

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA ASSEMBLY SESSION

MINUTES

January 29, 1975

Chairman Robert R. Barengo called to order the meeting of the Assembly Judiciary Committee at the hour of 9:17 a.m. on Wednesday, January 29, 1975.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY, HICKEY, POLISH, SENA, LOWMAN, Mrs. HAYES and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

Mr. Barengo opened the meeting and then passed out copies of a letter from James D. Fellers, President of the American Bar Association, relative to their stand on the Equal Rights Amendment. This was distributed for general information purposes. A copy of this letter, which is dated January 21, 1975, is attached to these Minutes.

The Minutes of the last meeting held January 23, 1975 were read by each Committee member, and Page 2, Paragraph 3, was amended to refer to the 1972 general election, not the 1970 general election. It was then moved and seconded that the Minutes from this meeting be approved as amended.

At this point, Mr. Hickey and Mr. Lowman entered the meeting.

Guests of the Committee at this meeting were Mr. Dennis Baughman, representing the Las Vegas Review Journal, Dr. Ken Sharigian, representing the Nevada State Division of Mental Hygiene and Retardation, Dr. Larry Miller, representing the Las Vegas Mental Health Center, and Mr. Tom Piepmeyer, representing the Nevada Mental Health Institute. The Guest Register from this meeting is attached to these Minutes.

Dr. Sharigian, Dr. Miller and Mr. Piepmeyer were here to testify regarding A.B.10. They furnished the Committee with a statement in the form of a letter from Charles R. Dickson, Ph. D., a copy of which is attached to these Minutes and is dated January 29, 1975. Dr. Sharigian testified first, and his main concern with A.B.10 as it is now written is the proposed placement facilities for the substance abusers.

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The two places referred to in A.B.10 which would house the substance abusers are inadequate facilities for this type of person. They have no specific programs for detoxification for either alcohol or drug abuse. Therefore, all persons presently treated at these facilities would receive inadequate treatment, because they are persons with mental and emotional problems, and thus, they would need a completely different environment than what is proposed for the people affected by A.B.10. Financing for this type of program is definitely a factor. Most of these type programs are run by Departments of Correction--not mental health institutes. California's Department of Corrections runs such a program. Dr. Sharigian stated that his research and experience has shown that around the county people who are involuntarily placed in a situation such as proposed by A.B.10 are not effectively treated by that method. Mr. Heaney then questioned Dr. Sharigian as to whether he knew of any representative programs in any other states which had been effectuated to deal with this situation. Dr. Sharigian replied that he was not aware of any. Mr. Barengo then interjected that this was not in the purview of this bill. Mr. Lowman then suggested that a future time be set to hear this bill so that additional witnesses may be heard. Mr. Hickey asked Dr. Sharigian what the present cost is per day at the Las Vegas Mental Health Center to treat the alcoholic patient. Dr. Sharigian was advised by Dr. Miller that this cost was about \$69.00 at this time. Dr. Miller testified that the drug abusers resist and resent being placed on wards with mental health patients. He said it was his experience that there were real discriminations between the "crazies", the "juicers" and the "dopers". He stated that effective treatment comes out of specialized programs which do not exist. Mr. Lowman stated it was obviously an error to list particular facilities in A.B.10--that he intended the bill to allow any facility, public or private, to be available to the substance abuser, and the bill will have to be amended. He would like to have Clark County Deputy District Attorney Thomas Beatty testify before the Committee--that we are looking for a diversion to prison punishment. Mr. Barengo stated that the original bill was A.B.33, which was introduced into the Assembly during the 57th Session. It was subsequently amended, passed by the Assembly and killed by the Senate. Mr. Barengo said the bill denies all constitutional rights, and if he were a defense attorney, he would never allow his client to proceed under the provisions of the bill. He said he doesn't think the way it is set up it is beneficial as a diversionary program.

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Mr. Lowman stated that he has no objections to any changes in the bill which would make it viable.

The next meeting of the Committee will be the Joint Senate and Assembly Hearing of the ERA (A.J.R.1), scheduled for Monday, February 3, 1975 at 3:00 p.m. in the Assembly Chambers. The Las Vegas hearing is still set for 10:00 a.m. on Saturday, February 8, 1975 at the University of Nevada Las Vegas, Social Science Building, Room 103.

Bills for possible Committee introduction were introduced to this Committee.

The first bill for possible introduction is a technical amendment correcting provisions for detailing trial and defense counsel under the Uniform Code of Military Justice. Mr. Lowman moved that the Committee introduce this bill. That motion was seconded, and subsequently there was a unanimous vote in favor of this Committee introducing this bill. (This bill has since been introduced and is A.B.102.)

The second bill for possible Committee introduction regards "no fault" insurance. It was moved and seconded that this be referred to the Commerce Committee. There was a unanimous vote that this bill be referred to the Assembly Commerce Committee.

The third bill for possible Committee introduction is a technical amendment correcting internal reference in NRS 104.903, and it deals with secured transactions. Mr. Lowman moved that the Committee introduce the bill, and Mr. Hickey seconded that motion. Then there was a unanimous vote by the Committee to introduce the bill. (This bill was introduced and now has become A.B.104.)

At this time, Mrs. Hayes presented to the Committee for possible introduction two bills from the Clark County area.

The first bill presented would delete the requirement of witnesses at a marriage ceremony. Mrs. Hayes stated it is difficult for the marriage commissioners in Clark County to find witnesses late at night, and they are almost impossible to locate should it become necessary to find them at a later date. Mr. Lowman stated it would be interesting to hear the discussion which would result from this bill if it were introduced, and he moved that the Committee introduce it. Mr. Hickey seconded that motion. There were 6 "yes" votes to introduce the bill, and there were 3 "no" votes. Therefore, the Committee will introduce this bill. (This bill has been introduced and is now A.B.103.)

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The second bill from the Clark County area which was proposed for Committee introduction provides immunity from tort liability to certain medical practitioners. It was moved and seconded that this bill be introduced by the Committee, and after a unanimous vote, this bill will be introduced. (This bill has now become A.B.105.)

Mr. Banner moved that the meeting be adjourned, and the motion was seconded. The meeting was then adjourned at 10:05 a.m.

ASSEMBLY JUDICIARY COMMITTEE

GUEST REGISTER

DATE: 1/29, 1975

| NAME                     | BILL NO. | SPEAK-<br>ING | REPRESENTING   |
|--------------------------|----------|---------------|--|
| <i>Dennis Baughman</i>   | -        | -             | <i>Las Vegas Review Journal</i>                                |
| <i>Dr. Ken Sharigian</i> | AB 10    | ✓             | <i>New. State Division of Mental Hygiene &amp; Retardation</i> |
| <i>Dr. Larry Miller</i>  | AB 10    | ✓             | <i>Las Vegas Mental Health Center</i>                          |
| <i>Tom Piepmeyer</i>     | AB 10    | -             | <i>New. Mental Health Institute</i>                            |
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STATE OF NEVADA  
DIVISION OF MENTAL HYGIENE  
AND MENTAL RETARDATION

4600 KIETZKE LANE, SUITE 108  
RENO, NEVADA 89502  
(702) 784-4071

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MIKE O'CALLAGHAN  
Governor

CHARLES R. DICKSON, Ph.D.  
Administrator  
MENTAL HYGIENE AND  
MENTAL RETARDATION

JACK MIDDLETON  
Associate Administrator for  
Mental Retardation

January 29, 1975

Robert R. Barengo, Chairman  
Judiciary Committee - Assembly

Dear Mr. Barengo:

Assembly Bill 10 would allow persons accused of an offense designated as a felony and prohibited by NRS 453 (Controlled Substance Act), who are judged to be drug addicts, to be placed at the Nevada Mental Health Institute or the Las Vegas Mental Health Center for an indeterminate amount of time without being tried for the offense of which they are accused. It would seem that the legislation intends to treat the problem of substance abuse in a non-criminal, therapeutic manner. The proposal, although laudible in intent, is misdirected in practice. The following facts are relevant to consideration of AB 10:

1. General, in-patient, mental health service is not an effective treatment approach to substance abuse (drug addiction). We do not have detoxification programs for drug addiction at either the Las Vegas Mental Health Center or the Nevada Mental Health Institute.
2. If passed, AB 10 would mandate the Nevada Mental Health Institute and the Las Vegas Mental Health Center to accept persons whom they are not equipped to effectively treat. Thus, at least \$6 million of State money would be invested in an ineffective attempt to treat these people.
3. Persons for whom in-patient services are appropriate may be denied treatment because space would be occupied by substance abusers. Those persons who would be denied service include the mental health patients committed to our program by the courts because they are seen as a danger to themselves or others.
4. The Nevada Mental Health Institute and the Las Vegas Mental Health Center would be unable to provide the security needed in treating persons who are awaiting trial for a felony.

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5. The proposed legislation provides a system in which accused felons are offered service as a substitute for trial, thereby increasing the chance that some persons would resist behavior change in order to delay the legal consequences of their acts. This situation itself is anti-therapeutic.
6. Involuntary commitment, for the most part, is not an effective method of treatment for substance abusers.

For these reasons, the Division of Mental Hygiene and Mental Retardation strongly recommends that AB 10 not be passed and that increasing emphasis be placed on the community treatment for substance abusers. Only through providing these individuals with the skills necessary to adequately cope with their natural environment can this problem be effectively overcome.

Respectfully submitted,

*Charles R. Dickson*

Charles R. Dickson, Ph.D.  
Administrator,  
Division of Mental Hygiene  
and Mental Retardation

CRD/jq

cc: Roger Trounday  
All Judiciary Committee Members

AMERICAN BAR ASSOCIATION

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OFFICE OF THE PRESIDENT  
JAMES D. FELLERS  
AMERICAN BAR CENTER  
CHICAGO, ILLINOIS 60637  
TELEPHONE: 312/493-0533

January 21, 1975

The Honorable Mike O'Callaghan  
Governor of Nevada  
Reno 89501

My dear Governor O'Callaghan:

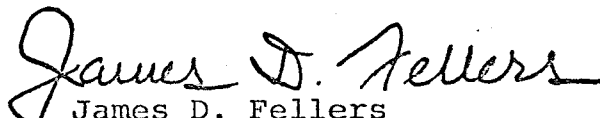
The American Bar Association, at its Annual Meeting in August of 1974, approved a resolution urging ratification of the Equal Rights Amendment to the United States Constitution.

Your state is one of seventeen which has not yet ratified the Equal Rights Amendment. As President of the American Bar Association, I urge you actively to work for ratification of this. Additionally, I would ask that you refer this communication to the Chairpersons of those legislative committees scheduled to consider the ERA during the 1975 Session.

1975, International Women's Year, will celebrate the many achievements of women. 1976, our Bi-Centennial Year, should celebrate, too, the end of the last vestiges of legal discrimination in this land of "freedom and justice for all."

The American Bar Association encourages you to take an affirmative public stand in favor of ratification of the Equal Rights Amendment. No less than a Constitutional mandate should underscore our country's commitment to equality for all persons under law.

Sincerely yours,

  
James D. Fellers  
President

JDF:alj

Enclosures



## AMERICAN BAR ASSOCIATION

REPORT TO THE  
HOUSE OF DELEGATES

## LAW STUDENT DIVISION

## RECOMMENDATIONS

The law student division recommends the adoption of the following resolution:

BE IT RESOLVED, that the American Bar Association approves and affirmatively acts towards the ratification of the proposed 27th amendment to the United States Constitution, as follows:

RESOLVED by the Senate and the House of Representatives of the United States of America in Congress assembled two-thirds of each house concurring therein, that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the several states within seven years from the date of its submission by that Congress:

## ARTICLE

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification. H.J. Res. 208

## REPORT

INTRODUCTION

The intent of this amendment is to confer upon women the legal status which would allow them to share equally in the responsibilities that confront a rapidly changing world. Sexual discrimination permeates our social, cultural, and economic life. It seems evident that to ensure equality without discrimination on account of sex, a constitutional amendment does not purport to govern private treatment and the private co-existence between men and women, but rather will effect all action by the federal and state governments. It is already apparent that the United States House of Representatives, who by vote of 354 to 23 on October 12, 1971 and the United States Senate, who by vote of 84 to 8 on March 22, 1972 have realized the need for the inclusion in our Constitution of an amendment which will allow the women in our society to share equally in the responsibilities and the benefits which our society offers. The action of both houses ultimately resulted in a joint resolution issued on January 18, 1972, H.J. Res. 208, now known as the Equal Rights Amendment. Currently some 33 states have already ratified the proposed E.R.A. Amendment with only 38 needed for ratification. Therefore, it is incumbent upon this body to make its intent known to the American public and to the Congress of the United States that it concurs in the need for an end to discrimination existing because of sex.

SEXUAL DISCRIMINATION MANIFESTS ITSELF IN SEVERAL WAYS

In 1971, according to the most recent U.S. Census report, female workers were heavily concentrated in low status, low paying jobs while they constituted 40% of the nation's work force. Approximately one-third of all employed women were working as bookkeepers, secretaries, typist, file clerks and in other clerical positions. Approximately 17% were service workers, (i.e. beauticians, waitresses, attendants, etc.) Another 16% were professional and technical workers with two-fifths of the women in this category employed as elementary or secondary school teachers.

During this period the average annual income for women working full time was Fifty Seven Hundred Dollars (\$5700.00) representing 59% of the average yearly income for men working full time. Families with female heads, had a median family income of Fifty One Hundred Dollars (\$5100.00) representing 47% of the median income for families with male heads. Further, the American Council on Education concludes, that in 1969, 63% of college and university faculty women were paid less than Ten Thousand Dollars (\$10,000.00) per year while only 28% of the men were in that category, and although 67% of the American teachers are women, approximately 80% of the elementary school principals and nearly 95% of secondary principals are men.

While there are many areas in which the status of women must be improved, the employment arena represents the most blatant form of discrimination facing women today.

THE EFFECT OF E.R.A. ON OUR SOCIETY

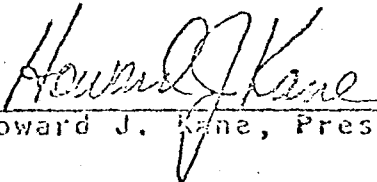
The opponents of E.R.A. have espoused many fears with respect to the adoption of such an amendment, not the least of which is the possible military and combat service of women in our armed forces. While it is true that women would be subjected to the draft, if reinstated, the fear of women having to assume combat duty is unfounded. The 1971 draft call indicates that less than 1% of the eligible males in the country were assigned to combat units, and only a fraction of those were assigned to the front lines. (Congressional Records 3-21-72, pp. S.4389-4391). It is logical to assume from this that the need for assigning women to actual combat roles is unlikely and highly improbable.

It is further unlikely, in light of the constitutional right of privacy, that ratification of the Equal Rights Amendment will result in an end to separate sleeping, bathing and toilet facilities in public institutions.

The E.R.A. does not suggest such a result and it was not the intent of Congress that it should. Further, the arguments that the Equal Rights Amendment will eliminate the obligation of men to support their families is equally unfounded. It is wrong to assume that where there exists a male head of the family, that he will not have the responsibility for the support of his family while he remains to be the principle wage earner and source of support for his family. In light of the desire that men and women have an equal earning capacity should receive equal wages, each spouse should be equally liable for the support of the other. If one spouse remains at home for domestic or child-rearing duties, and one is the primary wage earner, the wage earner would have a duty to support the spouse who remained at home whether that wage earner be the husband or the wife. Upon Dissolution of a Marriage, husbands and wives would be treated on the basis individual circumstances rather than sex. This is the better rule and would actually result in a reduction in the instances where husbands are unfairly burdened with the duty of support to the spouse who is capable of earning a sufficient wage.

The general principle to keep in mind when analyzing the possible effects of the proposed Equal Rights Amendment is that it is expected that those laws which are discriminatory and restrictive will be stricken entirely. Those laws which provide meaningful benefits or protection, such as a personal right of privacy, will be expanded to include both men and women. All laws should and must balance the interests, needs and abilities of a nation and its people.

Respectfully submitted,

  
Howard J. Kane, President