

Senate

JUDICIARY COMMITTEEMINUTES OF MEETING HELDFEBRUARY 14, 1967

The meeting of the Judiciary Committee was held at 2:20 P.M., Tuesday, February 14, 1967, in Committee Room 56, State Capitol, Chairman Monroe presiding.

Members Present: Warren L. Monroe, Chairman
V. L. Bunker
M. J. Christensen
Carl F. Dodge
Procter R. Hug
Coe Swobe
C. Clifton Young

Also Present: John J. Sullivan, Vital Statistics-Dept. of Health
Clark Bigler, Sacramento Bee
Joe Jackson, Nevada State Journal
Vicki Nash, KOH

Chairman Monroe stated that he had received some objections, especially from the Press, regarding the adoption of Section 11, Senate Bill 137. He then commented that he had requested John J. Sullivan to appear for the purpose of discussing the Bill.

Mr. Sullivan stated that there should be no secrecy about marriage and divorce records, they should be immediately accessible to anyone who wanted them. He mentioned that, he would be the person that would write the regulations for the Board of Health so there would be no question about it. He said that it appeared to others that the Board was trying to "write the County Recorders out of it", which is not true, there is no limitation on the action of the County officers in any way. He stated that deaths should be a secret because it is no one's business what a person died of, although there is no objection as to what date, name, place of birth, mother's name, father's name being available. The present law states that the person must have a tangible reason for the information.

Mr. Bigler stated that, under Paragraph 3, Section 11, the Bill states, "the decisions shall be binding upon the local custodians of permanent local records." Mr. Sullivan replied that the wording had been picked up from the uniform laws. Senator Dodge commented that it looked like they were binding the local officers as to secrecy. Mr. Sullivan replied that under the regulations, the County Health Officers would continue to issue certified copies of these records, but that they were of limited value because the Federal Government will not accept them for passports and so forth.

Mr. Sullivan further explained that Senators Dodge and Hecht had suggested that the old Bill be submitted because the bill drafters were busy, then the Bill could be amended. He distributed copies of proposed amendments.

Senator Swobe commented that he liked it being up to the Court for disclosure rather than by regulation.

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Senator Dodge stated that he agreed that the language in the amendment was a little more of a guide than the language now in the Bill.

There was a discussion as to whether it would be better to draft a new Bill or to amend the one now under discussion.

Senator Dodge asked Mr. Bigler to spell out the problems of the news media. Mr. Bigler replied that their concern is that it was being taken out of the law that marriage, divorce, annulment records were "public" records, and that they were free to examine the records, that it takes it out of the law and puts it into the hands of the State Board of Health.

Senator Swobe commented that in Paragraph 2, Section 2, the word "regulation" should be struck out of the sentence "...except as provided by regulation or upon order of a court of competent jurisdiction." Senator Monroe asked if that was a practical situation. Senator Swobe replied that it was, that an attorney would appear before a judge and obtain a court order. Senator Dodge asked if anyone objected to protecting the records of children born out of wedlock, to which there was no objection.

Senator Young cited Section 9, Paragraph 1, "For each divorce and annulment of marriage granted by any court in this state a report shall be prepared and filed by the clerk of the district court with the state registrar of vital statistics. The information necessary to prepare the report shall be furnished, with the complaint in the action, to the clerk of the district court by the complainant or his or her legal representative on the form furnished by the state registrar of vital statistics." He asked if this meant an additional form. Mr. Sullivan replied that his office would supply the attorneys with the form which they would file at the time an action is filed, then the court clerk would complete it after the decree was granted.

Chairman Monroe stated that another objection was that the County Clerks would be required to make out the forms without receiving any fees. Mr. Sullivan replied that the only thing they had to do is sign the form and put it in an envelope, the attorneys fill out the form.

Mr. Sullivan provided the Committee with copies of the proposed form. Senator Dodge asked what the reason was for centralizing this type of information -- who will use the information on educational levels and race. Mr. Sullivan said that actually they were not large enough now to use it, but later it will be used for tabulations, and, that 40 states were now using this form. He then distributed a graphic record which indicated the states where it is being used.

Chairman Monroe requested Mr. Frank Daykin to appear before the Committee.

The changes that had been discussed by the Committee and their incorporation into the Bill by amendment was discussed with Mr. Daykin.

Senator Dodge suggested that Section 11 be eliminated entirely which would leave the matter in the position of status quo. He also asked Mr. Bigler if that would satisfy the Press, to which Mr. Bigler replied in the affirmative.

Mr. Daykin was requested to prepare the necessary amendments.

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A.B. 32 "Amends filing fees under Uniform Commercial Code and resolves statutory conflicts."

Mr. Daykin presented the amendments, with explanations, that had been requested by the Committee in meeting held February 13, 1967.

Disposition: ON MOTION of Senator Dodge, seconded by Senator Young, it was unanimously agreed to "Do Pass Assembly Bill 32 as Amended."

S.B. 108 "Provides for lien on property of tenants of unfurnished houses or apartments for nonpayment of rent."

The problem of placing a lien on mortgaged furniture which would place the financing agency in the position of subordination was discussed.

Disposition: Held over.

S.B. 140 "Limits definition of "guest" in automobile guest statute.

Senator Young explained that limiting the "guests" to family and persons actually residing in the insured's household would make it possible for a passenger to recover damages without proving "gross negligence" on the part of the insured.

Disposition: Held over. Hearing for insurance agents to be set.

S.B. 111 "Proposes additional qualifications for licensing of real estate brokers, salesmen; provides city license reciprocity for brokers, salesmen."

Senator Young commented that there will be several similar Bills introduced and perhaps it might be well to get together with the Assembly Judiciary Committee and hold Hearings on this subject a week or ten days hence.

Disposition: Held over. Joint Hearing for Real Estate Board to be set.

S.B. 155 "Permits prior submission of written questions and supplemental voir dire examination of juror by counsel."

Senator Young commented that there has been some dispute between judges and attorneys as to whether attorneys have the right to introduce examinations in writing, and also on submission of interrogatories to the jurors which saves time and speeds up trials, and at times, embarrassment. The questions submitted would have the approval of the Court. Senator Dodge asked if the reservations that developed among the judges was that they were not legally provided for. Senator Young replied that some of the judges maintained that it was being abused, we have been allowed to use them but by "grace" not as a "right".

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Disposition: ON MOTION of Senator Dodge, seconded by Senator Swobe, it was unanimously agreed to "Do Pass Senate Bill 155."

S.B. 69 "Prohibits revealing of state employee's personnel records."

Chairman Monroe invited the State Personnel Director, Mr. Wittenberg, to appear before the meeting for consultation.

Senator Dodge asked, as a matter of policy should the records be kept confidential, or, what restrictions should be placed on them. Mr. Wittenberg replied that certain aspects should be kept confidential, such as former employment, letters of recommendation.

Chairman Monroe mentioned that there was no punishment provided for, at present, and this Bill would make it a misdemeanor to disclose personnel records. Mr. Wittenberg stated that they were frequently asked for listings of employees and their salaries, but other personnel records probably should be handled in a confidential manner.

Senator Christensen asked if Mr. Wittenberg would like the payroll records removed from the Bill, and Mr. Wittenberg replied in the affirmative. Senator Dodge commented that perhaps they should spell out exactly what information is confidential. Senator Christensen stated, "personnel records period."

Senator Dodge asked Mr. Wittenberg to give this Bill a little more thought and come up with the terminology regarding what should be public record and what should not be public record, and also mentioned that they didn't want a conflict with existing statutes.

Disposition: ON MOTION of Senator Christensen, seconded by Senator Swobe, it was agreed by Senators present, except Senator Dodge who abstained from voting, to "Place Senate Bill 69 in the Hold File."

S.B. 168 "Repeals certain conditions and limitations on right to bring action against the State."

Disposition: Held over. To be included in Hearing for S.B. 140.

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

After discussion it was agreed that this was a fairly uniform act throughout the country and would greatly facilitate investment procedures for minors.

Disposition: ON MOTION of Senator Young, seconded by Senator Bunker, it was unanimously agreed to "Do Pass Assembly Bill 10."

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- A.B. 18 "Clarifies applicability of mechanics' lien law to employees' claims arising subsequent to July 1, 1965."
Disposition: Held over.
- A.B. 21 "Clarifies prohibition against riding or driving animals over country bridges at excessive speed."
Disposition: ON MOTION of Senator Swobe, seconded by Senator Bunker, it was unanimously agreed to "Do Pass A.B. 21 as Amended."
- A.B. 33 "Transfers provision for consumption of crops where livestock is mortgaged from Chapter 106 to Chapter 104 of NRS."
It was agreed that there was no need for this legislation as it was covered in A.B. 32.
Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was unanimously agreed to "Kill Assembly Bill 33."
- A.B. 171 "Permits corporations to use rubber stamps in lieu of seals."
Disposition: ON MOTION of Senator Christensen, seconded by Senator Bunker, it was unanimously agreed to "Do Pass Assembly Bill 171."

The meeting was adjourned at 4:15 P.M.