

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON JUDICIARY

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 27, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:00 a.m., Wednesday, May 27, 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

ASSEMBLY BILL NO. 682:

Changes composition of state mental hygiene and mental retardation advisory board.

Mr. Ken Sharigian, Mental Hygiene and Mental Retardation, stated this bill reduces the number of members on the state mental health and retardation advisory board from seven to four and it changes the method by which those members are appointed. Chairman Close asked the reason for the reduction. Senator Wagner stated it was because smaller boards were liked better. Mr. Sharigian stated he felt it was because there would be smaller fiscal impact and a larger board did not make as much sense as a smaller one. These suggestions came from the Ways and Means Committee and now the question of how this would be done is before us. This bill would

Senate Committee on Judiciary
May 27, 1981

allow the chairman of a local board to sit on the state board so there would be intergration of all the boards. Senator Wagner stated this concerned only the state boards. Mr. Sharigian stated this empowers the govenor to appoint a member of a local board. At the present time there are four local boards; a 15 member board in Washoe County appointed by the govenor under executive order; another board in rural Nevada appointed by the govenor and two boards in Clark county, both appointed by the govenor. Senator Ford asked why there were two boards in Clark County. Mr. Sharigian stated the Federal Government had determined in delivering mental health services, a division is made by "catchman" areas: this consists of up to 225,000 people. Money is put into each "catchman" area. The state of Nevada has four such areas. The catchman areas advise the local facilities in the area. The two areas in Clark County meet in joint session and decisions are made with both advisory boards. Mr. Sharigian stated there are seven members on one board in Clark County and eight members on the other board. Rural Nevada has a seven member governing board and in each of the seven rural communities there are smaller boards. Senator Wagner stated this allows the govenor to appoint to those boards; he could reduce the size of the boards.

SENATE BILL NO. 438:

Amends provisions relating to corporations.

Mr. Virgil H. Wedge, Attorney, stated the proposed amendment to this bill was made in the Assembly and it has been adopted by that manner. It is on section 78.283 on page three. He stated it amends section 78.283, paragraph one by expanding the definition of treasury stocks to include those shares of a corporation which are issued and thereafter acquired by a wholly owned subsidiary of the corporation. He stated the law treats a parent corporation and a wholly owned subsidiary as separate legal entities. In fact and in substance they are one in the same; the same family interest of ownership. He stated the problem with the law as it was written was that frequently a subsidiary acquires the stock of a corporation through one means or another. As a result, when a dividend is declared by the parent corporation, that moves money from the parent corporation to the subsidiary without serving any particular purpose and in some instances creates a taxable transaction. That results in a tax of 15% in some situations. It also tends to dilute the stock held by the general public and increases the voting power of management. He stated the state of Delaware

Senate Committee on Judiciary
May 27, 1981

has adopted in Section 160 of their corporate laws, a law that once the shares of a parent corporation are acquired by a wholly owned subsidiary or even a subsidiary that is controlled by a parent corporation, those shares of the subsidiary cannot thereafter be used for voting purposes. Senator Raggio asked if this should cover the situation in which a parent corporation would acquire the shares from a subsidiary. Mr. Wedge stated no, it could be a concern, but this was in regard to a wholly owned subsidiary. He stated the state of Kansas has also adopted a similar provision to the one being proposed. That was in Chapter 16, section 6 of that state's corporate law. The state of California has not treated the subject of capital stock held by a subsidiary, but has enacted laws that completely destroy any stock that is reacquired by the parent corporation. He said treasury stock, under California law, has been treated as retired, or surrendered, canceled stock. He felt this was good law; it would eliminate some problems of corporations manipulating control by having subsidiaries acquire their own capital stock; it would eliminate the problems of necessarily and compulsory transfer of money from the parent to the subsidiary when there is no need for it and it will eliminate the tax consequences in many situations. Senator Hernstadt asked why this would be done rather than just acquiring the stock into the parent corporation. Mr. Wedge stated under the present act when it is acquired in the parent corporation, it becomes treasury stock and it has no voting rights. Senator Hernstadt stated this was to apply to the subsidiary. Mr. Wedge stated that was correct. A corporation can avoid that law by having the subsidiary acquiring the capital stock and it would have voting rights and they could better control the corporation. Senator Hernstadt asked if a subsidiary wanted to pass money up to the parent corporation, would there be a tax. Mr. Wedge stated that was possible to avoid the tax, but in certain circumstances the tax of 15% can be imposed. Chairman Close asked if Mr. Wedge had a specific situation he was concerned about in regard to this. Mr. Wedge stated there was no specific situation, it was general, but he did have a client that was interested in this matter. Chairman Close stated he wanted to be sure this would not aid a specific person and harm another. Senator Hernstadt asked if his client was interested in acquiring a company that was doing what was proposed in the bill. Mr. Wedge stated the client was interested in correcting this law so stock held by the subsidiary has the same status as if it were acquired by the parent corporation. Senator Hernstadt asked if there would be any other tax consequences that would save money for his client should this law be passed. Mr. Wedge stated there were none that he knew of other than the one in this bill. Chairman Close asked

Senate Committee on Judiciary
May 27, 1981

if Mr. Wedge had registered as a lobbyist for the corporate client. Mr. Wedge stated he had. Chairman Close asked if this was a nation wide client or a Nevada corporation. Chairman Close stated he felt there could be advantages for both sides of the situation should this legislation be passed. Mr. Wedge said there could be advantages for both side but he felt the philosophy of the law as it existed previously, was to prevent the parent corporation from acquiring its own stock and then using that stock for voting power. This just extends that philosophy. He felt, historically, there has been miscarriages of justice by allowing corporations to manipulate in that way and allowing it to carry voting rights. He stated the Delaware goes farther than the Nevada Act; it states even though the parent corporation may not own all of the stock of the subsidiary, if it controls the subsidiary, then the subsidiary cannot vote that stock in parent corporation matters. Senator Hernstadt asked if there had been any opposition to the proposed amendment. Mr. Wedge stated no, but the Chairman of the Assembly held up the amendment so his staff could research it for any reason to oppose it.

Mr. David Howard, representative of the Secretary of State, said there was no problem with the bill mechanically, as far as the operation of the office. Chairman Close asked how did that office feel about the bill philosophically. Mr. Howard stated Mr. Swackhamer did not state that to him and he did not completely understand the bill himself. He stated he was told to say, by Mr. Swackhamer, that they found no difficulty to the amendment as far as the original bill. Senator Don Ashworth asked if this only related to wholly owned subsidiaries. Mr. Wedge stated yes, it does not go as far as the Delaware law. Senator Don Ashworth stated if this would be a wholly owned subsidiary, there would be no demishing effect on the ownership of the stock; the only problem there would be with it would be where there is a third party owner of stock, which would make it not a wholly owned subsidiary. Then there would be a mechanism to demish the stock value.

ASSEMBLY BILL NO. 659;

Permits state to appeal pretrial order suppressing evidence. (Exhibit C)

Mr. Bruce Laxalt, Washoe County District Attorney's Office, stated this bill was very important to the prosecutors of this state. He stated through oversight, or perhaps not, some time ago, the state's right to appeal ad adverse motion to suppress, was eliminated from the statute. The defense has the right to appeal an adverse motion to suppress after trial. The effect of the

2207

Senate Committee on Judiciary
May 27, 1981

elimination of the state's right to appeal, would be a loophole in the law. This would probably be the only district court ruling on a legal matter that may never be appealed; never be looked at by the supreme court that would be responsible for the ultimate law in the state. Should the state lose a motion to suppress at the time, that would be the end of the case. The evidence would be out even if the state would be allowed to go forward without that evidence and would be able to get the case to trial, there still would be no right to appeal. This bill would provide for either party, unsatisfied with the motion to suppress pretrial, state or defense, upon a showing of cause to the supreme court, upon a preliminary showing, that there would be a miscarriage of justice should the appeal not be heard, may appeal that. Senator Raggio stated the parallel to Habeas Corpus was of concern to him. He felt the motion to suppress, if granted, could have the effect of killing the case and there would be no where to go. He felt should the motion to suppress there would be delay. Mr. Laxalt stated the original request was made for a bill that would give the state the right to appeal. This was the bill that came out, but this bill did have safe guards for that. He referred to line 19 of the bill.

Mr. Bill Curran, District Attorney's Office, Las Vegas, stated when the discussion of this bill was originally made, he stated he would support the bill. He stated concern now because the state has no opportunity to in any way go further and appeal. He felt great reluctance to extend the appeal to all cases.

ASSEMBLY BILL NO. 343:

Reduces days of horse racing required at greyhound track.

The committee agreed to further amend this bill.

Senator Hernstadt moved to adopt the amendment that precludes off-track betting.

Senator Wagner seconded the motion.

The motion carried with Senator Raggio not voting.
(Senator Ford was absent for the vote.)

Senate Committee on Judiciary
May 27, 1981

ASSEMBLY BILL NO. 659:

Permits state to appeal pretrail order suppressing evidence.

Senator Hernstadt moved amend and do pass A.B. 659.

Senator Raggio seconded the motion.

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

ASSEMBLY BILL NO. 682: (Exhibit D)

Changes composition of state mental hygiene and mental retardation advisory board.

Senator Wagner moved do pass A.B. 682.

Senator Hernstadt seconded the motion.

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

SENATE BILL NO. 438:

Amends provisions relating to corporations.

The committee discussed the proposed amendment.

Senator Keith Ashworth moved do not concur with Assembly amendment.

Senator Don Ashworth seconded the motion.

The motion carried with Senators Raggio and Hernstadt opposing and Senator Wagner not voting.

ASSEMBLY BILL NO. 554: (Exhibit E)

Requires landlords to hold tenants' security deposits in separate interest-bearing accounts.

Senator Hernstadt stated he would abstain from voting on this issue. He felt if interest was to be put back into the bill, it should tract with the utility deposits and the judgments and make

Senate Committee on Judiciary
May 27, 1981

a decent rate of interest. Chairman Close stated he spoke with a land lord and he supported the concept of the bill. He stated the language on page two, lines 21 and 22 was important but he felt the section dealing with being guilty of a misdemeanor should be deleted. Senator Wagner asked what was wrong with that section. Chairman Close stated the bill stated "in response to a judgment"; this did not give the person that has a judgment against him the right to appeal; once a judgment is obtained, there was adequate means to enforce the judgment. Senator Don Ashworth stated this was open ended. The committee agreed to delete line 23, page two. The committee agreed an agent should reside in the state.

ASSEMBLY BILL NO. 554:

Senator Don Ashworth moved amend and do pass A.B. 554.

Senator Wagner seconded the motion.

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

ASSEMBLY BILL NO. 542:

Provides that juvenile delinquents who cross state borders be treated as adults for purposes of extradition. (Exhibit F)

Vice Chairman Keith Ashworth read the amendments to the committee. The committee agreed to the amendments.

Senator Don Ashworth moved amend and do pass A.B. 542.

Senator Raggio seconded the motion.

The motion carried unanimously. (Senators Close and Hernstadt were absent for the vote.)

ASSEMBLY BILL NO. 560:

Makes various administrative changes concerning commission on crimes, delinquency and corrections. (Exhibit G)

Vice Chairman Keith Ashworth read the amendments to the committee.

Senate Committee on Judiciary
May 27, 1981

ASSEMBLY BILL NO. 560:

Senator Don Ashworth moved amend and do pass A.B. 560.

Senator Hernstadt seconded the motion.

The motion carried with Senator Raggio opposing the motion. (Senator Close was absent for the vote.)

ASSEMBLY BILL NO. 112:

Limits exercise of eminent domain to take land in historic districts for use in mining or related activities.

Senator Ford moved do pass A.B. 112.

Senator Wagner seconded the motion.

The committee agreed the bill should have further discussion.

Senator Ford withdrew the motion.

The meeting recessed at 9:50 a.m.

The meeting was called to order by Chairman Melvin D. Close at 10:05 a.m.

ASSEMBLY BILL NO. 241:

Provides procedure for return of child where petitioner for child custody decree acts wrongfully. (Exhibit H)

The committee agreed to delete line 20, page one, through page two, line 2.

Senator Ford moved amend and do pass A.B. 241.

Senator Wagner seconded the motion.

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

Senate Committee on Judiciary
May 27, 1981

ASSEMBLY BILL NO. 432:

Makes various revisions to law governing mobile home parks.

Senator Ford suggested page two should be amended to read a guest could remain, without charge, for 30 days in any 12 month period. Senator Ford suggested a guest should be some one that stayed longer than 24 hours and they would then have to be registered. It was agreed section 20 would be deleted.

Senator Ford moved further amend and do pass A.B. 432.

Senator Keith Ashworth seconded the motion.

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

SENATE BILL NO. 271:

Provides punishment for racketeering activities.

Senator Wagner moved indefinitely postpone S.B. 271.

Senator Ford seconded the motion.

The motion failed with a three to one vote; Senator Keith Ashworth opposed the motion. (Senators Raggio, Don Ashworth and Hernstadt were absent for the vote.)


The meeting adjourned at 10:25 a.m., subject to the call of the chair.

Respectfully submitted by,



Sally Boyes, Secretary

APPROVED BY:



Senator Melvin D. Close, Chairman

DATED: May 30, 1981

SENATE AGENDA

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213
Day Wednesday, Date May 27, Time 8:00 a.m.

A. B. No. 659--Permits state to appeal pretrial order suppressing evidence.

A. B. No. 682--Changes composition of state mental hygiene and mental retardation advisory board.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 659

ASSEMBLY BILL NO. 659—COMMITTEE ON JUDICIARY

MAY 13, 1981

Referred to Committee on Judiciary

**SUMMARY—Permits state to appeal pretrial order suppressing evidence.
(BDR 14-1937)**

**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 appeals in criminal actions; permitting the state to appeal a pretrial order suppressing evidence; providing that an order changing or refusing to change venue is appealable only after final judgment; 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 177.015 is hereby amended to read as follows:
2 177.015 [1.] The party aggrieved in a criminal action [, whether
3 that party be the state or the defendant,] may appeal only as follows:
4 1. *Whether that party is the state or the defendant:*
5 (a) To the district court of the county from a final judgment of the
6 justice's court.
7 (b) To the supreme court from an order of the district court grant-
8 ing a motion to dismiss, a motion for acquittal or a motion in arrest of
9 judgment, or granting or refusing a new trial.
10 2. *The state may, upon good cause shown, appeal to the supreme*
11 *court from a pretrial order of the district court granting or denying a*
12 *motion to suppress evidence made pursuant to NRS 174.125. Notice of*
13 *the appeal must be filed with the clerk of the district court within 2 judi-*
14 *cial days and with the clerk of the supreme court within 5 judicial days*
15 *after the ruling by the district court. The clerk of the district court shall*
16 *notify counsel for the defendant, or in the case of a defendant without*
17 *counsel, the defendant, within 2 judicial days after the filing of the notice*
18 *of appeal. The supreme court may establish such procedures as it deter-*
19 *mines proper in requiring the appellant to make a preliminary showing*
20 *of the propriety of the appeal and whether there may be a miscarriage of*
21 *justice if the appeal is not entertained. If the supreme court entertains the*
22 *appeal, or if it otherwise appears necessary, it may enter an order staying*
23 *the trial for such period of time as may be required.*

1 [2.] 3. The defendant only may appeal from a final judgment
2 verdict in a criminal case.

3 SEC. 2. NRS 2.090 is hereby amended to read as follows:

4 2.090 The supreme court [shall have] *has* jurisdiction to review
5 upon appeal:

6 1. A judgment in an action or proceeding, commenced in a district
7 court, when the matter in dispute is embraced in the general jurisdiction
8 of the supreme court, and to review upon appeal from such judgment or
9 intermediate order or decision involving the merits and necessarily affecting
10 the judgment [.] *and, in a criminal action, any order changing or refusing*
11 *refusing to change the place of trial of the action or proceeding.*

12 2. An order granting or refusing a new trial in such cases; an order
13 [granting] *in a civil action changing or refusing to change the place of*
14 *trial of [an] the action or proceeding after motion is made therefor in*
15 *the cases in which that court has appellate jurisdiction; and from an order*
16 *granting or refusing to grant an injunction or mandamus in a case*
17 *provided for by law.*

18 SEC. 3. NRS 2.110 is hereby amended to read as follows:

19 2.110 [This] *The supreme court may reverse, affirm or modify its*
20 *judgment or order appealed from as to any or all of the parties, and may*
21 *if necessary, order a new trial, and [on] in a criminal action, order*
22 *new trial to be had in the proper place. On a direct appeal from an order*
23 *in a civil action granting a motion to change the place of trial, or an order*
24 *granting or refusing to change the place of trial, the court may affirm or*
25 *reverse [such] the order and order the trial to be had in the proper*
26 *place. An order in a civil action changing or refusing to change the place*
27 *of trial [shall] must not be appealed from on an appeal from a judgment,*
28 *but only on direct appeal from the order changing or refusing to*
29 *change the place of trial. When the judgment or order appealed from is*
30 *reversed or modified, this court may make, or direct the inferior court*
31 *to make, complete restoration of all property and rights lost by an*
32 *erroneous judgment or order.*

33 SEC. 4. NRS 174.455 is hereby amended to read as follows:

34 174.455 1. A criminal action prosecuted by indictment, information
35 or complaint may be removed from the court in which it is pending, on
36 application of the defendant or state, on the ground that a fair and
37 impartial trial cannot be had in the county where the indictment, information
38 or complaint is pending.

39 2. An application for removal of a criminal action shall not be
40 granted by the court until after the voir dire examination has been conducted
41 and it is apparent to the court that the selection of a fair and
42 impartial jury cannot be had in the county where the indictment, information
43 or complaint is pending.

44 3. *An order in a criminal action changing or refusing to change the*
45 *place of trial is appealable only on appeal from the final judgment.*

A. B. 682

**ASSEMBLY BILL NO. 682—COMMITTEE
ON WAYS AND MEANS**

MAY 16, 1981

Referred to Committee on Ways and Means

SUMMARY—Changes composition of state mental hygiene and mental
retardation advisory board. (BDR 39-1821)

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 mental hygiene and mental retardation; authorizing the governor to establish local advisory boards; changing the composition of the state mental hygiene and mental retardation advisory board; 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 433 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

3 1. *The governor may establish local mental hygiene and mental retar-*
4 *dation advisory boards.*

5 2. *The governor shall appoint the members of the boards and desig-*
6 *nate chairmen from among those members. At least three of the chairman*
7 *must be persons who do not have a special interest in the fields of mental*
8 *health or mental retardation.*

9 SEC. 2. NRS 433.034 is hereby amended to read as follows:
10 433.034 "Board" means the *state mental hygiene and mental retar-*
11 *dation advisory board.*

12 SEC. 3. NRS 433.284 is hereby amended to read as follows:
13 433.284 1. The *state mental hygiene and mental retardation advi-*
14 *sory board, consisting of [seven] four members appointed by the gover-*
15 *nor, is hereby created.*

16 2. The governor shall appoint [:
17 (a) Two members who have a special interest in the field of mental
18 health.

19 (b) Two members who have a special interest in the field of mental
20 retardation.

21 (c) Three members who are representatives of the general public.]
22 *members who are chairmen of local mental hygiene and mental retarda-*
23 *tion advisory boards established pursuant to section 1 of this act.*

1 3. *Three of the four members must be persons who do not have a*
2 *special interest in the fields of mental health or mental retardation.*

3 SEC. 4. The terms of office of all the members of the state mental
4 hygiene and mental retardation advisory board who are incumbent on
5 July 1, 1981, expire on that date.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 554

ASSEMBLY BILL NO. 554—ASSEMBLYMEN
VERGIELS AND FOLEY

APRIL 23, 1981

Referred to Committee on Commerce

SUMMARY—Requires landlords to hold tenants' security deposits in separate interest-bearing accounts. (BDR 10-1526)

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 landlords and tenants; prescribing penalties for failure to return security deposits; amending provisions for designating persons to receive process; 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 118A.240 is hereby amended to read as follows:
2 118A.240 1. Any payment, deposit, fee or charge that is to be used
3 for any of the following purposes is "security" and is governed by the
4 provisions of this section:
5 (a) Remedying tenant defaults in the payments of rent.
6 (b) Repairing damages to the premises other than normal wear caused
7 by the tenant.
8 (c) Cleaning the dwelling unit.
9 2. "Security" does not include any payment, deposit or fee to secure
10 an option to purchase the premises.
11 3. The landlord may not demand or receive security, including the
12 last month's rent, whose total amount or value exceeds 2 months' periodic
13 rent.
14 4. Upon termination of the tenancy by either party for any reason,
15 the landlord may claim of the security only such amounts as are reason-
16 ably necessary to remedy tenant defaults in the payment of rent, to
17 repair damages to the premises caused by the tenant other than normal
18 wear and to pay the reasonable costs of cleaning the premises. The
19 landlord shall provide the tenant with an itemized written accounting
20 of the disposition of the security and return any remaining portion of the
21 security to the tenant no later than 3 weeks after the termination of the
22 tenancy by handing it to him personally at the place where the rent is

1 paid, or by mailing it to him at his present address, and if that address
2 is unknown, then at the tenant's last-known address.

3 5. Upon termination of the landlord's interest in the dwelling unit,
4 whether by sale, assignment, death, appointment of receiver or otherwise,
5 the landlord or his agent shall within a reasonable time do one of the
6 following, which relieves him of further liability with respect to the
7 security:

8 (a) Notify the tenant in writing of the name, address and telephone
9 number of his successor in interest, and that he has transferred to the
10 landlord's successor in interest the portion of the security remaining
11 after making any deductions allowed under this section. Upon notifica-
12 tion to the tenant, the transferee has all of the rights and obligations of
13 a landlord holding such security.

14 (b) Return to the tenant the portion of the security remaining after
15 making any deductions allowed under this section.

16 6. The claim of a tenant to security to which he is entitled under this
17 chapter takes precedence over the claim of any creditor of the landlord.

18 7. [The bad faith retention by the landlord or his transferee of
19 security in violation of this section may subject the landlord or his trans-
20 feree to payment of the amount owed to the tenant and actual damages.]
21 *If the landlord fails or refuses to return the remainder of a security*
22 *deposit within 21 days after the end of a tenancy, he shall return the*
23 *entire deposit without any deduction.*

24 8. Except for an agreement which provides for a nonrefundable
25 cleaning charge in a reasonable amount, no rental agreement may con-
26 tain any provision characterizing any security under this section as
27 nonrefundable or any provision waiving or modifying a tenant's rights
28 under this section. Any such provision is void as contrary to public
29 policy.

30 **SEC. 2.** NRS 118A.260 is hereby amended to read as follows:

31 118A.260 1. The landlord, or any person authorized to enter into a
32 rental agreement on his behalf, shall disclose to the tenant in writing at or
33 before the commencement of the tenancy:

34 (a) The name and address of:

35 (1) The persons authorized to manage the premises;

36 (2) [An owner of the premises or] A person authorized to act for
37 and on behalf of the landlord for the purpose of service of process and
38 receiving notices and demands; and

39 (3) The principal or corporate owner.

40 (b) A telephone number at which a responsible person may be called
41 in case of emergency.

42 2. The information required to be furnished by this section [shall]
43 *must* be kept current and this section is enforceable against any successor
44 landlord or manager of the premises.

45 3. A party who enters into a rental agreement on behalf of the land-
46 lord and fails to comply with this section is an agent of the landlord for
47 purposes of:

48 (a) Service of process and receiving notices and demands; and

49 (b) Performing the obligations of the landlord under law and under
50 the rental agreement.

1 4. [If the identity of the landlord is not disclosed as required by this
2 section, the] *In any action against a landlord which involves his rental*
3 *property, service of process upon the manager of the property shall be*
4 *deemed to be service upon the landlord. The obligations of the landlord*
5 *devolve upon the person authorized to enter into a rental agreement on*
6 *his behalf.*

7 5. This section does not limit or remove the liability of an undisclosed
8 landlord.

Ⓢ

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 542

 ASSEMBLY BILL NO. 542—ASSEMBLYMEN
 NICHOLAS AND BEYER

APRIL 22, 1981

Referred to Committee on Judiciary

SUMMARY—Provides that juvenile delinquents who cross state borders be treated as adults for purposes of extradition. (BDR 5-996)

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 procedure in juvenile cases; providing that juvenile delinquents who cross state borders be treated as adults for purposes of extradition; 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 62 of NRS is hereby amended by adding thereto
 2 a new section which shall read as follows:

3 1. *Whenever a child who commits a crime in Nevada flees to another*
 4 *state, the governor shall request extradition from that state to Nevada*
 5 *according to that state's procedure for the extradition of adults.*

6 2. *A child who flees to Nevada after committing a crime in another*
 7 *state may be extradited to that state in accordance with NRS 179.177 to*
 8 *179.235, inclusive, except that while the child is awaiting extradition, he*
 9 *must be detained in a facility for the detention of juveniles if space is*
 10 *available.*

11 SEC. 2. NRS 169.025 is hereby amended to read as follows:
 12 169.025 This Title governs the procedure in the courts of the State
 13 of Nevada and before magistrates in all criminal proceedings, but, *except*
 14 *as provided in section 1 of this act,* does not apply to proceedings against
 15 children under chapter 62 of NRS.

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

A. B. 560

ASSEMBLY BILL NO. 560—COMMITTEE ON JUDICIARY

APRIL 24, 1981

Referred to Committee on Judiciary

SUMMARY—Makes various administrative changes concerning commission on crimes, delinquency and corrections. (BDR 16-1734)

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 state government; providing for the termination of the commission on crimes, delinquency and corrections, and the department of law enforcement assistance; establishing an investigation division in the department of motor vehicles; 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 481 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 5, inclusive, of this act.
- 3 SEC. 2. *The investigation division is composed of:*
- 4 1. *A chief appointed by the director; and*
- 5 2. *Within the limitations of legislative appropriation, a number of*
- 6 *investigators and agents which the director determines to be sufficient to*
- 7 *carry out the duties of the division, who are employed in the classified*
- 8 *service of the state.*
- 9 SEC. 3. *The chief of the investigation division shall:*
- 10 1. *Furnish services relating to the investigation of crimes, including*
- 11 *interrogation with the use of polygraph instruments, upon the request of*
- 12 *the attorney general or any sheriff, chief of police or district attorney.*
- 13 2. *Disseminate information relating to the dangers of the use of con-*
- 14 *trolled substances and dangerous drugs.*
- 15 3. *Provide and operate a system of recording all information received*
- 16 *by the division relating to persons who have alleged connections with*
- 17 *organized crime or have some connection with violations of laws regulat-*
- 18 *ing controlled substances or dangerous drugs.*
- 19 4. *Arrange for the purchase of controlled substances and dangerous*
- 20 *drugs when such a purchase is necessary in an investigation of offenses*
- 21 *relating to controlled substances and dangerous drugs.*
- 22 5. *Procure from law enforcement agencies and other reliable sources*

1 information relating to violators of laws which govern controlled sub-
2 stances and dangerous drugs, including information about their character,
3 probable motives, circumstances of arrest, methods of operation and
4 other pertinent information.

5 6. Enforce the provisions of chapter 453 of NRS.

6 7. Furnish information relating to any person of whom he maintains
7 a record to any law enforcement agency.

8 SEC. 4. Each sheriff and chief of police shall furnish to the division,
9 on forms approved by the division, all information obtained in an investi-
10 gation or prosecution of any person who has been alleged to have vio-
11 lated any criminal law of this state if in the investigation of the violation
12 it appears that there is some connection with controlled substances or
13 dangerous drugs.

14 SEC. 4.5. 1. The director may expend money appropriated for that
15 purpose, as he determines necessary, to assist local law enforcement
16 agencies or the division in the purchase of evidence and in employing
17 persons other than peace officers to obtain evidence.

18 2. Upon receiving a written request from the director for money
19 appropriated pursuant to this section, the state controller shall draw his
20 warrant, payable to the director, in an amount which does not exceed
21 any limit set by the legislature in the appropriation.

22 3. The director may keep money which he has drawn pursuant to this
23 section in bank accounts or in cash.

24 SEC. 5. 1. The director shall appoint the peace officers standards and
25 training committee.

26 2. The committee consists of three members, one appointed from
27 Clark County, one from Washoe County and one from any other county.
28 Members shall serve terms of 2 years from the date of appointment.

29 3. The committee shall:

30 (a) Meet at the call of the director.

31 (b) Provide for and encourage training and education of peace officers
32 in order to improve the system of criminal justice.

33 (c) Adopt regulations establishing minimum standards for recruitment,
34 selection and training of peace officers.

35 (d) Make necessary inquiries to determine whether agencies of the state
36 and of local governments are complying with standards set forth in its
37 regulations.

38 4. Regulations adopted by the committee:

39 (a) Apply to all agencies of the state and of local governments which
40 employ persons as peace officers; and

41 (b) May require that training be carried on at institutions which it
42 approves in those regulations.

43 5. The director may adopt regulations necessary for the operation of
44 the committee and the enforcement of laws administered by the commit-
45 tee.

46 SEC. 6. NRS 481.023 is hereby amended to read as follows:

47 481.023 Except as otherwise provided therein, the department of
48 motor vehicles shall execute, administer and enforce, and perform the
49 functions and duties provided in:

50 1. Title 43 of NRS relating to vehicles.

1 2. Chapter 706 of NRS relating to licensing of motor vehicle carriers
2 and the use of public highways by such carriers.

3 3. Chapter 366 of NRS relating to imposition and collection of taxes
4 on special fuels used for motor vehicles.

5 4. Chapter 233F relating to the state communications system.

6 5. Chapter 453 of NRS relating to controlled substances and chapter
7 454 of NRS relating to dangerous drugs.

8 SEC. 7. NRS 481.067 is hereby amended to read as follows:

9 481.067 1. The department may include:

10 (a) A registration division.

11 (b) A motor carrier division.

12 (c) A drivers' license division.

13 (d) A Nevada highway patrol division and communications subdivi-
14 sion.

15 (e) An administrative services division.

16 (f) An automation division.

17 (g) An investigation division.

18 (h) Such other divisions as the director may from time to time estab-
19 lish.

20 2. Before he reorganizes the department, the director shall obtain
21 the approval of:

22 (a) The legislature, if it is in regular session; or

23 (b) The interim finance committee, if the legislature is not in regular
24 session.

25 SEC. 8. NRS 481.071 is hereby amended to read as follows:

26 481.071 1. Any change in the organization of the department may
27 include the divisions, functions and responsibilities described in subsection
28 2 but must not include those described in subsection 3.

29 2. Unless the organization of the department is changed by the direc-
30 tor, the primary functions and responsibilities of the specified divisions of
31 the department are as follows:

32 (a) The registration division shall execute, administer and enforce the
33 provisions of chapter 482 of NRS and perform such duties and exercise
34 such powers as may be conferred upon it pursuant to chapter 482 of NRS
35 and the provisions of any other laws.

36 (b) The motor carrier division shall:

37 (1) Execute, administer and enforce the laws relative to the licens-
38 ing of motor vehicle carriers and the use of public highways by such car-
39 riers as contained in chapter 706 of NRS;

40 (2) Perform such duties and exercise such powers as may be con-
41 ferred upon it pursuant to chapter 706 of NRS and the provisions of any
42 other laws;

43 (3) Execute, administer and enforce the provisions of chapter 366
44 of NRS, relating to imposition and collection of taxes on special fuels
45 used for motor vehicles; and

46 (4) Perform such duties and exercise such powers as may be con-
47 ferred upon it pursuant to chapter 366 of NRS and the provisions of any
48 other laws.

49 (c) The drivers' license division shall execute, administer and enforce

1 the provisions of chapter 483 of NRS and perform such duties and exer-
2 cise such powers as may be conferred upon it pursuant to chapter 483
3 of NRS and the provisions of any other laws.

4 (d) The administrative services division shall furnish fiscal and
5 accounting services to the director and the various divisions and advise
6 and assist the director and the various divisions in carrying out their
7 functions and responsibilities.

8 (e) *The investigation division shall execute, administer and enforce the*
9 *provisions of chapter 453 of NRS relating to controlled substances and*
10 *chapter 454 of NRS relating to dangerous drugs, and perform such duties*
11 *and exercise such powers as may be conferred upon it pursuant to chap-*
12 *ter 481 of NRS and any other laws.*

13 [3.] (f) The [primary functions and responsibilities of the] Nevada
14 highway patrol division [are to] shall execute, administer and enforce
15 the provisions of chapter 484 of NRS and perform such duties and exer-
16 cise such powers as may be conferred upon it pursuant to NRS 481.180
17 and the provisions of any other laws.

18 SEC. 9. NRS 481.083 is hereby amended to read as follows:

19 481.083 1. Except for the operation of the drivers' license divi-
20 sion [.] and the investigation division, money for the administration of
21 the provisions of this chapter must be provided by direct legislative appro-
22 priation from the state highway fund upon the presentation of budgets in
23 the manner required by law.

24 2. All money provided for the support of the department and its vari-
25 ous divisions must be paid out on claims approved by the director in the
26 same manner as other claims against the state are paid.

27 SEC. 10. NRS 482.368 is hereby amended to read as follows:

28 482.368 1. Except as provided in subsection 2, the department shall
29 provide suitable distinguishing plates for exempt vehicles. These plates
30 must be provided at cost and must be displayed on the vehicles in the
31 same manner as provided for privately owned vehicles. Any license plates
32 authorized by this section must be immediately returned to the depart-
33 ment when the vehicle for which they were issued ceases to be used
34 exclusively for the purpose for which it was exempted from the privilege
35 and use tax.

36 2. License plates furnished for:

37 (a) Those automobiles which are maintained for and used by the
38 governor or under the authority and direction of the chief parole and
39 probation officer, the state contractors' board and auditors, the state fire
40 marshal, the investigation [and narcotics] division of the department of
41 [law enforcement assistance] motor vehicles and any authorized federal
42 or out-of-state law enforcement agency;

43 (b) One automobile used by the Nevada state prison, two automobiles
44 used by the Nevada girls training center, and four automobiles used by
45 the Nevada youth training center;

46 (c) Vehicles of a city, county or the state, except any assigned to the
47 Nevada industrial commission, if authorized by the department for pur-
48 poses of law enforcement or work related thereto or such other purposes
49 as are approved upon proper application and justification; and

1 (d) Automobiles maintained for and used by investigators of the fol-
2 lowing:

- 3 (1) The state gaming control board;
- 4 (2) The division of brand inspection of the state department of
5 agriculture;
- 6 (3) The attorney general;
- 7 (4) Duly appointed city or county juvenile officers;
- 8 (5) District attorney offices;
- 9 (6) Sheriff offices; and
- 10 (7) Police departments in the state,

11 shall not bear any distinguishing mark which would serve to identify the
12 automobiles as owned by the state, county or city. These license plates
13 must be issued annually for \$5.50 per set.

14 3. The director may enter into agreements with departments of
15 motor vehicles of other states providing for exchanges of license plates
16 of regular series for automobiles maintained for and used by investiga-
17 tors of the law enforcement agencies enumerated in paragraph (d) of
18 subsection 2, subject to all of the requirements imposed by that para-
19 graph, except that the fee required by that paragraph may not be
20 charged.

21 4. Applications for the licenses must be made through the head of
22 the department, board, bureau, commission, school district or irrigation
23 district, or through the chairman of the board of county commissioners
24 of the county or town or through the mayor of the city, owning or control-
25 ling the vehicles, and no plate or plates may be issued until a certificate
26 has been filed with the department showing that the name of the depart-
27 ment, board, bureau, commission, county, city, town, school district or
28 irrigation district, as the case may be, and the words "For Official Use
29 Only" have been permanently and legibly affixed to each side of the
30 vehicle, except those automobiles enumerated in subsection 2.

31 5. For the purposes of this section, "exempt vehicle" means a vehicle
32 exempt from the privilege tax, except one owned by the United States.

33 6. The department shall adopt regulations governing the use of all
34 license plates provided for in this section. Upon a finding by the depart-
35 ment of any violation of its regulations, it may revoke the violator's
36 privilege of registering vehicles pursuant to this section.

37 SEC. 11. NRS 483.340 is hereby amended to read as follows:

38 483.340 1. The department shall (upon payment of the required
39 fee) issue to every applicant qualifying therefor a driver's license indicat-
40 ing the type or class of vehicles the licensee may drive, which license
41 [shall] *must* bear thereon a distinguishing number assigned to the
42 licensee, the full name, date of birth, residence address, and a brief
43 description of the licensee, and a space upon which the licensee shall
44 write his usual signature with pen and ink immediately upon receipt of
45 the license. No license [shall be] *is* valid until it has been so signed by
46 the licensee.

47 2. The department may issue a driver's license for identification pur-
48 poses only for use by officers of local police and sheriffs' departments and
49 agents of the investigation [and narcotics] division of the department of
50 [law enforcement assistance] *motor vehicles* while engaged in special

1 undercover narcotics or prostitution investigations. No such license may
2 be issued for use by any federal agent or investigator under any circum-
3 stances. An application for such a license [shall] *must* be made through
4 the head of the police or sheriff's department or the chief of the investi-
5 gation [and narcotics] division. Such a license [shall be] *is* exempt from
6 the fees required by NRS 483.410. The department, by regulation, shall
7 provide for the cancellation of any such driver's license upon the com-
8 pletion of the special investigation for which it was issued.

9 3. Information pertaining to the issuance of a driver's license under
10 subsection 2 is confidential.

11 4. It is unlawful for any person to use a driver's license issued under
12 subsection 2 for any purpose other than the special investigation for which
13 it was issued.

14 5. A person may attach to his driver's license any document which
15 identifies him as a donor of all or part of his body pursuant to NRS
16 451.500 to 451.585, inclusive.

17 SEC. 12. NRS 485.033 is hereby amended to read as follows:

18 485.033 "Division" means the drivers' license division of the depart-
19 ment of motor vehicles or any other division to which the [administra-
20 tion of this chapter is assigned by the director.] *director has assigned*
21 *responsibility for administration of this chapter.*

22 SEC. 13. NRS 169.125 is hereby amended to read as follows:

23 169.125 "Peace officer" includes:

24 1. The bailiff of the supreme court and bailiffs of the district courts,
25 justices' courts and municipal courts;

26 2. Sheriffs of counties and of metropolitan police departments and
27 their deputies;

28 3. Constables and their deputies when carrying out their official
29 duties [.] ;

30 4. Personnel of the Nevada highway patrol when exercising the police
31 powers specified in NRS 481.150 and 481.180;

32 5. The inspector or field agents of the motor carrier division of the
33 department of motor vehicles when exercising the police powers specified
34 in NRS 481.049;

35 6. Members of and all inspectors employed by the public service
36 commission of Nevada when exercising those enforcement powers con-
37 ferred by chapters 704 to 706, inclusive, of NRS;

38 7. Marshals and policemen of cities and towns;

39 8. Parole and probation officers;

40 9. Special investigators employed by the office of any district attorney
41 or the attorney general;

42 10. Arson investigators for fire departments specially designated by
43 the appointing authority;

44 11. Members of the University of Nevada System police department;

45 12. The state fire marshal and his assistant and deputies;

46 13. The brand inspectors of the state department of agriculture
47 when exercising the enforcement powers conferred in chapter 565 of
48 NRS;

49 14. Arson investigators for the state forester firewarden specially
50 designated by the appointing authority;

1 15. The deputy director, superintendents, correctional officers and
2 other employees of the department of prisons when carrying out any
3 duties prescribed by the director of the department of prisons;

4 16. Division of state parks employees designated by the administra-
5 tor of the division of state parks in the state department of conservation
6 and natural resources when exercising police powers specified in NRS
7 407.065;

8 17. Security officers employed by the board of trustees of any school
9 district;

10 18. The executive, supervisory and investigative personnel of the
11 Nevada gaming commission and the state gaming control board when
12 exercising the enforcement powers specified in NRS 463.140 or when
13 investigating a violation of a provision of chapter 205 of NRS in the
14 form of a crime against the property of a gaming licensee;

15 19. The director, division chiefs, investigators, agents and other
16 sworn personnel of the *investigation division of the department of* [law
17 enforcement assistance;] *motor vehicles*;

18 20. Field dealer inspectors of the vehicle compliance and enforce-
19 ment section of the registration division of the department of motor
20 vehicles when exercising the police powers specified in NRS 481.048;

21 21. Vehicle emission control officers of the vehicle emission control
22 section of the registration division of the department of motor vehicles
23 when exercising the police powers specified in NRS 481.0481;

24 22. The personnel of the Nevada department of wildlife when exer-
25 cising those enforcement powers conferred by Title 45 and chapter 488
26 of NRS;

27 23. Security officers of the legislature of the State of Nevada when
28 carrying out duties prescribed by the legislative commission;

29 24. Group supervisors of the Nevada girls training center and the
30 Nevada youth training center when carrying out any duties prescribed by
31 the superintendents of their respective institutions;

32 25. Security officers employed by a city or county when carrying out
33 duties prescribed by ordinance; and

34 26. Security officers of the buildings and grounds division of the
35 department of general services when carrying out duties prescribed by
36 the director of the department of general services.

37 SEC. 14. NRS 179.515 is hereby amended to read as follows:

38 179.515 1. In January of each year, the attorney general and the
39 district attorney of each county shall report to the Administrative Office
40 of the United States Courts the information required to be reported pur-
41 suant to 18 U.S.C. § 2519. A copy of [such report shall] *the report must*
42 be filed with the [commission on crimes, delinquency and corrections.]
43 *investigation division of the department of motor vehicles*. In the case of
44 a joint application by the attorney general and a district attorney both
45 shall make the report.

46 2. Every justice of the supreme court or district court judge who
47 signs an order authorizing or denying an interception shall, within 30
48 days after the termination of the order or any extension thereof, file with
49 the [commission on crimes, delinquency and corrections] *investigation*
50 *division of the department of motor vehicles* on forms [furnished by the

1 commission] approved by the division a report containing the same
2 information required to be reported pursuant to 18 U.S.C. § 2519.
3 [Such report shall] The report must also indicate whether a party to an
4 intercepted wire communication had consented to [such] the interception.
5 tion.

6 3. The willful failure of any officer to report any information known
7 to him which is required to be reported pursuant to subsection 1 or 2
8 constitutes malfeasance in office and, in such cases, the secretary of
9 state shall, when the wrong becomes known to him, [instigate] institute
10 legal proceedings for the removal of that officer.

11 4. The investigation division of the department of motor vehicles
12 shall, on or before April 30 of each year, compile a report consisting of
13 a summary and analysis of all reports submitted to the division pursuant
14 to this section during the previous calendar year. The report is a public
15 record and may be inspected by any person during the regular office
16 hours of the division.

17 SEC. 15. Chapter 179A of NRS is hereby amended by adding thereto
18 a new section which shall read as follows:

19 "Division" means the investigation division of the department of motor
20 vehicles.

21 SEC. 16. NRS 179A.010 is hereby amended to read as follows:

22 179A.010 As used in this chapter, unless the context otherwise
23 requires, the words and terms defined in NRS 179A.020 to 179A.070,
24 inclusive, and section 15 of this act, have the meanings ascribed to them
25 in those sections.

26 SEC. 17. NRS 179A.080 is hereby amended to read as follows:

27 179A.080 The [commission] director of the department of motor
28 vehicles is responsible for administering this chapter and may adopt regu-
29 lations for that purpose. The [commission] director shall:

30 1. Establish regulations for the security of the system of Nevada
31 records of criminal history so that it is adequately protected from fire,
32 theft, loss, destruction, other hazards and unauthorized access.

33 2. Adopt regulations and standards for personnel employed by agen-
34 cies of criminal justice in positions of responsibility for maintenance and
35 dissemination of records of criminal history.

36 3. Provide for audits of information systems by qualified public or
37 private agencies, organizations or persons.

38 SEC. 18. NRS 179A.150 is hereby amended to read as follows:

39 179A.150 1. Each state, municipal, county or metropolitan police
40 agency shall permit a person, who is or believes he may be the subject of
41 a record of criminal history maintained by that agency, to appear in per-
42 son during normal business hours of the agency and inspect any recorded
43 information held by that agency pertaining to him. This right of access
44 does not extend to data contained in intelligence, investigative or other
45 related files, and does not include any information other than that defined
46 as a record of criminal history.

47 2. Each agency shall adopt regulations and make available necessary
48 forms to permit inspection and review of Nevada records of criminal
49 history by those persons who are the subjects thereof. The regulations
50 must specify:

1 (a) The reasonable periods of time during which the records are avail-
2 able for inspection;

3 (b) The requirements for proper identification of the persons seeking
4 access to the records; and

5 (c) The reasonable charges or fees, if any, for inspecting records.

6 3. All law enforcement agencies which maintain communications
7 with the repository of Nevada records of criminal history shall procure
8 for and furnish to any person who requests it, and pays a reasonable fee
9 therefor, all of the information contained in its records of criminal history
10 which pertains to the person making the request.

11 4. The [commission] *director of the department of motor vehicles*
12 shall adopt regulations governing:

13 (a) All challenges to the accuracy or sufficiency of records of criminal
14 history by the person who is the subject of the allegedly inaccurate or
15 insufficient record;

16 (b) The correction of any record of criminal history found by the
17 [commission] *director* to be inaccurate, insufficient or incomplete in any
18 material respect;

19 (c) The dissemination of corrected information to those persons or
20 agencies which have previously received inaccurate or incomplete infor-
21 mation; and

22 (d) A time limit of not more than 90 days within which an inaccurate
23 or insufficient record of criminal history must be corrected and the cor-
24 rected information disseminated. The corrected information must be
25 sent to each person who requested the information in the 12 months pre-
26 ceding the date on which the correction was made, to the address given
27 by each person who requested the information when the request was
28 made.

29 SEC. 19. NRS 200.033 is hereby amended to read as follows:

30 200.033 The only circumstances by which murder of the first degree
31 may be aggravated are:

32 1. The murder was committed by a person under sentence of impris-
33 onment.

34 2. The murder was committed by a person who was previously con-
35 victed of another murder or of a felony involving the use or threat of
36 violence to the person of another.

37 3. The murder was committed by a person who knowingly created
38 a great risk of death to more than one person by means of a weapon,
39 device or course of action which would normally be hazardous to the
40 lives of more than one person.

41 4. The murder was committed while the person was engaged, or was
42 an accomplice, in the commission of or an attempt to commit or flight
43 after committing or attempting to commit, any robbery, sexual assault,
44 arson in the first degree, burglary or kidnaping in the first degree.

45 5. The murder was committed for the purpose of avoiding or pre-
46 venting a lawful arrest or effecting an escape from custody.

47 6. The murder was committed by a person, for himself or another,
48 for the purpose of receiving money or any other thing of monetary value.

49 7. The murder was committed upon a peace officer or fireman who

1 was killed while engaged in the performance of his official duty or because
2 of an act performed in his official capacity, and the defendant knew or
3 reasonably should have known that the victim was a peace officer or fire-
4 man. For purposes of this subsection "peace officer" means sheriffs of
5 counties and their deputies, marshals and policemen of cities and towns,
6 the chief and agents of the investigation [and narcotics] division of the
7 department of [law enforcement assistance,] *motor vehicles*, personnel of
8 the Nevada highway patrol, and the director, deputy director, correctional
9 officers and other employees of the department of prisons when carrying
10 out the duties prescribed by the director of the department.

11 8. The murder involved torture, depravity of mind or the mutilation
12 of the victim.

13 9. The murder was committed upon one or more persons at random
14 and without apparent motive.

15 SEC. 20. NRS 205.465 is hereby amended to read as follows:

16 205.465 1. It is unlawful for any person to possess, sell or transfer
17 any document for the purpose of establishing a false status, occupation,
18 membership, license or identity for himself or any other person.

19 2. A person who sells or transfers any such document shall be pun-
20 ished by imprisonment in the state prison for not less than 1 year nor
21 more than 6 years, or by a fine of not more than \$5,000, or by both
22 fine and imprisonment. A person who possesses any such document is
23 guilty of a misdemeanor.

24 3. Subsection 1 does not:

25 (a) Preclude the adoption by a city or county of an ordinance pro-
26 hibiting the possession of any such document.

27 (b) Prohibit the possession or use of such documents by officers of
28 local police, sheriff and metropolitan police departments and by agents
29 of the investigation [and narcotics] division of the department of [law
30 enforcement assistance] *motor vehicles* while engaged in undercover
31 narcotics or prostitution investigations.

32 SEC. 21. NRS 233F.110 is hereby amended to read as follows:

33 233F.110 1. The board shall establish and administer policy respect-
34 ing the development, administration and operation of the state communi-
35 cations system. The board shall provide sufficient numbers of microwave
36 channels for use by state agencies.

37 2. Regulations governing the joint use of the state communications
38 system must establish a minimum standard for such use and are supple-
39 mental to rules or regulations of the Federal Communications Commis-
40 sion on the same subject.

41 3. Except as provided in subsection 5, microwave channels assigned
42 to user agencies by the board must not be reassigned without the concu-
43 rrence of the user agency.

44 4. Microwave channels may be assigned to the department of [law
45 enforcement assistance] *motor vehicles* for assignment by that depart-
46 ment to local, state and federal criminal justice agencies as that depart-
47 ment may desire. The department of [law enforcement assistance] *motor*
48 *vehicles* shall assume the operating costs of those channels and bill user
49 agencies for those costs.

50 5. The board may revoke the assignment of a microwave channel if

1 an agency fails to pay for its use and may reassign that channel to another
2 agency.

3 SEC. 22. NRS 286.061 is hereby amended to read as follows:

4 286.061 1. "Police officer" means a member, who is a full-time
5 employee of a participating public employer, whose principal duties consist
6 of enforcing the laws of the State of Nevada or any of its political
7 subdivisions and who is:

8 (a) A member of the Nevada highway patrol who exercises the police
9 powers specified in NRS 481.0491 and 481.180;

10 (b) The sheriff of a county or of a metropolitan police department, a
11 detective, or a deputy sheriff;

12 (c) The chief of police of an incorporated city or unincorporated
13 town, a detective, or a subordinate police officer;

14 (d) A correctional officer of the state prison whose duties require
15 daily contact with the prisoners for a majority of his work;

16 (e) A guard, jailer or matron of a county or city jail;

17 (f) An agent of the investigation [and narcotics] division of the
18 department of [law enforcement assistance;] *motor vehicles*;

19 (g) Any person who, before July 1, 1977, was a member of the Uni-
20 versity of Nevada System police department, or a special investigator
21 employed by the attorney general or by a district attorney, or a correc-
22 tional officer of the state prison whose duties did not require daily contact
23 with the prisoners for a majority of his work;

24 (h) Any person who, before July 1, 1979, was a parole or probation
25 officer of the department of parole and probation; or

26 (i) The former holder of one of the positions enumerated in para-
27 graphs (a) to (f), inclusive, or a person eligible under paragraph (g) or
28 (h), who has been promoted by the same public employer to a position
29 related to law enforcement.

30 2. The board may, subject to statutory limitations, adopt regulations
31 stipulating employee positions in these categories whose holders shall be
32 deemed "police officers." Service in any position not enumerated in this
33 section does not entitle a member to early retirement as a police officer.

34 SEC. 23. NRS 334.010 is hereby amended to read as follows:

35 334.010 1. No automobile may be purchased by any department,
36 office, bureau, official or employee of the state without prior written consent
37 of the state board of examiners.

38 2. All such automobiles may be used for official purposes only.

39 3. All such automobiles, except:

40 (a) Automobiles maintained for and used by the governor.

41 (b) Automobiles used by or under the authority and direction of the
42 chief parole and probation officer, the state contractors' board and audi-
43 tors, the state fire marshal, the investigation [and narcotics] division of
44 the department of [law enforcement assistance] *motor vehicles* and
45 investigators of the state gaming control board and the attorney general;

46 (c) One automobile used by the department of prisons;

47 (d) Two automobiles used by the Nevada girls training center;

48 (e) Three automobiles used by the Nevada youth training center; and

1 (f) Four automobiles used by the youth parole bureau of the youth
2 services division of the department of human resources,
3 must be labeled by painting the words "State of Nevada" and "For
4 Official Use Only" thereon in plain lettering. The director of the depart-
5 ment of general services or his representative shall prescribe the size and
6 location of the label for all such automobiles.

7 4. Any officer or employee of the State of Nevada who violates any
8 provision of this section is guilty of a misdemeanor.

9 SEC. 24. NRS 453.076 is hereby amended to read as follows:

10 453.076 "Division" means the investigation [and narcotics] division
11 of the department of [law enforcement assistance.] *motor vehicles*.

12 SEC. 25. NRS 453.690 is hereby amended to read as follows:

13 453.690 1. Every person or institution authorized to dispense or
14 administer narcotic drugs shall furnish to the health division of the
15 department, the investigation [and narcotics] division of the department
16 of [law enforcement assistance] *motor vehicles* and the state board of
17 pharmacy such information as the health division or the board may
18 require by regulations.

19 2. Every public official or employee having duties to perform with
20 respect to narcotic drugs shall furnish to the health division of the
21 department, the investigation [and narcotics] division of the department
22 of [law enforcement assistance] *motor vehicles* and the state board of
23 pharmacy such information as the regulations of the health division or the
24 board may require.

25 SEC. 26. NRS 454.700 is hereby amended to read as follows:

26 454.700 Members, inspectors and investigators of the board, inspec-
27 tors of the Food and Drug Administration and agents of the investigation
28 division of the department of [law enforcement assistance] *motor*
29 *vehicles* may remove any record required to be kept by state or federal
30 law or regulation including prescriptions from a prescription file, if the
31 record in question is considered necessary as evidence in a criminal
32 action or an administrative proceeding, or contemplated proceeding, and
33 if a true copy containing all of the information appearing on the record is
34 substituted therefor. Both the copy and the original record must be dated
35 and initialed by the member, inspector, investigator and agent and by the
36 registered pharmacist in charge, indicating that all of the information
37 appearing on the original record, on that date, also appears on the copy
38 thereof.

39 SEC. 27. NRS 639.236 is hereby amended to read as follows:

40 639.236 1. All prescriptions filled in any pharmacy must be serially
41 numbered and filed in the manner prescribed by regulation of the board.
42 Prescriptions for Schedule II controlled substances as defined in chapter
43 453 of NRS, must be filed separately from other prescriptions or in a
44 readily retrievable manner as the board may provide by regulation. All
45 prescriptions must be retained on file for at least 2 years.

46 2. Each prescription on file must bear the date on which it was origi-
47 nally filled and be personally signed or initialed by the registered phar-
48 macist who filled it.

49 3. Prescription files are open to inspection by members, inspectors
50 and investigators of the board and by inspectors of the Food and Drug

1 Administration and agents of the investigation division of the department
2 of [law enforcement assistance.] motor vehicles.

3 SEC. 28. NRS 639.238 is hereby amended to read as follows:

4 639.238 1. Prescriptions filled and on file in a pharmacy are not a
5 public record. A pharmacist shall not divulge the contents of any pre-
6 scription or provide a copy of any prescription, except to:

7 (a) The patient for whom the original prescription was issued;

8 (b) The practitioner who originally issued the prescription;

9 (c) A practitioner who is then treating the patient;

10 (d) A member, inspector or investigator of the board or an inspector
11 of the Food and Drug Administration or an agent of the investigation
12 division of the department of [law enforcement assistance;] motor vehi-
13 cles;

14 (e) An agency of state government charged with the responsibility of
15 providing medical care for the patient;

16 (f) An insurance carrier, on receipt of written authorization signed
17 by the patient or his legal guardian, authorizing the release of such infor-
18 mation; or

19 (g) Any person duly authorized by a district court order.

20 2. Any copy of a prescription for a controlled substance as defined
21 in chapter 453 of NRS or a dangerous drug as defined in chapter 454
22 of NRS, issued to a person authorized by this section to receive such
23 copy, must contain all of the information appearing on the original pre-
24 scription and be clearly marked on its face, "Copy, Not Refillable—For
25 Reference Purposes Only"; and such a copy must bear the name or ini-
26 tials of the registered pharmacist who prepared the copy.

27 3. If a copy of a prescription for any controlled substance as defined
28 in chapter 453 of NRS or a dangerous drug as defined in chapter 454 of
29 NRS is furnished to the customer, the original prescription must be voided
30 and notations made thereon showing the date and the name of the person
31 to whom the copy was furnished.

32 4. If, at the express request of a customer, a copy of a prescription
33 for any controlled substance or dangerous drug is furnished to another
34 pharmacist, the original prescription must be voided and notations made
35 thereon showing the date and the name of the pharmacist to whom the
36 copy was furnished. The pharmacist receiving the copy shall call the
37 prescribing practitioner for a new prescription.

38 SEC. 29. NRS 639.239 is hereby amended to read as follows:

39 639.239 Members, inspectors and investigators of the board, inspec-
40 tors of the Food and Drug Administration and agents of the investiga-
41 tion division of the department of [law enforcement assistance] motor
42 vehicles are authorized to remove an original prescription from a pre-
43 scription file, if the prescription in question is considered necessary as
44 evidence in a criminal action or an administrative proceeding, or con-
45 templated proceeding, and if a true copy containing all of the informa-
46 tion appearing on the prescription is substituted therefor. Both the copy
47 and the original prescription [shall] must be dated and initialed by the
48 member, inspector, investigator and agent and by the registered pharma-
49 cist in charge, indicating that all of the information appearing on the
50 original prescription, on that date, also appears on the copy thereof.

1 SEC. 30. NRS 706.8841 is hereby amended to read as follows:

2 706.8841 1. The administrator shall issue a driver's permit to quali-
3 fied persons who wish to be employed by certificate holders as taxicab
4 drivers. Before issuing a driver's permit, the administrator shall:

5 (a) Require the applicant to submit a set of his fingerprints, which
6 must be forwarded to the [identification and communications division of
7 the department of law enforcement assistance and to the] Federal Bureau
8 of Investigation to ascertain whether the applicant has a criminal record
9 and the nature of any such record, and shall further investigate the appli-
10 cant's background; and

11 (b) Require proof that the applicant:

12 (1) Has been a resident of the state for 30 days prior to his applica-
13 tion for a permit;

14 (2) Can read and orally communicate in the English language; and

15 (3) Has a valid license issued under NRS 483.325 which authorizes
16 him to drive a taxicab in this state.

17 2. The administrator may refuse to issue a driver's permit if the appli-
18 cant has been convicted of:

19 (a) A felony, other than a felony for a sexual offense, in the State of
20 Nevada or any other state, territory or nation within 5 years before the
21 date of the application, or a felony involving any sexual offense at any
22 time; or

23 (b) Driving under the influence of intoxicating beverages, dangerous
24 drugs or controlled substances within 3 years before the date of the appli-
25 cation.

26 3. The administrator may refuse to issue a driver's permit if the
27 administrator, after the background investigation of the applicant, deter-
28 mines that the applicant is morally unfit or if the issuance of the driver's
29 permit would be detrimental to public health, welfare or safety.

30 4. A taxicab driver shall pay to the administrator, in advance, the
31 sum of \$5 for an original driver's permit and \$2.50 for a renewal.

32 SEC. 31. NRS 179A.040 and 216.015 to 216.321, inclusive, are
33 hereby repealed.

34 SEC. 32. Regulations adopted by the department of law enforcement
35 assistance which were in effect on July 1, 1981, remain in effect and must
36 be enforced by the director of the department of motor vehicles until the
37 director has adopted similar regulations, or repealed or amended the reg-
38 ulations of the department of law enforcement assistance.

39 SEC. 33. Sections 7, 8 and 12 of this act shall become effective at
40 12:01 a.m. on July 1, 1981.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 241

ASSEMBLY BILL NO. 241—ASSEMBLYMEN SADER, MALONE,
KOVACS, BEYER, STEWART, FOLEY, PRENGAMAN, JEF-
FREY, SCHOFIELD, PRICE AND COULTER

FEBRUARY 26, 1981

Referred to Committee on Judiciary

SUMMARY—Provides procedure for return of child where petitioner for child
custody decree acts wrongfully. (BDR 11-1039)

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 jurisdiction over child custody; providing a procedure for
return of the child where the petitioner for a child custody decree acts wrong-
fully; 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 125A.080 is hereby amended to read as follows:
2 125A.080 1. If the petitioner for an initial decree has wrongfully
3 taken the child from another state or has engaged in similar reprehens-
4 sible conduct the court may decline to exercise jurisdiction if this is
5 just and proper under the circumstances.
6 2. Unless required in the interest of the child, the court shall not
7 exercise its jurisdiction to modify a custody decree of another state if
8 the petitioner, without consent of the person entitled to custody, has
9 improperly removed the child from the physical custody of the person
10 entitled to custody or has improperly retained the child after a visit or
11 other temporary relinquishment of physical custody. If the petitioner has
12 violated any other provision of a custody decree of another state the
13 court may decline to exercise its jurisdiction if this is just and proper
14 under the circumstances.
15 3. *Where the court declines to exercise jurisdiction pursuant to sub-*
16 *section 1, the court shall notify the parent or other appropriate person*
17 *and the prosecuting attorney of the appropriate jurisdiction in the other*
18 *state. Upon request of the court of the other state, the court of this state*
19 *shall order the petitioner to appear with the child in a custody proceeding*
20 *instituted in the other state in accordance with NRS 125A.230.*
21 4. *Where the court refused to assume jurisdiction to modify the*

1 custody decree of another state pursuant to subsection 2 or pursuant
2 NRS 125A.180, the court shall notify the person who has legal custody
3 under the decree of the other state and the prosecuting attorney of
4 appropriate jurisdiction in the other state and may order the petitioner
5 to return the child to the person who has legal custody. If it appears that
6 the order will be ineffective and the legal custodian is ready to receive
7 the child within 10 days, the court may place the child in a foster home
8 approved by the welfare division of the department of human resources
9 for that period, pending return of the child to the legal custodian. At the
10 same time, the court shall advise the petitioner that any petition for modification
11 of custody must be directed to the appropriate court of the other
12 state which has continuing jurisdiction or, if that court declines jurisdiction,
13 to a court in a state which has jurisdiction.

14 5. In appropriate cases a court dismissing a petition under this section
15 may charge the petitioner with necessary travel and other expenses
16 including attorney's fees, incurred by other parties or their witnesses.

17 SEC. 2. NRS 125A.230 is hereby amended to read as follows:

18 125A.230 1. Upon request of the court of another state the courts
19 of this state which are competent to hear custody matters may order a
20 person in this state to appear at a hearing to adduce evidence or
21 produce or give evidence under other procedures available in this state.
22 A certified copy of the transcript of the record of the hearing or of the
23 evidence otherwise adduced [shall] must be forwarded by the clerk
24 of the court to the requesting court.

25 2. A person within this state may voluntarily give his testimony or
26 statement in this state for use in a custody proceeding outside this state.

27 3. Upon request of the court of another state a competent court in
28 this state may, *except when required under NRS 125A.080*, order a
29 person in this state to appear alone or with the child in a custody proceeding
30 in another state. The court may condition compliance with the
31 request upon the condition that travel and other necessary expenses
32 be advanced or reimbursed.