

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MAY 3, 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 459 Provides definition of firearm, prohibits possession of certain firearms and removal of identification marks on firearms.

Bart Jacka, Assistant Sheriff, Las Vegas Metropolitan Police Department informed the Committee that this was legislation requested by his department. It is very close to the federal gun law which restricts the possession of sawed-off shotguns and rifles to those individuals who have registered with the Alcohol and Tobacco Tax unit of the U. S. Department of the Treasury. This bill will also make it unlawful for anyone to alter, change, remove or obliterate a serial number from a firearm.

Mr. Jacka stated that the purpose of the bill was to enable prosecution under a state law rather than having to go to the U. S. Attorney General; he didn't seem to have the time to prosecute these cases as his priorities are set in different areas. In response to a concern expressed by the Committee, Mr. Jacka assured them that this did not go beyond federal law.

Ed Dannon, Bill Drafter, defined for the Committee the meaning of caliber and informed them that this bill would not cover the BB gun.

Senator Gojack moved a do pass.
Seconded by Senator Dodge.
Motion carried. The vote was as follows:

VOTING AYE:	Senator Close	VOTING NAY:	Senator Ashworth
	Senator Bryan		
	Senator Dodge		
	Senator Foote	ABSENT FROM	
	Senator Gojack	THE VOTE:	Senator Sheerin

AB 609 Distinguishes duties performed by county clerk when acting as ex officio clerk of district court.

Wayne Blacklock, District Court Administrator of the 8th Judicial District in Clark County informed the Committee that this was a companion measure to AB 608 which would have provided for the individual judicial district court to provide its own district court clerk and which has been indefinitely postponed, and AJR 1 which was recently passed out of this Committee. He stated that 609 makes no substantive changes in the law and merely changes the definition throughout the statute where there is confusion between court duties and their assignment. He further commented that this was in preparation for the time when the courts would be state funded.

In discussion by the Committee, it was their feeling that inasmuch as there is still a constitutional provision that the clerk of court is also the county clerk, there is no need for this measure as this time.

Senator Dodge moved to indefinitely postpone.

Seconded by Senator Ashworth.

Motion carried unanimously. Senator Sheerin was absent from the vote. Senator Bryan abstained from the vote.

AB 693 Changes age of majority for purposes of gifts to minors.

Assemblywoman Sue Wagner informed the Committee that this was a problem that had been brought to her attention by some of her constituents. In talking with the bill drafters about this, it seems that this was merely an oversight when the age of majority had been changed from 21 to 18 years. She stated that the banking industry had been present during the hearings and had presented no opposition to it.

Senator Close expressed concern over possible conflict with federal law in this area.

Ed Dannon, Bill Drafter, checked the law in this regard at the Committee's request and reported that there was no problem.

Senator Bryan moved a do pass.

Seconded by Senator Gojack.

Motion carried unanimously. Senator Foote was absent from the vote.

AB 451 Removes distinctions based on sex from various state laws.

Assemblywoman Sue Wagner and Assemblywoman Karen Hayes testified in support of this measure. Ms. Wagner stated that this bill was the result of a study on sexual discrimination authorized by the Legislative Commission. It was her opinion that the bill

AB 451 was basically one of gender change. It goes through each chapter of the NRS and makes the necessary discriminatory changes.

Janine Hansen spoke in opposition to this measure. One of her basic objections was to the change in the support laws. Husbands in an on-going marriage would no longer be responsible to financially support their wives and children. Other areas she objected to were: a mother would lose her preference right to have her children in child custody cases; fathers would no longer be responsible for child support; women would become subject to vagrancy laws which require them to perform labor on public works buildings and grounds at the discretion of the sheriff; and women would become part of the state militia on an involuntary basis, with no provisions made for separate facilities or different treatment for married or pregnant women.

Janet Hiller testified in opposition to this bill and concurred with Ms. Hansen's comments.

Marianne Murphy concurred with Ms. Hansen and further commented that this bill would substantially change the laws which give special rights and privileges to women. She also felt that this type of legislation leads to the break-down of the family unit.

Stan Peck, Bill Drafter, reviewed the bill, section-by-section, with the Committee.

SECTIONS 1 through 6: No substantive changes; merely makes the law reciprocal in these areas.

SECTION 7: The intention of this section is to require either spouse in an on-going marriage, to provide support for the other spouse without any limitation as to capability to work. As long as they are married, they have an obligation to support each other.

Senator Dodge stated that he felt this was contrary to public policy and moved that it be deleted.

Seconded by Senator Ashworth.

Motion carried. The vote was as follows:

VOTING AYE:	Senator Close	VOTING NAY:	Senator Bryan
	Senator Dodge		Senator Gojack
	Senator Foote		
	Senator Sheerin		
	Senator Ashworth		

SECTION 8: Relates to custody of the minor child in divorce actions. It enumerates the various criteria the court should consider

AB 451 in making an award of custody.

Senator Bryan noted that this was a repeal of the "Tender Years Doctrine."

Senator Dodge stated that as a matter of course, the courts are doing this now but that he was opposed to writing into law, as a matter of social policy, things that continue to undermine the family institution. He particularly objected to the provision that would remove any preferential consideration for the mother, all other things being equal.

Senator Foote moved to delete the bracketts on lines 2 and 7 and delete subsections 3 and 4.

Seconded by Senator Sheerin.

Motion carried. The vote was as follows:

VOTING AYE:	Senator Close	VOTING NAY:	Senator Bryan
	Senator Dodge		Senator Gojack
	Senator Foote		
	Senator Sheerin		
	Senator Ashworth		

SECTIONS 9 through 30: This pertains to Chapter 126 of the NRS; the obligation of child support for illegitimate children.

Senator Sheerin stated that these sections talk about the child's rights. It says that both parents have the obligation of support and he felt that that was appropriate.

Senator Dodge stated that he was concerned about the definition of a non-supporting parent. He felt that this would place responsibility on an unwed mother that she ought not to have.

Senator Gojack disagreed and stated that she felt both parents should be responsible for the support of their child. She moved that sections 9 through 30 be retained.

Seconded by Senator Bryan.

Motion carried. The vote was as follows:

VOTING AYE:	Senator Bryan	VOTING NAY:	Senator Close
	Senator Sheerin		Senator Dodge
	Senator Gojack		Senator Foote
	Senator Ashworth		

SECTIONS 31 through 33: No substantive changes.

SECTION 34: Senator Sheerin stated that he did not believe that the criminal laws should be altered in this manner. They have been in the law for a long time and he felt if any changes were to be made, they should be done after the district attorneys have had an opportunity to carefully review them.

Therefore, he moved to delete section 34.
Seconded by Senator Ashworth.
Motion carried. The vote was as follows:

VOTING AYE:	Senator Close	VOTING NAY:	Senator Gojack
	Senator Bryan		
	Senator Dodge		
	Senator Foote		
	Senator Sheerin		
	Senator Ashworth		

SECTIONS 35 through 53: Senator Sheerin reiterated his opposition to making any changes in the criminal laws.

Senator Dodge moved to delete these sections on that basis.
Seconded by Senator Ashworth.
Motion carried. The vote was as follows:

VOTING AYE:	Senator Close	VOTING NAY:	Senator Gojack
	Senator Bryan		
	Senator Dodge		
	Senator Foote		
	Senator Sheerin		
	Senator Ashworth		

SECTIONS 54 through 57: No substantive changes.

SECTION 58: Senator Dodge stated that original purpose for this was in the situation where a woman who had been a homemaker all her life and her husband had died, this was in recognition of the fact that she was at a considerable disadvantage for trying to shift for herself. He did not see any reason that this exemption should be extended to the widower because the same considerations do not apply.
He moved to delete section 58.
Seconded by Senator Ashworth.
Motion carried. The vote was as follows:

VOTING AYE:	Senator Close	VOTING NAY:	Senator Gojack
	Senator Bryan		
	Senator Dodge		
	Senator Foote		
	Senator Sheerin		
	Senator Ashworth		

SECTION 59: Senator Dodge stated that he was opposed to this for the same reason he was opposed to section 59 and he moved that it be deleted.
Seconded by Senator Ashworth.
Motion carried. The vote was as follows:

VOTING AYE: Senator Close
Senator Bryan
Senator Dodge
Senator Foote
Senator Sheerin
Senator Ashworth

VOTING NAY: Senator Gojack

SECTIONS 60 through 69: No substantive changes.

SECTION 70: Because of the amendments made, it was necessary to delete this repealer.

Senator Bryan moved to amend and do pass.
Seconded by Senator Ashworth.
Motion carried. The vote was as follows:

VOTING AYE: Senator Close
Senator Bryan
Senator Dodge
Senator Foote
Senator Sheerin
Senator Ashworth

Senator Gojack voted against the measure because she felt that the major portions had been deleted and the original intent of the bill had been destroyed.

AB 40 Adds judge to First Judicial District.

Senator Sheerin explained to the Committee that this would provide a quicker means of getting another district judge for Carson and Storey Counties. There is a constitutional prohibition that a judge cannot be appointed unless there is a vacancy or resignation. Between May 2 and May 6 there will be a vacancy in Douglas and Lyon Counties, which is the Ninth Judicial District. This bill proposes to combine the First and Ninth Judicial Districts so there will be a vacancy and the Governor can make an appointment for the combined districts. Then, for purposes of election, the districts will be split apart in 1978 which will leave Carson and Storey Counties (First Judicial District) with 2 judges. He stated that Frank Daykin has indicated that this would work.

Senator Dodge expressed concern over the cost of reprinting forms and stationery and requested that the county commissioners be contacted regarding their position on this.

Senator Foote suggested that since they were circumventing the law in this manner anyway that they might as well stop the joining as of the end of May instead of waiting until 1978. She felt that this would take care of Senator Dodge's concern.

AB 40 Harold Jacobsen, Mayor of Carson City and Henry Etchemendy, City Manager of Carson City stated that they did not believe that the county commissioners would oppose this measure but that they would discuss it with them if the Committee so requested.

In discussion by the Committee, it was their decision to discuss Senator Foote's suggestion with Mr. Daykin.

Senator Dodge moved to amend (if necessary, per Senator Foote's suggestion) and do pass.

Seconded by Senator Gojack.

Motion carried. The vote was as follows:

VOTING AYE:	Senator Close	VOTING NAY:	Senator Ashworth
	Senator Bryan		
	Senator Dodge		
	Senator Foote	ABSENT FROM	
	Senator Gojack	THE VOTE:	Senator Sheerin

AB 684 Provides criteria for attorney's fees in estates of decedents.

Assemblyman Dean Rhoads and Ira Kent, past President of the Nevada Gavel Association testified in support of this measure. Mr. Rhoads stated that the bill was the result of several complaints he has received regarding abuses by some attorneys on settling estates. This is patterned somewhat after the procedure established by Judge Noel Manoukian. It requires the attorney to present evidence as to the time spent and the complexity of the case. The judge will then make the determination as to whether or not the fee is reasonable.

In discussion by the Committee, Senator Close stated that he felt the term "determined" on line 4 of page 1 was inappropriate and suggested that these should be factors that should be considered. He also felt that "responsibility" should be included.

Senator Dodge disagreed and stated that the items enumerated were sufficient to determine a reasonable fee. He felt that "the complexity of the administration" covered anything that should be taken into consideration. However he concurred with Senator Close that "responsibility" should be considered also.

Senator Dodge moved to amend by including "responsibility" and do pass.

Seconded by Senator Ashworth.

Motion carried. The vote was as follows:

VOTING AYE:	Senator Dodge	VOTING NAY:	Senator Close
	Senator Foote		Senator Bryan
	Senator Gojack		Senator Sheerin
	Senator Ashworth		

SB 74 Amend provisions for disposition of funds in joint tenancy accounts.

The Committee concurred in the Assembly amendment.

SB 413 Makes substantial changes in procedure for disciplining physicians.

The Committee concurred in the Assembly amendment.

SB 116 Establishes the Department of Prisons.

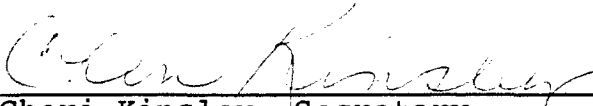
The Committee concurred in the Assembly amendment.

SB 187 Provides for periodic payment of certain damages recovered in malpractice claims against health care providers.

The Committee did not concur in the Assembly amendments.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Cheri Kinsley, Secretary

APPROVED:

SENATOR MELVIN D. CLOSE, JR., CHAIRMAN