

SENATE JUDICIARY COMMITTEE

MINUTES

Meeting was called to order at 10:10 a. m. February 12, 1969.

Committee members present: Senator Monroe, Chairman
Senator Dodge
Senator Young
Senator Swobe
Senator Hug
Senator Christensen
Senator Bunker (came in late)

Guests: Flora Dungan, Las Vegas.
Bishop Divine Ruth Turner, League
of Women Voters, Reno, Nevada
Karen Smith, University of Nevada

Chairman Monroe advised there were several visitors present who were interested in AJR 8 and thought it would be a good time to hear what they had to say. He explained there were conflicts between AJR 8 and AJR 23 of the 54th session with the procedure part of each, however the committee would discuss this at a later date. He called upon Flora Dungan to give her philosophy on AJR 8.

Flora Dungan: I hate to see AJR 23 not passed as there would be no chance for the younger voter to participate in the next presidential election. Last year I was opposed to allowing the 18 year old voting privileges but I have changed my mind since then due to important facts. I do a lot of work with youngsters and I feel that young people throughout the world are very aware of political and economic problems and wish to be heard. The protests in this country staged by the young people are very important and they are merely asking for the right to be considered as an adult. The younger generation are more interested in human beings where the adults are more interested in things rather than people. Because of this I feel the young people will be the saviours of our world. Because of this I have changed my mind. I urge everyone to do whatever they can to support them.

Senator Swobe: Are you supporting the 18 year old vote?

Flora Dungan: Yes.

Senator Hug: What is your feeling between the 18 and 19 year old vote?

Flora Dungan: It is the opinion of some that by lowering

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it to 18 there would be high school students voting but most 18 year olds have graduated by the time they are 18. As far as I am concerned they could lower it to 16. I do not believe that because they are old enough to be drafted is sufficient reason to be allowed to vote.

Senator Dodge: We have had this before us for the past six to eight years and I am sure that we all have mixed feelings. I feel this is a matter to be submitted before the people and let them decide. I feel the same as Flora does about the draft, that is not sufficient reason to reduce the voting age. I feel the right to vote is the final vestige of citizenship. If we are going to make a citizen out of the 18 year olds they will have to assume responsibility as well, assume contracts, etc. We have provided shelter for one under the age of 21 who sells or uses narcotics. Do 18 year olds have emotional security and stability? We have had pleas from older people as well as university students and I think the people should consider this.

Chairman Monroe: We have several members of the Womens League of Voters. Is there someone that would like to be heard?

Ruth Turner: I am Bishop Divine Ruth Turner a member of the League of Women Voters from Reno, Nevada. I have with me Miss Smith, a student at the University of Nevada, who is concerned about her privileges as a citizen. They are all concerned as to what there rights are. I work very closely with the young people and they are all concerned. A prominent doctor's son was recently drafted and he rebelled and said the government was sending him off to kill and yet they would not let him vote.

The youth of today have minds of a thirty year old instead of 18 year old. I work with them very closely and when they are rejected they rebel. That is what has caused the hippies, long hair, etc. I have told them that the long hair was not representative of a citizen. An 18 year old does not want to be treated as an 18 year old.

I am for lowering the voting age.

Karen Smith: I am a student of the University of Nevada and 19 years old. We are all very concerned with politics and have a lot of interest in our government. We all have definate opinions and we do not like something just to be liking but because we have studied both sides of a situation and weighed all the facts and have made a decision from that. We go into the details on both sides. We are exposed to the problems of today and have courses that help us to study them as Political Science. The Governor has spoken to the studenta and we want to know just what is going on. We have no way to put our knowledge to work. It is hard to be part adult and part not. You can get all mixed up.

Senator Monroe: Are there any more comments? If not, we will lay this aside to consider the technical problems.

I think we should discuss the schedule for the hearing for tomorrow afternoon. I had a call from Justice Collins asking if we want the members of the Supreme Court to participate in the hearing.

Senator Dodge: I talked to Howard McKissick to see if they could cut down their afternoon session so we could get started by 2:30. We do have several citizens coming in to testify. I have asked Jack Frankel, Secretary to the Judicial Committee from California to be present. Also, the Board of Governors will want to be heard. The judicial articles should be taken up first.

Senator Monroe: Do you think we should have a representative of the Supreme Court?

Senator Dodge: I think they should be there and feel free to offer any testimony they want.

Chairman Monroe: Senator Brown had amendments prepared for SJR 1 on initiative and referendum. I think we should give consideration to SB 58 and SJR 1.

The proposed amendment starts on subsection 2, section 1:
"The powers conferred by this section do not extend to any ordinance proposed which makes an appropriation or otherwise requires the expenditure of money, unless such ordinance also imposes a sufficient tax, not prohibited to counties by the constitution or any statute, or otherwise lawfully provides for raising the necessary revenue."

Section 3 on page 2 should be the same. With these changes I feel it makes sound legislation.

This is not considered to be constitutional and could be contested in court.

Senator Young: I am against passing anything that is not constitutional as I feel it is very poor legislation.

Chairman Monroe: Several things have been passed that were thought to be unconstitutional but were considered to be until challenged in court.

SJR 1 seems to me to present problems. Page 3, section 6 reads " The provisions of this article do not apply to any measure which:

1. Makes an appropriation or by its operation requires the expenditure of money;
2. Imposes or levies a tax; or
3. Relates to the issuance of bonds or other public securities.

Senator Dodge: Do we have any amendments on this?

Senator Monroe: No.

Senator Dodge: I think we should go get Frank on this.

Senator Young: Do you feel they should have a right by initiative to increase the sales tax?

Chairman Monroe: It might be a good thing to do it that way.

Senator Young: How do you pass on an act that you know is unconstitutional. I could not conscientiously do it.

Senator Dodge: We are not wiping out initiative but are saying if you initiate a tax matter you must now provide how it is to be paid.

(Mr. Frank Daykin, legislative counsel came in)

Chairman Monroe: Frank, we are discussing SB 58 and SJR 1.

Frank Daykin: I am caught by surprise. I thought there were amendments put on this but evidently not. It should be amended the same as SB 58. If SJR 1 goes as is it would preclude establishing sales tax by initiative petition. There are two possible ways for constitutional changes: 1. Retroactive wipe out restrictions on referendum measures. 2. Have measures adopting restrictions subject to the vote of the people.

Senator Dodge: Would it be better if we were to incorporate the amendments to SB 58 into this?

Frank Daykin: This depends on how wide a path you want to cut.

Senator Dodge: How strong is the case that SB 58 is unconstitutional?

Frank Daykin: Very strong, however a statute is passed with the thought that it is constitutional and is considered so

until the Courts rule otherwise. The first initiative would be subject to a law suit.

Senator Young: How do other states handle this?

Frank Daykin: I have not researched this thoroughly but I do know that other states are very strict on initiative and referendum. Most of them do this on bond issues.

Senator Young: I am in favor of SJR 1 but would vote against SB 58 as it is unconstitutional .

Frank Daykin: This will come before the voters in four years.

Chairman Monroe: I think the legislative intent was there but Las Vegas started something serious.

Senator Dodge: I would not hold up on a question of being unconstitutional when it can prevent a situation like Las Vegas has.

Senator Young: We took an oath to protect the constitution and we should not knowingly vote like this. It is not good legislation.

Senator Hug: I am not sold on the idea that I want to change the constitution for a situation.

Senator Christensen: Is there anything else we can do? Could we pass a law and have a responsibility clause that would be constitutional.

Frank Daykin: I have reservations that SB 58 would be held unconstitutional if considered by a court. The legislative counsel has not asked for an opinion on this. We would have to go to the Supreme Court for action on this. If a suit were filed it would take about fourteen months for a court decision.

Senator Dodge: We are going to be faced with a request from Las Vegas to take care of a problem we did not create. They will try to get legislation to take them off of the hook by general taxation. I would suggest we give this further thought and take it up later.

This was set aside for later consideration.

Chairman Monroe: While Mr. Daykin is here let's look at SJR 7. This is a result of a mess we came into last election.

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Mr. Daykin: There was just not enough time allowed to get the petitions on the ballot. Some sections of the State had trouble compiling the petitions so they would all be published at the same time.

Senator Dodge moved this be passed
Senator Christensen seconded the motion.
Motion carried.

Chairman Monroe: SJR 6 introduced by Cliff Young.
Proposes to amend Nevada constitution by removing fish and game fines from education fund.

Senator Young: We can hold this up until Carl's (Dodge) proposal comes in as this would be included in his.

Senator Hug: I think the State Superintendent of Schools should be allowed to give his view on this.

Chairman Monroe: We will set this aside until later.
SJR 9 - Introduced by Senator Swobe to secure rescission of regulation requiring free legal assistance be provided welfare recipients.

Senator Swobe: At the present time any person receiving welfare has a right to free legal counsel.

Senator Young: I do not feel the welfare recipients should have free counsel. It is very expensive and in most cases the suits are not justified.

Senator Dodge: I am also opposed to this. I would suggest this be referred to the Committee on Health and Welfare, and let them take the responsibility.

Senator Dodge moved this be passed.
Senator Hug seconded the motion.
Motion carried.

Chairman Monroe: On Helen Herr's bill SB 24 I talked to George Franklin from Las Vegas and he advised when the officers worked for the schools in this capacity they were moonlighting. He felt the schools should pay for the insurance as they pay their salaries when they are employed during off duty hours.

Senator Young: Is it in the school insurance contract that they are not insured?

Senator Dodge: I would like to hear from someone in the insurance business and see if they would be paying for duplicate coverage.

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Senator Young: I do not see why they are not covered under the school insurance.

Senator Swobe: Helen [Herr] said they would have to be scheduled on the policy in order to be covered.

Senator Dodge: Then why not schedule them?

Chairman Monroe: They are only occasional employees.

Senator Young: An ordinary policy does not list all of the employees but is more blanket coverage.

Chairman Monroe: Our time is up for today. We will look into this further.

The meeting was adjourned.

Respectfully submitted,

Jeanne M. Smith, Secretary

Approved: _____