

MINUTES

APRIL 2, 1973

Mr. Hayes, Chairman, called the meeting to order and informed those present that since it is so late in the session we would be more informal with regard to the agenda and hearing matters that were not previously scheduled, but that we would be more strict in limiting the testimony.

MEMBERS PRESENT: MESSRS: HAYES, BARENGO, GLOVER, TORVINEN, HUFF, FRY,
LOWMAN, HICKEY, AND MISS FOOTE.

MEMBERS ABSENT: NONE

GUESTS PRESENT: SEE ATTACHED.

The assistant city manager of Las Vegas, Bill Adams, addressed the Committee on A.B. 879. He said the Public Service Commission now has control and issues certificates of public convenience to the towing operations. Many of the cities in the state had contracts outstanding with towing firms and the commission and the act itself set it aside so that those contracts would extend thru july of 1971 and two years beyond that time, with the idea in mind that during that interim period the commission and cities attorneys etc. would get together and bring forth legislation that would make a definite understanding between the commission and those political entities which wished to continue in the tow service operation. Unfortunately that was not done and they are still sitting with some contracts which are not covered by the act. The request is to extend it two more years since progress is now being made to initiate legislation which would clear the problem.

Mr. Dennis Small representing Harvey's Resort Hotel at Lake Tahoe appeared in opposition to A.B. 589. He told the Committee that Harvey's employe one of two Japanese Schiatsu masseurs in the United States. This form of massage differs from a regular massage in that it is a treatment of the nerve pattern rather than the muscles. This is an ancient Japanese art. It requires two years schooling. He stated that A.B. 589 is unfair to a legitimate operator and the problems in this area should be handled by alternative measures. He suggested possible state licensing or on a local county level. He wished to go on record as opposing the bill in it's present form. He said that a complete treatment is \$10.00

Mr. Laroy Wilson, an expert in Ancient Japanese Massage licensed in Reno and Washoe County, showed the Committee his diploma in this field, which he obtained in 1945 in Honolulu. He related treatment incidents and said that today he had treated 8 stroke victims with a large degree of success. Mr. Hayes commented that the thrust of this bill is certainly not aimed at the legitimate massage operators. Mr. Wilson said he would appreciate getting the illegal operations out of business because they reflect poorly on a recognized art.

Mr. Pete Kelley from the Nevada Retail Association spoke on S.B. 334. This bill is aimed at making the minor shoplifter civilly liable to merchants. The Senate amended the bill to change the words "probable cause for believing" to "reason to believe" since it was felt that this would help the merchants with regard to immunity to suit. Merchants are losing hundreds of thousands of dollars annually and this bill would be a step in the right direction for correcting this problem.

Tom Winters spoke on A.B. 699 stating that he is in opposition to the approach, although he is not completely satisfied with the present situation. "This bill makes it confusing and unjust." He said that he would suggest an alternative route. There are some possibilities of exploitation. He called attention to the laws of two other states having community property laws. In section 5124 of the California Civil Code sets up two categories of property considered to be community property which are subject to the management and control of the wife. These are the wife's earnings and personal injury damages to the wife. As long as they are separate she can manage them subject to certain restrictions. In a recent re-write of the Texas family code categories of community property were also set. It states that while such and such may be community property the party to the marriage who has the authority to manage it is the person who would have had title to manage it if that person were unmarried. In the Texas revamped law you could have community property subject to control of the wife, community property subject to the control of the husband, and possibly a third group of community properties subject to joint control. "I would support an amendment that would allow the wife to waiver community property rights over the husband's wages, and I also do not think that it is reasonable to say that everything that is community property simply because it is community property is subject to the control of the husband as is the case in the present statute. There should be some division of control. Under present law the husband is responsible for support of the wife and children and in many cases there is not much community property that he can use.

Kate Butler representing the League of Women Voters appeared next on A.B. 699, reading to the Committee remarks prepared by a woman attorney who reviewed the bill for Ms. Butler. They concerned the fact that if a wife precedes her husband in death her estate is not subject to the same restrictions of administration as the husband's estate if he had died first. Because of this the surviving wife may receive less than the surviving husband because the husband's estate is subject to the debts and costs of administration and the wife's estate is not, and the wife's heirs have the burden of filing claim. Ms. Butler said that she did not feel that wages should be the sole determinant for management of community property since there are many contributions to the household that are not monetarily compensated. Mr. Hayes responded that in his opinion the whole idea of community property is that the husband supplies the income and the wife accomplished most of the other necessities involved in managing and maintaining a home, and that by her participation in the home she is then entitled to a vested interest in the husband's earnings. "I would not subscribe to the idea that because a husband brings home the income he alone is entitled to dispose of the earnings."

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Mr. Glover asked Ms. Butler if she is opposed to the bill and she said "no, we just feel that section should be amended."

Mr. J. Dini addressed the Chair and introduced to the Committee Mr. Paul Carrington and Mr. L. Johnson proponents of A.B. 525. Mr. Dini explained that this bill had originally been his Committee on Government Affairs but that they lacked the expertise to handle this type of legislation since it deals with trespass laws and civil liability and He felt that the Judiciary Committee would be a better avenue for consideration in making the bill workable. He spoke in favor of reducing the mine operator's liability within the frame of this bill and making it a workable piece of legislation. There is some question on Page 3 about it being impossible in some instances to locate the mine owner, and there should be some amendment to make the parent or guardian responsible in cases of trespassing by a minor. There are some conflicts in the bill which need to be taken care of also. Mr. Huff pointed out that Line 43 on Page 2 would interfere in Boy Scout outings etc. Section 3, Page 2 puts the responsibility on the counties and this could result in considerable expense to the county. Mr. Huff also drew attention to the prospectors who still make a living from mines, etc. and said something should be done to make it more workable for this type of person.

On A.B. 574 Dan Murphy from the Juvenile Division appeared in favor of this bill. He said that he would have to disagree with Mr. Etchemendy because the need for a detention facility in Carson City is demanding at this time. The number of referrals to the juvenile department and the number of juveniles detained here clearly demonstrates that our present situation is sadly lacking. Six males and six females can be accommodated in the facility for juveniles in the jail and there have been times when as many as eleven male juveniles have been detained in the male section. Mr. Murphy said that he felt that in seven or eight years the population of Carson City would be in excess of 40,000 and prior to 1969 counties over 20,000 were required to have separate juvenile detention facilities. An average of 50 juveniles a month are presently detained. Mr. Murphy said that the Board of Supervisors are "shirking their responsibility" "I don't think it is the State's problem and I don't feel it is the government's problem," it is Carson City's problem and they are going to have to face it head on. "I urge this Committee for a do pass recommendation on A.B. 574."

Carson City Sheriff Bill Furlong told the Committee that he feels that they have accepted the philosophy of separate facilities for juveniles and that youngsters in cities whose population is less than 100,000 are just as important as those in cities with more. Passage of this legislation will enable cities to plan in advance. In A.B. 574 Mr. Furlong called attention to section 3 which calls for as near a homelike atmosphere in juvenile detention facilities as is possible. Perhaps some phraseology is needed to include security measures. He went on to say that this would be helpful in the area of community rapport because if parents felt that treatment of the juvenile would be conducted at a juvenile level they would be more inclined to back law enforcement. Mr. Murphy interrupted to say that you cannot rehabilitate a juvenile in a jail atmosphere, a detention home would give us what we need. Mr. Furlong said that there has been a significant increase in children who are dependency cases.

It is extremely hard to get foster homes for children 15 and 16 years of age. This bill would also permit two counties to work out a joint venture.

Bill Laverty spoke to the Committee on A.B. 596 and said that the main purpose of this bill is to make step parents liable for the support of their children rather than put them on welfare. If a man's income is 100,000 dollars per year if he says he will not support his step children and the mother comes in to file for welfare we have to put them on. Mr. Barengo commented that he had received information from Mr. Howard on California's law and you can do this but you must make certain exceptions in the deductions allowed from the step father's income before you can establish the amount of money he is responsible to the step children for. Mr. Laverty said that when the bill came back from the drafter it became obvious that there are some problems, he said that A.B. 699 and S.B. 544 would accomplish essentially the same thing. Mr. Laverty suggested deletion of the draft of A.B. 596 and substituting it with the California Civil Code section which he had presented to the Committee members. (SEE ATTACHED)

Mr. Torvinen pointed out that in A.B. 596 wife should be changed to spouse and husband changed to other spouse.

Ms. Butler said that the League of Women Voters would like to go on record in support of A.B. 676 also.

Mr. Campos testified to the Committee as to the need for an executive Secretary called for in S.B. 228. He said that the budget included the necessary funding for this position and has been passed by both the Assembly and Senate money committees. It has become impossible for the Chief of Parole and Probation to perform this function. Mr. Campos cited statistics as to how much work is spent in the varying duties to demonstrate that it is desirable to pass this legislation.

Sister Carol spoke in opposition to A.B. 596 feeling that this may be another step in disintegration of the family and the possibility of depriving the entire family of support and good will. It becomes a matter of ability and how much further into poverty you drive the lower income people. In general Sister Carol said she would urge the Committee to kill the bill.

Mr. Hayes recessed the Committee until 6:30 when we will reconvene for action on today's agenda and consideration of some new referrals.

NRS Chapter 123 is hereby amended by adding thereto a new section as follows:

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Notwithstanding the provisions of NRS 123.230 granting the husband the management and control of the community property, to the extent necessary to fulfill a duty of a wife to support her children, the wife is entitled to the management and control of her share of the community property.

The wife's interest in the community property, including the earnings of her husband, is liable for the support of her children to whom the duty to support is owed, provided that for the purposes of this section, prior support liability of her husband plus three hundred dollars (\$300) gross monthly income shall first be excluded in determining the wife's interest in the community property earnings of her husband.

The wife may bring an action in the district court to enforce such right provided that such action is not brought under influence of fraud or duress by any individual, corporation or governmental agency.

A natural father is not relieved of any legal obligation to support his children by the liability for their support imposed by this section and such contribution shall reduce the liability to which the interest of the wife in the community property is subject.

(SOURCE: §5127.5, California Civil Code.)

AGENDA FOR COMMITTEE ON JUDICIARYDate APRIL 2, 1973 Time 2:00 PM Room 240

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
A.B. 589	Prohibits massage of persons of opposite sex for monetary consideration.	
A.B. 596 <i>App.</i>	Requires stepparents to support stepchildren.	
A.B. 661 <i>App.</i>	Increases the penalty for desertion and nonsupport.	
A.B. 663 <i>App.</i>	Removes sex restriction on membership in the militia of the state.	
A.B. 676 <i>App.</i>	Equalizes as between husband and wife, provisions respecting either's desertion or nonsupport of the other or neglect of their dependent children.	
A.B. 699 <i>Do Pass amend</i>	Provides for husband and wife to have equal rights to manage their community property.	
A.B. 744 <i>Do Pass</i>	Eliminates concept of fault and certain grounds for divorce.	
A.B. 757 <i>App.</i>	Reduces residence requirement for divorce.	
A.J.R.25	Memorializes President of United States and Congress to continue funding for legal aid program.	

AB 525