

ASSEMBLY COMMITTEE ON JUDICIARY - 56th Session, 1971

MEETING MARCH 23, 1971

The meeting was called to order at 4:15 p.m. Present: Miss Foote, Messrs. Fry, May, Dreyer, Olsen, Torvinen, Kean, McKissick and Lowman. None Absent.

AB 352 - Creates family court in certain counties.

SUPREME COURT JUSTICE DAVID ZENOFF spoke on behalf of the bill. He stated he had extensive juvenile court experience in his years on the bench, and had long been an advocate of the family court system. Nevada is behind the times in not having this type of court.

The family court would automatically insure fulfilling the need for full-time juvenile court judge. One of the major reasons we have huge juvenile problems is that we do not devote the necessary time, attention and money to taking care of the juveniles.

The family court requires at this point no additional expenditures of money. An essential requirement for juvenile court judge is choosing a person who wants to help children, and who has the training to do so. The juvenile court judge would provide continuity in handling family problems by handling child custody and support cases.

Mr. Olsen asked Justice Zenoff's opinion on juvenile traffic offenses being handled by the juvenile court judge or municipal courts.

Justice Zenoff replied he had long tried to get juvenile traffic offenses out of the jurisdiction of city courts and into the juvenile court system. In city courts the juveniles may be fined and go away to commit another offense.

Mr. Dreyer asked about what particular background a family court judge should have, and also questioned if requirements for this background should be made before appointment. Justice Zenoff said he hoped the Governor would take this into consideration in appointing a judge, and that the judges can take courses at the University of Nevada.

Mr. Fry asked if requiring that the judge be appointed would involve a question of constitutionality. Justice Zenoff said this could be avoided by making it a court of special jurisdiction. If the joint resolution under consideration passes, this wouldn't be a problem.

Mr. Olsen pointed out the need in Clark County for the family court: There are 74,000 in public schools. Last year 10,000 children were booked into juvenile court services. Over 6,000 traffic cases among juveniles occurred, and over 2,000 truancies. There were 5,345 divorces, of which 2,600 had children involved. There were 820 non-support cases and 959 juvenile cases heard. There were 439 adoptions and 7,000 children using drugs. This figure is pointed out in the survey of the public school system of Clark County.

Mr. Fry wondered if the wording on page 1, lines 17-22 is in conflict with the wording on lines 27-30 on page 3. The jurisdictional line isn't clearly drawn.

CONNIE SPARBELL, League of Women Voters, stated the League supports the bill. It would bring together consideration of delinquent acts, child support, abandonment and other cases, which is a positive step in treating the problems of the family unit as a whole. Delinquency reduction and prevention could be a side effect of the measure. There is a possibility of reduction of ADC rolls from the concentrated attention on child support cases.

AB 714 - Provides mandatory provisions to be contained in construction contracts.

MRS. BEDE ROGERS, Nevada Subcontractors Association, presented a letter from Mr. A. P. Rapone and Mr. Bert Ward. She spoke in favor of the bill.

Mr. May stated the bill is a modified version of AB 359 to resolve the constitutional conflict. This bill poses no constitutional problems, according to Legislative Counsel.

MR. ROLLAND OAKES, Manager, Associated General Contractors, stated he believed if people are going to be in business they should manage their own businesses without legislation of this type which takes care of the financial problems and has the bank collect their bills for them. Contractors do not want banks in the construction business.

MR. HENRY GALLEUS, First National Bank of Nevada, stated he is opposed to AB 714. It puts the bank in the position of builders' control. The bank would require a specialty staff and increased financing if the bill passes.

Mr. Fry asked if the bank could be liable for holding back the funds if a final inspection did not prove out right. Mr. Galleus said there is no real protection for the homeowner if the builder did not do a good job, and he believed there is a possibility of the bank being held liable.

SENATOR FLOYD LAMB stated the banks pay as the construction goes along, and inspections are made each week. This way, everyone gets paid.

Mr. May asked if Senator Lamb had any disagreement with changing the retention amount to 5%. Senator Lamb said he would have to think about that.

Mr. Torvinen stated that in large construction projects it is not unusual to have financing through letters of credit so that millions of dollars are not tied up. He felt this bill might put an end to large construction in Nevada because no one would want money tied up in the bank until the job is finished.

Senator Lamb stated banks participating on large construction projects are not unusual.

Mr. Fry asked if builder controls are available at the option of the parties. Senator Lamb replied this is being done now.

MR. GRANT BASTIAN, Deputy State Highway Engineer, asked if "owner" is intended to include the State Highway Department and the State of Nevada.

Mr. May replied it wasn't the intent of the bill to concern state agencies, but only the professional contractor.

Mr. Bastian said that if the state agencies are not exempted, it could put them out of business.

Mr. Torvinen's opinion was that "funds" meant cash rather than credit. Mr. Galleus agreed with this.

MR. TED LAWSON, Central Labor Council of Southern Nevada, stated the bill makes everybody honest. They pay the bills which are due. In the past it has been months and months before subcontractors and laborers were paid. He is in favor of the bill, and stated it would not hurt the legitimate contractors, but would keep out dishonest contractors.

AB 306 - Regulates importing, storage, distribution and manufacture of explosives.

MR. DICK KEAN, manager, Sierra Chemical Company, Reno, stated his company manufactures and distributes explosives, and

the company sees no need for this legislation, since all the requirements in the bill are contained in the new Federal requirements. Purchasers of explosives are also required to make Federal application. He noted that the bill allows the state fire marshal to make a determination if a sale may be made to a person with a criminal record, and that the Federal regulations do not allow sales such as this.

The Internal Revenue Services representatives have stated that if this bill passes it would make their enforcement more difficult. There are so many people involved in the enforcement of explosives laws now that there are conflicts.

AB 208 - Creates additional crimes involving explosives.

Mr. Dick Kean stated he had no objection to this bill.

Mr. Dreyer stated regarding AB 306, that it was not the intent of the bill merely to duplicate Federal efforts, but it will give the law enforcement agencies something to go on. In view of the many bombings recently, he felt that the state law should have some teeth, and both AB 306 and AB 208 should be passed.

Mr. Kean said his company would have no objection to the state fire marshal looking over their files.

RICHARD BAST, State Fire Marshal, stated his office does not want to duplicate other efforts that have been made, but he didn't see how the Federal government could control this on a local level. The Federal investigator in Reno is seldom available.

AB 620 - Enacts new divorce and family law act.

VIRGIL WEDGE, ESQ., Reno, supports AB 620. The divorce law should be amended to include only three grounds: Insanity for one year, separation for one year, and incompatibility. This would provide for "no fault" divorces, resulting in less bitterness between the parties. Divorce laws should also properly provide for counseling. The counseling should not be mandatory, but should be voluntary. Support for children should be terminated at 18 years of age, and support payments should not be a charge against the estate of the deceased parent.

The three-week residency requirement for divorce has merit. It would encourage people to come to Nevada for divorce and would benefit the economy.

SENATOR CHIC HECHT supported the cooling off requirement for divorce, stating the Clark County Mental Health Association supports

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such a provision, particularly when there are minor children involved. The Clark County Ministerial Association is 100% behind a cooling off period, and also is in favor of counseling requirements. He stated that people in the motel business are also in favor of the three week residence requirements.

JAMES GUINAN, Board of Governors, State Bar of Nevada, stated the Bar Association agrees with Mr. Wedge's comments. He stated that the entire provisions of AB 620 are too large to swallow now, and he would agree to assist in drafting amendments in accordance with Mr. Wedge's suggestions, encompassing the major portions of the bill.

DONALD WINNE, Legislative Counsel Bureau, stated that the intent of the bill is quite fully explained in the title. It is an attempt to clarify family law by statute and not just by judicial decisions.

The committee agreed to accept motions to adopt policy matters on the bill, and the chairman appointed Messrs. McKissick, Guinan and Winne to prepare to prepare proper amendments to be presented to the committee for approval.

Mr. McKissick moved the committee accept as grounds those of insanity for one year, one year's separation, or incompatibility. Seconded by Mr. Kean. Carried.

Mr. McKissick moved the committee accept a provision for voluntary counseling, by a minister or clergyman. Seconded by Mr. Olsen. Carried.

Mr. McKissick moved the committee accept the policy in the bill of not making support payments a charge against the estate of a deceased parent. Seconded by Mr. Kean. Carried.

Mr. McKissick moved the committee accept a residence requirement of three weeks in the bill. Seconded by Mr. Kean. Carried.

Mr. McKissick moved the committee accept the policy of child support payments extending only to 18 years, unless otherwise agreed by both parties to the divorce. Seconded by Mr. Kean. Carried.

AB 680 - Authorizes Welfare Division to grant welfare assistance to certain adoptive homes.

GLORIA HANDLEY, Welfare Division, stated the bill would make it possible for welfare division to make payments on behalf of a child placed in an adoptive home if the child were in need of medical care, surgery or other such assistance. The Welfare Division would also be able to grant some support payments in certain cases to

an adoptive home with small income. The bill is designed to help encourage adoption of children with medical problems or children of minority races.

ASSEMBLYMAN EILEEN BROOKMAN stated there is a great need for this. Other states have passed such legislation.

Mr. Fry read the fiscal note on the bill, requiring \$7,900 in funding for each year, 71-72 and 72-73. The appropriations have not been included in the executive budget.

Mrs. Handley noted that they did not include any money for on-going maintenance of the child because this is being paid at this time. The amount of money noted by Mr. Fry would provide for the medical care, and would be non-recurring. If the bill is passed, the Title 19 money would not be available for the children, but in the long run it would save money for the state, since after the children are adopted and the medical problems are taken care of, the state will not contribute more money to their care.

MR. RAY CUTSHALL, Adoption Licensing, Welfare Division, spoke in favor of the bill. He stated this would help the children in need of homes, and noted that California had adopted this type of program and had saved money.

AB 718 - Establishes grievance procedure for juvenile probation officers and certain other employees, in certain counties.

MR. JIM BANNER, Clark County Personnel Officer, spoke in favor of the bill, stating that the employees in the juvenile court system in Clark County at the present time have no hearing or appeal procedure for dismissals. They are not covered for dismissals under the procedures of the civil service act, and are not in a union with collective bargaining advantages.

Mr. Torvinen stated that Chapter 245 states that county employees in counties over 200,000 population will come under the merit system. Mr. Banner said there is another statute excluding Juvenile System employees from those provisions. He stated there were about 120 employees who would be affected by the provisions of the bill.

There being no further business the meeting was adjourned at 6:15 p.m.

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ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY

Date March 23 Time adjournment Room 240

Bills or Resolutions
to be considered

Subject

Counsel
requested*

AB 313	Permits incarceration of adult probation violators by juvenile division of district court.	
AB 352	Creates family court in certain counties.	
AB 602	Permits publication of name of juvenile and names of his parents upon his second appearance in court.	
AB 620	Enacts new divorce and family law act.	
AB 621	Adopts law regulating marriage counselors.	
AB 680	Authorizes Welfare Division to grant financial assistance to certain adoptive homes.	
AB 718	Establishes grievance procedure for juvenile probation officers and certain other employees, in certain counties.	
AB 727	Allows amendment of birth record after acknowledgement of paternity.	
AB 729	Permits single person to make declaration of homestead and be allowed applicable exemptions.	
AB 714	Construction Contracts.	

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

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