

## SENATE JUDICIARY COMMITTEE

## MINUTES

Chairman Monroe called the meeting to order at 9:30 on March 5, 1969.

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

Guests: Senator Fransway  
Judge L. A. Young, Lovelock, Nevada.

Senator Fransway was present to give background on SB 286 (Provides for immediate suspension or expulsion of public students for certain reason.)

The Superintendent of Schools of Clark County, Mr. Mason had requested this be introduced. There has been considerable trouble in the Clark County schools. There were three known rapists attending school and were permitted to attend as there was no way to suspend or expel them. It was the general feeling that they should not be allowed to mingle with the other students. There has been no provision that the schools were advised by the police officers when one of the students had been in trouble. The Courts were reluctant to prosecute. This would serve a dual purpose and they felt if this were passed the students might be afraid to commit a crime if they knew they could be expelled. This spells it out for the school authorities and gives them something concrete to back them up. He and Senator Gibson were very concerned about the crimes being committed in the Las Vegas area by students and felt something had to be done about it before it became worse.

Senator Young felt this was against the American way of life to consider a person guilty before he was proven so and they should not be penalized by being suspended or expelled until they were declared guilty. They could loose as much as a semester of school by being suspended.

Senator Hug felt that when they know the student is guilty they couldn't let him back in school to repeat the crime again.

Senator Dodge suggested this be changed to suspend until proven guilty and then expel.

Senator Fransway thought this was a good suggestion.

Chairman Monroe suggested a representative from the Clark County Schools appear before the Committee to present their views on this.

The bill was set aside for further discussion.

Assemblyman Kean came in to discuss AB 143 with the Committee.

AB 143 (Includes certain businesses in bulk transfers within Uniform Commercial Code.)

Mr. Kean explained there had been situations come up in Reno that prompted introduction of this bill. If one owned a bar, restaurant, cocktail lounge and ordered a supply of liquor or food and sold the business before the merchandise was paid for there was no way to go after the previous owner for payment of the stock ordered. The bar and restaurant business does not come under the Bulk Sales Law, however all other business were covered under this law.

This had been endorsed by many of the business people and merchants of Reno, Alpine Glass, Sierra Pacific Power Company, Zellerback, etc., and also the Credit Bureaus.

Senator Young mentioned he had been under the impression that bars and restaurants came under the Bulk Sales Act.

Mr. Kean remarked that most attorneys were under that impression, however it was wrong. Most of them usually advised their clients to comply with the bulk sales law, however if a person sold his business direct and did not use the services of an attorney they did not comply.

Chairman Monroe stated that most legitimate bar or restaurant owners would not object to the law.

(Mr. Kean thanked the committee for asking him to appear and left the meeting.)

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

Chairman Monroe introduced Judge Young who requested introduction of SB 280.

Judge Young stated the Supreme Court indicated there should be a random selection of jurors for both the petit jury and grand jury. In Nevada the prospective grand jurors are investigated as to their qualifications before their name is presented. They complied with the Supreme Court's request and provided various ways to select both jurors, petit and grand jurors. There was a

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large amount of money spent in connection with Grand Juries and they felt someone with some knowledge of finance should be selected. There were to be two grand juries. An investigative grand jury and an accusatory grand jury. He realized this would be more costly to have two grand juries, especially in the smaller counties. There were also changes made as to who and for what reasons a person could be excused from serving on juries.

Previously the only excuse would be for medical reasons, however there were times when being called for jury duty could present a hardship and this should be considered. The law now states that fireman, railroad employees, teachers, etc were automatically excused from jury duty but there had been changes made in these exemptions also.

Senator Dodge felt this would set up a system that was too elaborate. The "Blue Ribbon" selection would be more careful in investigating than those picked at random. A defendant is protected by a jury if an indictment is brought by an accusatory grand jury which received the accusation from the investigative grand jury. He felt the present system of juries should be continued.

Judge Young brought up another point that was not included in the recommended changes. He thought the grand jury should have power to do something definite about investigations and changes recommended year after year and nothing was done about correcting the situation. The situation may be serious but if nothing was done to correct it year after year the recommendation might be dropped for lack of interest. He felt that after a certain length of time, perhaps one year, if nothing was done about the recommendation they could put it before the vote of the people to make a decision.

The committee thought this was a good suggestion. The Commissioners sometimes were reluctant to go ahead and float a bond issue for a large improvement for fear of public criticism and this way would leave the decision up to the people.

Judge Young and Senator Dodge discussed the advantages of the proposed judicial seminars. Judge Young thought they would be very helpful, especially to the justices of the peace, as they had no previous knowledge of court procedure.

Chairman Monroe thanked Judge Young for being present.

(Judge Young left the meeting).

Senator Swobe suggested they contact another Judge and hear his viewpoint on the bill.

Senator Dodge expressed his opinion that he would like to leave the procedure of selecting juries alone until it proved to be unsatisfactory. He felt it might be good to adopt the random selection of petit jurors.

Senator Swobe will contact the judges in the Reno area and ask that they study this and let him know how they feel regarding the changes.

AB 3 - Adopts Uniform Anatomical Gift Act.

Chairman Monroe read the proposed changes presented by Dr. Licata.

Page 1 line 13 was to be changed from "any state" to "State of Nevada". Same change on line 20.

Page 2, line 14, add " The legal procedure act authorization shall be established by the anatomical section."

Page 3 line 16, add "and subsection 3 of Section 15" after subsection 2 of section 18.

Page 4 line 14, strike out "another state or a foreign country" and add "State of Nevada".

Page 5, line 8, add after - or part of any body "excepted by committee of anatomical"

Page 5 line 10 the "may" should be changed to "shall".

The proposed amendment for page 2 line 14 was discussed and it was the unanimous decision to place this after Section 13, sub section 3 as it did not fit in the suggest place.

Senator Christensen suggested the bill be amended and re-referred for further discussion.

SB 303 - Adopts uniform principal and income law.

Senator Swobe would like to have an accountant be present to discuss this before discussing.

SB 308 - Repeals unconstitutional law relating to condemnation of real property for mining purposes.

Chairman Monroe stated this was another "clean-up" bill. It repeals 516.060 which was unconstitutional.

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

SB 309 - Clarifies method of determining number of signatures required on petition to recall public officer.

This was another "clean-up" bill. Came about when Supreme Court was increased from three to five judges.

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

SB 310 - Amplifies prohibition and increases penalty for crime of interfering with public officer.

This was another bill that should be held and discussed with SB 245 and SB 64.

SB 324 - Permits issuance of marriage licenses during county clerk's regular business hours only.

Senator Young suggested this be held for a hearing.

There being no further business the meeting was adjourned at 11:00 a. m.

Respectfully submitted,

Jeanne M. Smith, Secretary.

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