

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

APRIL 19, 1977

The meeting was called to order at 8:00 a.m. Senator Close was in the Chair.

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

ABSENT:

AB 76 Permits either spouse to receive alimony without limitation and modifies criteria for determining disposition of property and making temporary and separate maintenance awards.

Assemblywoman Sue Wagner stated that this bill had its conception in the report to the Legislative Commission of the recommendation by the Citizen's Advisory Committee studying sexual discrimination in Nevada's laws. Current law permits an alimony award to be made to a husband only where he is disabled or unable to provide for himself. This bill allows that this limitation be deleted and the court consider the relative merits of each party prior to allowing an alimony award. The bill also provides that Nevada's separate maintenance provisions be amended to reflect that men as well as women are eligible to receive separate maintenance. It also provides that criteria be inserted into the law which will provide the courts with guidelines specifying when and for what periods of time separate maintenance payments should be made to a spouse.

Specifically, the bill provides that the Nevada Revised Statutes be amended to embrace the provisions of Section 308 of the Uniform Marriage and Divorce Act proposed by the 1970 National Conference of Commissioners of Uniform State Laws.

No action was taken at this time.

AB 314 Proscribes certain actions involving federal food stamps.

Acel Martelle, Deputy Administrator, Nevada State Welfare stated that currently under the federal food stamp program, they have had to prosecute fraud cases through the U. S. Attorney General's office and they don't have the time to process these as quickly as they would like. Therefore, they are requesting a provision in Nevada law to provide state penalties for this.

AB 314 Mr. Martelle stated, however, that in its present form, they would rather have the bill killed. It now only provides for a gross misdemeanor while federal law has a felony provision.

Senator Close suggested that perhaps it could be amended so that over a certain amount would constitute a felony. Senator Bryan felt they should check with the Nevada Attorney General to see whether or not this would be preempted by federal law. He felt it would be possible to prosecute them under that.

No action was taken at this time.

AB 365 Provides lien for supplier of electric power if its power is utilized to irrigate land.

Assemblyman Bode Howard and Wendell Graunsole, Harney Electric Cooperative testified in support of this measure. The purpose of requesting that a lien be attached in this instance is to insure repayment for installation of services. Mr. Graunsole stated that it costs a great deal to establish service in these rural areas and they do not feel it is right to charge large deposits as most of the smaller farmers cannot afford it.

Vernon Dalton, President of Nevada Rural Electric Cooperative Association testified in support of this measure and concurred with Mr. Graunsole's remarks.

Fran Breen, Nevada Banker's Association testified in opposition to this measure. He stated that by the filing of the notice of intent to lien, this would put a cloud on the property which would never be removed. Sixty days before the first delivery of power, the company could file this intent to lien and should the property owner ever want to borrow money on his property, there would be a cloud on the title.

Senator Bryan remarked that this is a bill that has come before the legislature for the last 2 or 3 sessions. The policy question still remains as to whether they should extend this extraordinary remedy into this area. The lien is one of the harshest remedies in the law.

No action was taken at this time.

AB 539 Authorizes district court to transfer trust supervision to out-of-state court under certain circumstances.

Leslie B. Gray informed the committee that this bill had been requested by the Nevada State Bar Association as the result of a problem that had developed in this area. Three years ago a

AB 539 testamentary trust was established in Nevada and after a while all the property, beneficiaries and trustees were all resident in and situated in California. There was no sensible or useful purpose to retain the testamentary trust here. They went to the court in California and it was agreed that it would be accepted if Nevada would transfer it, however there was no procedure in Nevada law for this.

No action was taken at this time.

AB 341 Restricts role of commissioner of civil marriages.

George Flint, Nevada Wedding Association stated that since the legislature took the justices of the peace out of marriages in Clark and Washoe Counties, the office of marriage commissioner and the license bureau have operated very closely. This bill speaks to the county clerk maintaining that office on a separate basis. The Wedding Association supports this measure but requests that subsection 2 of section 1 be deleted as it is too restrictive. This would prohibit the county clerk from putting the deputies to work in other areas during the period of time when they were not marrying people. He stated that he had talked with Loretta Bowman, Clark County Clerk and that she supported it with that amendment.

Vaughn Smith, Carson City County Clerk concurred with Mr. Flint's comments.

No action was taken at this time.

SB 482 Revises provisions relating to forfeiture of bail upon breach of conditions.

For further testimony on this measure, see minutes of meeting for April 15, 1977.

Stu Bell, representing the Clark County Bail Bondsmen Association informed the committee that he had contacted the Clark County Justices of the Peace, inasmuch as this affects matters that come before their court, and they gave him the authority to indicate their opposition to this.

Mr. Bell was particularly opposed to the provision regarding bond of \$500 or less and their immediate forfeiture with no discretion by the judge. He stated that these are usually misdemeanors and generally don't apply to repeated offenders. Under the present system, if someone doesn't show up for the appointed court time, a warrant is put out for their arrest and the bondsman is given 90 days to return him. Under this proposed legislation with the immediate forfeiture, it is the people that otherwise have a legitimate excuse that are being penalized. The result of this will be that bondsmen will no longer take out the \$500 bonds.

SB 482 He felt that the existing law in this area was more than adequate.

Bill Embry, Embry Bail Bonds, Las Vegas testified in opposition to this measure and concurred with Mr. Bell's comments. He further stated that last year, his office posted 2,016 bonds and out of that only 10 were not brought in. One hundred and five of those were charged to the court as errors on their part for misinformation as to time and place to appear.

No action was taken at this time.

AB 240 Creates presumption of mental competence for person admitted to mental health facility and repeals certain provisions for judicial declaration of incompetence.

Assemblyman Bob Price stated that this was part of a total package trying to set up a bill of rights for the mentally incompetent. This provides a one year rejection whereby the state would have to prove incompetency every year. It shifts the burden from the patient back to the state.

No action was taken at this time.

AB 592 Reduces penalty for fighting or challenges to fight without deadly weapons.

Assemblyman Bob Price stated that this bill was being supported by the Southern Nevada District Attorney's office. It brings it into greater conformity with most of the other penalties relating to battery or other offenses not involving deadly weapons.

No action was taken at this time.

AB 556 Establishes statutory procedure for changing certificates of birth following adoption.

Assemblyman Bill Kissam stated that this was a housekeeping measure that had been requested by the Clark County Health Department. This concerns the procedures for changing birth certificates following adoption. This allows for the new certificate to be placed in the proper place, sealed in the records and filed where it cannot be opened unless through a court order.

He stated that Loretta Bowman, Clark County Clerk and Alex Kuhn, Washoe County Clerk had requested that lines 4 and 15 be amended to delete "clerk" and insert "attorney" as to where these forms would be picked up.

Minutes of Meeting  
April 19, 1977  
Page Five

AB 556 No action was taken at this time.

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Cheri Kinsley*  
\_\_\_\_\_  
Cheri Kinsley, Secretary

APPROVED:

\_\_\_\_\_  
SENATOR MELVIN D. CLOSE, JR., CHAIRMAN