

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 54th Session, February 8, 1967

Meeting commenced at 9:15 A.M.

Present: Wooster, Kean, Swackhamer, White, Lowman, Dungan, Hilbrecht

Absent: Torvinen, Schouweiler

SJR 4: Proposes constitutional amendment to clarify qualifications of petitioners required to recall public officers.

Russ McDonald was present to speak on this resolution. He said he has already prepared one amendment, because it did not parallel some of the Supreme Court cases. The problem is how do you measure who is a qualified elector when you get one of these petitions? You automatically go to registered rolls but maybe the name does not appear on the rolls and yet the person is a qualified elector having met all the requirements, such as length of residence, etc. However, the fact that you are a registered voter does mean that you are a qualified elector. The Constitution is ungrammatical and not clear on this point. If you use the words "that voted in the last election" it makes this requirement clear.

Mr. Kean suggested using "who voted for member of the House of Representatives".

Mr. Hilbrecht suggested using "general election".

Mr. McDonald mentioned that in many cases the primary election is not considered an election. If the committee is going to take the Justice of the Supreme Court out and substitute something else they may need to clarify it quite a bit. The "general election" seemed to Mr. McDonald to be the best solution.

Mr. Swackhamer said that if we change the wording from "qualified electors" we are diminishing the number that could be counted. Would 25% still be a proper figure? Mr. McDonald said that figure should still be all right.

Mr. Lowman said that a general election in a city is not necessarily the same as a general election in the county. Will there be a problem here?

Mr. Wooster said we have had suggestions for amendment which would be to delete "the Justice of the Supreme Court" and substitute "general election"

Mr. Hilbrecht moved that the bill be amended according to the suggestions and be given a Do Pass.

Mr. Lowman seconded

Motion passed unanimously

AJR 4: Proposes constitutional amendment to allow new courts to be created by law.

Mr. Wooster said that the question on this is whether or not this proposed amendment would allow the legislature to withdraw the jurisdiction of the District Court.

Mr. McDonald said he did not think the bill would do this. The Constitution spells out the jurisdiction of the various courts. It would not be possible to set up a new Probate Court if there were already one. The legislature previously shifted Juvenile Court cases to some other court because the limitations of the Constitution would not let them create a new court.

February 8, 1967

Assembly Committee on Judiciary

Mr. McDonald said the State Bar is proposing a Judicial Review but this is ten years away unless the legislature takes special action. This could be accelerated by calling a special election three days after a general election to take care of it, as an emergency measure.

Mr. Wooster asked if there was any chance at all that this act would be repealing by implication some of the existing courts' jurisdiction.

Mr. McDonald said let's assume the creation of a Probate Court and say all matters pertaining thereto will now be handled therein. It would not stand. For instance, divorce is equity and equity is to be handled in the District Court, so you could not create a Divorce Court. The people would have to vote on this to give the legislature this power.

Mr. Kean said he did not think the Judiciary should ever be afraid of the legislature because the legislature has never done anything to give them reason to be afraid.

Russ said they had had a chance to lose their temper when the problem came up a few years ago of judicial control of gaming.

Mr. Lowman moved Do Pass AJR 4

Mr. McDonald related a story of past history and said that the reason Nevada became a state was because the people could not stomach the avariciousness of the Judiciary. He said the question is: Is there a need for some special act to create some special courts during the interim before a review or study could be made which would take at the very least six or seven years.

Mr. Kean seconded the Do Pass motion
Motion passed, with a no from Miss Dungan and 5 ayes

AB 7: Prohibits discrimination in employment on basis of sex.

Mr. Wooster said the question had arisen whether or not there was a conflict between this act and existing state statutes concerning rest periods, overtime, etc. He said we do not want to pass out something that will be repealed by implication.

Mr. McDonald said the word "sex" was originally in the bill to parallel the Federal Civil Rights Bill so that we could have a local vehicle that could be administered by the State of Nevada. He said when the bill was drafted to put it back in Mrs. Frazzini had asked that "sex" be included only as pertains to employment.

Mr. Kean asked if section 2, line 11, where it refers to employment practices, applies to rest periods, providing cots, etc. Mr. McDonald replied that it does. He added that if the committee does not pass this bill females are still protected by the Federal Bill if they can get a Federal man to listen to them, but the pitch is to have a local thing that we can take care of. If we don't pass this complaints can still be taken to Federal Courts.

Mr. McDonald said he doesn't think we will create any new problem by passing this bill. He said he would make a study to see if this would create problems with the items Lou Paley had brought up previously.

Assembly Committee on Judiciary

February 8, 1967

Miss Dungan pointed out that if Mr. Paley is still disturbed, we can remind him that a man can still go to a Federal Attorney also.

Mr. Wooster said that at the Thursday morning 9:00 O'clock meeting the following bills will be discussed:

SB 28
SB 40
AB 131

Meeting was adjourned at 10:00 A.M.