

MEMBERS PRESENT: Chairman Stewart
Vice Chairman Sader
Mr. Thompson
Ms. Foley
Mr. Beyer
Mr. Price
Mr. Chaney
Mr. Malone
Mrs. Cafferata
Mrs. Ham
Mr. Banner

MEMBERS ABSENT: None

GUESTS PRESENT: See attached Guest List

Chairman Stewart called the meeting to order at 8:10 a.m.

SB 609 PROVIDES FOR REALIGNMENT OF AND INCREASES NUMBER OF JUDGES IN CERTAIN JUDICIAL DISTRICTS.

Judge Howard McKibben, District Judge from the Ninth Judicial District, Douglas County and Lyon County. He said he is in favor of this bill as revised. He said that if the bill is further revised to combine the Third Judicial District with the Ninth Judicial District, to include Churchill and Lyon Counties, he would have no objection.

He said this bill was designed to eliminate a travel problem, such as one judge having to stay one week each month in the Battle Mountain area.

He explained that in the Carson City/Storey County, two judges handled during the last nine months 1,292 cases filed and 948 were disposed of. In his district, by himself for the same period of time, 1,074 cases were filed and he disposed of 1,018. He said a second judge in his area is definitely needed to give trials to all asking for them.

Judge McKibben said the money has been provided for in the budgets.

Senator Virgil Getto said he sponsored SB 609 because of a very evident need for additional judges in the rural counties. He said for an example in Judge Young's district, the court calendar is full until next January and this is not fair to anyone that is indicted.

Assemblyman Joe Dini said he concurred with Senator Getto. He said he supports the floating, overlapping plan.

SB 658 REPEALS REQUIREMENT THAT CLAIM AGAINST STATE OR POLITICAL
SUBDIVISION THEREOF BE PRESENTED WITHIN 6 MONTHS.

Norman Robison from the Attorney General's Office said that this bill is a product of a Supreme Court decision regarding their claim statute. He said the bill says that you have the same amount of time to file a claim as you do to file an action within the statute of limitations. He said they would like to have notification sooner but this is no longer possible after the Supreme Court decision.

Bob Shriver, Nevada Trial Lawyer's Association, said this is a clarification bill and he supports its passage.

SB 670 REDUCES SHOWING REQUIRED IN HEARING ON NOTICE OF PENDENCY
OF ACTION AFFECTING REAL PROPERTY.

No witnesses were present.

SB 674 ESTABLISHES SPECIAL GUARDIANSHIPS FOR PERSONS OF LIMITED
CAPACITY AND REVISES PROCEDURE FOR APPOINTMENT OF GUARDIANS.

Orvis Reil, NRTA/AARP, said this is the third session that this similar bill has been presented. He said the present law on the books is one of the most cruel laws in existence. Any person that becomes a ward loses more privileges or rights than any prisoner we have in our state prisons. He has no right of appeal.

Senator Jean Ford said this bill was SB 407 that had been depleted to what is now in SB 674. She said in some cases a person may need a special guardian for specific reasons but not for all decisions made about the person. The person may have the capability of still handling some of their own personal matters.

Senator Ford discussed the bill section by section. She suggested two amendments: on page 3, line 3, change "20 days" to "30 days." On page 5, wherever the term "incompetent" is used, add "or persons of limited capacity." She said you could also change the word "incompetent" to "ward" which would accomplish the same thing.

Ms. Foley asked why VA money was singled out in the bill. Senator Ford answered that it was in the current law that way.

Ms. Foley asked if a non-profit corporation could be appointed as a guardian. Senator Ford said there is no prohibition against it.

Ms. Foley asked for an example of someone needing a limited guardianship. Senator Ford said the examples she has heard are a senior citizen with property that might be open to exploitation, or someone with a physical handicap that prevents them from totally caring for themselves.

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Jack Middleten, Division of Mental Hygiene and Mental Retardation, said they have supported this similar legislation for three sessions. He said what is in state statutes is either black or white, either totally incompetent and unable to do anything or totally competent and can do everything.

He said a good example is a mentally retarded person who can handle his own living quarters and finances, but would need consent to go into the hospital for a minor operation. He said this would help them merge the retarded out into the real world by giving them only the help they need in certain areas.

Ms. Foley asked again about a corporation being a guardian. Mr. Middleten said that he thought an individual of a corporation could be but not a group of people such as a corporation board.

Ms. Foley asked if a houseperson from a group home became a guardian and then moved on, could this guardianship transfer to the next houseperson automatically. Mr. Middleten said that they would have to repetition the courts and prove willingness and ability first.

Susan Haase, representing Opportunity Village in Las Vegas, said she is really representing all disability groups since she has followed this legislation for two sessions. She said that every disability group she has talked to is very much in favor of this bill. She said they feel that just because one accident or earth defect affected a person or family, they should not be totally stripped of every right. She urged passage of this bill.

Senator Melvin Close presented several amendments to this bill. Section 5, subsection 3, page 2, lines 15-16 should be deleted as there may not be an investigator and the court may not be explaining the citation. He said the person may be too ill to come before the court and the citation on paper is sufficient.

On page 2, lines 21-25 should be deleted. He said that he saw no public need for this section.

On page 3, lines 10-13 should be deleted. He said this section is too strong of a standard.

On page 3, line 23, either delete "by mail" or add after by mail, "or in person."

On page 3, line 30-32 delete or add after in this state "to nominate a guardian." He said he thought this language was left in by mistake and could very well be left out altogether.

On page 6, line 18, he said there is a conflict but he didn't remember what it was specifically.

It was also suggested that on page 2, lines 39-44 include notice provision as cited in subsection 1 above it.

SB 609 continued from earlier in the meeting:

Senator Close said they had no problem with this bill, they had taken the judges' suggestions and followed them.

SB 670 continued from earlier in the meeting:

Senator Close said that this bill was drafted to take care of a situation where a person had a suit dealing with title to land which tied up the title until the suit was resolved even with an appeal which may be four or five years. He said the way the law reads a person has to prove preponderance twice and this bill will change that.

SB 654 REVISES PROVISIONS GOVERNING TERMINATION OF PARENTAL RIGHTS.

Bill LaBadie, State Welfare Division, said this is not their bill. He said their bill was "pulled" and this one submitted instead. He said they can live with this bill.

Mary Lee, State Welfare Division, said the main purpose of this bill is twofold: (1) to clarify the grounds under which parental rights can be terminated and (2) by expanding the grounds to those not covered under the statutes now. She read and discussed the bill section by section.

Chairman Stewart suggested several amendments: On page 6, lines 36-36 should be deleted; page 4, lines 45-48, delete as not really necessary; page 6, lines 5-7 change to read "physician client privileges set forth in".

Mr. LaBadie said that sometimes circumstances prevent a parent from cooperating within 6 months. He said they may not be able to get into an alcohol treatment center, for instance, within 6 months.

Ms. Lee said that section 4 was made to be more specific for the courts than just for definition.

Mrs. Cafferata asked about page 7, lines 3 and 4. Ms. Lee said that is to prevent sex discrimination, if either parent abandones the child. The committee agreed that this needs to be reworded.

Greg Millsbaugh, a resident of Las Vegas, said he was a court appointed special advocate with the juvenile court system of Clark County working with Judge Mendoza. He said he supports the bill. He suggested on page 6, lines 5-7, it might be changed to read "the privileges set forth in NRS 49.215 through 49.245 inclusive may not be invoked." He said he supports retention of the definition of a parent on page 4, because of alcohol and drug abuse cases, as well as mental instability.

Chairman Stewart adjourned the meeting at 10:30 a.m.

Respectfully submitted, Dorothy Mobley, Secretary
(Committee Minutes)

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ASSEMBLY JUDICIARY COMMITTEE

GUEST LIST

DATE: Wednesday, 27 May 1981

PLEASE PRINT YOUR NAME	PLEASE PRINT WHO YOU REPRESENT	I WISH TO SPEAK		
		FOR	AGAINST	BILL NO.
✓ Bob SHRIVER	NTLA	✓		SB658
Mary Lee	State Welfare			SB654
✓ Howard McKibben	Dist. Court	✓		SB609
✓ Joe PINI	Assembly Dist 38	✓		SB609
✓ ORVIS E. REIL	NRTA/AARP - Nevada Joint State Legislative Committee	✓		SB674
✓ Jack Middleton	SB674			
✓ NORM ROBISON	ATTY GEN	✓		SB658
W. J. Breda	Welfare			SB654
✓ Virgil Getts	Senate	✓		SB609
ERIC TAYLOR	NEVADA PAY TELEVISION			
Anne W. Clancy	NV. Developmental Disabilities	✓	✗	SB674
✓ SUSAN HAASE	Opportunity Village	✓		SB674
✓ Senator Ford		✓		SB674
Gloria Handley	Welfare Division			SB654