

## SENATE JUDICIARY COMMITTEE

## MINUTES

Meeting called to order at 9:35 on March 4, 1969 by Chairman Monroe.

Committee members present: Chairman Monroe  
 Senator Young  
 Senator Dodge  
 Senator Hug  
 Senator Bunker  
 Senator Swobe  
 Senator Christensen

Guest: Russ McDonald, Legislative Counsel.

Chairman Monroe reviewed the bills that no definite action has been taken on by the Committee.

Not Considered:	<u>SB 230</u>	<u>SB 280</u>
	<u>SB 233</u>	<u>SB 286</u>
	<u>SB 235</u>	<u>SB 290</u>
	<u>SB 245</u>	<u>SB 304</u>

Set aside for further consideration:	<u>SB 64</u>	<u>SB 89</u>
	<u>AB 117</u>	<u>SB 181</u>
	<u>AB 132</u>	<u>SB 204</u>
	<u>AB 143</u>	<u>SB 217</u>
	<u>AB 156</u>	<u>SB 6</u>
		<u>SJR 22 (54)</u>
		<u>AJR 8</u>

The following had been killed in Committee:

<u>SJR 13</u>	<u>SB 253</u>	<u>AB 20</u>
<u>AJR 13</u>	<u>SB 125</u>	<u>AB 49</u>
<u>SB 86</u>	<u>SB 122</u>	
<u>SB 19</u>	<u>SB 182</u>	
<u>SB 33</u>	<u>SB 194</u>	
<u>SB 72</u>		

SJR 10 - Proposes to amend Nevada constitution by providing that legislative sessions convene in March.

Senator Christensen stated that if the only reason the committee did not want to pass this was because it did not give enough time between the session and the end of the fiscal year, it could easily be solved by changing the dates of the fiscal year, however he thought the reason the Committee did not want to pass it was that they

did not want to meet in March but preferred January.

Senator Swobe remarked that all businesses were slower in January than any other time of the year and it did not prove a hardship on the legislators that were in private businesses.

Senator Dodge remarked he felt the people that set up the original time knew what they were doing in setting the sessions in January and he did not feel it should be changed. If they were full time legislators it might be different but as long as they were all part time legislators and had other business interests it should remain in January.

Senator Christensen moved the bill be "bucketed".  
Senator Swobe seconded the motion.  
Motion Carried.

AB 87 - Repeals provision prohibiting interim change of party affiliation of candidate.

Senator Dodge remarked they had worked on this at previous sessions and he felt everyone was satisfied with the law now.

Senator Swobe moved to "bucket" it.  
Senator Young seconded the motion.  
Motion Carried.

AJR 8 - Proposes amendment to Nevada constitution reducing minimum voting age.

Senator Dodge stated he felt the bill should be put out and let the people decide what they wanted. If they were going to lower the age from 21 at all he felt 18 was just as good as 19.

Senator Swobe moved this be passed.  
Senator Dodge seconded the motion.

Ayes: Senators Swobe, Dodge, Hug, Young  
Nays: Senator Christensen  
Not voting: Senator Bunker.

SB 81 - Substitutes written contract for civil ceremony of marriage.

Chairman Monroe advised he had a proposed amendment from the Ministerial group as follows:

AMENDMENT TO SB 81 under Sec. 3 NRS 122.040 within paragraph 3 between (b) and (c) being page 2, line 18.

(c) Give a verbal affirmation of intention exchanged between both man and woman as follows:

I, \_\_\_\_\_ take you \_\_\_\_\_ as my legal husband (wife) and promise to fulfill all civil obligations hereby incurred, as your legal wife (husband) according to the laws of the State of Nevada.

(d) The County Clerk, or his deputy, shall then accept and acknowledge their contract in the following form:

By the power vested in me by the State of Nevada, I declare that you are now legally husband and wife according to the laws of the State of Nevada

(e) Each personally sign, etc.-----

Chairman Monroe reminded the Committee there would be another hearing on SB 81 on Wednesday, March 12th at 10:00 a. m. and this would be discussed at that time.

Senator Dodge asked who was in favor of a ministerial service. Senators Hug, Christensen and Swobe were.

Senator Dodge had talked to Assemblyman Close about AB 273 (Provides for a commissioner of civil marriages). He thought it was a better bill and closer to what they had in mind when the change was proposed. There will be a hearing on AB 273 on Wednesday, March 12th by the Assembly Judiciary Committee. This bill would not go into effect until the present terms of the Justices of the Peace expired. The Assembly bill breaks it down to a commissioner township in areas with 6,000 or more registered voters. He thought this bill should be considered.

SB 280 - Provides for jury selection and exemption and establishes two grand juries. Introduced by Senator Young at the request of Judge Young.

Senator Young stated this was introduced by request and he did not know the background but would like to ask Judge Young to explain the reasoning behind it to the committee.

Russ McDonald remarked that it was of great concern to him about the exemptions with the selection of the Grand Juries.

Senator Dodge advised the present procedure of selecting the Grand Jurors was set up six years ago and was done to prevent "stacking". The County Clerk, Judge, etc., nominate someone in rotation and the final jury is selected from those nominated.

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Judge Young was to be asked to appear before the committee.

SB 286 - Provides for immediate suspension or expulsion of public students for certain reasons.

Russ McDonald suggested the committee ask the Senators introducing this bill to explain it. He stated this would apply only to schools, not the Universities.

Senator Monroe remarked that it looked like they would have found a person guilty before he had a trial under this bill.

There was discussion as to the authority of the schools to suspend or expel a student at the present time.

Russ McDonald said there were limitations by statute for suspension or expulsion. There was no constitutional problem with this.

Chairman Monroe will ask Senator Fransway or Senator Gibson to explain the legislation.

SB 287 - Requires full disclosure in sales of subdivided land. Executive estimate of cost: \$15,000.

Senator Swobe advised the Industry and Real Estate Brokers could not get together on a decision and that this would effect all subdivisions. He would like to have Mr. McNelley from the Real Estate Division in to discuss this.

SB 288 - Provides in detail separate hearing procedure for Nevada commission on equal rights of citizens.

Russ McDonald advised the Equal Rights Commission do not have set rules and our Administrative Act does not go into the procedure aspects but each Board in Nevada has it's own authority. This language was taken from the California Admininstative Act

Chairman Monroe stated this was requested from the Labor Group in Las Vegas.

Senator Young thought it would be a good idea to make this apply to all Boards. He did not like to legislate special rules for just one Board.

Russ McDonald stated there was a study under way to examine all Boards, however so far they had only considered the charges rather than the procedures. Rules for optometry, physicians, etc., are all different and cannot be controlled by one set law.

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Chairman Monroe said this might be passed as a temporary measure and after intensive study they could consider a general bill at the next session.

It was decided a hearing would be held on this.

SB 290 - Requires demand for retraction in certain actions for oibel or slander.

Russ McDonald explained this gets rid of an old and unique law. This was unique in that Nevada was the only State to still have it.

Senator Young moved "do pass".  
Senator Swobe seconded the motion.  
Motion carried.

SB 299 - Provides that news media need not disclose source of information

Chairman Monroe remarked this was called the "Shield Bill".

Russ McDonald explained there were several like bills, California, Kansas, and several other states have it. This stresses the Right of Free Press rather than the theory of confidential relationship.

Chairman Monroe stated this would aid the press in digging out information on employees as a person would ordinarily keep quiet rather than disclose something confidential, even when it was for the good that he did disclose information.

Senator Swobe questioned the language in line 3, "No person employed - - - in any way" as being too broad.

Russ McDonald would change the language if the committee felt this was too broad.

Senator Young felt the newspapers kept a lot of people honest as they didn't want to be publicly known they weren't. He respects the powers of the press.

Mr. McDonald will review line 3 and it will be discussed further.

SB 304 - Requires consideration of certain facts in fixing bail.

Russ McDonald would like to check this to see if it was constitutional.

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SB 204 (Amends Professional Corporations Act to include professional associations and SB 217 (Permits architects and professional engineers to join in formation of professional corporations).

Senator Dodge wanted to know why Governor Sawyer vetoed a similar measure four years ago.

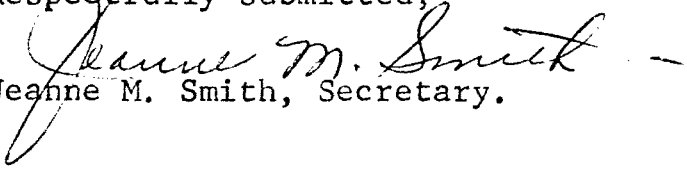
Russ McDonald stated that four years ago the bill was a specilized one pertaining to dentists and he would prefer a more general bill. This was set up mainly for income tax purposes. On 204 he checked into this quite extensively and made sure that all members of the association had to be licensed, and render the same specific professional services as those for which the corporation was incorporated. On SB 217, he advised the Professional Act now limits to persons engaged in the same professional for each Corporation, however this would permit architects and professional engineers to join the same professional corporations as they do work together and do similar work.

There was a general discussion as to whether passage of this would open the door for other professions wanting to join together to form a corporation.

Mr. McDonald said there was another similar bill being prepared for the Assembly and he would suggest these be held and compare them.

There being no further business, the meeting adjourned at 10:55 a. m.

Respectfully submitted,

  
Jeanne M. Smith, Secretary.

Approved: \_\_\_\_\_