

Members Present:

Chairman Hayes
Vice Chairman Stewart
Mr. Banner
Mr. Brady
Mr. Coulter
Mr. Fielding
Mr. Horn
Mr. Malone
Mr. Polish
Mr. Prengaman
Mr. Sena

Members Absent: None

Guests Present:

Jim Avance, Nevada Taxicab Authority
Robert Barengo, Assemblyman
Frank Daykin, Legislative Counsel Bureau
Jack Homeyer, Nevada State Division of Health
Mike Melner, Office of the Attorney General
Peggy Westall, Assemblyman
Ruth Ann Wright, National Organization for Women

Chairman Hayes called the meeting to order at 8:05 a.m.

ASSEMBLY BILL 269

Revises provision of law regulating operation of taxicabs.

Mr. Jim Avance, Administrator, Nevada Taxicab Authority, gave each committee member copies of documentation on the court decision of Andrews vs. Nevada State Board of Cosmetology, see Exhibit A. Mr. Avance stated that the decision reached in this particular case was that while the state, in most enabling legislation, authorizes the agency to pass necessary rules and regulations to perform its functions cannot delegate subpoena power. Therefore, the Nevada Taxicab Authority has come forward at this time requesting that the state authorize subpoena power so that they can conduct their administrative hearings and various other hearings that are required by law. Mr. Avance stated that in the past they have not had subpoena power, they have had the authority to hold meetings, and the power to require taxicab companies to supply us with books, but other individuals cannot be compelled to come forward. In case of an accident or complaint against the company many victims are from out-of-state and to subpoena these people requires a determination of the legislature. Mr. Avance stated that what was needed was a statute to substantiate what they have been doing in the past.

AB 269

Mr. Malone made the motion to Do Pass and re-refer to the Transportation Committee; Mr. Malone seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Brady, Coulter,
Fielding, Horn, Malone, Polish, Sena - 10

Nay -

Not Voting - Prengaman - 1

ASSEMBLY BILL 364

Creates division for protection of utility customers in office of attorney general and defines its duties.

Mr. Prengaman felt that what existed right now is a complaint oriented agency. This bill would provide representation for the consumer at the rate increase level. Also the funding will come from the rate payers themselves not the state.

Mr. Malone stated that in testimony they had only 5 cases in the last few years. Mr. Malone asked why a new division was being formed when there were only a few cases.

Mr. Prengaman stated that he would ask Janet McDonald from the Public Service Commission to speak to the Committee on this matter.

SENATE BILL 17

Makes available garnishment in aid of execution of judgements in small claims court.

Mr. Stewart made the motion to Do Pass; Mr. Malone seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Brady, Coulter,
Fielding, Horn, Malone, Polish, Sena - 10

Nay - Prengaman - 1

ASSEMBLY BILL 278

Provides for the adoption of an illegitimate child by his father by public acknowledgement.

Assemblyman Peggy Westall spoke on AB 278, stating that this was based on a Utah law. The intent of the bill is to have a mechanism whereby an illegitimate child whose parents later marry, will have a legal birth certificate. Mrs. Westall felt that there was one problem in that it leaves out the mother's signature verifying who the father is. The bill does state that the father is willing and intends to support the child. Mrs. Westall felt that a safeguard should be inserted whereby if the child has been put up for adoption the child and the new parents would be protected. This would also allow for a confidential registry. If in the future there was a legitimate reason to open the records it could be done but would have to be done with a court order.

Mrs. Westall was given a copy of a letter submitted by the Nevada State Division of Health pertaining to NRS 440.280.5, 440.320 and 440.325 indicating these procedures already exist. Mrs. Westall said she would like time to read this. See Exhibit B.

Mr. Jack Homeyer, Biostatistician, Nevada State Division of Health, stated that their agency wholeheartedly supported AB 278. Mr. Homeyer did state though that procedures to implement this bill were already in existence. These were covered in Chapter 440 of NRS, paragraph 320.

Mr. Homeyer said that after the parents marry, they file a copy of the marriage certificate and a statement acknowledging paternity by the father, and their office in turn prepares a new birth certificate for the child which looks exactly like an original birth certificate for all intensive purposes. The statute further provides for acknowledgement of paternity under Chapter 440, paragraph 280, subsection 5, where if the mother was unmarried at the time of birth and conception, the father executes an affidavit of paternity of child and the mother consents thereto, see Exhibit C. If the parents come to the hospital together but are not married and the father states to that fact, he may sign an affidavit at the hospital and request that he sign the certificate as being informant and thereby enabling the child to be given his surname, if the mother consents thereto.

Mr. Homeyer stated that he did feel there were some shortcomings in the act as it is now written. There are no provisions in either Section 2 or 3 for the mother to consent or deny consent. Any man can claim paternity of the child without the maternal consent in the current language.

AB 278

Mr. Homeyer said that hospitals have copies of all forms used and are provided training on how to use them. The local registrars in each county are also trained on the use of these forms. Mr. Homeyer did feel that this requested act would place some burden on the county clerk's office that they didn't need.

Mr. Mike Melner, Supervisory Deputy Attorney General, Department of Human Resources, stated that the welfare department had some additional problems with this proposed legislation. In allowing someone to claim a child is their's without the mother's consent or permission causes all kinds of problems. Mr. Melner felt that a number of people could claim and set up all kinds of statutory rights. Mr. Melner cited the Stanley vs. Illinois case where certain rights on behalf of the illegitimate father (a father who is not married) are set up, and he felt with this bill they were not. Mr. Melner said that he felt procedures were adequate in Chapter 440 and that he would be happy to provide any assistance if needed.

Ms. Ruth Ann Wright, Chairperson, Northern Nevada Chapter of National Organization for Women, asked the Committee to reconsider several aspects of AB 278. Ms. Wright felt that legislation allowing acknowledgement prior to birth by the father was a grave threat to woman's right to control her own body and person. The National Organization for Women is in total opposition to the section of AB 278 that provides for acknowledgement prior to birth. See Exhibit D.

SENATE BILL 110

Resolves conflict in description of document to be filed with secretary of state by foreign corporations.

Mr. Frank Daykin, Legislative Counsel Bureau, stated that this bill would require foreign corporations to file, instead of a copy of their articles, a certificate from the jurisdiction where they are domiciled that they in fact do exist. That is a technical change not a change of substance.

SENATE BILL 112

Amends title of chapter 567, Statutes of Nevada 1977, relating to crimes and punishments.

Mr. Daykin stated this bill amended title only of statute enacted in 1977 to broaden title so that first phrase and descriptive phrases would not be questioned and that all of the provisions, including those inserted by changes, are within the scope of the title. Mr. Daykin said that originally this act was designed to relate only to controlled substances

SB 112

but in the course of amending it other sections of the law were amended to make an exception for instances where there was another punishment specifically provided by the statute. This does not make a substantive change in the law.

SENATE BILL 113

Makes technical correction to chapter 561, Statutes of Nevada 1977.

Mr. Daykin said this bill is correcting a reference in the directory clause of an amendment to one of city charters. The amendment was made during the last session and dealt with the qualifications of the city attorney. There is no change of substance made by this bill.

SENATE BILL 114

Permits actions against political subdivisions without naming members of their governing bodies.

Mr. Daykin said that this was not one of his bills, it came out of the Committee on Judiciary and the purpose of it is to simplify the bringing of lawsuits against political subdivision of the state. This also protects governing bodies of those subdivisions from being named individually as parties to the action.

SENATE BILL 115

Ratifies technical corrections made to multiple amendments of sections of NRS.

Mr. Daykin said this bill dealt with correcting multiple amendments. Every case makes no change in substantive law but conforms some sections of session laws to what it should have read when it was enacted.

Section 1. Substantive matter is the work release programs at the prison. By one statute that responsibility for administering it was transferred it to the chief, parole and probation officer. By amending an earlier section of the statute laws enacted for another purpose the section in the original bill referred to a statute law which was repealed by Chapter 430. Instead of amending 12, 14 & 16 of Chapter 47, amend corresponding sections 53, 55 & 57 and those are the first 3 sections set out in this bill to do the same thing. This deals with representation

SB 115

of actual changes in the statute law made by Chapter 148, Statutes of Nevada 1977. The only change is in the directories, Section 53 of Chapter 430.

- Section 2. Substantive subject is the reserve for statutory contingency fund. The change on line 48 show change by Chapter 489, on line 2 of the next page, a reference to Section 8 of SB 68 of 59th Session is given.
- Section 3. This amends Section 13 of the large bill which reorganized the State Department of Conservation & Natural Resources.
- Section 4. This deals with water rights and picks up from earlier statute, AB 278.
- Section 5. This deals with the effective date section which provided an additional judge for Carson City.
- Section 6. Deals with an effective date clause so as to make certain sections of AB 278 control over what would have been contradictory sections of SB 529.
- Section 7. Deals with reserve for statutory contingency fund.
- Section 8. Civil rights commission and picks up amendments made by an earlier statute.
- Section 9. The statute on first degree murder was twice amended by two different bills. One abolished capital murder and provided for aggravation and mitigation in first degree murder; the other changed rape to sexual assault.
- Section 10. Repeals several sections of session laws which made changes that were afterwards superseded by other bills.

Chairman Hayes requested that Mr. Daykin supply the committee with a small explanatory statement regarding each of these sections and then they would be put on the Consent Calendar.

ASSEMBLY BILL 267

Provides additional penalty for certain crimes against blind and aged persons.

Mr. Daykin requested the indulgence of the committee on a few matters pertaining to the amendment of AB 267. Mr. Daykin stated that in wanting to remove from the list of crimes whose penalties are enhanced if committed against elderly persons, it was requested that mayhem and infamous crime against nature be deleted. Mr. Daykin stated that mayhem is the degree of physical harm which falls between battery and manslaughter. Mr. Daykin felt that a gap would be made by the removal of mayhem. Mr. Coulter asked if Mr. Daykin felt there was a constitutional problem with this bill and Mr. Daykin stated no, because there was a reasonable classification made here.

The Committee was in recess at 9:10 a.m. and reconvened at 9:20 a.m.

SB 110

Mr. Banner made the motion to Do Pass SB 110 and place on the Consent Calendar; Mr. Malone seconded the motion. The Committee unanimously approved the motion.

SB 112

Mr. Banner made the motion to Do Pass and place on the Consent Calendar; Mr. Malone seconded the motion. The Committee unanimously approved the motion.

SB 113

Mr. Banner made the motion to Do Pass and place on the Consent Calendar; Mr. Malone seconded the motion. The Committee unanimously approved the motion.

SB 115

Mr. Banner made the motion to Do Pass and place on the Consent Calendar; Mr. Malone seconded the motion. The Committee unanimously approved the motion.

AB 278

It was requested that more time be given to obtain further information on this bill.

ASSEMBLY JOINT RESOLUTION 2 OF THE 59TH SESSION

Proposes to amend Nevada constitution to create intermediate appellate court.

Chairman Hayes requested that Mr. Stewart speak with Judge Thompson on this matter.

Assemblyman Barengo gave testimony on this bill. Mr. Barengo stated that it was felt by most court managers and justices across the United States that the addition of judges to a court becomes counterproductive at a certain time. Mr. Barengo stated that each judge would be assigned a case as it comes in and he gets his research done and circulates his opinion to the other judges and they add or subtract their opinion or whatever they wish to do. By adding two more judges just complicates the process. Mr. Barengo then stated that by allowing panels would allow full members of the court to hear cases. The problem with this was that when the panels disagree on the same issue it has to go back to the full court again. It was thought the panel process would be used as a short term measure to solve the work load of the court. The real necessity would be an addition of an intermediate court of appeals. With the intermediate court of appeals you could take care of criminal cases first and vest jurisdiction as other areas came up. The intermediate court indicated to us that it would not be any great expense, just the adding of three judges. The intermediate court will eventually have the power, by statute, to hear cases. Mr. Barengo stated it was felt this would be the best and quickest way to solve court problems. The bill states that upon passage there will be an intermediate court and also three judges. They will not have any jurisdiction until the legislature acts, they will have nothing to do. Mr. Barengo stated that the legislature will prescribe their jurisdiction and what they can hear. Until the legislature acts and invests some jurisdiction in the judgement there would be no reason to have them. Mr. Barengo stated that the bill prescribes that they should run for office in a certain year, and each should run for a certain length of term. The effective date of running for office is after the effective date of court should it be passed by the people. This would necessitate that the legislature act after the bill was passed.

Chairman Hayes adjourned the meeting at 9:40 a.m.

Respectfully submitted,

Sharon L. Day
Secretary

RUTH ANDREWS, PETITIONER, v. NEVADA STATE BOARD OF COSMETOLOGY; ARNOLD ALMOND, PRESIDENT; BERNICE RANDALL, SECRETARY, RESPONDENTS.

No. 6084

March 25, 1970

467 P.2d 96

Original proceedings in mandamus.

Mandamus proceeding asking the court to order State Board of Cosmetology to issue eight blank subpoenas to be utilized in requiring attendance of witnesses at hearing scheduled before Board. The Supreme Court, MOWBRAY, J., held that in absence of a specific grant of authority, State Board of Cosmetology had no power to issue subpoenas to compel attendance of witnesses.

Petition denied.

Richards & Demetras, of Reno, for Petitioner.

Harvey Dickerson, Attorney General, and *Michael L. Melner*, Deputy Attorney General, for Respondents.

1. ADMINISTRATIVE LAW AND PROCEDURE; LICENSES.

State Board of Cosmetology is a state administrative agency which has no general or common-law powers but only such powers as have been conferred by law expressly or by implication. NRS 644.010 et seq.

2. ADMINISTRATIVE LAW AND PROCEDURE.

Official powers of an administrative agency cannot be assumed by agency nor can they be created by courts in exercise of their judicial function.

3. ADMINISTRATIVE LAW AND PROCEDURE.

Subpoenas can be enforced by courts only when issued by officer properly endowed with authority to issue subpoenas.

4. ADMINISTRATIVE LAW AND PROCEDURE.

In absence of a specific grant of authority, State Board of Cosmetology had no power to issue subpoenas to compel attendance of witnesses at its hearing. NRS 233B.123, subd. 3, 644.010 et seq.

5. ADMINISTRATIVE LAW AND PROCEDURE.

Statute providing that each party may call and examine witnesses does not disclose an intent to grant subpoena power to all state administrative agencies, and the subpoena power is limited to those agencies to whom legislature expressly granted it. NRS 233B.123, subd. 3.

OPINION

By the Court, MOWBRAY, J.:

This is a mandamus proceeding asking this court to order the State Board of Cosmetology to issue to petitioner, Ruth

Exhibit A

Andrews, eight blank subpoenas, so that Andrews may utilize the subpoenas to require the attendance of witnesses at a hearing scheduled before the Board of Cosmetology to determine whether petitioner's beauty salon license should be revoked for employing an unlicensed hairdresser in violation of NRS 644.430.

We find that the Board does not have the power to issue the subpoenas, and we deny petitioner's request for mandamus.

[Headnotes 1-4]

The Board is a state administrative agency created by the Legislature pursuant to the provisions of chapter 644 of the Nevada Revised Statutes. Its powers are limited to those powers specifically set forth in chapter 644. As an administrative agency the Board has no general or common law powers, but only such powers as have been conferred by law expressly or by implication. *Civil Aeronautics Bd. v. Delta Air Lines, Inc.*, 367 U.S. 316 (1961); *L. & A. Constr. Co. v. McCharen*, 198 So.2d 240 (Miss. 1967), *cert. denied*, 389 U.S. 945 (1967); 1 K. Davis, *Administrative Law Treatise* §§ 2.01-2.16 (1958). Official powers of an administrative agency cannot be assumed by the agency, nor can they be created by the courts in the exercise of their judicial function. *Federal Trade Comm'n v. Raladam Co.*, 283 U.S. 643 (1931); *Cabell v. City of Cottage Grove*, 130 P.2d 1013 (Ore. 1942). The grant of authority to the agency must be clear. There is no authority in chapter 644 giving the Board the power to issue subpoenas. Subpoenas can be enforced by courts only when issued by an officer properly endowed with the authority to issue the subpoenas. *Cudahy Packing Co. v. Holland*, 315 U.S. 357 (1942); *Lowell Sun Co. v. Fleming*, 120 F.2d 213 (1st Cir. 1941), *aff'd*, 315 U.S. 784 (1942); *Fleming v. Arsenal Bldg. Corp.*, 38 F.Supp. 675 (S.D.N.Y. 1940).

[Headnote 5]

Petitioner urges that, absent a specific grant to the Board to issue subpoenas under the provisions of chapter 644, the Board may issue subpoenas under the provisions of the Nevada Administrative Procedure Act. NRS 233B.123(3) in that Act provides:

"Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though such matter was not covered in the direct examination, impeach any witness regardless of which party first called him to testify, and rebut the evidence against him."

EXHIBIT A

Petitioner argues that the language of this statute, as well as the express purpose of the Act to provide "minimum procedural requirements", demonstrates a legislative intent to grant subpoena power to all administrative agencies. We do not agree. During the Fifty-fourth Session of the Legislature, in 1967, when NRS 233B.123, supra, was enacted, the Legislature in that session and at that time granted subpoena power to the following State administrative agencies: (1) State Department of Agriculture, NRS 561.146(1);¹ (2) State Air Pollution Control Hearing Board, NRS 445.555;² and State Board of Pharmacy, NRS 639.246.³

It is clear that, had the Nevada Legislature intended, when it enacted NRS 233B.123, supra, during the Fifty-fourth Session in 1967, to grant subpoena powers to all state administrative agencies, as petitioner contends, then the specific grants of subpoena power to the State Department of Agriculture, State Air Pollution Control Hearing Board, and State Board of Pharmacy would not have been necessary. We may only

¹NRS 561.146(1):

"1. Whenever the executive director [of the state department of agriculture] is authorized or required by law to conduct a hearing, he shall have authority to issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers and other documents relative to the matters for which the hearing is called, to administer oaths and take testimony thereunder, and to take depositions within or without the state, as the circumstances of the case may require." (Added to NRS by 1967, 420.)

²NRS 445.555:

"The chairman or, in his absence, the vice chairman of the state air pollution control hearing board or of a county or district air pollution control hearing board may issue subpoenas to compel attendance of any person at a hearing and require the production of books, records and other documents material to a hearing." (Added to NRS by 1967, 1072.)

³NRS 639.246:

"1. The secretary of the board [state board of pharmacy] shall issue subpoenas for the production of witnesses, documents or papers, in accordance with statutory provisions, at the request of any party to a hearing.

"2. Witnesses appearing pursuant to a subpoena shall receive expenses and witness fees in the amounts and under the same circumstances as prescribed by law for witnesses in civil actions. Such expenses and fees shall be paid in full by the party at whose request the witness is subpoenaed.

"3. Subpoenas shall be served in the same manner as prescribed by law for the service of subpoenas in civil actions, and failure to comply with the order shall be punishable as contempt." (Added to NRS by 1967, 1659.)

EXHIBIT A

interpret such action as manifesting an intent by the Legislature during that session to limit subpoena power to those state agencies to whom it was expressly granted, and none other.

Petition denied.

ZENOFF, BATJER, and THOMPSON, JJ., concur.

COLLINS, C. J., concurring:

I concur in the majority opinion and add these additional comments: Petitioner's occupation is a lawful one and she may not be deprived of that right by revocation or suspension of her license except through due process of law. Should she be prevented from presenting her defenses to the charge through inability to compel attendance of witnesses or otherwise secure their testimony because of lack of the subpoena power, due process may be violated. See Jewell v. McCann, 116 N.E. 42 (Ohio 1917); followed in Geer v. State, 121 N.E. 901 (1918); reaffirmed in State v. O'Brien, 196 N.E. 664, 666 (Ohio 1935). See also 1 K. Davis, Administrative Law Treatise § 8.15 (1958).

JACK ELMER SUMMERS, APPELLANT, v. THE STATE OF NEVADA, RESPONDENT.

No. 5904

March 26, 1970

467 P.2d 98

Appeal from conviction of first degree murder and sentence of death by a jury. Second Judicial District Court, Washoe County; Thomas O. Craven, Judge.

Defendant was convicted in the district court of first-degree murder, and he appealed. The Supreme Court, ZENOFF, J., held that mere absence of defendant's reading glasses was not such coercion of defendant as to constitute "third-degree" forced confession and that admission into evidence of pictures of corpse of deceased showing location of six bullet holes for purpose of establishing degree of crime was not error.

Affirmed.

[Rehearing denied April 14, 1970]

Samuel B. Francovich, of Reno, for Appellant.

Harvey D. District Attorney, Washoe County, Nevada

- 1. CRIMINAL L. Mere coercion or confession in a case was a hangover.
- 2. CRIMINAL L. In case be considered 209.030, sub 1.
- 3. CRIMINAL L. An in if jury is matter of works, and
- 4. CRIMINAL L. Adm's pictures of for purpose
- 5. CRIMINAL L. Refusa included in

By the Court
The early Thomas v. Bokelma civil suit by the Mary Thomas Elmer Summers rape charge, re Bokelman was and asked S angered, Sum surreptitiously Mrs. Bokelman of murder and Summers' g should have a under "duress deprived of his time the confe

EXHIBIT A



NEVADA STATE DIVISION OF HEALTH
SECTION OF VITAL STATISTICS
CAPITOL COMPLEX
ROOM 102, KINKEAD BUILDING
505 EAST KING STREET
CARSON CITY, NEVADA 89710

February 8, 1979

Nevada State Legislature
Assembly Committee on Judiciary

Dear Sirs:

Subject; A.B. 278

The procedures seeking to be established by A.B. 278 already exist in NRS 440.280.5, 440.320 and 440.325. This bill is redundant and will further confuse the procedures used to establish paternity.

If this bill were to pass there are certain specific problems, as follows:

Section 2, Page 1 - How can one unequivocally establish who is the father of an illegitimate child? Section 2 cannot be acted upon.

Section 3, Page 1, Line 8 ... "may also adopt" ... If a man adopts a child using Section 2 and another man claims to be the father under Section 3, he may also adopt the same child. Thus, an unlimited number of men may adopt the same child simply by claiming parentage.

Section 3, Page 1, Line 13 and 14 ... "to the county clerk" ... The form mentioned is already available from the local registrar and the hospitals in each county. We would be happy to supply the county clerk also.

Section 3, Page 1, Lines 16-18 ... "filed with the county clerk" ... Procedures already exist to handle these cases without burdening the clerks office with more paperwork.

Section 3, Page 2, Lines 1-4..content of the form. This is not consistent with the requirements of NRS 440.280.5.

Sincerely,

A handwritten signature in cursive script that reads "Jack W. Homeyer".

Jack W. Homeyer, Biostatistician
Chief of Vital Statistics

JWH:sf

P A T E R N A L
A F F I D A V I T O F P A T E R N I T Y

I, _____, am the natural father of
(NAME OF FATHER)
(is expected to be)
who (was) born on _____
(DATE OF BIRTH)

at _____ to _____
(PLACE OF BIRTH) (NAME OF MOTHER)

I desire that my name be added to the birth record as father and the child's

(entered as)
name be (changed to) _____
(NEW NAME OF CHILD)

Natural Father

Subscribed and sworn to before me the _____ day of _____.

NOTARY PUBLIC

M A T E R N A L C O N S E N T

I, _____, the natural mother of _____
(NAME OF CHILD)

_____, acknowledge the facts stated in the above affidavit
and give my consent to its use in filing of the Certificate of Birth.

Natural Mother

Subscribed and sworn to before me this _____ day of _____.

Notary Public

Exhibit C



Northern Nevada NOW

P.O. Box 1265
Sparks, Nevada 89431

Testimony of Ruth Ann Wright
Legislative Committee Chairperson
Northern Nevada Chapter
National Organization for Women

February 21, 1979

Madame Chairman and members of the Committee,

My name is Ruth Ann Wright and I am the Chairperson of the Legislative Committee for the Northern Nevada chapter of the National Organization for Women (NOW). In that role I am here today to speak against several sections of Assembly Bill 278.

As a person who advocates equality between the sexes I would like to say it is as difficult to speak against fatherhood as it is to speak against motherhood. It is not made any easier by the fact that nine of the eleven Committee members are sponsors of this bill. I must, however, ask you to reconsider several aspects of A.B. 278.

The summary of this bill reads, "Provides for the adoption of an illegitimate child by his father by public acknowledgment" That seems a very reasonable and just thing to allow for in the laws of Nevada. On the face of it it is difficult to imagine anyone opposing this bill. But upon closer inspection it becomes evident this bill goes far beyond a father's public acknowledgment. This bill allows an alleged father to lay claim to an embryo.

The provisions in this piece of legislation allowing acknowledgment prior to birth are very grave threats to a woman's right to control her own body and person. This right is already questionable in the State of Nevada and A.B. 278 represents yet another erosion.

In Nevada if a female is under the age of eighteen and in need of an abortion she must first obtain the prior written consent of her parents.

Exhibit D

Consider also the married woman in need of an abortion who must first obtain the prior written consent of her husband. The only woman that may, at her own discretion and that of her physician, obtain an abortion must be over eighteen and unmarried.

A.B. 278 if enacted in its present form will represent a threat to the unmarried woman's rights. Will the alleged father of the illegitimate child (whose only responsibility will be to support the child "to the best of his ability") have the same rights as the father of the legitimate child? Will the alleged father be able to force a woman who may not want the child, who may not be able to provide for the child, to bear the child?

For this reason Northern Nevada NOW is in total opposition to those sections of A.B. 278 (see page 1, Section 3, lines 17 and 18, page 2, Section 3, lines 3,4,5, and 6) that provide for acknowledgment prior to birth.

I have no doubt the Committee has noted my use of the phrase "alleged father". I use the phrase to point out another flaw in the bill.

Nowhere in A.B. 278 is there any reference to the right of the mother to verify that indeed the man is the father of the child. Theoretically, according to the bill in its present form, any man could publicly acknowledge the child, adopt him, and establish parental rights. Surely, this is a matter important enough to the mother that her concurrence should be required.

In summary I would like to say Northern Nevada NOW heartily agrees with the concept expressed in Section 2 of A.B. 278. We also agree with the concept of the father being able to register with the Department of

Vital Statistics, after the birth of the child. We urge the Committee to amend the bill, striking any references to acknowledgment prior to birth and providing protection for mothers against untrue claims on their children.

EXHIBIT D