

## Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, March 9, 1965

Meeting was called to order at 3:00 P.M.

Present: Close, Delaney, Knisley, Rosaschi, Olsen, Parsons, Swobe, Kean

Absent: Jacobsen

AB 404: Civil Rights Bill

Mr. Close said that the first thing to decide was whether or not to retain the Civil Rights Commission.

Mr. Olsen moved to retain the commission

Mr. Knisley seconded

Motion passed with a majority of the committee

Mr. Swobe and Mr. Kean voted No

### Section 5

Mr. Kean moved to eliminate the \$250 from a criminal action

Mr. Swobe seconded

Motion passed unanimously

### Section 6:

Mr. Swobe moved to strike the \$250 from the civil action

Mr. Knisley seconded

Motion passed unanimously

Mr. Swobe moved to strike "district court" line 40

Mrs. Parsons seconded

Motion passed unanimously

### Section 8:

Mr. Swobe moved to strike "new evidence"

Mr. Kean seconded

Motion passed unanimously

### Section 10:

Mr. Kean moved to change 25 employees to 15

Mr. Rosaschi seconded

Motion passed unanimously

Mr. Swobe moved to add to line 39 "State of Nevada and political subdivisions trusts, bankruptcies and legal representatives, etc."

Mrs. Parsons seconded

Motion passed unanimously

### Section 12:

Mr. Close had information from Mr. Lloyd of the Department of Labor on apprentice-

ships in Nevada which he read to the committee. It included figures on the number of negroes who have applied or taken apprenticeship training. No apprenticeship programs in Nevada sponsored solely by unions.

Mr. Swobe said he thinks these figures are indicative that we should have something on apprenticeship.

Mr. Close said that before a person who claims discrimination can go to district court or the D.A. or Civil Rights Commission he must first submit his grievance to the Labor Council and they have 30 days to move the thing along from start to finish. The appellant must appeal within 5 days.

Mr. Close passed around proposed amendments on apprenticeship submitted by the Department of Labor. Then he read the provisions covering this matter in the Act as is.

Mr. Olsen said this seems to cover it.

Mr. Swobe moved that committee not amend section 12  
Mr. Rosaschi and Mr. Delaney seconded  
Motion passed unanimously

Section 21:

Mr. Olsen moved to delete "receive new evidence or"  
Mr. Knisley seconded  
Motion passed unanimously

Mr. Close asked whether the word on line 50 should be "reconsider" or "consider."

Mr. Swobe said it should be "consider".

Mr. Olsen moved to change the word from "reconsider" to "consider" only.  
Mr. Swobe seconded  
Motion passed unanimously.  
This motion applies to sections 8 and 21

Section 22:

Mr. Close said this is the place a saving clause should be added.

Mr. Swobe said he doesn't think the Civil Rights Commission should be able to serve orders to "cease and desist". He feels they should go to court to apply for an injunction. Mr. Olsen concurred.

Mr. Close said this really gives the fellow who is accused of violating Civil Rights two chances: He can either comply and stop or he can say "no" and then fight it out in district court.

Mr. Swobe said that the purpose of the commission is to "fact find" and bring these two parties together. "You have discriminated, now we are going to take an action".

Mr. Knisley said he was torn between two ways of thinking. He thinks Mr. Close has a good point for the fellow to comply or to fight. He suggested perhaps we could devise language which would go halfway between here. He feels there should be some form of notice served on the violator. "Upon finding of fact the commission shall notify both parties".

Mr. Olsen suggested: "If X number of days after receipt of notice of findings of fact the other party does not 'cease and desist', then the commission may go into district court and seek injunctive action".

Mr. Swobe moved to strike (b) under paragraph 8 section 22 and insert Mr. Olsen's wording.

Mr. Knisley seconded

Motion passed unanimously

Mr. Olsen suggested 20 days to serve notice and 20 days to cease and desist after finding of fact.

Mr. Swobe said that this puts the commission on the spot, too. If they do not do anything to the violator within the 20 days they have lost their chance.

Paragraph 10 will be the saving clause.

Mr. Swobe moved Do Pass saving clause.

Mr. Olsen seconded

Motion passed unanimously

Time Limitations: To apply to Sections 5, 6, & 7

Mr. Kean moved we adopt a 30 days statute in which action can be taken in these sections.

Mr. Olsen said why not set it up in such a way that if he notifies the commission within 30 days he has preserved his action.

Mr. Knisley said he would like a little more clarification or information on the use of the word "sex" on line 19 page 4. The way the word is used it would appear that you could not refuse a woman a job as a ditch digger or a man a job as a housemaid.

Mr. Close read from section 704 of the federal bill showing that this wording is the same there.

Mr. Knisley asked what would happen if we do not have the same language as the federal law.

Mr. Close replied that the state would take precedence.

Mr. Kean said that according to the federal law it would seem that we have to maintain the same wage scale for women as for men. This would raise unemployment among women.

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Mr. Olsen moved to delete "sex or national origin" as the intent of the bill is to take care of minority groups.

Mr. Swobe moved to strike the 6th word, line 50, page 3.

Mr. Close called attention to section 14 and suggested that this section takes care of this whole problem.

Mr. Swobe withdrew his motion.

Mr. Knisley asked if the committee was going to strike "sex" from the bottom line on page 3, section 12.

Mr. Kean said he would rather take it out. He said let's have regulations governing women that don't apply to men.

Mr. Delaney: If they are doing the same thing in the same place they should be entitled to the same wages.

Mr. Close: What if we don't put it in and then John Bonner enforces it. It is in the federal bill.

Mr. Kean: Don't you think we are building in an equal pay bill?

Mr. Swobe: It certainly looks like it.

Mr. Swobe moved to delete the word "sex" from section 12, paragraph 1, line 50.  
Mr. Rosaschi seconded  
Motion passed unanimously

AB 428: Prohibits gas and electrical companies from making promotional offers to customers.

Mr. Close reported that he talked with Mr. Allredd of the PSC and had asked him if he thought the PSC had the authority to take care of this situation. Mr. Allredd said they did not. Mr. Close told him he thought the committee was ready to give them the authority. Mr. Allredd is coming in Wednesday at 2:30 to talk this over.

AB 398: Amends public health and safety law by providing for firearms control.

Bill Barker, the Las Vegas D.A., went over some changes and additions he recommended for this bill.

Mr. Knisley moved to kill the bill  
Mr. Swobe seconded  
Motion passed unanimously

Mr. Olsen asked to be excused at 4:00 P.M.

Mr. Knisley said that he and Mr. Delaney would not be able to attend the committee meeting on Wednesday as they had to be in a special subcommittee meeting. He wanted the committee to know that both he and Mr. Delaney favor giving the PSC

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authority to act on this situation with Southwest Gas Company, rather than passing AB 428.

AB 514: Fixes minimum time for commitment pending extradition of persons accused as fugitives from justice. Fixes time as 72 hours.

Ted Marshall, D.A. from Clark County, explained the bill and the reasons for asking for it.

Mr. Knisley moved to reduce the time from 72 hours to 48 hours and Do Pass  
Mr. Delaney and Mrs. Parsons seconded  
Motion passed unanimously

AB 515: Exempts prosecutors and defense counsel from rule providing for exclusion of witnesses during trial.

Mr. Knisley moved Do Pass  
Mr. Delaney seconded  
Motion passed unanimously

AB 517: Prohibits fraudulent presentation of claim to public officer of any special district.

Mr. Delaney moved Do Pass  
Mr. Swobe seconded  
Motion passed unanimously

AB 516: Defines "vehicle" in vehicle antitheft laws.

Mr. Marshall explained that the word "bicycle" should be motorcycle or motor scooter.

Mr. Swobe moved to amend this word and Do Pass

Mr. Kean moved to amend and re-refer to Committee on Roads and Transportation

Mr. Close said that this is really our bill and should not be re-referred.

Mr. Marshall suggested the bill be held to see what California has on this as we want our law to be amended to be like theirs.

AB 518: Provides for summary proceeding against sureties on third party claim in attachment proceeding.

Mr. Marshall explained that he is asking for this and recommending it as a private attorney rather than as a district attorney. He said that we have this identical type of provision in other types of bonds.

Mr. Knisley suggested this bill be held until Mr. Olsen was present.

AB 519: Provides penalty for planting or cultivation of marijuana and peyote.

Mr. Marshall said this was taken directly from California law.

Mr. Close suggested the word "knowingly" might be added to prevent prosecution of persons having it growing in their yards and not knowing what it was.

Mr. Knisley: We are making it a felony aren't we?

Mr. Marshall: It is now a felony to possess it. This would make it a felony to grow it.

Mr. Swobe moved to amend, adding "knowingly", and Do Pass

Mrs. Parsons seconded

Motion passed unanimously

AB 531: Prohibits attempts to influence prospective jurors.

Mr. Knisley moved Do pass

Mr. Swobe seconded

Motion passed unanimously

AB 532: Amends law relating to search warrants

Mr. Marshall explained that this is one of the most important bills that the D.A.'s are requesting this session. This is the California law with one or two changes. He said that the Nevada statute of search warrants has not been changed since 1911.

Mr. Knisley moved Do Pass with possible amendment (the Chairman authorized to correct the language if it is necessary).

Mr. Swobe seconded

Motion passed unanimously

AB 310: Provides alternative dates for determination of compensation in protracted condemnation cases.

Mr. Swobe presented the amendment he had been asked to have drawn up, substituting the word "primarily" for the word "solely". The amendment defines "primarily" as "the last act" which delays the proceedings over the specified period.

Mr. Swobe moved Do Pass with amendment

Mr. Knisley seconded

Motion passed unanimously

Meeting adjourned at 4:50 P.M.