused  
28 or neglected child.

29 (d) By every attorney, clergyman, social worker,  
30 school authority and teacher.

31 (e) By every person who maintains or is employed by a  
32 licensed child care facility or children's camp.

1 (f) By every person who maintains, is employed by or  
2 serves as a volunteer for an agency or service which advises  
3 persons regarding child abuse and neglect and refers them to  
4 persons and agencies where their requests and needs can be met.

5 3. A report may be made by any other person.

6  
7 SEC 4. NRS 200.5045 is hereby amended to read as follows:

8 200.5045 1. Reports made pursuant to NRS 200.501 to  
9 200.509, inclusive, as well as all records concerning such re-  
10 ports and investigations thereof, are confidential.

11 2. Any person, law enforcement agency, or public or  
12 private agency, institution or facility who willfully releases  
13 data or information concerning the reports and investigations  
14 of child abuse and neglect, except:

15 (a) Pursuant to criminal prosecution under the provisions  
16 of NRS 200.501 to 200.509, inclusive; and

17 (b) To persons or agencies enumerated in subsection 3  
18 of this section, is guilty of a misdemeanor.

19 3. Data or information concerning the reports and inves-  
20 tigation of child abuse and neglect ~~(shall)~~ may be made available  
21 only to:

22 (a) A physician who has before him a child who he  
23 reasonably believes may have been abused or neglected;

24 (b) A person authorized to place a child in protective  
25 custody when such person has before him a child who he reasona-  
26 bly believes may have been abused or neglected and such person  
27 requires the information to place the child in protective  
28 custody;

29 (c) An agency responsible for, or authorized to perform  
30 and undertaking, the care, treatment or supervision of:

- 31 (1) The child; or  
32 (2) The child's parent, guardian or other person

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1 who is responsible for the child's welfare;

2 (d) A district attorney or other law enforcement official  
3 who requires the information in connection with an investigation  
4 of child abuse and neglect;

5 (e) A court which has determined, in camera, that public  
6 disclosure of such information is necessary for the determination  
7 of an issue before it;

8 (f) A person engaged in bona fide research, but the  
9 identity of the subjects of the report shall remain confidential;

10 (g) The child's guardian ad litem;

11 (h) A grand jury upon its determination that access  
12 to such records is necessary in the conduct of its official  
13 business;

14 (i) Any comparable authorized person or agency in  
15 another jurisdiction;

16 (j) A parent or legal guardian of the child, provided  
17 that the identity of the person or persons who were responsible  
18 for reporting the alleged child abuse and neglect to a public  
19 agency is protected; or

20 (k) The person named in the report as allegedly being  
21 abused or neglected, provided that such person is not a minor  
22 or otherwise legally incompetent; or

23 (l) An agency which is authorized by law to license  
24 foster homes or facilities for children or to investigate persons  
25 applying for approval to adopt a child, when the agency has  
26 before it an application for such a license or is investigating  
27 an applicant to adopt a child.

28  
29 SEC 5 NRS 432.090 is hereby amended to read as follows:

30 432.090 1. As used in NRS 432.100 to 432.130 inclusive,  
31 "child abuse and neglect" means the nonaccidental physical or  
32 mental injury of a nonaccidental nature, sexual abuse, sexual

1 exploitation or negligent treatment or maltreatment of a  
2 child under the age of 18 years by a person who is responsible  
3 for the child's welfare under circumstances which indicate  
4 that the child's health or welfare is harmed or threatened  
5 thereby.

6 (2. A child is not abused or neglected, nor is his health  
7 or welfare harmed or threatened for the sole reason that his  
8 parent or guardian, in good faith, selects and depends upon  
9 nonmedical remedial treatment for such child, if such treatment  
10 is recognized and permitted under the laws of this state in  
11 lieu of medical treatment.)

12  
13 SEC 6 Chapter 62 of NRS is hereby amended by adding thereto  
14 the provisions set forth as SECTION 7 of this act.

15  
16 SEC 7 After a petition is filed alleging that a child is  
17 neglected the court must appoint a social worker, juvenile  
18 probation officer, officer of the court, or a volunteer  
19 guardian to represent and protect the best interests of the  
20 child.

21 1. No payment will be allowed for any person appointed  
22 under this provision;

23 2. The appropriate county agency or agencies may  
24 apply through the Nevada State Welfare Division for any state or  
25 federal funds made available.

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**S. B. 600**

**SENATE BILL NO. 600—SENATOR WAGNER**

**APRIL 24, 1981**

**Referred to Committee on Judiciary**

**SUMMARY—Revises provisions for incorporating Protestant Episcopal churches. (BDR 7-1248)**

**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 Protestant Episcopal churches; revising the provisions governing the incorporation of those churches; 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 82.300 is hereby amended to read as follows:
- 2 82.300 The corporate name and style of any church or religious
- 3 congregation in communion with the Protestant Episcopal Church [.]
- 4 *in the United States of America, also known as the Episcopal Church,*
- 5 *incorporated under NRS 82.300 to 82.390, inclusive, [shall be] is "The*
- 6 *Rector, Church Wardens, and [Vestrymen] Vestry of*.....
- 7 *Church, in*....."
- 8 SEC. 2. NRS 82.310 is hereby amended to read as follows:
- 9 82.310 1. All persons [over the age of 18 years,] of any church
- 10 or congregation in communion with the Protestant Episcopal Church
- 11 *in the United States of America* in this state, who:
- 12 (a) [Shall have belonged to such church or congregation for the last
- 13 6 months preceding the election herein described; and
- 14 (b) Shall have been baptized in the Episcopal Church; or who shall
- 15 have been received therein, either by the rite of confirmation, or by
- 16 receiving the holy communion, or by purchasing or hiring a pew or seat
- 17 in the church, or by some joint act of the parties and of the rector
- 18 whereby they shall have attached themselves to the Protestant Episcopal
- 19 Church; and
- 20 (c) [Meet the qualifications set forth in the constitution and canons
- 21 of the church; and
- 22 (b) Are not already incorporated,
- 23 may meet at any time for the purpose of incorporating themselves under
- 24 the provisions of NRS 82.300 to 82.390, inclusive.

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1 2. At [such] that meeting [, by a majority of voices, there shall be  
2 elected 2] they shall elect two church wardens and not [less] fewer than  
3 [3] three nor more than 12 [vestrymen; and there shall be determined  
4 upon what day of the week called Easter Week the officers, called church  
5 wardens and vestrymen, shall annually thereafter cease to hold office  
6 and their successors in office be chosen.

7 3. Notice of the first election shall be given, during the time of  
8 morning service, on 2 Sundays previous thereto by the rector, or if there  
9 be none or he be necessarily absent, then by any other person belonging  
10 to such church or congregation.

11 4.] members of the vestry.

12 3. The rector, or if there [be] is none or he [be] is necessarily  
13 absent, [then] any other person called to the chair, shall preside at  
14 [such] the first election, and, together with two other persons duly  
15 selected, shall make a certificate: [, under their hands and seals:]

16 (a) Of the church wardens and [vestrymen] members of the vestry  
17 so elected; and

18 (b) [Of the day of Easter Week so fixed upon for the annual election  
19 of their successors; and

20 (c)] Of the name or title by which such a church or congregation  
21 [shall] is to be known in law.

22 5. The certificate, after being duly acknowledged and proved by one  
23 or more of the subscribing witnesses before the judge of any court of  
24 competent jurisdiction in the county where [such] the church or place  
25 of worship of [such] the congregation [shall be] is situated, [shall]  
26 must be recorded in the office of the recorder of [such] that county.

27 [6. Nothing in NRS 82.300 to 82.390, inclusive, shall be held to  
28 exclude women, qualified as in subsection 1, from serving as members  
29 of the vestry; but not more than one-half of the membership of the vestry  
30 may be women.]

31 SEC. 3. NRS 82.330 is hereby amended to read as follows:

32 82.330 1. Persons having the qualifications designated in NRS  
33 82.310 shall, in every year after the first election, [on the day in Easter  
34 Week fixed for such purpose.] elect the [church wardens and vestry-  
35 men.] members of the vestry.

36 2. Whenever [any vacancy shall happen] a vacancy occurs before  
37 the stated annual election [, either by death or otherwise,] among the  
38 church wardens or [vestrymen,] members of the vestry, the trustees  
39 may appoint a time for holding an election to fill [such] the vacancy.  
40 [Notice of the time for holding the election shall be given in the time  
41 of divine services at least 10 days previously thereto, and such election,  
42 as well as the stated annual election, shall always be held immediately  
43 after the morning service of the church.

44 3. At all such elections the rector, or if there be none or he be  
45 absent, one of the church wardens or vestrymen, shall:

46 (a) Preside and receive the votes of the electors.

47 (b) Be the returning officer.

48 (c) Enter the proceedings of the election in the minute book of the  
49 vestry and sign his name thereto.



1 (d) Offer the entry in the minute book to as many of the electors  
2 present as he shall deem proper to be signed and certified to by them.

3 4.] 3. The church wardens and [vestrymen] *members of the vestry*  
4 chosen at any of the elections shall:

5 (a) Hold their offices until the expiration of the [year] *term* for  
6 which they [shall] have been elected or chosen, and until others [shall  
7 be] *are* elected in their stead.

8 (b) Have power to call and induct a rector to [such] *the* church or  
9 congregation [as often as there shall be a vacancy therein.

10 5. A majority of the whole number of trustees, one at least of whom  
11 shall be a church warden, shall form a board for the transaction of  
12 business, and every decision of a majority of the persons duly assembled  
13 as a board shall be valid as a corporate act.

14 6. At all meetings of the board, the rector, if there be one and he be  
15 present, and if there be not or he be absent, then a church warden shall  
16 preside, and have a casting vote.

17 7. No special meeting of the board other than a regular monthly  
18 meeting, which may be provided for by standing resolution, shall be held,  
19 unless at least 3 days' notice thereof shall be given in writing under the  
20 hand of the rector or one of the church wardens. At any special meeting  
21 no board shall be competent to transact any business unless the rector,  
22 if there be one, is present.] *pursuant to the canons of the church when*  
23 *there is a vacancy in that office.*

24 SEC. 4. NRS 82.390 is hereby amended to read as follows:

25 82.390 Any church or congregation [,] organized by the election  
26 of a vestry before December 19, 1862, may avail itself of the pro-  
27 visions of NRS 82.300 to 82.390, inclusive, by filing with the county  
28 clerk a certificate, setting forth its corporate name, the names of its  
29 church wardens and [vestrymen, the day in Easter Week on which all  
30 future elections shall be held,] *members of its vestry* and by complying  
31 with the conditions specified in NRS 82.310 [in the matter of elections  
32 hereafter to be held.] *for elections.*

33 SEC. 5. NRS 82.340, 82.350 and 82.370 are hereby repealed.

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**S. B. 604**

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SENATE BILL NO. 604—COMMITTEE ON JUDICIARY

APRIL 24, 1981

Referred to Committee on Judiciary

**SUMMARY**—Removes requirement of marginal notation by county recorder when real property is sold on execution. (BDR 2-1927)

**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; removes requirement of marginal notation by county recorder when real property is sold on execution; 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 21.220 is hereby amended to read as follows:  
2 21.220 1. If property be so redeemed by a redemptioner, another  
3 redemptioner may, within 60 days after the last redemption, again redeem  
4 it from the last redemptioner on paying the sum paid on such last redemp-  
5 tion with 2 percent thereon in addition, and the amount of any assess-  
6 ments or taxes which the last redemptioner may have paid thereon after  
7 the redemption by him, with interest on [such] that amount, and in  
8 addition the amount of any liens held by the last redemptioner prior to  
9 his own, with interest; but the judgment under which the property was  
10 sold need not be so paid as a lien.  
11 2. The property may be against, and as often as a redemptioner is so  
12 disposed, redeemed from any previous redemptioner within 60 days after  
13 the last redemption, on paying the sum paid on the last previous redemp-  
14 tion, with 2 percent thereon in addition, and the amounts of any assess-  
15 ments or taxes which the last previous redemptioner paid after the  
16 redemption by him, with interest thereon, and the amount of any liens,  
17 other than the judgment under which the property was sold, held by the  
18 last redemptioner previous to his own, with interest.  
19 3. Written notice of redemption must be given to the sheriff and a  
20 duplicate filed with the recorder of the county; and if any taxes or  
21 assessments are paid by the redemptioner, or if he has or acquires any  
22 lien other than that upon which the redemption was made, notice thereof  
23 must in like manner be given to the sheriff and filed with the recorder;  
24 and if [such notice be] the notice is not filed, the property may be  
25 redeemed without paying [such] the tax, assessment or lien.

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1 4. If no redemption [be] is made within 1 year after the sale, the  
2 purchaser, or his assignee, is entitled to a conveyance; or, if so redeemed,  
3 whenever 60 days have elapsed and no other redemption has been made  
4 and notice thereof given, and the time for redemption has expired, the  
5 last redemptioner, or his assignee, is entitled to a sheriff's deed; but in  
6 all cases the judgment debtor [shall have] has the entire period of 1  
7 year from the date of the sale to redeem the property.

8 5. If the judgment debtor [redeem,] redeems, he must make the  
9 same payments as are required to effect a redemption by a redemptioner.  
10 If the debtor [redeem,] redeems, the effect of the sale is terminated, and  
11 he is restored to his estate.

12 6. Upon a redemption by the debtor, the person to whom the pay-  
13 ment is made must execute and deliver to him a certificate of redemption,  
14 acknowledged or approved before an officer authorized to take acknowl-  
15 edgments of conveyances of real property. [Such] The certificate must be  
16 filed and recorded in the office of the recorder of the county in which  
17 the property is situated. [, and the recorder must note the record thereof:

18 (a) In the margin of the record of the certificate of sale.

19 (b) If the certificate is recorded by microfilm, as provided in NRS  
20 239.070, in the margin of the index of the certificate of sale.]

S. B. 605

SENATE BILL NO. 605—COMMITTEE ON JUDICIARY

APRIL 24, 1981

Referred to Committee on Judiciary

SUMMARY—Transfers duty of recording certain certificates of incorporation from county recorder to county clerk. (BDR 7-1929)

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 certain nonprofit corporations; transferring duty of recording certificates of incorporation from county recorders to county clerks; 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 86.020 is hereby amended to read as follows:
- 2 86.020 1. Any five or more persons, who may desire to form an
- 3 association for any one or more of the purposes specified in NRS 86.010,
- 4 may make, sign and acknowledge, before some officer authorized by law
- 5 to take the acknowledgment of deeds, a certificate [in which shall be
- 6 stated:] stating:
- 7 (a) The corporate name of the society or association.
- 8 (b) The objects for which the [same shall be] corporation is formed.
- 9 (c) The time of its existence, which [shall] must not exceed 50 years.
- 10 (d) The number of directors, and their names, who shall manage the
- 11 business of the society or association for the first 6 months.
- 12 (e) The name of the city or town in which the principal business of
- 13 the society or association is to be transacted.
- 14 2. The directors of any such society or association [shall] must not
- 15 be less than three nor more than five.
- 16 3. The certificate [shall] must be filed in the office of the secretary
- 17 of state, and a certified copy [shall] must be filed in the office of the
- 18 county [recorder] clerk of the county in which the meeting is held and
- 19 the general business of [such] the society or association is to be trans-
- 20 acted.
- 21 SEC. 2. NRS 86.030 is hereby amended to read as follows:
- 22 86.030 A copy of any certificate of incorporation, filed in pursuance
- 23 of NRS 86.010 to 86.080, inclusive, and certified by the secretary of

1 state, or the [recorder] clerk of the county in which the [same] certifi-  
2 cate may be filed, as provided in NRS 86.020, [shall] *must* be received  
3 in all courts and places as prima facie evidence of the matter therein  
4 stated.

(REPRINTED WITH ADOPTED AMENDMENTS)  
SECOND REPRINT

A. B. 4

ASSEMBLY BILL NO. 4—ASSEMBLYMAN BANNER

JANUARY 20, 1981

Referred to Committee on Judiciary

SUMMARY—Increases fees for official reporters in district courts. (BDR 1-392)

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 district courts; increasing fees for official reporters; removing certain limitations; 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 3.370 is hereby amended to read as follows:
- 2 3.370 1. For his [or her] services the official reporter or reporter
- 3 pro tempore [shall receive] *is entitled to* the following fees:
- 4 (a) For being available to report civil and criminal testimony and proce-
- 5 ceedings when the court is sitting, [~~\$50~~] \$100 per day, to be paid by
- 6 the county as provided in subsection 2.
- 7 (b) For transcription, 70 cents per folio for the original draft, and 20
- 8 cents per folio for each additional copy to the party ordering the original
- 9 draft. For transcription for any party other than the party ordering the
- 10 original draft, 20 cents per folio.
- 11 (c) For reporting all civil matters, in addition to the salary provided
- 12 in paragraph (a), [~~\$8~~] \$15 for each hour or fraction thereof actually
- 13 spent, but not more than [~~\$50~~] \$100 in any calendar day, to be taxed
- 14 as costs pursuant to subsection 3. If the fees for any day computed
- 15 according to the hourly rate would exceed [~~\$50,~~] \$100, the fee to be
- 16 taxed for each civil matter reported is that proportion of [~~\$50~~] \$100
- 17 which the time spent on that matter bore to the total time spent that day.
- 18 2. The fee specified in paragraph (a) of subsection 1 [shall] *must* be
- 19 paid out of the county treasury upon the order of the court. In criminal
- 20 cases the fees for transcripts ordered by the court to be made [shall]
- 21 *must* be paid out of the county treasury upon the order of the court.
- 22 When there is no official reporter in attendance and a reporter pro
- 23 tempore is appointed, his reasonable expenses for traveling and detention
- 24 [shall] *must* be fixed and allowed by the court and paid in like manner.

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1 The respective district judges may, with the approval of the respective  
2 board or boards of county commissioners within the judicial district, fix  
3 a monthly salary to be paid to [such] the official reporter in lieu of per  
4 diem; the salary, and also actual traveling expenses in cases where the  
5 reporter acts in more than one county, to be prorated by the judge on the  
6 basis of time consumed by work in the respective counties; the salary  
7 and traveling expenses to be paid out of the respective county treasuries  
8 upon the order of the court.

9 3. In civil cases the fees prescribed in paragraph (c) of subsection  
10 1 and for transcripts ordered by the court to be made [shall] *must* be  
11 paid by the parties in equal proportions, and either party may, at his  
12 option, pay the whole thereof. In either case all amounts so paid by the  
13 party to whom costs are awarded [shall] *must* be taxed as costs in the  
14 case. The fees for transcripts and copies ordered by the parties [shall]  
15 *must* be paid by the party ordering [the same.] *them*. No reporter may be  
16 required to perform any service in a civil case until his fees have been  
17 paid to him [or her] or deposited with the clerk of the court.

18 4. Where a transcript is ordered by the court or by any party, the fees  
19 for [the same shall] *it must* be paid to the clerk of the court and by him  
20 paid to the reporter upon the furnishing of the transcript.

21 5. The testimony and proceedings in an uncontested divorce action  
22 need not be transcribed unless requested by a party or ordered by the  
23 court.

**S. B. 502**

**SENATE BILL NO. 502—COMMITTEE ON JUDICIARY**

**APRIL 3, 1981**

Referred to Committee on Judiciary

**SUMMARY—Limits local gaming license fees and investigations. (BDR 41-1220)**

**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 the licensing and control of gaming; prohibiting local license fees based on gross receipts; limiting the qualifications for certain local licenses where persons hold unrestricted gaming licenses from the state; removing local jurisdiction over certain publicly traded corporations; 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 "*Restricted license*" means a state gaming license for the operation of  
4 not more than 15 slot machines and no other game or gaming device at  
5 one establishment. "*Nonrestricted license*" means any other state gaming  
6 license.  
7 SEC. 2. NRS 463.180 is hereby amended to read as follows:  
8 463.180 1. A person is not qualified to hold any county license  
9 unless he is the holder of a valid state license and unless he meets such  
10 other qualifications as may be imposed by any valid county ordinance. *A*  
11 *county shall not impose any qualifications relating to citizenship, integrity,*  
12 *ability, associations, affiliations or financial condition for a gaming license.*  
13 2. [A county shall not deny a gaming license, finding of suitability or  
14 approval to a person solely because he is not a citizen of the United  
15 States.] *A county shall not require a gaming license, a finding of suit-*  
16 *ability or an approval of a person who has not been required by the com-*  
17 *mission or by law to obtain a gaming license, a finding of suitability or an*  
18 *approval.*  
19 3. *No county gaming license, finding of suitability, approval or regis-*  
20 *tration may be required of a publicly traded corporation which is regis-*  
21 *tered with the commission, nor of its officers, directors, stockholders or*  
22 *employees, nor may they be required to report to the county.*



1 SEC. 3. NRS 463.190 is hereby amended to read as follows:

2 463.190 1. A person is not permitted to engage in gaming opera-  
3 tion in any city or town, or unincorporated city or town, in this state,  
4 unless he has in force valid state and county licenses, as well as any  
5 licenses required by the city or town, or by the unincorporated city or  
6 town.

7 2. A city or town or unincorporated city or town shall not deny a  
8 gaming license, finding of suitability or approval to a person [solely  
9 because he is not a citizen of the United States.] on the basis of his  
10 citizenship, integrity, ability, associations, affiliations or financial condi-  
11 tion.

12 3. A city or town or unincorporated city or town shall not require  
13 a gaming license, finding of suitability or approval of a person who has  
14 not been required by the commission or by law to obtain a gaming  
15 license, finding of suitability or approval.

16 4. A city or town or unincorporated city or town shall not require  
17 a gaming license, finding of suitability, approval or registration of a  
18 publicly traded corporation which is registered with the commission, nor  
19 of its officers, directors, stockholders or employees, nor may they be  
20 required to report to the city or town.

21 SEC. 4. NRS 463.250 is hereby amended to read as follows:

22 463.250 1. Nothing contained in this chapter [shall be deemed to  
23 affect] affects the powers conferred by the provisions of the charter or  
24 organic law of any county or incorporated city in the State of Nevada to  
25 fix, impose and collect a license tax [, and in all such counties or incor-  
26 porated cities having such powers] , but no license tax upon gaming may  
27 be based upon the gross revenues of the licensee.

28 2. In any county or incorporated city having those powers, the  
29 sheriff shall not issue any [such] license for the operation of [any such]  
30 a slot machine, game or device within the boundaries of [such] the  
31 county or incorporated city until the applicant [shall have] has first  
32 exhibited to him a valid and subsisting license obtained from [such] the  
33 county or incorporated city [,] located within his county, permitting the  
34 operation of [such] the slot machine, game or device at the location  
35 applied for within the boundaries of [such] the county or incorporated  
36 city.

37 SEC. 5. NRS 244.335 is hereby amended to read as follows:

38 244.335 1. Except as provided in [subsection 2,] subsections 2  
39 and 3, the board of county commissioners may:

40 (a) Regulate all character of lawful trades, callings, industries, occu-  
41 pations, professions and business conducted in its county outside [of]  
42 the limits of incorporated cities and towns.

43 (b) Fix, impose and collect a license tax for revenue or for regulation,  
44 or for both revenue and regulation, on such trades, callings, industries,  
45 occupations, professions and business.

46 2. The county license boards have the exclusive power in their  
47 respective counties to regulate the business of conducting a dancing hall,  
48 escort service, or gambling game or device permitted by law, outside [of]  
49 an incorporated city. The county license boards may fix, impose and

1 collect license taxes for revenue or for regulation, or for both revenue and  
2 regulation, on such businesses.

3 3. *Neither the board of county commissioners nor the county license*  
4 *board may fix, impose or collect any license tax based on the gross reve-*  
5  *nue of the licensee of a gaming business.*

6 4. Any license tax levied for the purposes of NRS 244A.597 to  
7 244A.655, inclusive, constitutes a lien upon the real and personal prop-  
8 erty of the business upon which the tax was levied until the tax is paid.  
9 The lien [shall] *must* be enforced in the following manner:

10 (a) By recording in the office of the county recorder, within 90 days  
11 [following] *after* the date on which [such] *the* tax became delinquent,  
12 a notice of the tax lien, containing: [the following:]

13 (1) The amount of tax due and the appropriate year.

14 (2) The name of the record owner of the property.

15 (3) A description of the property sufficient for identification.

16 (4) A verification by the oath of any member of the board of  
17 county commissioners or the county fair and recreation board; and

18 (b) By an action for foreclosure against [such] *the* property in the  
19 same manner as an action for foreclosure of any other lien, commenced  
20 within 2 years after the date of recording of the notice of the tax lien,  
21 and accompanied by appropriate notice to other lienholders.

22 [4.] 5. The board of county commissioners may delegate the  
23 authority to enforce such liens to the county fair and recreation board.

24 All information concerning license taxes levied by an ordinance  
25 authorized by this section or other information concerning the business  
26 affairs or operation of any licensee obtained as a result of the payment  
27 of [such] license taxes or as the result of any audit or examination of  
28 the books by any authorized employee of a county fair and recreation  
29 board of the county for any license tax levied for the purpose of NRS  
30 244A.597 to 244A.655, inclusive, is confidential and [shall] *must* not  
31 be disclosed by any member, official or employee of the county fair and  
32 recreation board or the county imposing [such] *the* license tax unless  
33 the disclosure is authorized by the affirmative action of a majority of the  
34 members of the appropriate county fair and recreation board.

35 SEC. 6. NRS 244.350 is hereby amended to read as follows:

36 244.350 1. The board of county commissioners, and in [counties]  
37 *any county* having a population of less than 250,000, [as determined by  
38 the last preceding national census of the Bureau of the Census of the  
39 United States Department of Commerce,] the sheriff of [that] *the* county  
40 constitute a liquor board. The liquor board may, without further com-  
41 pensation, grant or refuse liquor licenses, and revoke those licenses  
42 whenever there is, in the judgment of a majority of the board, sufficient  
43 reason for revocation. The board shall elect a chairman from among its  
44 members.

45 2. The liquor board in each of the several counties shall enact ordi-  
46 nances:

47 (a) Regulating the sale of intoxicating liquors in their respective coun-  
48 ties.

49 (b) Fixing the hours of each day during which liquor may be sold or  
50 disposed of.

1 (c) Prescribing the conditions under which liquor may be sold or dis-  
2 posed of.

3 (d) Prohibiting the employment or service of minors in the sale or dis-  
4 position of liquor.

5 (e) Prohibiting the sale or disposition of liquor in places where, in the  
6 judgment of the board, the sale or disposition may tend to create or consti-  
7 tute a public nuisance, or where by the sale or disposition of liquor a  
8 disorderly house or place is maintained.

9 3. In counties having a population of 250,000 or more, [as deter-  
10 mined by the last preceding national census of the Bureau of the Census  
11 of the United States Department of Commerce,] the liquor board shall  
12 refer any petition for a liquor license to the metropolitan police depart-  
13 ment. The department shall conduct an investigation relating to the peti-  
14 tion and report its findings to the liquor board at the board's next regular  
15 meeting.

16 4. All liquor dealers within any incorporated city or town are exempt  
17 from the effect of this section, and are to be regulated only by the gov-  
18 ernment of that city or town.

19 5. The liquor board shall not deny a license to a person: [solely]

20 (a) Solely because he is not a citizen of the United States.

21 (b) On the basis of its own investigation and judgment of the person's  
22 integrity, ability, associations, affiliations or financial condition if he  
23 holds a nonrestricted gaming license issued by the state gaming control  
24 board.

25 SEC. 7. NRS 266.355 is hereby amended to read as follows:

26 266.355 1. Except as provided in subsection 3, the city council may:

27 (a) Regulate all businesses, trades and professions.

28 (b) Fix, impose and collect a license tax for revenue upon all busi-  
29 nesses, trades and professions.

30 2. The city council may establish any equitable standard to be used  
31 in fixing license taxes required to be collected pursuant to this section  
32 [.] , but the city council may not impose a license tax based upon the  
33 gross revenue of a licensee's gaming business.

34 3. The city council may license insurance agents, brokers, analysts,  
35 adjusters and managing general agents within the limitations and under  
36 the conditions prescribed in NRS 680B.020.

37 SEC. 8. NRS 268.090 is hereby amended to read as follows:

38 268.090 1. In addition to any authority [or power now] provided  
39 by the charter of any incorporated city in this state, whether incorporated  
40 by general or special act, or otherwise, there is hereby granted to each of  
41 the cities incorporated under any law of this state the [power and]  
42 authority to fix, impose and collect a license tax on, and regulate the  
43 sale of, beer, wines or other beverages now or hereafter authorized to be  
44 sold by act of Congress.

45 2. An incorporated city shall not deny such a license to a person:  
46 [solely]

47 (a) Solely because he is not a citizen of the United States.

48 (b) On the basis of its own investigation and judgment of the person's  
49 integrity, ability, associations, affiliations or financial condition if he

1 *holds a nonrestricted gaming license issued by the state gaming control*  
2 *board.*

3 SEC. 9. NRS 268.095 is hereby amended to read as follows:

4 268.095 1. The city council or other governing body of each incor-  
5 porated city or town in the State of Nevada, whether or not organized  
6 under general law or special charter, [shall have the power and jurisdic-  
7 tion:] *may:*

8 (a) [To fix,] *Fix*, impose and collect for revenues or for regulation,  
9 or both, a license tax on all character of lawful trades, callings, industries,  
10 occupations, professions and businesses conducted within its corporate  
11 limits [.] , *but the city council may not impose a license tax based upon*  
12 *the gross revenue of the gaming business of a licensee.*

13 (b) [To assign] *Assign* the proceeds of any one or more of such  
14 license taxes to the county within which [such] *the city or town is*  
15 *situated for the purpose or purposes of making [such] the proceeds*  
16 *available to the county:*

17 (1) As a pledge as additional security for the payment of any gen-  
18 eral obligation bonds issued pursuant to NRS 244A.597 to 244A.655,  
19 inclusive;

20 (2) For redeeming any general obligation bonds issued pursuant  
21 to NRS 244A.597 to 244A.655, inclusive;

22 (3) For defraying the costs of collecting or otherwise administering  
23 any [such] license tax so assigned, of the county fair and recreation  
24 board and of officers, agents and employees hired thereby, and of  
25 incidentals incurred thereby;

26 (4) For operating and maintaining recreational facilities under the  
27 jurisdiction of the county fair and recreation board;

28 (5) For improving [.] *and extending [and bettering] recreational*  
29 *facilities authorized by NRS 244A.597 to 244A.655, inclusive; and*

30 (6) For constructing, purchasing or otherwise acquiring such recre-  
31 ational facilities.

32 2. Any license tax levied under the provisions of this section [shall  
33 constitute] *constitutes* a lien upon the real and personal property of the  
34 business upon which the tax was levied until the tax is paid. The lien  
35 [shall] *must* be enforced in the following manner:

36 (a) By recording in the office of the county recorder, within 90 days  
37 [following] *after* the date on which [such] *the tax became delinquent,*  
38 *a notice of the tax lien, containing: [the following:]*

39 (1) The amount of tax due and the appropriate year.

40 (2) The name of the record owner of the property.

41 (3) A description of the property sufficient for identification.

42 (4) A verification by the oath of any member of the board of  
43 county commissioners or the county fair and recreation board; and

44 (b) By an action for foreclosure against [such] *the property in the*  
45 *same manner as an action for foreclosure of any other lien, commenced*  
46 *within 2 years after the date of recording of the notice of the tax lien, and*  
47 *accompanied by appropriate notice to other lienholders.*

48 3. The city council or other governing body of each incorporated  
49 city or town may delegate the power [and authority] to enforce such  
50 liens to the county fair and recreation board. All information concerning

1 license taxes levied by an ordinance authorized by this section or other  
2 information concerning the business affairs or operation of any licensee  
3 obtained as a result of the payment of such license taxes or as the result  
4 of any audit or examination of the books of the city by any authorized  
5 employee of a county fair and recreation board for any license tax levied  
6 for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential  
7 and [shall] *must* not be disclosed by any member, official or employee of  
8 the county fair and recreation board or the city imposing [such] *the*  
9 license tax unless the disclosure is authorized by the affirmative action  
10 of a majority of the members of the appropriate county fair and recrea-  
11 tion board.

12 4. The powers conferred by this section [shall be] *are* in addition  
13 [and supplemental] to [, and not in substitution for,] and the limitations  
14 imposed by this section [shall] *do* not affect the powers conferred by  
15 [.] any other law. No part of this section [shall repeal or affect]  
16 *repeals or affects* any other law or any part thereof, it being intended that  
17 this section [shall] provide a separate method of accomplishing its objec-  
18 tives, and not an exclusive one.

EXHIBIT J

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 372

SENATE BILL NO. 372—SENATORS McCORKLE,  
WAGNER AND FORD

MARCH 5, 1981

Referred to Committee on Judiciary

SUMMARY—Revises statutes relating to adoption of  
minor children. (BDR 11-432)

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 the adoption of minor children; permitting any person to recommend prospective adoptive parents or a parent or guardian desiring to place a child for adoption; redefining limitations on attorneys' participation in and receipt of compensation for services in adoption matters; prohibiting the receipt of compensation for making recommendations; 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. NRS 127.220 is hereby amended to read as follows:  
2 127.220 As used in NRS 127.230 to 127.310, inclusive: [ "per-  
3 son"]  
4 1. "Person" means [an individual,] a natural person, partnership,  
5 firm, corporation or association.  
6 2. "Recommend" means to offer or suggest with favoring representa-  
7 tions.  
8 SEC. 2. NRS 127.240 is hereby amended to read as follows:  
9 127.240 1. No person may place, arrange the placement of, or assist  
10 in placing or in arranging the placement of, any child for adoption or  
11 permanent free care without securing and having in full force a license  
12 to operate a child-placing agency issued by the welfare division of the  
13 department of human resources. This subsection applies to agents, serv-  
14 ants, physicians and attorneys of parents or guardians, as well as to other  
15 persons.  
16 2. This section does not prohibit a parent or guardian from placing,  
17 arranging the placement of, or assisting in placing or in arranging the  
18 placement of, any child for adoption or permanent free care if the place-  
19 ment is made pursuant to the provisions of subsections 1 to 4, inclusive,  
20 of NRS 127.280.

1       3. This section does not prohibit the welfare division of the depart-  
2 ment of human resources from placing, arranging the placement of, or  
3 assisting in placing or in arranging the placement of, any child for  
4 adoption or permanent free care.

5       4. *This section does not prohibit any person from recommending*  
6 *prospective adoptive parents to a parent or guardian desiring to place a*  
7 *child for adoption, or prohibit any person from recommending to pro-*  
8 *spective adoptive parents a parent or guardian desiring to place a child*  
9 *for adoption, if the person does not receive any compensation or thing of*  
10 *value for making the recommendation. The prospective adoptive parents*  
11 *or the parent or guardian may seek recommendation from any person.*

12       SEC. 3. NRS 127.280 is hereby amended to read as follows:

13       127.280 1. No child may be placed in the home of prospective  
14 adoptive parents for the 30-day residence in such home which is required  
15 before the filing of a petition for adoption, except where a child and one  
16 of the prospective adoptive parents are related within the third degree of  
17 consanguinity, unless the welfare division of the department of human  
18 resources first receives written notice of the proposed placement from:

19       (a) The prospective adoptive parents of the child;

20       (b) The person recommending such placement; or

21       (c) A licensed child-placing agency,

22 and the investigation required by the provisions of this section has been  
23 completed.

24       2. If such placement is to be made by a licensed child-placing  
25 agency, the welfare division shall make no investigation and shall retain  
26 the written notice for informational purposes only.

27       3. If such placement is recommended by a person other than a  
28 licensed child-placing agency, the welfare division shall, within 60 days  
29 after receipt of the written notice, complete an investigation of the medi-  
30 cal, mental, financial and moral backgrounds of the prospective adoptive  
31 parents to determine the suitability of the home for placement of the  
32 child for adoption. The investigation must also embrace any other  
33 relevant factor relating to the qualifications of the prospective adoptive  
34 parents and may be a substitute for the investigation required to be con-  
35 ducted by the welfare division on behalf of the court when a petition for  
36 adoption is pending, if the petition for adoption is filed within 6 months  
37 after the completion of the investigation required by this subsection.

38       4. Pending completion of the required investigation, the child must  
39 be retained by the natural parent or parents or relinquished to the welfare  
40 division and placed by the welfare division in a foster home licensed by  
41 it until a determination is made by the welfare division concerning the  
42 suitability of the prospective adoptive parents.

43       5. Upon completion of the investigation, the welfare division shall  
44 forthwith inform the person recommending [such] the placement and  
45 the prospective adoptive parents of the welfare division's decision to  
46 approve or deny the placement. If, in the opinion of the welfare division,  
47 the prospective adoptive home is:

48       (a) Suitable, the child must be relinquished to the welfare division, if  
49 not relinquished pursuant to the provisions of subsection 4, for placement  
50 and adoption in the home of the prospective adoptive parents.

1 (b) Unsuitable or detrimental to the interest of the child, the welfare  
 2 division shall file an application in the district court for an order pro-  
 3 hibiting [such] the placement. If the court determines that the place-  
 4 ment should be prohibited, the court may order the return of the child  
 5 to the care and control of his natural parent or parents, but if the  
 6 parental rights of such parent or parents have been terminated by a  
 7 relinquishment or a final order of a court of competent jurisdiction or if  
 8 the parent or parents do not wish to accept the child, then the court may  
 9 order the placement of the child with the welfare division or with any  
 10 licensed child-placement agency for adoption.

11 6. Whenever the welfare division believes that anyone has violated  
 12 or is about to violate any of the provisions of this chapter, in addition  
 13 to any other penalty or remedy provided:

14 (a) The welfare division may petition the appropriate district court  
 15 for an order to restrain and enjoin the violation or threatened violation  
 16 of any of the provisions of this chapter, or to compel compliance with the  
 17 provisions of this chapter; and

18 (b) The court, thereupon, shall, if a child has been or was about to be  
 19 placed in a prospective adoptive home in violation of the provisions of  
 20 this chapter:

21 (1) Prohibit such placement if the child was about to be so placed,  
 22 or order the removal of the child if the child was so placed within 6  
 23 months before the filing of the welfare division's petition, and proceed  
 24 pursuant to the discretionary placement power of subsection 5; or

25 (2) Proceed pursuant to the discretionary placement power of sub-  
 26 section 5 in all other cases if the court determines that it is in the best  
 27 interest of the child that the child should be removed.

28 7. Whenever the welfare division believes that a person has received  
 29 for the purposes of adoption or permanent free care a child not related  
 30 by blood, and when the written notice required by subsection 1 has not  
 31 been received, and the welfare division does not proceed pursuant to  
 32 subsection 6, the welfare division shall make an investigation. Upon  
 33 completion of the investigation, if the home is found suitable for the  
 34 child, the prospective adoptive parents must be allowed 6 months from  
 35 the date of completion of the investigation to file a petition for adoption.  
 36 If a petition for adoption is not filed within such time a foster home  
 37 license must thereafter be issued by the welfare division if the home  
 38 meets established standards. If, in the opinion of the welfare division,  
 39 the placement is detrimental to the interest of the child, the welfare divi-  
 40 sion shall file an application with the district court for an order for the  
 41 removal of the child from the home. If the court determines that the  
 42 child should be removed, the court shall proceed pursuant to the dis-  
 43 cretionary placement power of subsection 5.

44 8. Any person who [places, accepts placement of, or aids, abets or  
 45 counsels the placement of any child in violation of] violates the place-  
 46 ment provisions of this section is guilty of a gross misdemeanor.

47 SEC. 4. NRS 127.285 is hereby amended to read as follows:

48 127.285 1. Any attorney licensed to practice in this state may per-  
 49 form any legal services in adoption proceedings, if he does not:

50 (a) Take part in finding parents or children; [or]



1 (b) *Recommend the placement of a child for adoption pursuant to the*  
2 *provisions of this chapter;*

3 (c) *Facilitate negotiations between prospective adoptive parents and a*  
4 *parent or guardian desiring to place a child for adoption; or*

5 (d) *Otherwise participate in the adoption proceedings.*

6 2. *Such attorney may receive compensation for his legal services.*

7 SEC. 5. NRS 127.290 is hereby amended to read as follows:

8 127.290 1. [Except as provided in NRS 127.285, no] *No person*  
9 *who does not have in full force a license to operate a child-placing agency*  
10 *may request or accept, directly or indirectly, any compensation or thing*  
11 *of value for [placing,] :*

12 (a) *Placing, arranging the placement of, or assisting in placing or*  
13 *arranging the placement of, any child for adoption or permanent free*  
14 *care [.] ; or*

15 (b) *Recommending prospective adoptive parents or a parent or guard-*  
16 *ian desiring to place a child for adoption.*

17 2. *A licensed child-placing agency may accept fees for operational*  
18 *expenses.*

19 SEC. 6. NRS 127.300 is hereby amended to read as follows:

20 127.300 1. [Except as provided in NRS 127.285, any] *Any person*  
21 *who, without holding a valid license to operate a child-placing agency*  
22 *issued by the welfare division of the department of human resources,*  
23 *requests or receives, directly or indirectly, any compensation or thing of*  
24 *value for [placing,] :*

25 (a) *Placing, arranging the placement of, or assisting in placing or*  
26 *arranging the placement of, any child for adoption or permanent free*  
27 *care shall be punished by imprisonment in the state prison for not less*  
28 *than 1 year nor more than 6 years, or by a fine of not more than \$5,000,*  
29 *or by both fine and imprisonment.*

30 (b) *Recommending prospective adoptive parents or a parent or guard-*  
31 *ian desiring to place a child for adoption, is guilty of a gross misde-*  
32 *meanor.*

33 2. *The natural parents and the adopting parents are not accomplices*  
34 *for the purpose of this section.*

35 SEC. 7. NRS 127.310 is hereby amended to read as follows:

36 127.310 *Except as provided in NRS 127.240 [.] and 127.283, [and*  
37 *127.285,] any person or organization other than the welfare division of*  
38 *the department of human resources who, without holding a valid unre-*  
39 *voked license to [place children for adoption] operate a child-placing*  
40 *agency issued by the welfare division:*

41 1. *Places, arranges the placement of, or assists in placing or in*  
42 *arranging the placement of, any child for adoption or permanent free*  
43 *care; or*

44 2. *Advertise in any periodical or newspaper, or by radio or other*  
45 *public medium, that he will place children for adoption, or accept,*  
46 *supply, provide or obtain children for adoption, or causes any advertise-*  
47 *ment to be published in or by any public medium soliciting, requesting*  
48 *or asking for any child or children for adoption,*  
49 *is guilty of a misdemeanor.*