

SENATE JUDICIARY COMMITTEE

225

MINUTES OF MEETING HELD

9th DAY OF MARCH, 1973

The meeting was called to order at 9:10 a.m. Senator Close in the Chair.

PRESENT: Senator Foley  
Senator Bryan  
Senator Dodge  
Senator Swobe  
Senator Wilson  
Senator Hecht

Norma Foss, Intern to Assemblyman Mary Gojack  
Tom Wilson, State Comprehensive Health Planner  
Dr. Edwards, Health Division  
Judge James Santini, District Judge, Clark County  
Keith Henrikson, Peace Officers and Fire Fighters Assoc.

NORMA FOSS:

Presented the committee with copies of proposed bills submitted to the bill drafter which would affect 31 separate sections of the statutes regarding sex discrimination. Those copies are attached to these minutes.

The committee then suggested and held discussions on other parts of the statutes which should be repealed or which should be amended to eliminate the preference to one sex. (A compilation of all statutes which might tend to be discriminatory by virtue of sex was distributed to the committee members by the Legislative Counsel Bureau's Research Division. A copy of that compilation is available through the Legislative Counsel Bureau). The committee unanimously agreed to request bills that would repeal Section 124.010 (Page 18 of the compilation), the Sole Trader Act; Section 139.060 (Page 21 of the compilation), repeal reference to males being preferred over females for the purpose of administration of estates; and Section 178.496 (Page 30 of the compilation) which requires women to give security to appear as a witness in a trial.

The committee discussed other statutes relating to separate property and child support/alimony, but decided that further testimony and hearings to determine whether the present concept of the husband being the manager of community property should be retained before taking any further action.

S.B. 29 - Permits operation of ambulance under certain conditions by drivers and attendants not licensed by health division.

226

Senate Judiciary Committee  
Minutes of March 9th Meeting  
Page Two

TOM WILSON:

Mr. Tom Wilson testified against this bill. During the past year, there has been a planning process which involved hearings across the state and brought together ambulance drivers, emergency room personnel, rescue people and the Health Division. In these meetings, they attempted to develop a package of legislation and a program to up-grade emergency medical services.

The legislative package that will be introduced will require all ambulance drivers and attendants to have advanced first aid. The planning office has also requested an additional 16 hours of training in emergency cardiographs, child birth, etc.; and \$75,000 for communications training and equipment for 3 full-time people to teach drivers and attendants.

The State Board of Health presently has the authority in the smaller communities to allow exemptions if the qualifications can not be reached.

BOB EDWARDS:

Mr. Bob Edwards reminded the committee that S.B. 29 was originally meant to conform the penalty section of 202.590 to exclude ambulance drivers in towns having less than 1,000 population. Rather than having the legislature grant blanket exceptions on the basis of population, he would rather have the Board of Health grant exceptions in consideration of need.

The volunteers are now offered a training package and that, coupled with the legislative package which was submitted, will gradually upgrade the standards of ambulance drivers across the state.

Senator Wilson moved to take this bill from the Secretary's Desk, re-refer to committee and indefinitely postpone further action. Seconded by Senator Bryan. Motion carried.

S.B. 182 - Increases number of justices of peace in certain townships.

JUDGE SANTINI:

Judge Santini testified that he is concerned with the legal bottleneck in Southern Nevada. Last year 2,395 felony preliminary hearings were heard in justice court in addition to the grand jury meeting once a week. This year, with the grand jury meeting once a month, they have conducted 1,433 preliminary hearings. This means by comparison that Southern Nevada, or the justice of the peace in the Las Vegas township, handles 76 per cent of all preliminary hearings in the state. The other 24 per cent are heard in the balance of the state, and still Reno needs help. The JP in the Las Vegas township handled 51,600 traffic offenses -

that figure does not include the City of Las Vegas.

None of these facts have been considered by or presented to the county commissioners. As a consequence, judgments have been made without consideration of the serious magnitude of the problem in justice court. The justice of the peace spends the better part of the afternoon running through arraignments: in January they heard 1,620 arraignments, or 81 per day; in February there were 1,350, or 75 per day.

Presently there is one justice court with 2 justices funnelling cases for 10 district court judges.

Senator Swobe asked Judge Santini if he felt the county commissioners could be convinced of the need if the committee provided enabling legislation. Judge Santini replied "yes".

Senator Bryan asked if provision for another justice would tend to produce more revenue. Judge Santini replied that it is difficult to draw an exact correlation between revenue and additional judges, but to keep the process moving would generate more cash.

Senator Dodge asked if drunkenness and minor traffic violations were taken out of the criminal code, would the caseload be reduced substantially. Judge Santini replied that it would be reduced tremendously. It would not be exaggerating to say that if the 51,000 traffic violators pleaded not guilty, the court could not possibly cope with the problem.

Senator Bryan asked Judge Santini to comment on the county commissioners idea of bringing in justices from outlying areas to handle the bottleneck situation. Judge Santini replied that those justices were unable or did not want to assist in the past three years when they were asked. This idea might be helpful, but is no solution. He would like to see something more constructive done.

Senator Bryan also mentioned the suggestion of staggering the terms of the JP's if this bill passes. Judge Santini thought this was an excellent suggestion.

Judge Santini also reminded the committee that the legislature is considering the right to counsel in misdemeanor cases, and a possible change in the grand jury system. Both of these factors would have a great impact on the justice court.

S.B. 203 - Expands definition of public nuisances and enlarges powers of district attorney and board of county commissioners to abate them.

KEITH HENRIKSON:

Keith Henrikson requested that the amendment proposed by Mr. Larry Struve and Senator Wilson be changed to delete "in the absence of such designation, the violation of which would constitute a public nuisance at common law" since it is not defined anywhere in the statutes. The committee agreed.

Senator Dodge moved to amend and "DO PASS." Motion seconded by Senator Foley. Motion carried.

S.J.R. 10 - Proposes to amend section 14 of article 5 of the Nevada Constitution to permit the Legislature to enact laws enabling the justices' and municipal courts to suspend sentences and grant probation.

Chairman Close read the amendment to this resolution proposed by the Assembly. The change would amend line 11 by deleting the words "justices and municipal" and inserting "inferior" courts. This would cover any change that might occur in the lower court structure.

The committee agreed to concur in the amendment.

S.B. 266 - Extends duties of public defenders to misdemeanor cases.

The committee discussed the objection to the wording beginning on line 18 "believes that a sentence of imprisonment may be imposed" and agreed to leave the discretion with the judge to appoint counsel if he finds the defendant to be indigent.

Senator Bryan felt the gut problem with the bill is the financial implications it would have for the cities and municipalities to absorb the cost of the public defender or if necessary, outside counsel.

Chairman Close remarked that the cities and counties are now contributing to the State public defender system, and of course, Washoe and Clark Counties have their own public defender systems. The committee did agree to add another section to the bill which would require the municipalities to contribute to the cost.

The committee also agreed to provide that if no public defender were available, or if a conflict of interest existed in the public defenders' office, outside counsel may be appointed.

The committee also incorporated Mr. Sharon's suggestion that

"public offense" refer to 171.188 subsection 3 b) which limits the application of this statute to misdemeanors.

Senator Dodge moved to Amend and "DO PASS." Motion seconded by Senator Bryan. Motion carried.

Senator Dodge informed the committee that he had been contacted by Judge Waters who asked that consideration be given to separating the First Judicial District by removing Carson City from the other four counties in the district. Judge Waters asked to testify before the committee to discuss this proposition and, if the committee is agreeable, request a bill to that effect.

The committee agreed to hear testimony from Judge Waters at a later date.

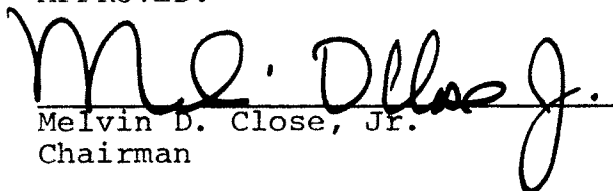
Meeting adjourned at 11:00 a.m.

Respectfully submitted,



Eileen Wynkoop  
Secretary

APPROVED:



Melvin D. Close, Jr.  
Chairman

Assemblyman Mary Gojack

February 16, 1973

Be it enacted that NRS 123, 125, 126, and 201 have added to them a statement defining conditions that must be met before either husband or wife may sue for support for themselves. These conditions should include the basic assumption that a husband or wife must be in need of support from the other, and further that the financial condition of each must be taken into account in decisions of amount of support. Moreover, neither should be required to support the other if, in the recent past, this hasn't been the usual situation. In short, the idea is to prevent either the husband or wife from taking unfair advantage of the laws.

Assemblyman Mary Gojack

February 11, 1973

Be it enacted that NRS 616.615 , subsections 2 and 3 be joined into one subsection covering both widow and widower , and that the death benefits payable to each be set at 50 per cent of the average monthly wage of the deceased.

This change is necessary to end discrimination on the basis of sex.

Assemblyman Mary Gojack

February 16, 1973

✓ Be it enacted that NRS 125.150 be changed to provide for alimony for either husband or wife, and that the court may set apart such portion of either husband or wife's property for the other's support and the support of their children, as shall be deemed just and equitable. Further, it should be stipulated that all alimony awarded to either the wife or husband shall cease at the time of remarriage of ~~either~~ the one receiving the alimony.

✓ Be it enacted that NRS 125.160 be changed to provide the same provisions for a husband receiving alimony.

✓ Be it enacted that NRS 125.180 be changed to apply similar conditions to a wife who makes default in paying sums of money as required by the court.

✓ Be it enacted that NRS 125.190 be changed to limit the wife's right to take action for permanent support and maintenance of herself to cases when she is unable to support herself. Further, this change should include ~~limits of~~

provisions for joint support of children by both husband and wife except in cases when either parent is financially unable to supply half of the support. In such cases the parents should be judged responsible for as much support as they are able to contribute.



Also this statute should be changed to allow for action by husband for permanent support and maintenance when he is unable to support himself.

Assemblyman Mary Gojack

February 16, 1973

✓ Be it enacted that NRS 123.120 be changed to include wife or husband.

✓ Be it enacted that NRS 123.140 be changed to require inventory of separate property of husband in similar manner as for wife.

✓ Be it enacted that NRS 123.040 be changed to state earnings of either husband or wife not liable.

✓ Be it enacted that NRS 126.030, part 3 be changed to state father is jointly responsible with mother.

Assemblyman Mary Gojack

February 16, 1973

✓ Be it enacted that NRS 126.040 be changed to state father may recover from mother as well.

✓ Be it enacted that NRS 126.050 make equal provision for recovery by father from mother.

✓ Be it enacted that NRS 126.060 be changed to include mother or father.

✓ Be it enacted that NRS 126.070 be changed to cover mother's estate in like manner.

✓ Be it enacted that NRS 122.020, subsection 1 be changed to allow male or female to marry at age 16 with parental consent. Further, subsection 2 should be changed to allow male or female to marry without consent at 18.

Assemblyman Mary Gojack

February 16, 1973

Be it enacted that NRS 125.200 be changed to provide for similar action by husband.

Be it enacted that NRS 125.220 be changed include similar provisions for husband. This statute should also be changed to provide that neither husband or wife is solely responsible for the support of any children.

Be it enacted that NRS 125.220 be changed to include similar provisions for husband.

Be it enacted that NRS 125.250 be changed to include similar provisions for husband.

Be it enacted that NRS 125.440 be changed to provide similar provisions for wife or husband.

Assemblyman Mary Gojack

February 16, 1973

Be it enacted that NRS 616.510, subsection 1 (a) and (b) be changed to define "person conclusively presumed to be totally dependent on injured, deceased employee" as either a wife or husband dependent mainly upon the earnings of the other for support, and had not voluntarily abandoned the injured or deceased at the time of the accident.

Be it enacted that NRS 609 be changed wherever there is differentiation between males and females who are minors as to the age at which they are permitted to work. Further, the change should be to the lower limit.

Be it enacted that NRS 125.010, subsection 7 be changed to state, "neglect of the husband or wife..."

Be it enacted that NRS 125.040 be changed to provide for allowances and suit money for husband or wife during pendency of action.

Assemblyman Mary Gojack

February 16, 1973

✓ Be it enacted that NRS 201.020 be changed to include similar provisions for nonsupport by either wife or husband.

Be it enacted that NRS 201.025 be changed to allow similar action for establishing maternity of a deserted child.

Be it enacted that NRS 201.040 be changed to allow for temporary order for support for deserted husband as well as wife.

Be it enacted that NRS 201.070, subsection 3 be changed to include similar provisions for wife who deserts her husband or children in destitute or necessitous circumstances, or of neglect or refusal to provide support and maintenance of such husband or children.

Mary Gojack, Assemblyman

February 16, 1973

Be it enacted that NRS 124 be repealed.

✓ Be it enacted that NRS 123.090 be changed to add same provision when wife neglects to provide necessaries.

✓ Be it enacted that NRS 123.100 have added to it that wife is not liable for support when husband abandons her.

Be it enacted that NRS 123.110 be changed to include provisions stating when husband must support wife.

Assemblyman Mary Gojack

February 11, 1973

✓ Be it enacted that NRS 200.373 be revised to read: A husband may be convicted of the rape of his wife if it be shown that he forced her to engage in sexual intercourse against her own free will, or that he was an accomplice or accessory to the rape of his wife by a third person.

This revision addresses the need to recognize a wife as a separate person, not a possession or slave to her husband.



Assemblyman Mary Gojack

February 11, 1973

Be it enacted that NRS 412.026 subsection 3 be revised to read: The Nevada National Guard Reserve is an unorganized body comprising all able-bodied residents of the state between the ages of 17 and 64 years ...

Further, , the word "male" should be deleted from subsection 4 of this same statute.

These changes are needed to end the discrimination on the basis of sex.