

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MARCH 22, 1977

The meeting was called to order at 8:05 a.m. Senator Close was in the chair.

PRESENT: Senator Close
 Senator Bryan
 Senator Ashworth
 Senator Dodge
 Senator Foote
 Senator Gojack
 Senator Sheerin

ABSENT: None

AJR 3 Proposes election of Chief Justice by Justices of Supreme Court.

E.M. Gunderson, Chief Justice, Associate Chief Justice, stated this is the result of studies undertaken regarding the court system in the interim between this session and last session. It arose out of an inquiry posed to Dean Watts at the time he was testifying before the committee. He testified that the present system that prevails in Nevada for a rotating Chief Justiceship was contrary to the best interest of the judicial system as it did not provide continuity of planning and leadership. It did not give an opportunity for a given chief justice to inaugurate and carry through programs and I indicated my agreement with that. Secondarily I indicated that I felt that the fault with the existing system is that it failed to allow an individual not only to achieve a position of leadership and carry through a program in his own state, but deprives him of an opportunity to achieve a position of leadership within the Conference of Chief Justices and therefore it would be an influence in the improvement of the judicial system nationally. Assoc. Justice Gunderson does feel that the amendment as drafted and appears does not respond to the problem at all, and in fact makes the problem worse. The reason for this is you will still have a rotating chief justiceship and as a result you will have the same problem that you have had before with no opportunity to achieve continuity of planning and leadership. He feels this amendment will interject politics into the system every two years. He has seen this go on in other jurisdictions, and while there would be some politicking with a longer term, at least with 4 or 6 years it would enable the court to make a decision and reconcile itself to the decision and permit the person who had been selected to have the opportunity to go forward and set his own program as the guiding figure of the court. He feels that there should also be successive terms. In answer to a question of how you remove a person if he isn't doing his job, he feels with

the discipline commission existing in Nevada now, that there is indeed an effective method or removal. If a justice assumes the duties of chief justice and they are too much for him, then the fact that he is failing in his obligations becomes a matter for the cognizance of the committee on judicial discipline. It would be within the province of the judicial commission to say in our view from what we have before us, it appears to us you are not performing adequately at the present time. Therefore we give you the option if you are willing to step down to a position of justice, then we will dismiss the present proceedings against you. The states that have gone forward with judicial administration have been the states that do not have rotating chief justiceships. In California it is a permanent appointment, as long as the individual continues to be elected on a 12 year basis, it is a lifetime appointment. It is a separate position. This is an appointment by the Governor, but there is a commission which must confirm the appointment that consists of the Attorney General, one justice of the Supreme Court and one justice of the Court of Appeals. It works in reverse of what it does in the state of Nevada. Here the commission screens applicants and submits three names to the Governor who makes his selection from those. He has a list of the judgeships in regard to how each state operates, which he passed out to the Committee (see exhibit A). He stated that some states have longer terms and some lesser, but the average seems to be 6 years. He has basically worked out an amendment with Frank Daykin. It was their belief that as to a person who had been elected to a term of 6 years, as it was originally drafted, and is now dropped down, but the belief was that the provision would say that it would mean that whenever a chief justiceship had terminated, for any reason the court would then elect a new chief justice for a term of not less than four years but extending to the even number years. We were not concerned with why it ended, or filling partial terms. We were concerned with selecting a new chief justice who would have enough time to go forward and set programs and achieve a leadership position.

After some discussion by the Committee Senator Ashworth moved an amend and do pass. Motion dies for the lack of a second.

AB 217 William Swackhamer, Secretary of State stated that the genesis of this bill is that about three years ago the Department of Economic Development did some advertising for us on the east coast, outlining some of the advantages of incorporating in Nevada. It turned out to be a very successful operation because the last 6 months of the last fiscal year, the number of our incorporations increased by 29%. However, a problem arose. We were getting an inordinate number of the small \$2,500 capitalization outfits and it costs just as much for us to process those as to process the \$25,000 or more. So in this bill we are proposing basically three things. A very modest increase in the fees, to take us up into the relative position where we were before. We are changing the fee to file the annual list from \$10 to \$20, the reason is

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we are providing now, a very good but rather expensive service to the public, where we are able to give information over the telephone because we bring it up on a computer terminal. The other portion of the bill is an amendment to the foreign corporation section, where they will not have to file every article or every item in their home where they are domesticated to qualify in Nevada. On a filing of the fees we were concerned we might run out some people that might want to incorporate. They feel that there is no detriment by increasing these fees and it might prove to be helpful to all in that it would give more money to the Secretary of State's office to continue upgrading our system. One other thing he would like to bring to the attention is the matter of fees and the fee for the annual list of officers. Approximately a third of our corporations now are foreign corporations. Because of the large number of corporations we were getting as a result of our advertising program from the East Coast, so we are providing a service to people outside of the state of Nevada, and what we are trying to do here is get somewhere within the ball park of the price for which we are offering the services.

Senator Dodge felt that perhaps the best way to work the schedule of fees was to raise the percentage for the smaller corporations, as they are the ones that are the problem, and then work it on down. If you are trying to cut the costs of processing, you ought to have the highest increase in the lower area and then proportionately reduce as you go on up.

Mr. Swackhamer stated that he didn't want to jeopardize the nice flow of corporations they have coming in. The \$50 fee would really be very acceptable and work it up from there. There is a bill in the assembly at the moment that would do away with notification to the corporation when the charter is going to be revoked. Because in the 6 years that we have been doing this we have been able to identify one response from these notices. This has never done any good, in fact most of the letters we send out come back unclaimed.

SB 183 Amends provisions relating to collection of corporate stock subscriptions.

Senator William Raggio stated this is a bill designed to do a couple of things. The present law in NRS 78.220 speaks to corporate stock subscriptions. The existing sections are not too elaborate nor are they too clear as to what is done in the event someone defaults in a subscription to purchase shares of stock in a corporation. It is also silent when a call may be made by the board of directors on a stock subscription. Our first amendment would provide that a stock subscription may be either paid in full at the time, or such installments as the board of directors may determine. One specific provision is that any call that they make on subscriptions for payment must be uniform as to all shares

of the same class of stock. They can't just call on one or two individual stocks, they have to make a uniform call. That should certainly be in the law. Also, where the default provision is now contained, the intent is still present in the proposed bill. It would be a default and a method of dealing with the default after 30 days, but specifically 30 days after written demand. The procedure set forth there makes it clear as to what the corporation would do in such a case. The most important section of the bill is where it provides that a subscription would be irrevokable for a period of 6 months. The need for that is that under common law, a subscription for stock is revokable. It may be revoked by the subscriber at any time before the corporation is formed. In most states they have now made the subscription irrevokable at least for a period of time. Someone forming a corporation of this kind, seeking public subscriptions may for example, use someone with affluence's name and therefore induces people to purchase the stock. Then ultimately the call is made or the corporation is organized, but prior to that the person who's name has been utilized has revoked his subscription. In answer to Senator Dodge's question, he felt that perhaps the section on the deficiency should indeed be spelled out more clearly, he thought it was inferred but could be made much clearer.

Senator Bryan moved amend and do pass.
Seconded by Senator Gojack.
Motion carried unanimously.

AB 41 Requires provision of additional law books to certain judicial officers.

Terry Reynolds, Traffic Court Specialist with the Judicial Planning Unit of the Nevada Supreme Court stated he had a brief statement. This is a legislative subcommittee bill that came out of Assemblyman Barenco's committee and the feeling was, at that time, that there be a minimum standard set for reference material available to the judges. He supports that concept and would hope that the bill would be passed. It has been amended so that the annotations and digests are included instead of excluded. There are three JP's without Nevada Revised Statutes, and one judge has a 1965 copy. There is a new judgeship created in Jackpot and he has no materials at all. He stated that as far as the annotations and digest that was simply a preference thing.

After come discussion the Committee felt that they should have the NRS, but felt that the other reference materials would not be needed in the smaller townships.

Senator Foote moved an amend and do pass.
Seconded by Senator Gojack.
Motion carried unanimously, Senator Dodge absent from the vote.

AB 122 Prohibits removal of serial number from certain personal property.

Lorne Butner with the Washoe County Sherrifs Department, currently commanding the Detective Division and with him is Mr. Vince Bitale who is the criminalist of the Washoe County Crime Lab. Their interest in the bill is with regard to the serial number. They have noticed in law enforcement for a number of years, that when we recover property we would have an opportunity to make a case against those that are in possession of the property if it can be proved without a doubt where the property originated, in order to charge them with the possession of stolen property. The problem that is encountered is that once the property is stolen the serial numbers are then removed from the property and there is no way for us to trace the property back to the original owner. It is not always a case of arrest or charge, many times we recover property without suspects involved and we are merely interested in getting the property back to the owners. Without the serial numbers it is impossible.

Mr. Bitale stated that one area that is not presently covered by Nevada law is the alteration, obliteration or counterfitting of serial numbers associated with private property. Serial numbers on CB radios and TV's is almost non-existent. A number of criminal cases have arisen where there was no way to trace that material. They feel that manufacturers should be required to stamp a serial number on the chasis, the frame or the case, paper or metal tabs should be discontinued.

The Committee agreed that there should be these things, but they as a state, could not dictate to manufacturers or put in requirements that would only cover this state.

Senator Bryan stated that all this bill does is make a misdemeanor for the person who changes or alters an existing number. He feels it would be very difficult to get a conviction under this. He felt that perhaps the California law would work better. This states that possession of something that had the serial number changed, altered or removed is a crime.

Mr. Butner stated that perhaps that would work out better and they would take the matter back for advisement.

Senator Gojack moved to indefinitely postpone.

Senator Asworth seconded the motion.

The motion carried unanimously, Senator Dodge was absent for the vote.

AB 138 Reduces size of State Board of Parole Commissioners, requires full-time service of board members and seperates board from Department of Parole and Probation.

Bud Campos, Chief, Parole and Probation stated that this bill

does two things. First it requests a full time parole board rather than the part time board we have at the present time. The other thing is to remove the Department of Parole and Probation from under the legal administration of the board of commissioners, and place it under the executive branch with the Chief appointed by the Governor rather than by the Parole Board. The department actually spends most of its time dealing with probationers rather than parolees. We have something in the neighborhood of 289 persons on parole in the state, as opposed to over 2,000 on other kinds of cases. We need to be responsive to the court to enforce the rules of the courts and do not feel with a full time board that it would be appropriate to maintain the department under the board of parole commissioners. Primary problems with a part time board is that the time and capabilities they should have, is simply not possible without a full time board. We did a survey of other states that had a prison population similar to Nevada. Those were Maine, Nebraska, New Mexico, West Virginia, and to a lesser extent Utah and Minnesota. The general information is that Nevada does provide fewer services to the parole function than any other state does at the current time. We spend a great amount of time and money into catching, prosecuting and confining people but almost no money or time at all as to who we let loose and put right back into the cycle again. You cannot expect people who meet a couple of times a month to be expertise and this is what is needed. What they would like is a full time 5 man board to have four year terms and appointed by the Governor. He stated he would also like to speak briefly at this time on the early retirement for the parole and probation officers. Basically they do perform policing types of activities on occasion, and he feels that they shouldn't have upper middle aged people under this burden. He feels that although they probably aren't under as much danger as a policeman or a fireman there are occasions when they are in dangerous circumstances and therefore should be able to have the same early retirement benefits.

Senator Foote moved amend and do pass and re-refer to Finance. Seconded by Senator Bryan. Motion carried unanimously, Senator Dodge was absent for the vote.

AB 162 Requires physicians and certain others to report to law enforcement agencies when treating certain knife or firearm injuries.

Dr. John Sandee, Legislative Chairman for Nevada State Medical Association stated that the association is in favor of passage of this bill. This policy has been followed by the Washoe Medical Center for many years in reporting suspicious gunshot and knife wounds. He feels that this is basically been carried out in the other hospitals in the other areas of the state. This bill would cover the aspect of the physician in private practice which has not been as

well covered as the hospital situation. If the physician has a person who has been his patient for a number of years and has a suspicious wound he may be reluctant to report it, or the patient may talk him out of reporting it, or perhaps because of a noteriety aspect he has overlooked it. This would make it mandatory and also put the health provider in a better position, because then he can say it is my duty and obligation to report this. This bill would also better help law enforcement when there has been a criminal action taken.

After some discussion by the Committee, Senator Gojack moved an amend to include "licensed nurse" and do pass. Senator Foote seconded the motion. Motion carried unanimously Senator Dodge was absent for the vote.

SB 286 Provides for recovery of welfare payments made for dependent children.

Acle Martelle, Welfare Division; Dale Landon, Welfare Division and Bob Holland, Deputy Attorney General for the Welfare Division stated that they have some amended language (see exhibit B). Also they have added a section on sovereign immunity. They went over the items with the Committee as to the language that they wanted with the help of Frank Daykin.

Senator Close stated that there was too much conflict between what they are trying to do and URISA.

Mr. Martelle stated that first of all the 4D requires that in every public assistance case we try to secure child support. It requires a seperate singular and organization-al unit to perform those duties. The intent of the bill was to provide both the welfare division, the attorney general and the prosecuting district attorney the legal tools and the where-with-all to best do that job. The new parts of the bill are the assignment provision respective to the assignment support rights by the mother. The wage assignment which is actually a remedy to collecting enforcement is new. Also, the intent of the bill is to bring NRS into conformity with federal regulations of the federal law that pertain to the new 4D act and those provisions are what we are speaking to. It also requires under the new 4D act to be in conformity with 4A, you must have the 4D program implemented, and it must be satisfactorily performing the job as outlined by the law. If not, you face a conformity issue; federal withdrawl of funds, and this is 6.5 million dollars a year. It also requires any non-public assistance individual requiring or requesting assistance in collection, either location of the absent parent or collection of child support monies, be able to come to us and make application to do so. Right now we charge a \$20 application fee for each and every one. This is a brand new twist and they feel that perhaps that is where the confusion comes in.

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After studying the changes and some discussion between the Committee members it was felt that this is still too confusing and that they needed clarification and a redraft to be able to discuss this further.

AB 123 Revises basis of charges for confining federal prisoners in county jails.

Senator Foote moved a do pass.
Seconded by Senator Gojack.
Motion carried unanimously.

There being no further business at this time the meeting was adjourned at 10:50 a.m.

Respectively submitted,


Virginia C. Letts, Secretary

APPROVED:

SENATOR MELVIN D. CLOSE, JR., CHAIRMAN

INDEFINITE TERM:

Colorado

LIFE APPOINTMENT:

Rhode Island

RETIREMENT AT 70:

Massachusetts
New Hampshire
Puerto Rico

*What type of election
system?*

AT PLEASURE OF COURT:

Tennessee
1 yr - West Virginia
Wyoming 1 yr - 70

*In effect rotating
in a 2000*

* SERVES AS CJ FOR
REMAINDER OF TERM AS
JUSTICE:

Georgia
Idaho
Iowa
Kansas
Louisiana
Maryland
Mississippi
New Mexico
Pennsylvania
Virginia
Wisconsin

*Final decision in effect -
check on it. ok*

14 YEARS:

New York

12 YEARS:

California
Delaware

10 YEARS:

Alaska
District of Columbia
Hawaii
South Carolina

8 YEARS:

Arkansas
Connecticut
Guam
Montana
North Carolina

7 YEARS:

Maine
New Jersey (With re-appointment to age 70)

6 YEARS:

Alabama
Minnesota
Nebraska
Ohio
Oklahoma
Oregon
Texas

5 YEARS:	Arizona Indiana North Dakota (or until expiration of term as justice whichever comes first.)
4 YEARS:	South Dakota
3 YEARS:	Illinois
2 YEARS:	Florida Michigan Missouri Nevada Utah Washington
1-1½ YEARS:	Kentucky

*rotating
criteria
(check ASA stat)* - Watts + Schumb

AVERAGES FOR STATES HAVING TERMS OF YEARS (INCLUDES D.C. & GUAM)

Mean: 6.3 years
Median: 6.0 years
Mode: 6.0 years

FOR ALL TYPES OF TERMS, THE AVERAGE (MODE: I. E., GREATEST FREQUENCY OF OCCURRENCES) IS "SERVES AS CJ FOR REMAINDER OF TERM AS JUSTICE" WITH 11 OCCURRENCES.

(Although, if you classify a term for years, irrespective of the number of years, as "one type of term" then clearly the most occurrences are in the term for years category.)

CONFERENCE OF CHIEF JUSTICES
1976

TERM OF OFFICE

State or other jurisdiction	Chief Justice	Term of office as Chief Justice	Length of regular term in office
Alabama	Howell T. Heflin	January 1971—January 1977	6
Alaska	Robert Boochever	September 1975—September 1978(a)	10
Arizona	James Duke Cameron	January 1975—January 1980	5
Arkansas	Carleton Harris	January 1969—January 1977	8
California	Donald R. Wright	April 1970—February 1977(b)	12
Colorado	Edward E. Pringle	November 1970—	(c)
Connecticut	Charles S. House	May 1971—April 1978(b)	8
Delaware	Daniel L. Herrmann	August 1973—August 1985	12
Dist. of Columbia	Gerard D. Reilly	1972—1982	10
Florida	Ben F. Overton	March 1976—March 1978	2
Georgia	H. E. Nichols	January 1975—January 1981	(d)
Guam	Joaquin C. Perez	October 1974—October 1982	8
Hawaii	William S. Richardson	April 1973—April 1983	10
Idaho	Joseph J. McFadden	March 1975—January 1979(e)	(d)
Illinois	Daniel P. Ward	January 1976—January 1979	3
Indiana	Richard M. Givan	November 1974—November 1979	5
Iowa	C. Edwin Moore	November 1969—August 1978	(d)
Kansas	Harold R. Fatzer	January 1971—January 1977	(d)
Kentucky	Scott Reed	January 1975—	(f) ✓ 12-18m
Louisiana	Joe W. Sanders	March 1973—	(d)
Maine	Armand A. Dufresne, Jr.	September 1970—September 1977	7
Maryland	Robert C. Murphy	November 1974—	(d)
Massachusetts	Edward F. Hennessey	January 1976—April 1989	(b)
Michigan	Thomas Giles Kavanagh	January 1975—January 1977	2
Minnesota	Robert J. Sheran	December 1973—January 1977(a)	6
Mississippi	Robert G. Gillespie	January 1973—January 1981	(d)
Missouri	Robert E. Seiler	July 1975—July 1977	2
Montana	James T. Harrison	January 1957—January 1977(g)	8
Nebraska	Paul W. White	January 1975—January 1981	6
Nevada	E. M. Gunderson	January 1975—January 1977	2
New Hampshire	Frank R. Kenison	April 1952—November 1977	(b)
New Jersey	Richard J. Hughes	December 1973—August 1979	7(h)
New Mexico	LaFel E. Oman	January 1976—January 1979	(d)
New York	Charles D. Breitler	January 1974—December 1979(i)	14
North Carolina	• Susie Marshall Sharp	January 1975—July 1979(i)	8
North Dakota	Ralph J. Erickstad	June 1973—June 1978	5(j) ✓ 5y 7m
Ohio	C. William O'Neill	January 1975—January 1981	6
Oklahoma	Ben T. Williams (SC)	January 1975—January 1981	6
	Tom Brett (CCA)	January 1975—January 1977	2
Oregon	Kenneth J. O'Connell	June 1970—June 1976	6
Pennsylvania	Benjamin R. Jones	January 1972—January 1978	(d)
Puerto Rico	José Trias-Monge	1975—	(b)
Rhode Island	Joseph A. Bevilacqua	March 1976—	(k)
South Carolina	J. Woodrow Lewis	August 1975—August 1985	10
South Dakota	Francis G. Dunn	September 1974—January 1978	4
Tennessee	William H. D. Fones	September 1974—May 1976	(l)
Texas	Joe R. Greenhill (SC)	October 1972—December 1978	6
	John F. Onion, Jr. (CCA)	January 1970—January 1976	6
Utah	F. Henri Henriod	January 1975—January 1977	2
Vermont	Albert W. Barney, Jr.	March 1974—March 1981(g)	6
Virginia	Lawrence W. T'Anson	October 1974—	(d)
Washington	Charles F. Stafford	January 1975—January 1977	2
West Virginia	Thornton G. Berry, Jr.	December 1975—December 1976(m)	(l)
Wisconsin	Horace W. Wilkie	January 1975—January 1985	(d)
Wyoming	Rodney M. Guthrie	January 1975—December 1978(b)	(l)

(See back page for Footnotes.)

FOOTNOTES

(SC)—Supreme Court.

(CCA)—Criminal Court of Appeals.

- (a) Completing unexpired term.
- (b) Retirement at age 70.
- (c) Indefinite term.
- (d) Serves as Chief Justice for remainder of term as Justice.
- (e) Completing unexpired term followed by full term.
- (f) Twelve to 18 months.
- (g) Served previous term(s).
- (h) Serves seven years, with reappointment to age 70.
- (i) Reaches mandatory retirement age.
- (j) Serves 5 years or until expiration of term as Justice, whichever comes first.
- (k) Life appointment.
- (l) Pleasure of the court.
- (m) Present term as Justice ends December 31, 1976.

*Secretariat: The Council of State Governments
P.O. Box 11910, Iron Works Pike
Lexington, Kentucky 40511*

March 1976
BPW 76

Amend S.B. 286 by deleting therefrom sections 15, 16, 17,
18, 19, 20, 21, 22, 23, 24, 27, and 29, and subsection 2 of
section 34.

EXHIBIT B1

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Amend S.B. 286 by adding thereto a new section to read as follows:

Sec. ____ 1. No act or omission of the administrator or any employee of the division in carrying out the provisions of this act shall give rise to any cause of action sounding in tort against the state or any of its officers or employees.

2. The administrator and the division are released from liability for improper receipt of money pursuant to this act upon return without interest of any money so received.

Amend Sec. 12 to read as follows:

Sec. 12. 1. By accepting assistance in his own behalf or in behalf of any other person, the applicant or recipient shall be deemed to have made an assignment to the division of any and all rights to support such applicant or recipient may have in his own behalf or in behalf of any other person for whom assistance is applied for or received from any responsible parent. Rights to support include, but are not limited to, accrued but unpaid support payments and support payments to accrue during the period for which assistance is provided. However, the amount of the assigned support rights shall not exceed the amount of public assistance provided or to be provided.

2. The recipient shall also be deemed without the necessity of signing any document, to have appointed the administrator as his true and lawful attorney in fact with power of substitution to act in his name, place and stead to perform the specific act of endorsing any and all drafts, checks, money orders or other negotiable instruments representing support payments which are received as reimbursement for the public assistance money previously paid to or on behalf of each recipient.

3. The support rights assigned under subsection 1 constitute a support debt owed to the division by the responsible parent. The support debt is enforceable under all processes provided by law.

4. The amount of this support debt is:

- (a) The amount specified in a court order of support; or
- (b) If there is no court order of support, an amount determined in accordance with a formula adopted by the division pursuant to regulations promulgated by the Secretary of Health, Education and Welfare.

5. The assignment provided for in subsection 1 is binding upon the obligor upon service of notice thereof in the manner provided by law for service of civil process or upon actual notice thereof.

Amend S.B. 286 by amending Sec. 26 to read as follows:

Sec. 26. All money collected in fees, costs, attorney's fees, interest payments, incentive payments, as defined in 42 U.S.C. 658, or other payments received by the administrator which cannot be identified as to the support account to which it should be credited, shall be transferred by the administrator or his designee to the general fund of the State of Nevada.

Amend Sec. 28 to read as follows:

Sec. 28. Any money received by the division under sections 2 to 36, inclusive, of this act shall be distributed pursuant to regulations adopted by the division which shall be so drawn as to qualify the State of Nevada for federal grants under Title IV of the Social Security Act (42 U.S.C. 601, et seq.).

Amend S.B. 286 by amending Sec. 31 to read as follows:

Sec. 31. 1. The division shall establish a scale and criteria for suggested minimum contributions to assist public agencies and courts in determining the amount that a responsible parent should be expected to contribute toward the support of his child under sections 2 to 36, inclusive of this act. The criteria shall include consideration of gross income, authorize an expense deduction for determining net income, designate other available resources to be considered and specify the circumstances which should be considered in reducing such contributions on the basis of hardship. The criteria shall also include consideration of the income and other financial resources of the parent having custody of the child.

2. The use of the scale and criteria formulated pursuant to this section is optional.

Amend S.B. 286 by amending Section 35, subsection 1 to read as follows:

1. The responsible parent of a legitimate child or a child whose paternity has been judicially determined and for whom assistance is granted shall complete a written statement, under oath of:

(a) His current monthly income and his total income over the past 12 months;

(b) The number of dependents for whom he is providing support;

(c) The amount which he is contributing regularly toward the support of any child for whom assistance is granted;

(d) His current monthly living expenses; and

(e) Such other information as is pertinent to determining his ability to support his children.

Amend S.B. 286 by amending Section 53 to read as follows:

Sec. 53. 1. In any proceeding where the court has ordered a parent to pay any amount for the support of a minor child, the court may order the parent to assign to the county clerk or county officer designated by the court to receive such payment, or to the state welfare administrator in support enforcement cases arising under the provisions of chapter 425 of NRS, that portion of salary, wages, or commissions of a parent due or to be due in the future which will be sufficient to pay the amount ordered by the court for the support, maintenance and education of the minor child. Such order operates as an assignment and is binding upon any existing or future employer of the defaulting parent upon whom a copy of such order is served. Any such order may be modified or revoked at any time by the court. The employer shall cooperate with and provide relevant employment information to the prosecuting attorney for the purpose of enforcing the child support obligation.

2. In any proceeding where a court makes or has made an order requiring payment of child support to a parent receiving welfare payments for the maintenance of minor children, the court shall direct that payments of support be made to the welfare division of the department of human resources, and the district attorney may appear in any proceeding to enforce such order.

Amend S.B. 286 by adding thereto a new section:

NRS 126.080 is hereby amended to read as follows:

1. Proceedings to compel support by the father may be brought in accordance with NRS 126.090 to 126.290, inclusive, and no filing fees [or other fees, charges, or court costs] shall be charged for bringing [or maintaining] the same, but the [usual] filing fees [, charges or court costs, as aforesaid,] may by the court be assessed against the father and enforced with the other provisions of the judgment as provided in NRS 126.250. [They shall not be exclusive of other proceedings that may be available on principles of law or equity.]

2. Whenever a district attorney represents the mother and files an action in her behalf pursuant to this chapter, the district attorney shall before taking additional action after the filing of the action require that the mother pay a fee. A fee schedule, which shall be established by the welfare division of the department of human resources, after consultation with the district attorneys, shall be used to determine the fee to be charged the mother. The fee schedule shall be based on the mother's income and other financial resources and will be designed so as not to discourage the application for paternity determination and support enforcement services by those most in need of them.

3. The district attorney shall deduct 10% from each support payment made pursuant to NRS 126.230(3) as reimbursement for expenses incurred by the district attorney and his staff in obtaining support payments. This percentage may be waived or lowered by the district attorney upon a showing of financial necessity by the mother.

ALTERNATIVE TO SUBSECTION 3:

3. The district attorney shall recover from the support payments made pursuant to NRS 126.230(3) any expenses incurred by the district attorney and his staff in excess of the application fee. The recovery shall be in accordance with guidelines adopted by the welfare division of the department of human resources after consultation with the district attorneys. The

guidelines shall be so drawn as to qualify the State of Nevada for federal grants under Title IV of the Social Security Act (42 U.S.C. 601, et seq.).

ALTERNATIVE 3, Subsection 3:

3. The district attorney shall deduct 10% from each support payment made pursuant to NRS ^{126.230(3)} ~~130.220~~ as reimbursement for expenses incurred by the district attorney and his staff in obtaining support payments. This percentage may be waived or lowered by the district attorney in accordance with criteria established by the welfare division of the department of human resources after consultation with the district attorneys. The criteria shall be based on the mother's income and other financial resources at the time application for waiver is made.

Amend S.B. 286 by adding thereto a new section.

NRS 130.160 is hereby amended to read as follows:

1. (a) An initiating court shall not require payment of [either] a filing fee [or other cost] from the obligee but may request the responding court to collect [fees and costs] the fee from the obligor. The prosecuting attorney shall charge each applicant who applies to the prosecuting attorney for support enforcement services pursuant to this chapter, an application fee. A fee schedule, which shall be established by the welfare division of the department of human resources after consultation with the prosecuting attorneys, shall be used to determine the fee to be charged each applicant. The fee schedule shall be based on each applicant's income and other financial resources and will be designed so as not to discourage the application for support enforcement services by those most in need of them.

(b) The prosecuting attorney shall deduct 10% from each support payment made pursuant to NRS 130.220 as reimbursement for expenses incurred by the prosecuting attorney and his staff in obtaining support payments. This percentage may be waived or lowered by the prosecuting attorney upon a showing of financial necessity by the obligee.

ALTERNATIVE TO PARAGRAPH (b):

(b) The prosecuting attorney shall recover from the support payments obtained any expenses incurred by the prosecuting attorney and his staff in excess of the application fee. The recovery shall be in accordance with guidelines adopted by the welfare division of the department of human resources after consultation with the prosecuting attorneys. The guidelines shall be so drawn as to qualify the State of Nevada for federal grants under Title IV of the Social Security Act (42 U.S.C. 601, et seq.).

ALTERNATIVE 3, PARAGRAPH (b):

(b) The prosecuting attorney shall deduct 10% from each support payment made pursuant to NRS 130.220 as reimbursement

for expenses incurred by the prosecuting attorney and his staff in obtaining support payments. This percentage may be waived or lowered by the prosecuting attorney in accordance with criteria established by the welfare division of the department of human resources after consultation with the prosecuting attorneys. The criteria shall be based on the obligee's income and other financial resources at the time application for waiver is made.

2. A responding court shall not require the posting of any bond, written undertaking, or security by the obligee, including bonds for the seizure or attachment of property or require payment of a filing fee or other costs from the obligee, but it may direct that all fees and costs requested by the initiating court and such fees and costs as are incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service or other service supplied to the obligor, be paid in whole or in part by the obligor or by the state or political subdivision thereof. These costs or fees do not have priority over amounts due to the obligee.

3. Notwithstanding the provisions of subsections 1 and 2 of this section, if both the obligee and the obligor are in this state, then the prosecuting attorney in the county where the action is initiated shall charge each applicant an application fee. The fee shall be determined in the same manner as set forth in subsection 1. The prosecuting attorney in the county where the obligor is found shall deduct 10% from each support payment made pursuant to NRS 130.220 as reimbursement for expenses incurred by the prosecuting attorney and his staff in obtaining support payments. This percentage may be waived or lowered by the prosecuting attorney upon a showing of financial necessity by the obligee.

ALTERNATIVE TO SUBSECTION 3:

3. Notwithstanding the provisions of subsections 1 and 2 of this section, if both the obligee and the obligor are in this state, then the prosecuting attorney in the county where the action is initiated shall charge each applicant an application fee. The fee shall be determined in the same manner as set forth in subsection 1. The prosecuting attorney in the county where the obligor is found shall recover from the support payments obtained any expenses incurred by the prosecuting attorney and his staff in excess of the application fee. The recovery shall be in accordance with guidelines adopted by the welfare division of the department of human resources after consultation with the prosecuting attorneys. The guidelines shall be so drawn as to qualify the State of Nevada for federal grants under Title IV of the Social Security Act (42 U.S.C. 601, et seq.).

ALTERNATIVE 3, SUBSECTION 3:

3. Notwithstanding the provisions of subsections 1 and 2 of this section, if both the obligee and the obligor are in this state, then the prosecuting attorney in the county where the action is initiated shall charge each applicant an application fee. The fee shall be determined in the same manner as set forth in subsection 1. The prosecuting attorney in the county where the obligor is found shall deduct 10% from each support payment made pursuant to NRS 130.220 as reimbursement for expenses incurred by the prosecuting attorney and his staff in obtaining support payments. This percentage may be waived or lowered by the prosecuting attorney in accordance with criteria established by the welfare division of the department of human resources after consultation with the prosecuting attorneys. The criteria shall be based on the obligee's income and other financial resources at the time application for waiver is made.

4. For purposes of subsection 3, Carson City shall be deemed a county.