

SENATE JUDICIARY COMMITTEE

MINUTES

2-209

April 5, 1971

Chairman Monroe called the meeting to order at 8:30 a.m.

Committee Members Present: Chairman Monroe
Senator Close
Senator Foley
Senator Dodge
Senator Swobe
Senator Wilson
Senator Young

Others Present: Judge Lewellyn Young
Grant Davis - Legislative Counsel Bureau
Mr. Virgil Wedge - Reno Attorney
Ernie Newton - Secretary, Nevada Taxpayers
Association
Press

S.B. #338 - Provides method of jury selection and establishes procedure for handling grand jury reports regarding capital improvements.
Senator Young.

Judge Lewellyn Young testified that the present method of jury selection is unconstitutional. This bill provides for random selection of jurors in three ways: By computer, by rotating bin, or by list.

The second section puts the selection of jurors back to an administrative function, and removes it from a judicial function.

The third section takes care of the problem that grand juries make recommendations for capital improvements that are never taken care of. This would provide that after two grand juries make a recommendation and nothing is done, it would go to the people for a vote.

The committee felt that the language "shall be submitted subject to the prior approval of the county bond commissioners" should be inserted in Line 25 on Page 3, since it would be subject to the ability of the tax to support the recommendation.

Senator Dodge made a motion to amend and "do pass." Senator Wilson seconded the motion. Motion carried.

A.B. #126 - Prohibits fraudulently obtaining or procuring dangerous drug.

Grant Davis stated that if A.B. #107 passes, this provision will be in that bill. Senators Dodge, Wilson and Young felt that the felony penalty was not appropriate for this crime.

Senator Young made a motion to "hold" the bill. Senator Swobe seconded the motion. Motion carried.

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A.B. #130 - Establishes amount of narcotic or drug needed to sustain conviction of offense related to unlawful drug usage.

Chairman Monroe felt that this bill could be coordinated with A.B. #107.

Senator Dodge made a motion to "do pass." Senator Swobe seconded the motion. Motion carried.

A.B. #620 - Enacts new divorce and family law act.
McKissick and Kean.

Mr. Virgil Wedge testified that he feels very strongly that this is a good piece of legislation. He felt the provision for reducing the grounds for divorce to three has real merit. Those three grounds would be: (1) insanity existing for one year; (2) separation for one year; and (3) incompatibility. This in effect, is a no-fault divorce bill. Mr. Wedge felt it is archaic to have fault type of grounds for divorce actions because it wastes the judges time, the attorneys time, the litigants time, and causes more harm than it does good.

Senator Young objected to Section 25, on Page 9 which provides that the community and quasi-community property be divided equally. This would mean that the court would not take into consideration the merits of the parties and their conduct, and he felt the property should be divided according to the parties conduct.

Mr. Wedge felt that division of property should not be on the basis of misconduct. Mr. Wedge also said that this bill would not preclude the court from looking at the condition of the parties, their background, earning power, and needs, and dividing the property accordingly.

Chairman Monroe felt that making our divorce laws easier would hurt Nevada's image. Mr. Wedge stated that the legislators should decide whether or not this legislation is good for Nevada, and not worry about what the other states think.

Mr. Wedge testified that as far as the economic aspect goes, it would bring more divorce cases to the state, from which we would get certain economic benefits.

Senator Close pointed out that the provision that both parties agree to a licensed marriage counselor in subsection 2 (b) of Section 3 should apply to all of Subsection 2. Mr. Wedge agreed. Senator Close suggested amending subsection 2, Line 21 to provide that both parties agree to all counseling.

Senator Close also pointed out that Line 9 on Page 2 should be changed because some clergymen have no counseling training, and this language would preclude the litigants from going to their own pastor who might be the persons with the most influence for these people. Mr. Wedge agreed. Senator Close suggested amending that to read "(f) a clergyman."

No final action was taken.

A.B. #760 - Exempts Welfare Division from operation of Administrative Procedure Act; adjusts and clarifies fair hearing procedures.
Committee on Judiciary.

Ernie Newton, Secretary, Nevada Taxpayers Association, testified on this bill. He said the Assembly had proposed an amendment that would make this bill effective upon passage and approval but did not get it on the bill in time. If we attach it now, they will concur.

This bill provides for specific hearing procedures for each of the five different welfare programs. Under this new procedure, they would have a hearing before a hearing officer. This hearing would provide a record, and if the claimant was dissatisfied with the decision, he could go to the district court and appeal on that record. This would cut out one step from the existing procedure.

Senator Dodge made a motion to amend and "do pass." Senator Swobe seconded the motion. Motion carried.

A.B. #165 - Increases penalty for interfering with peaceful conduct of activities in public buildings.
Lowman, Lingenfelter, Smith, Schofield, Ashworth,
Howard, and Ronzone.

Chairman Monroe explained that this bill provides clarification and additional law concerning removal of people from public parks and historic monuments. It provides for penalties of a misdemeanor on the first offense, gross misdemeanor on the second offense, and a felony on the third offense. Senator Dodge felt that we should amend this bill to define "proper official" as it is used in this bill. Senator Young felt the penalty was too strong.

No final action was taken.

Meeting adjourned at 10:50 a.m.

Respectfully submitted,


Eileen Wynkoop, Secretary

Approved: _____