

Senate

JUDICIARY COMMITTEEMINUTES OF MEETING HELDJANUARY 30, 1967

The meeting of the Judiciary Committee was called to order at 1:40 P.M., Monday, January 30, 1967, in Committee Room 56, State Capitol Building, by Chairman Warren L. Monroe.

The following members were present: Warren L. Monroe, Chairman
 V. E. Bunker
 M. J. Christensen
 Carl F. Dodge
 Procter Hug, Sr.
 Coe Swobe
 C. Clifton Young

Also present: Senator Casey Fisher
 L. V. Mylan
 Wm. Hart
 George Flint
 Don Howe
 Victor Voorhies
 George L. Wright
 Wm. Voorhies
 Robert Truesdell
 Charlotte Richards
 Merle Richards
 Mrs. Orcutt
 Guy Farmer, KCRL
 Joe Jackson, Nevada State Journal
 Jerry Higgins, KOLO

Chairman Monroe advised the members of the Committee that there was a group present which represented owners and operators of Wedding Chapels in the Reno and Las Vegas areas. Mr. George Flint, as spokesman for the group, was invited to address the Committee. Mr. Flint referred to a report that he had prepared and distributed to the Committee, and also mentioned that he had gone over this report and subject matter with Governor Laxalt and Lt. Governor Fike. Mr. Flint stressed the fact that weddings were a lucrative part of the State income, representing between \$35,000,000. and \$50,000,000. a year. He also made particular note of income to motels, florists, photographers, restuarants, etc. He objected to the requirement that civil marriages be required in Nevada, and, to the use of the term "Marrying Sam." Senator Dodge advised the group that there will be another Bill introduced, in about two weeks, which will follow the suggestions of the Supreme Court in which these people would be licensed by their own counties. Other subjects were discussed at length, such as "what actually consitutes a church," commercialism and alternative methods of control. It was also suggested that the organized Ministerial Association be consulted prior to final determination is made by the Committee relative to S.B. 60.

Chairman Monroe closed the Hearing at 2:30 P.M. The Wedding Chapel Group left the room.

Chairman Monroe requested Mr. Russ McDonald to address the Committee on the background of, and his recommendations on the following Bills:

S.B. 12 Authorizes State Fire Marshal to set standards for fire prevention and fighting equipment, license certain businesses, and establish library.

Mr. McDonald stated that if they were going to amend the duties of the Fire Advisory Board that it was necessary to amend the original Act.

Disposition: Do Pass by unanimous consent of the Committee.

A.B. 13 Provides correct form for citation of Nevada Revised Statutes. Mr. McDonald advised that this Act would change the language used in citations of the NRS although it would not be mandatory, but would promote uniformity.

A.B. 14 Provides correct reference to Migratory Bird Conservation Act.

Mr. McDonald advised that this would merely revise our legislation to conform with the change in the United States Code.

A.B. 20 Corrects erroneous word describing transcripts admissible as evidence in Nevada Industrial Commission investigations.

Mr. McDonald stated that this Bill was to correct an obvious mistake, deleting "prescribe" and inserting in its place "transcribe."

A.B. 22 Adjusts provision relating to exemption of certain private schools, colleges, and universities from licensing to conform to renumbering of United States Code.

Mr. McDonald advised that Line 21, Page 1, reflects change in United States Code and brings our State into line.

A.B. 25 Replaces reference to notarial seal with reference to notarial stamp.

Last Session, Mr. McDonald explained, we dispensed with the use of the notarial seal and went to the use of a stamp, this Bill will correct the terminology.

A.B. 30 Corrects misused word in provisions for peremptory challenge of jurors.

Mr. McDonald advised that it was necessary to correct the wording, substitute "alternately" for "alternatively."

A.B. 31 Clarifies penalty provisions for unlawful taking of vehicle.

Mr. McDonald advised that this Bill was merely to delete the word "also" from Line 12.

A.B. 78 Requires that vacancy in office of elected member of State Board of Education be filled by appointment until next general election.

The Attorney General and I agree, Mr. McDonald said, that this Section needs amendment. The section as it reads now is in violation of the State Constitution. This Bill is necessary.

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A.B. 10 Revises Nevada Uniform Gifts to Minors Act.

Mr. McDonald advised the Committee of the benefits he believed would ensue from enactment of this legislation. When asked if it conformed to the United States Code, Mr. McDonald replied in the affirmative. Senator Young inquired about the provision that, in the event of the death of the custodian, a minor of 14 years of age could designate the custodian, referring to Page 6, Lines 15 through 19. Mr. McDonald is to provide Senator Young with a copy of the National Committee Observation for study. Senator Hug observed that on Page 7, commencing at Line 24, it appeared that a different way of appointing a successive custodian was set forth.

A.B. 12 "Repeals law prohibiting unexplained possession of stolen goods."

Mr. McDonald advised that the Supreme Court had declared this legislation unconstitutional.

A.B. 16 "Removes inoperative declaration on sovereign immunity of school districts."

Mr. McDonald stated that Lines 16 and 17 should be deleted as the Supreme Court has found that it does not state properly what the intent had been, that it is inoperative.

A.B. 17 "Deletes sovereign immunity provision relating to county emergency aircraft landing fields."

The history of this, Mr. McDonald stated, allows the counties to designate emergency landing fields. Subsection 4 would build in a sovereign immunity act. This legislation is the result of a survey by the entire Court.

A.B. 19 "Repeals provision allowing appeal of moot questions in criminal cases."

The Supreme Court declared this legislation unconstitutional, Mr. McDonald stated, and recommend it's repeal.

A.B. 29* "Prohibits obscene performances or exhibitions."

The Supreme Court has requested the change to meet the intent of the legislation.

Mr. McDonald, before leaving the meeting, assured the members of the Committee that the legislation pertaining to criminal law were back-up Bills, and that the "Master Bill would be controlled when it was introduced."

After discussion, ON MOTION of Senator Swobe, seconded by Senator Christensen, and unanimously approved, it was agreed to "Recommend Do Pass Assembly Bills No. 12, 13, 14, 16, 17, 19, 20, 22, 25, 29, 30, 31, and 78.

Chairman Monroe stated that the Committee would review the Senate Bills under consideration.

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S.B. 22 "Increases penalties for certain offenses committed against peace officers or firemen."

ON MOTION of Senator Dodge, seconded by Senator Young, and unanimously approved, it was agreed to "Do Pass Senate Bill No. 22 as Amended."

S.B. 33 "Permits Supreme Court to employ bailiff."

Senator Monroe reported that he had investigated the need for this legislation and found that the Sheriff of Ormsby County was very unhappy about sending a man over to the Supreme Court. Inasmuch as the hiring of a Bailiff would be an added cost, it was unanimously agreed by the Committee to re-refer Senate Bill No. 33 to the Finance Committee.

S.B. 28 "Prohibits Governor who is not reelected from making appointments to fill nonjudicial vacancies."

After discussion it was agreed by the members that Senator Swobe take the amendment back to the Legislative Counsel Bureau for interpretation as the intent is not clear.

S.B. 39 "Increase maximum amount of certain liens entitled to priority over lien for sale or lease of certain personal property."

Since Senator Fisher, a co-introducer of the Bill was present, Chairman Monroe asked if he had any comment to make. Senator Fisher replied that the request was to increase the amount authorized under the original legislation due to the upward inflationary trend. Senator Dodge advised the Committee on the history of the legislation. It was agreed by the members to hold the Bill over pending consultation with responsible finance company and bank personnel.

S.B. 48 "Limits exemption from taxation of federally owned real property."

Chairman Monroe read the Preamble and Amendment, and, after discussion, ON MOTION of Senator Dodge, seconded by Senator Swobe, and unanimously approved, it was agreed to "Do Pass the Amendment and Preamble to Senate Bill No. 48."

The meeting was adjourned at 3:45 P.M.