

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON JUDICIARY

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 4, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:10 a.m., Monday, May 4, 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. 204:

Empowers attorney general to subpoena documents.

Mr. Bill Isaef, Deputy Attorney General, stated he was substituting for Deputy Attorney General Brook Nielson who was called away to another meeting. He stated the bill as it was presented originally would have expanded the subpoena powers of the attorney general and the district attorney; the current version of the bill seems to make it more of a housekeeping measure. The bill would amend N.R.S. 228.120 to expand the existing subpoena powers of the attorney only to include the ability to subpoena a witness to a grand jury or in another criminal proceeding in any court, but to also subpoena documents, books, memoranda and other papers. This problem did arise in the Washo County Grand Jury

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investigation of the county assessor's office; the powers of the attorney general to subpoena were limited to the subpoena of people and not papers. That investigation depended largely on documentation; thus the need for the expansion of the authority. Senator Raggio asked if the court said under the existing language that did not include the hard issues. Mr. Isaefff stated that was the attorney general's interpretation. He said he was not aware of anyone in his office issuing such a subpoena and being challenged on it. Senator Raggio stated he could not understand the necessity of the bill. Senator Raggio pointed out to the committee that the attorney general could issue the subpoena but it is done through a hearing, not the attorney general personally.

Chairman Close asked if the attorney general issued the subpoena. Mr. Isaefff stated the attorney general could issue a subpoena under his own signature. The grand jury foreman also issues a subpoena.

ASSEMBLY BILL NO. 204: (Exhibit E)

Empowers attorney general to subpoena documents.

Senator Raggio moved do pass S.B. 204.

Senator Wagner seconded the motion.

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

SENATE BILL NO. 371: (Exhibit F)

Provides financial assistance to organizations serving victims of domestic violence.

Chairman Close read the amendments as follows: page two, section four, line 34, delete source and insert sources, delete line 35, page two and insert "the Federal Government, State, local government or other public body or their instrumentalities.

Senator Wagner moved to concur with the Assembly amendment 704 to S.B. 371.

Senator Raggio seconded the motion.

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

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SENATE BILL NO. 451:

Amends provisions relating to county and city jails.

The committee agreed there was a problem with the program for diseased prisoners. Senator Wagner stated the requirement would be made for each prisoner who participates in the program to reimburse the county, city or town for room and board. Chairman Close stated that would remain permissive. Senator Raggio stated should the program be established, then those things would have to be established. Chairman Close stated only part of the cost would be reimbursed. Senator Ford stated this would allow a person to remain on their regular job. Senator Raggio stated that was the idea of the bill. The committee agreed to insert the words reimburse in whole or in part. Senator Wagner stated subsection two of section three the word enabling would be used instead of "kept at". Senator Raggio stated the wording should be "shall, within reasonable limits." The committee agreed to the later. Senator Raggio stated subsection four the present law provides for the county to pay any medical expense during the arrest. The new bill wants to transfer that cost to the prisoner. The county would pay the expense should the prisoner be indigent. Senator Wagner stated the language presented a problem with the transfer of liability. Senator Keith Ashworth asked what the rationale was for not making the prisoner responsible for his own sickness or injury. Senator Raggio stated when people do not have money to pay for injuries sustained, then county welfare has to pay the bill.

ASSEMBLY BILL NO. 343:

Reduces days of horse racing required at greyhound track.

Mr. David J. Funk, Managing Director of Las Vegas Downs, Henderson, Nevada, state he was here with the president of Las Vegas Downs, Mr. Hershel Trumbo, supporting the bill.

Mr. Trumbo read his statement, Exhibit C, attached hereto and made a part of this record.

Senator Wagner asked who would go through the bill. Mr. Funk stated Mr. Renny Ashleman would be better prepared to go over the bill.

Senator Hernstadt asked if there were any horse racing tracks with-

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in 100 miles of the Henderson Track. Mr. Funk stated there were none. Senator Hernstadt asked if there were any county or local fairs within Clark County. Mr. Funk stated no, but should this bill pass, a six day county fair meet would be developed for horse racing at Las Vegas Downs. This would constitute a fair. Senator Hernstadt asked if the facility was ready to start horse racing. Mr. Funk stated plans were in the work, but construction would not start until June; construction on that date would allow for horses to be accepted by November.

Mr. Mike Tirpen, President of the Nevada Race Horse Owners and Breeders Association, stated the horseman sought to change the 100 day stipulation in the bill as well as the race track people. The horseman felt 100 days of racing in southern Nevada would be of benefit to anyone. All handles of a race are interconnected. He stated the association could not run 100 days of racing on the prime days of racing because of the weather. The association felt quality would be more beneficial than one of quantity. Having races in the afternoons on Saturday would give the best possible horses for the race. This has been discussed with Las Vegas Downs at length. Forty days was a compromise on the part of horsemen. More racing days would be asked for in the fall if the spring meet would break even. The association has tried to get a working relationship with the horsemen and the dog track. The dog track has made clear their intent to run more horses if the financial end of it would break even. The horsemen agreed to reducing the days to 34 and then setting up a six day meet; again the situation was placed on the horsemen. He stated the situation has always been that greyhounds would supplement the horses in return for the greyhounds running in Nevada. The horsemen felt if there was not a suitable facility to run on, the least that could be done was to help support the horsemen in some other manner. The financial support was the way the horsemen chose to have support. The bill calls for the payment of \$200,000 to the racing commission which would be distributed directly to horsemen in the form of purses. The general feeling was the money would boost Elko and Ely, the two fair meets that are already running. This would give \$2,500 for each meet and the balance would be distributed on a basis of total mutual handle. The money would go to each meet and would be distributed to the horsemen in the form of purses. The horsemen are asking the legislature to help the industry by allowing the horsemen to keep one percent of the pari-mutuel tax. Mr. Tirpen stated this would have no effect on the money coming from the dog meet. Senator Keith Ashworth asked how much money was generally taken in at a horse meet. Mr. Tirpen stated a projection was made of \$150,000; the total take is \$18,000 and at this point \$3,000

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goes back to the state. This money is made available by the horse racing; there was nothing from the dog racing. The race track feels 80% is needed from the \$150,000 in order to make a go of it and the horsemen feel eight percent is needed in order to have the quality of meet that would be needed. The association felt \$12,000 for purses would be the minimum required to bring in the kind of horses that should be running. Senator Keith Ashworth asked if the two percent went to the state general fund. Mr. Tirpen stated yes. Presently, the state is getting three percent. Senator Hernstadt asked how much went back to the betters. Mr. Tirpen replied 82% went back to them; that is a consistent figure with other tracks.

Mr. Mike Nicosia, Nevada Race Horse Owners and Breeders Association, Southern Division, stated the reason the association was formed was because of the objection of the reduction of racing days from 100 to 30 days without other compensation to the horsemen. The general feeling the association has is it would be better to make a go of the situation than to try and force an issue. Eight percent purses are a better protection for the horsemen than having a 100 day racing with no guarantee on purses. Chairman Close asked when horse racing started in southern Nevada. Mr. Nicosia stated it was on January 16 and run Saturdays and Sundays and May 31 which would be one Monday, inclusive. Senator Hernstadt asked if there would be any dog racing on those days. Mr. Nicosia stated dog racing would continue as it now is. The only difference would be horses would race on Saturday and Sunday afternoons.

Mr. Mike Erickson, Nevada Race Horse Owners and Breeders Association, Northern Division, stated racing horses over all most all southwestern states was an expensive situation; the money would be better put to use in the state of Nevada. This is another reason for the request for the additional one percent. This would give the horse owners better success as well as the licensee. Senator Keith Ashworth asked why two percent should go to the state; would it not be better for the other one percent to go to the horse owners.

Chairman Close asked what the guarantee was in the past. Mr. Erickson stated there was no guarantee in the past. The eight percent guarantee that the association is going for has never been in statute. Chairman Close asked what other states required. Mr. Erickson state some states are governed by statute and others are not.

Mr. Mike Tirpen stated California distributes a percentage of the

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total take of the day; it works out to be approximately 50% of the total take. It is a complicated schedule as it is more on the exotic wagering and less on the straight wagering. The range is from 45% to 55%, or somewhere where right in there.

Mr. Ron Erickson, Northern area delegate, stated there are some very prominent people involved in the racing competition. These people are interested in seeing racing come to the state of Nevada. He stated there are tremendous amounts of money involved in the racing industry; five years ago, a yearling was sold for \$60,000; today, a yearling is sold for \$194,000. He felt the industry could be a major tax revenue producing industry. He also stated the Reno area could draw people from the Sacramento area and the changes that have taken place in the northern part of Nevada in the last few years would now allow for northern Nevada to have its own race track.

Mr. Tirpen stated this bill did not disallow greyhound racing in conjunction with horse racing. He also stated there were plans for a track in the northern Nevada area made by Mr. John Arden that allowed for horse racing only and did not include greyhounds. Senator Wagner asked who John Arden was. Mr. Erickson stated he is a Reno resident and a Reno horseman. The plans he has drawn up have been submitted with the racing commission.

Ms. Sharon Brandesness, Chairman of the Racing Commission, stated on page two, the racing commission had no problem with reducing the racing days to 40 days as long as the horsemen were acceptable to the idea of it also. She stated the commission felt as the horsemen did in regard to the 100 days of horse racing being too many for the first year of horse racing. Chairman Close asked if this stipulation should be looked at again in the next session. Ms. Brandesness stated that would probably be what would happen. Chairman Close stated this bill should provide that it be looked at in two years. Ms. Brandesness stated she agreed to that. She also felt that as the revenue increased, the tracks would increase the horse racing days from their own initiative; the track would want to get as much as possible from the capital investment they would have in the track. Senator Wagner asked if the initial 40 days of horse racing could be accomplished through fairs, agriculture associations and other organizations that might put on horse racing. Ms. Brandesness stated six of those days could be put on by those non-profit entities. Chairman Close stated the horsemen would have to put on 34 days of racing; the six days could come from the other associations. Senator Wagner asked how many days in the last year would fit into this category. Ms. Brandesness stated Elko has had five days and Ely has had four. She stated there is racing in

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Logandale, which is under the 100 mile requirement in this law. She stated she could not recall that track having more than 40 days. Senator Raggio stated the 100 mile requirement only applied to other counties. Ms. Brandesness stated she felt there was a problem with the verbage in subsection b, line 32. She felt as she understood it the racing days would equal a percentage of the \$200,000 that was to go to the tracks; should there only be 10 days of racing, the money would be reduced to one-fourth. Senator Raggio stated should there be less than 40 days, the licensee would have to pay \$200,000 and it would be reduced by the amount proportionate to the number of days actually raced.

Mr. Renny Ashleman, attorney from Las Vegas, stated what was being considered was the proportion equal to the ratio of days of horse racing actually conducted to the days of greyhound racing actually conducted. This is were the proportion to the ratio comes from. See Exhibit D. Chairman Close asked how the amount of days were determined for horse racing and dog racing. Mr. Ashleman stated those days were awarded by the commission.

Senator Wagner asked how many tracks were within 100 miles of Lockwood. Ms. Brandesness stated Fallon was the only existing track. There was an application in for a track at the Reno Park; the application was not acceptable for several reasons: funding and the naivity on the part of the applicant. The recommendation from the commission was that a consultant be hired; the group agreed to do that and nothing more has been received from them. Chairman Close stated in the Reno track, there was no provision for horse racing. Ms. Brandesness stated there is no control from the commission to have a track built to handle both horse and dog racing. She stated the license would not be granted if the intent was to only have dog races and not horse races. The application from the Reno track is not complete; no license has been granted or denied.

Mr. Renny Ashleman stated the original application that was provided required the provision of quarter horse racing. He further stated there was presently a provision of 100 feet made at the track for the additional highlight of quarter horse racing. There is a cost facture involved also; to allow for horse racing, the cost would be increased by about 40%.

Senator Keith Ashworth asked if the \$200,000 only pertained to the northern track. Ms. Brandesness stated it applied to any greyhound track built anywhere else in Nevada, except Clark County. Senator Keith Ashworth asked if this was for each track. Ms. Brandesness stated the way it was written out, it was for each track.

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Mr. Ashleman stated line 36 means a minimum of \$200,000 has to be paid; this is a guarantee of \$200,000, except for the ratio calculations that were previously discussed. The other part of the offer is one-half percent of the pari-mutuel money. The handle could go higher than that during the course of a year, so that amount could be higher than \$200,000 on top of the guarantee. The guarantee must be paid daily; whether or not the pari-mutuel money will be more than the guarantee, remains to be seen. Chairman Close asked what would reduce the amount of money that had to be paid. Mr. Ashleman stated the more horse racing days within the 100 miles, the less that is paid.

Senator Wagner asked how the monies were distributed. Ms. Brandesness stated line 37 allows for the commission to apportion \$2,500; this locks the commission into a specific amount and it would be better not to have that restriction. By law, the commission has the authority to establish a breeders award. This would be a worthwhile program because of the amount of breeders in this state; it has not been started because there was a funding problem. A portion of the guarantee money may establish that breeders program award. The commission would review each track and determine what was needed to boost and enhance each track to help produce more revenue. The distribution would be based on which track needed the help each year. Senator Wagner stated the bill said it was to be used for additional purses; would that make it possible to allow the commission to use that as was stated. Ms. Brandesness stated no, that is why the flexibility is requested in the bill. Senator Keith Ashworth stated the money should go to the horses, not the breeders program. Ms. Brandesness stated Nevada is losing a lot of money because the breeders have to ship out of state. Mr. Tirpen stated the breeders program encourages people to breed horses in the state and keep them in the state to race. Senator Wagner asked how would the money be distributed should the language of the bill remain as it is presently. Ms. Brandesness stated the amount to each track would be determined on the pari-mutuel handle of each track. Senator Wagner stated the rate of interest would not remain constant so the pari-mutuel handle would vary; where would the balance of the money be kept? Ms. Brandesness stated she did not know but would it be allowed to be kept in a savings account by law.

Senator Wagner stated the language was confusing as to where this money would go. Mr. Ashleman stated lines 30 and 31 give the purse language and the distributive language; line 38 gives the additional language to be used in the distributive process. Senator Raggio stated it meant each track will receive \$2,500; whatever is left after the \$2,500 distribution to each track will be distributed according to the pari-mutuel handle of each track to be used for additional purse money.

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Mr. Tirpen stated the feeling of the association is that everything rests on the success of a race meet. The association would like to see breeders awards and stallion awards; presently the money must go into purses so good horses and more handles can be drawn to get this industry started.

Ms. Brandesness stated \$2,500 was not enough assistance for the smaller tracks around the state. Las Vegas Downs would get most of the money because of the pari-mutuel handle; more assistance should go to other tracks. Mr. Ashleman stated the amount was left small because of negotiation with the horsemen; by having this small of an amount it would not be feasible for someone to start a small track and run a one day race.

Ms. Brandesness stated in section three the one percent should be more specific and it should state that amount goes to horse purses. She felt the ratio should be changed because of financial difficulties between the state and the commission. The change could be done on line 20, giving the commission two percent instead of one percent; this would allow the commission to operate in the black instead of the red. This money now goes into the general fund; even though it is money that racing has created, the commission has to ask for it out of the general fund.

Senator Hernstadt asked how would that additional one percent be distributed. Ms. Brandesness stated that money would be used to allow the commission to operate in the black; it would help meet the expenses of the commission.

Mr. Jim Joyce, attorney, stated a recommendation has gone from the sub-committee to the full committee that the racing commission should now be funded out of the general fund as similar regulatory bodies are. All of the pari-mutuel tax would go into the general fund.

Senator Hernstadt asked why eight percent could not be paid by all the tracks; the commission is trying to increase horse racing and all tracks should pay the required eight percent. Ms. Brandesness stated the smaller tracks at Ely and Elko do not have the money to pay the eight percent. Mr. Tirpen stated the intent of the bill was to have only the commercial licensee pay that rate. Ms. Brandesness stated the word chariot should be included on line 35, page three. Line 41 should be changed to \$200.00; this helps cover the expenses. The original fee of \$25.00 is not enough to cover expenses. Senator Keith Ashworth asked if that amount covered all the expenses. Ms. Brandesness stated the charge could be less than that; they would charge up to \$200.00.

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

Respectfully submitted by:

Sally Boyes
Sally Boyes, Secretary

APPROVED BY:

Mel D. Close
Senator Melvin D. Close, Chairman

DATE May 16, 1981

SENATE AGENDA

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213
Day Monday, Date May 4, Time 8:00 a.m.

AMENDED MEETING SCHEDULE

4-28-81

A. B. No. 204--Empowers attorney general to subpoena documents.

A. B. No. 343--Reduces days of horse racing required at greyhound track.

SENATE COMMITTEE ON JUDICIARY

DATE: May 4, 1981

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME ORGANIZATION & ADDRESS TELEPHONE

Bill Isaacs A.G. 4170

Mike Turpin NRHOBA 970-4479

Michael McGuire NRHOBA 735-8300

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Jan Chastain Chastain Assoc. Agency 329-9889

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SHP/82/31 NNRA 588 7566

RONN ASHLEMAN

Regarding the position of Las Vegas Downs with reference to Asc. bill no. **343** . I feel it is necessary to review the past twelve or so years to establish the fact that we, here, are very concerned and consider that portion of the bill relating to the reduction of horse racing days as a vital point to the future of both horse and dog racing in Southern Nevada.

Las Vegas Downs being the corporate name assumed out of the original group being Southern Nevada Horse Racing Association.

The original group organized about thirteen years ago, and comprised for the most part, those horsemen, being left with big investments in horses and facilities, after the closing of the Horse Race track in Las Vegas, with no place to carry on our business except to travel to other states.

The Southern Nevada Horse Racing Association had in mind to assist, in any way they could, anyone who might want to build racing facilities here.

A great effort was given toward this goal. However, to no end.

During the next several years, the S.N.H.R.A. became Las Vegas Downs and a bill was introduced to include Dog Racing. Stock was sold to 450 Nevada residents. Land was acquired and a horse track constructed.

Through several legislative sessions, some with disappointment, there came into being the present bill allowing for 300 dog racing days and 100 horse racing days.

At this point in time, we felt that racing could be conducted on a seasonal basis with horses running about 40 days and dogs about 80 days. Our plans were drawn, and estimated to be a cost of about \$2,000,000.00. Then too, of course, our cost of money was to be 7%.

Our efforts to finance this project were directed to all avenues that showed potential, and the end result was without success.

We then had the fortunate pleasure of combining our resources with those of David K. Funk. Mr. Funk has the expertise of constructing, financing and operating greyhound tracks. Also the expertise of operating Horse Tracks.

David K. has been the motivating factor, along with his two sons David J. and Albert, Ed. Reed, Bob Crane myself and 450 stockholders and horsemen, that has culminated in the financing, construction and opening of Las Vegas Downs.

Now, again we face problems, no different than most all industries, business and citizens of these United States, that being inflation.

Our existing plant facilities have cost more than three times what it was estimated to be a few years ago, and the cost of money is more than double.

However, we believe that by conducting Greyhound Racing to a reasonable maximum, we can be in a sound position for the introduction of Horse Racing in January of 1982.

The area of horse racing being unknown, other than the operations

1809

in Las Vegas the years 1963-64-65 which were at best, little more than break even. Their racing days were weekends only, and totaled 38 days.

Our present Board of Directors being myself, David J., Robert Crane, Ed. Reed, David K. and Albert along with the many other Horsemen who have served for Las Vegas Downs.

This group who have raced horses in Nevada, Arizona, California, New Mexico, Colorado, New York, Mexico and other states for 20 years. Constructed and operated tracks in many states and Mexico. Obtained the financing and built Las Vegas Downs.

We must be recognized as qualified and prudent people in this business.

We desire this bill no. _____ to be effected so that we can open horse racing next year on a sound basis, and grow with the future.

We ~~do not~~ want to see the present and future horse owners ^{discouraged} damaged by a law that ^{will} ~~would not~~ permit sound business decisions.

Yours Truly

Dog Days Conducted

Horse Days Conducted

Minimum Pay

		\$
200	40	- 0 -
200	30	170,000
200	20	180,000
200	10	190,000
<hr/>		
300	3	198,000
300	9	194,000
300	30	180,000
300	40	- 0 -

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 204

ASSEMBLY BILL NO. 204—COMMITTEE ON JUDICIARY

FEBRUARY 24, 1981

Referred to Committee on Judiciary

SUMMARY—Empowers attorney general to subpoena documents. (BDR 18-858)

**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 attorney general; empowering him to subpoena documents; 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 228.120 is hereby amended to read as follows:
- 2 228.120 The attorney general may:
- 3 1. Appear before any grand jury, when in his opinion it is necessary,
- 4 and present evidence of the commission of a crime or violation of any
- 5 law of this state; examine witnesses before the grand jury, and draw
- 6 indictments or presentments for the grand jury, and thereafter conduct
- 7 the proceedings.
- 8 2. Exercise supervisory powers over all district attorneys of the state
- 9 in all matters pertaining to the duties of their offices, and from time to
- 10 time require of them reports as to the condition of public business
- 11 entrusted to their charge.
- 12 3. Appear in, take exclusive charge of and conduct any prosecution
- 13 in any court of this state for a violation of any law of this state, when in
- 14 his opinion it is necessary, or when requested to do so by the governor.
- 15 4. [Issue subpoenas, subscribed by him, for witnesses within the state,
- 16 in support of the prosecution, or for such other witnesses as the grand
- 17 jury may direct to appear before it, upon any investigation pending before
- 18 it; and he may, in like manner, issue subpoenas, subscribed by him, for
- 19 witnesses within the state, in support of an indictment, to appear before
- 20 the court before which it is to be tried.] *In any proceeding conducted by*
- 21 *a grand jury or in any criminal prosecution in any court, issue subpoenas*
- 22 *for witnesses together with any books, memoranda, papers and other doc-*
- 23 *uments.*

1 **5. When acting pursuant to any provision of law allowing or requir-**
2 **ing him to act in a criminal matter, after first obtaining leave of the court**
3 **which has jurisdiction to try the matter, institute criminal proceedings:**

4 **(a) By filing a complaint in a justice's or municipal court, where a mis-**
5 **demeanor is charged; or**

6 **(b) By filing a complaint and commencing a preliminary examination**
7 **where a gross misdemeanor or felony is charged and thereafter filing an**
8 **information in the district court,**
9 **and may conduct those proceedings.**

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

S. B. 371

SENATE BILL NO. 371—SENATORS WAGNER, WILSON, RAGGIO, FORD, KOSINSKI, GIBSON, NEAL, FAISS, BLAKE-MORE, BILBRAY, GLASER, JACOBSEN, GETTO, DON ASHWORTH, KEITH ASHWORTH, ECHOLS, McCORKLE, HERNSTADT AND CLOSE

MARCH 5, 1981

Referred to Committee on Judiciary

SUMMARY—Provides financial assistance to organizations serving victims of domestic violence. (BDR 16-531)

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 victims of domestic violence; creating county advisory boards on domestic violence; providing for grants of financial assistance to organizations serving victims of domestic violence; providing for review and evaluation of their services; imposing an additional fee for the issuance of marriage licenses to finance these grants; 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 217 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 9, inclusive, of this act.
- 3 SEC. 2. *As used in sections 2 to 9, inclusive, of this act:*
- 4 1. "Division" means the mental hygiene and mental retardation divi-
- 5 sion of the department of human resources.
- 6 2. "Domestic violence" means the attempt to cause or the causing of
- 7 bodily injury to a family or household member or the placing of the
- 8 member in fear of imminent physical harm by threat of force.
- 9 3. "Family or household member" means a spouse, a former spouse,
- 10 a parent or other adult person who is related by blood or marriage or is
- 11 or was actually residing with the person committing the act of domestic
- 12 violence.
- 13 4. "Victim of domestic violence" includes the dependent children of
- 14 the victim.
- 15 SEC. 3. Each board of county commissioners shall:
- 16 1. Create an advisory board on domestic violence or designate an

1 existing county board which advises on welfare or other matters relating
2 to social services to serve ex officio as the advisory board. Such a board
3 must consist of not less than three nor more than seven members. If the
4 board of county commissioners:

5 (a) Creates an advisory board, it shall appoint as members:

6 (1) At least one member who is a representative of the county or dis-
7 trict health department or of a rural mental health center of the division;
8 and

9 (2) As its other members, persons who are familiar with the problems
10 associated with domestic violence, such as former victims of domestic
11 violence, representatives of organizations which assist such victims,
12 attorneys experienced in domestic relations, social workers, counselors,
13 teachers and ministers.

14 (b) Designates an existing board to serve ex officio as the advisory
15 board, at least one of the members of that board must be familiar with
16 the problems of domestic violence.

17 2. Establish within the county treasury an enterprise fund known as
18 the fund for assistance to victims of domestic violence.

19 3. After consultation with the advisory board:

20 (a) Award grants of money from that fund, on an annual basis, to
21 eligible organizations which perform services within the county for victims
22 of domestic violence; or

23 (b) Release money from that fund to the board of county commis-
24 sioners of any other county pursuant to an interlocal agreement whereby serv-
25 ices are made available to residents of the contributing county who are
26 victims of domestic violence.

27 SEC. 4. To be eligible for a grant by the board of county commis-
28 sioners from the fund for assistance to victims of domestic violence, an
29 applicant must:

30 1. Be a nonprofit corporation, incorporated or qualified in this state.

31 2. Be governed by a board of trustees which reflects the racial,
32 ethnic, economic and social composition of the county to be served and
33 includes at least one trustee who has been a victim of domestic violence.

34 3. Receive at least 15 percent of its money from sources other than
35 the Federal Government, the state, any local government or other public
36 body or their instrumentalities. Any goods or services which are contrib-
37 uted to the organization may be assigned their reasonable monetary value
38 for the purpose of complying with the requirement of this subsection.

39 4. Provide its services exclusively for victims of domestic violence and
40 only within this state for victims who are residents of this state.

41 5. Require its employees and volunteer assistants to maintain the
42 confidentiality of any information which would identify persons receiving
43 the services.

44 6. Provide its services without any discrimination on the basis of
45 race, religion, color, age, sex, marital status, national origin or ancestry.

46 7. Be able to provide:

47 (a) Shelter to victims on any day, at any hour.

48 (b) A telephone service capable of receiving emergency calls on any
49 day, at any hour.

50 (c) Facilities where food can be stored and prepared.

1 (d) Counseling, or make referrals for counseling, for victims or
2 spouses of victims and their children.

3 (e) Assistance to victims in obtaining legal, medical, psychological or
4 vocational help.

5 (f) Education and training for members of the community on matters
6 which relate to domestic violence.

7 SEC. 5. 1. An application for a grant from the fund for assistance to
8 victims of domestic violence must be submitted to the board of county
9 commissioners at least 3 months before the beginning of the fiscal year
10 for which the grant is desired.

11 2. When the board of county commissioners receives an application
12 for such a grant, it shall have the advisory board on domestic violence
13 examine the application and advise whether the applicant is eligible for
14 a grant, whether there is a need in the county for the applicant's serv-
15 ices, and whether the applicant's program for providing those services
16 is designed to be administered efficiently.

17 3. The board of county commissioners has the final authority to
18 approve or deny an application for a grant. The board, at least 45 days
19 before the beginning of the fiscal year, shall notify each applicant in
20 writing of the action taken on its application.

21 4. If an application is approved, the board of county commissioners
22 shall direct the county treasurer to disburse by the beginning of the fiscal
23 year money granted for the first half of the fiscal year, and by the begin-
24 ning of the second half of the fiscal year money for the second half of
25 the fiscal year.

26 5. A board of county commissioners may by ordinance make reason-
27 able changes in the periods of time governing applications for and
28 approval of grants and disbursements of money in this section so that
29 these procedures are compatible with existing budgetary procedures.

30 SEC. 6. 1. An account for supplemental aid for victims of domestic
31 violence is hereby created in the state general fund. The account must be
32 administered by the administrator of the division.

33 2. Any unencumbered balance remaining in any county's fund for
34 assistance to victims of domestic violence 45 days before the end of a
35 fiscal year must be paid to the state treasurer before the beginning of the
36 next fiscal year for credit to the account for supplemental aid to victims
37 of domestic violence.

38 3. Any nonprofit organization in the state which is able to provide the
39 services specified in subsection 7 of section 4 of this act may apply for a
40 supplemental grant from the state account.

41 4. During the first month of a fiscal year the administrator of the divi-
42 sion shall give written notice to all organizations which received grants
43 from a county for the current fiscal year that they may apply for supple-
44 mental grants, to the extent that money is available in the state account
45 created for this purpose. The administrator shall also take appropriate
46 steps to inform other nonprofit organizations which are able to provide
47 the specified services they may apply for grants from the state account.

48 5. An application for a supplemental grant must be received by the
49 division before the end of the second month of the fiscal year.

50 SEC. 7. 1. The mental hygiene and mental retardation advisory board

1 shall advise the administrator of the division concerning the award of sup-
2 plemental grants from the state account.

3 2. Upon receiving one or more applications for supplemental grants,
4 the administrator of the division shall submit the applications to the men-
5 tal hygiene and mental retardation advisory board for examination and
6 evaluation and shall consult with the board on each applicant's qualifica-
7 tions to receive a grant, based on the range of services which the applicant
8 offers to victims of domestic violence.

9 3. The administrator of the division has the final authority to approve
10 or deny an application for a grant. The administrator shall notify each
11 applicant in writing of the action taken on its application within 45 days
12 after the deadline for filing such an application.

13 4. All supplemental grants which have been awarded must be dis-
14 burSED from the state account to the recipients by the end of the 5th
15 month of the fiscal year. Money remaining in the account after disburse-
16 ment of the grants for any year does not revert and may be awarded in a
17 subsequent year.

18 5. The administrator may adopt regulations which make reasonable
19 changes in the schedule for supplemental grants set forth in this section
20 so that the schedule is compatible with the existing budgetary procedures
21 of the division or any county.

22 SEC. 8. 1. Each organization which has received a grant from a
23 board of county commissioners for assistance to victims of domestic
24 violence shall furnish quarterly and annual financial reports to that
25 board in a manner which the board may prescribe.

26 2. The annual report must include:

27 (a) The number of persons who were provided services other than
28 counseling or referrals;

29 (b) The number of persons who were provided counseling or refer-
30 rals; and

31 (c) The results of an independent audit of the organization's financial
32 records.

33 3. The reports must not identify any person served by the reporting
34 organization or provide any information by which any such person
35 might be identified.

36 SEC. 9. 1. The county advisory board on domestic violence shall:

37 (a) Examine the quarterly and annual reports;

38 (b) Evaluate the effectiveness of the respective organizations in aiding
39 victims of domestic violence; and

40 (c) Report its conclusion and recommendations to the board of county
41 commissioners.

42 2. The board of county commissioners shall review the annual
43 report and the conclusions of its advisory board and shall make annual
44 recommendations to the administrator of the division regarding the suc-
45 cess of the whole program for assistance to victims of domestic violence
46 and any need for additional legislation.

47 3. The administrator shall review the reports from the boards of
48 county commissioners, compile the information contained in them about
49 the individual programs for assistance to victims of domestic violence,
50 and make a comprehensive report biennially to the legislature.

1 **SEC. 10.** NRS 122.060 is hereby amended to read as follows:

2 **122.060** 1. The clerk is entitled to receive as his fee for issuing the
3 license the sum of \$13.

4 2. The clerk shall also at the time of issuing the license collect the
5 sum of \$3 to pay it over to the county recorder as his fee for recording
6 the certificate described in NRS 122.130.

7 3. The clerk shall also at the time of issuing the license collect the
8 additional sum of \$4 for the State of Nevada. The fees collected for
9 the state must be paid over to the county treasurer by the county clerk
10 on or before the 5th day of each month for the preceding calendar
11 month, and must be placed to the credit of the state fund. The county
12 treasurer shall remit quarterly all such fees deposited by the clerk to
13 the state treasurer for credit to the state general fund.

14 4. *The clerk shall also at the time of issuing the license collect the*
15 *additional sum of \$5 for the county fund for assistance to victims of*
16 *domestic violence. The fees collected for this purpose must be paid*
17 *over to the county treasurer by the county clerk on or before the 5th*
18 *day of each month for the preceding calendar month, and must be*
19 *placed to the credit of that fund.*

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