

Nevada takes steps toward repealing antiquated state laws

By Sean Whaley, Nevada News Bureau

CARSON CITY – Two years ago it was the metric system. Now it's communists.

The Legislative Commission this week took the first step toward repealing several antiquated statutes, including a provision of state law dating to the “Red Scare” days of the 1950s directed at the Communist Party.

The statute, NRS 613.360, is titled “Actions permitted against member of Communist Party or related organization.” It says that an unlawful employment practice “does not include any action or measure taken by an employer, labor organization, joint labor-management committee or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.”

Scott Young, a research analyst for the Legislative Counsel Bureau, said the section was dependent in part upon the federal statute, the Subversive Activities Control Act, the provisions of which have either been struck down by the U.S. Supreme Court or repealed by Congress. As a result, the state law no longer has any force or effect, he said.

It is also known as the McCarran Act for then-Nevada Sen. Pat McCarran, D-Nev.

“This is essentially a relic from the Cold War when there was concern about activities of the Communist Party and undermining freedoms in the West,” Young said.

The statute was one of five provisions recommended for repeal by the 2013 Legislature based on a state law requiring a biennial review of state statutes to look for outdated and antiquated laws. The recommendations were based on the requirements of the law, NRS 220.085, and do not reflect any advocacy by legislative staff.

Another statute recommended for repeal created the Columbia Basin Interstate Compact Commission in 1951. The compact was never adopted by the states of Washington and Oregon, Young said. There is no likelihood the statute will ever become useful, he said. Nevada was originally included because the Owyhee River is a tributary of the Snake River, which in turn is a tributary of the Columbia, Young said.

The Legislative Commission voted to move forward with the bills needed to repeal the obsolete provisions of state law.

“It’s good to get rid of some obsolete statutes,” said commission Chairman Sen. Steven Horsford, D-Las Vegas.

Two years ago the Legislative Commission agreed to introduce a bill to repeal the statute creating the state’s Advisory Council on the Metric System. The bill was passed in the 2011 legislative session.

The seven-member council was created in 1981 when the federal government was moving forward with a program of getting the states to convert to the metric system. Congress in 1975 passed the Metric Conversion Act to plan for the conversion. That effort was derailed in 1982 when President Ronald Reagan eliminated funding for the conversion effort.