

**(RIGHTS, from page 1)**

fining terms, providing for equal enjoyment without discrimination based on race, color, religion or national origin, providing a penalty, providing for civil actions, authorizing local ordinances and providing for orders and injunctions; to amend chapter 613 of the NRS, relating to fraudulent and discriminatory employment practices, by adding new sections defining terms, prohibiting discriminatory practices based on race, color, religion or national origin, providing exceptions, and providing for orders and injunctions; to amend chapter 233 of the NRS, relating to the Nevada Commission of Equal Rights of Citizens, by adding a new section providing for enforcement of its subpoenas; to amend NRS section 233.060, relating to the powers and duties of the commission by providing for orders to cease and desist, and providing other matters properly related thereto.

Under the proposed act, the Nevada Commission on Equal Rights of Citizens can refer complaints to district courts after public hearings if it decides the complainant is properly entitled to relief. In civil actions on the local level, aggrieved persons who are adjudged the victims of discrimination in the fields of public accommodations or employment may recover the cost of actual damages plus a penalty of \$250.

SUBPENA POWERS of the Nevada Commission on Equal Rights of Citizens are confirmed under the Supreme Court decision of November, 1964, in which the constitutionality of the commission was upheld. But in a letter to Gov. Grant Sawyer accompanying the proposed act, Legislative bill drafter Russell McDonald notes that "the commission in effect is placed in the position as the Attorney General under the federal act (Civil Rights Act of 1964). It may investigate and institute a civil action, but cannot judge."

McDonald's letter to the Governor points out that the bill is intended "to secure the rights of local action and delays of federal action" under the Civil Rights Act of 1964 and to "provide for the inhabitants of the state the same substantive rights as are provided by the federal law coupled with adequate remedies for their vindication."

Application of the public accommodations section of the bill is restricted to hotels, motels and inns with five or more rooms, unless the premises actually are occupied by the proprietor as his residence, and restaurants, cafeterias, lunch rooms and counters, motion picture houses, theaters, concert halls, sports arenas, gasoline stations and various other "public" places.

Application of the fair employment section of the bill prohibits employers, labor organizations or employment agencies from various acts of discrimination and segregation. The bill affects employers with "25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year."

ALL COMPLAINTS against discriminatory practices in public accommodations and employment must first be made to the Nevada Commission on Equal Rights of Citizens. Following a public hearing, the commission is empowered to issue a cease and desist order if its findings favor the complainant.

If subsequent evidence indicates such cease and desist orders have been or are about to be violated, the commission may then apply to a district court for an injunction against the allegedly uncooperative party.

However, it is noted that although both public and private remedies are afforded for unfair employment practices, no criminal penalties may be assessed "in accordance with the federal act."

Sponsors of the bill in addition to Close are Democrats Verne Bunker (who personally introduced the bill), Austin Bowler and Helen Herr of Clark County; and Pete Rosaschi, Mineral County, and Republicans R. Guild Gray, Clark County, and Len Harris, Washoe County.

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