

Members Present:

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

Members Absent:

Mr. Horn

Guests Present:

William F. Furlong	Nevada State Welfare
Walter T. Lloyd	Deputy Attorney General, Welfare Division
Ace Martelle	Nevada State Welfare

Chairman Hayes called the meeting to order at 10:11 a.m.

SENATE BILL 294

Provides for establishing parentage and enforcing support of children.

Mr. Furlong stated Mr. Lloyd would discuss the proposed amendments to S.B. 294 as requested by the Committee. They had met with Mr. Stewart to resolve particular problems that he and other Committee members had with the bill.

Mr. Lloyd said that there were one or two substantive items discussed, the others relatively minor. The question of the number of days involved in the normal gestation period of a child, after conferring with medical specialists and medical literature, was established. The maximum number is 300, which was adopted by the Uniform Commissioners on Uniform Acts. The predictable norm is 285 days, and that is the number incorporated in the bill as a presumptive term, the first change.

Mr. Lloyd, continuing with the proposed changes, said that the deletion, Lines 39-40, was a redundant requirement. The third change, Page 2, Line 48 is for improvement of wordage. If both parents agree to the parentage of a child, a birth certificate would be issued after the filing of the proper documentation. The fourth change, Page 3, Line 2, relates to and is consistent with the previous changes.

Mr. Lloyd stated that the father under the law had rights although the child was born out of wedlock. These suggested changes clarify these rights and those of the children of unwed couples. The most significant change is Number 10, Page 5, Lines 47-49. This permits courts, if a person willfully refuses or destroys evidence, to presume that the evidence, if produced, would be adverse to his interests. Change 11 permits the court discretionary powers. Change Number 12, the striking of that material is suggested so that the courts may be relied upon in the handling of that type of unique case.

Mr. Lloyd said that Change Number 13 is again improvement of wordage. The balance of the changes are for clarification of language and technical corrections. In Line 26, Page 8, "mother" is changed to "custodial parent" to conform to current concepts. See Exhibit A for a listing of proposed amendments.

Mr. Stewart said that he agreed with the suggestions. He had a discussion with the Welfare Department about a couple of added sections having to do with adoption, originated by an organization in Las Vegas, ASK, a nonprofit organization that deals with adoptions. They want to establish a registry whereby an adopted person can submit his name and a real parent can submit his name to the registry, and the names are kept confidential. When the child becomes an adult and wants to seek out his natural parent, who has agreed by having signed the registry, the registry would then be available to the adopted child. The adoption agency would also like a provision for a consent to adoption that can be executed by a father of a child prior to the child's birth. This will facilitate the adoption procedure for a child that is born out of wedlock. This has already been discussed with members of the Senate.

Mr. Polish moved to Amend, and Do Pass S.B. 294 as Amended; Mr. Malone seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Brady, Coulter, Fielding,  
Malone, Polish, Prengaman, Sena - 10.  
Nay - None.  
Absent - Horn - 1.

ASSEMBLY BILL 770

Extends authority of members of University of Nevada system police department.

Mr. Malone requested that his remarks concerning this bill be made a part of the record. He stated that the University Police in Las Vegas are totally separate from the Metropolitan Police Department. He said that the University Police are capable and trained officers, and he said that they handle

all of the cases on the UNLV campus. He said that the University Police only requests help from the Metropolitan Police Department for backup, for the use of specialists in investigations, and for laboratory work.

ASSEMBLY BILL 777

Extends power of attorney general in criminal prosecutions.

Chairman Hayes stated that an amendment had been submitted on this bill through the work of the Attorney General's Office and Mike Malloy, Deputy Washoe County District Attorney (Exhibit B).

Mr. Stewart moved to Amend, and Do Pass A.B. 777 as Amended; Mr. Prengaman seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Coulter, Fielding, Malone, Polish,  
Prengaman, Sena - 8.  
Nay - Brady - 1.  
Absent - Banner, Horn - 2.

ASSEMBLY BILL 511

Provides procedure for appointment of guardians of adults and establishes special guardianships for persons of limited capacity.

Mr. Stewart suggested on Page 3, Line 40 to strike the words, "without his consent", and on Line 44 to strike the words "to protect the ward" and insert "for the proposed ward's health or to protect others from serious bodily harm."

Mr. Stewart further suggested on Page 3, Line 48 that this subsection be amended to show that a petitioner must inform the court and jury regarding medication a ward might be on and its possible effect on his actions, demeanor, and participation. This would mean if the proposed ward is going to go to the hearing and is under medication, the petitioner has a duty to explain to the court the medication and the effect it will have upon him.

Mr. Stewart said that on Page 4, Line 5, the proposed measure requires the court to make a stenographic or tape recording of the proceeding. This perhaps should be changed to require just a court reporter. He said he would check with the bill drafters, but he felt this should be in accordance with standard procedures of other statutes.

Mr. Stewart suggested a change on Page 5, Section 18. On Line 46, insert a period after, "sterilization of ward." It would then read, "A guardian shall not consent to experimental

medical treatment or sterilization of a ward." Then add new language as follows, "Nor shall a guardian admit or commit a ward to a mental health or mental retardation facility or nursing home unless he is specifically empowered to do so by the court."

A concern that has not been addressed is that expressed by the judge as to how the public defender is appointed and who is going to pay the costs. It will have some financial impact.

Chairman Hayes stated that this bill would have to go to the Ways and Means Committee.

Mr. Sena moved to Amend, and Do Pass A.B. 511 as Amended; Mr. Malone seconded the motion. The Committee approved the motion on the following vote:

- Aye - Hayes, Stewart, Brady, Coulter, Malone, Polish, Prengaman, Sena - 8.
- Nay - Fielding - 1.
- Absent - Banner, Horn - 2.

The meeting was adjourned at 10:54 a.m.

Respectfully submitted,

*M. Robertson for*

Carl R. Ruthstrom, Jr.  
Secretary

state

of nevada

DEPARTMENT OF HUMAN RESOURCES  
WELFARE DIVISION

251 JEANELL DRIVE, CAPITOL COMPLEX, CARSON CITY, NV 89710

May 8, 1979

The Honorable Janson F. Stewart  
Nevada State Assemblyman  
Assembly Judiciary Committee  
Nevada State Legislature  
Carson City, Nevada 89710

Dear Assemblyman Stewart:

Attached please find the proposed revisions to S.B. 294 which we reviewed with you this date. If we can be of further assistance in finalizing the review of this proposed bill, please feel free to call me.

Thank you for the time you took from your busy schedule to review S.B. 294 with us.

Sincerely,

A. R. Martelle  
Deputy Administrator  
Assistance Payments

cm

cc: The Honorable Karen W. Hayes  
The Honorable Melvin D. Close

Attachment

ASSEMBLY: Proposed Amendments to SB 294

08 MAY 1979

1. Page 2. Line 22, 30 and 34:

Change "300" days to "285" days.

2. Page 2. Line 39-40:

Strike "filed with the state registrar of vital statistics"

3. Page 2. Line 48:

Add to first sentence after "vital statistics" (addition is under-scored) and the natural mother on being informed thereof by the registrar does not dispute the acknowledgement within 60 days in a writing filed with the registrar.

4. Page 3. Line 2:

Strike "The registrar... thru Line 6, ending at ..."but it". Insert "The acknowledgement must... ending with ...parentage."

5. Page 3. Line 15:

Add new subparagraph f as follows:

"(f) He and the child's natural mother were cohabitating for six months prior to and during the period of conception."

6. Page 3. Line 25-26:

Strike entire sentence starting with "The presumption is...", ending with "...by another man".

7. Page 4. Line 10:

Add d, e or "f"

8. Page 4. Line 38:

Strike "extend"; add "alter"

9. Page 5. Line 25:

Add "Technical" rules of evidence.

ASSEMBLY: Proposed Amendments to SB 294

08 MAY 1979  
PAGE TWO

10. Page 5. Line 47-49:

Strike entire sentence and modify to read:

"If any party refuses to submit to a blood test, the court may presume the results of such tests would be adverse to the interests of that party."

11. Page 6. Line 45:

Strike "must"; insert "may"

12. Page 7. Line 13. Subsection 2:

Strike in its entirety; renumber 3 & 4. to 2 & 3.

13. Page 7. Line 27:

Strike "order"; insert "recommendation"

14. Page 7. Line 49:

Strike the word "all"; would read: "shall consider relevant facts."

15. Page 8. Line 26:

Strike "mother"; add "custodial parent"

16. Page 9. Line 10:

Strike "father"; add "parent"

17. Page 9. Line 13:

Strike "mother"; add "custodial parent"

18. Page 9. Line 35:

Misspelled word "it"

STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

## MEMORANDUM

TO: Larry Struve  
Chief, Deputy Attorney General

DATE: 5-8-79

FROM: Edwin E. Taylor, Jr.  
Deputy Attorney General

SUBJECT: Amendments Assembly Bill 777

Page 1line 17 had, file an information, and process shall forthwith  
issue thereon.Page 2line 21 [to] draw indictments or presentments for the grand  
jury [.] and to thereafter conduct the proceedings.line 36 5. When acting pursuant to any provision of law  
allowing or requiring him to act in a criminal matter,  
by leave of the court having trial jurisdiction of  
the matter first obtained, institute criminal proceedings:(a) By filing a complaint in a justice's or  
municipal court, where a misdemeanor is  
charged; or(b) By filing a complaint and commencing a  
preliminary examination where a gross  
misdemeanor or felony is charged and,  
thereafter, file an information in the  
district court,and may conduct these proceedings

EET:jf