

SENATE JUDICIARY COMMITTEE

MINUTES

February 3, 1971

Chairman Monroe called the meeting to order at 9:30 a.m.

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

Guests: Curtis Blyth - Nevada Municipal  
Association  
Bill Hancock - State Planning  
Board  
Dr. V. A. Salvadorini - Director  
of Laboratories, Washoe Medical  
Center

Press

S.B. #79 - Enacts criminal sanctions against owner of  
trespassing livestock.  
Senator Dodge

Senator Dodge explained that this bill was designed to provide a basis for prosecuting in the case of trespassing livestock.

Senator Young asked what would constitute adequate warning as mentioned in Line 19. Senator Dodge felt that the person prosecuting would have to satisfy the D.A. regarding adequate warning. If the owner of the trespassing livestock claimed no notice was given, it would be up to the D.A. to personally give him a warning.

Senator Swobe made a motion to "do pass." Senator Wilson second the motion. Motion carried.

S.B. #81 - Establishes permit requirement to carry mace.  
Senator Monroe

Chairman Monroe explained that the purpose of this bill is to permit undefendent ladies to carry and use mace if accosted.

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Senator Foley stated that he would like to hear from some law enforcement people on this bill. Committee will take final action after testimony from law enforcement people.

S.B. #76 - Requires public building plans to conform to American Standard for physically handicapped persons.  
Senator Monroe

Chairman Monroe introduced Mr. Bill Hancock of the State Planning Board, and Mr. Hancock informed the committee that the State Planning Board adopted standards for state financed buildings to conform to for physically handicapped persons. He stated that if the bill is passed, all new construction after that would have to comply on all public buildings. However, all "public buildings" is a broad term.

Chairman Monroe asked if these standards are expensive or difficult to comply with. Mr. Hancock answered that it would add to the cost according to the degree they go into it. Mr. Blyth pointed out that the bill states that facilities and features be provided "to the extent deemed feasible" so that they would have some flexibility.

Senator Young asked if there was any problem in the language "so far as is feasible in the opinion of the contracting officer." He wondered if they were referring to feasibility due to money, availability of materials, or construction. Mr. Hancock felt that it was a combination of all.

Senator Dodge felt that the wording "public building" was too broad and could be construed to mean any place of business. Senator Foley asked if in that case a businessman did not comply, would he be held to "reasonable man" extent and be held liable for any injury. He also pointed out that Subsection 1 b) would indicate that it is a state policy and could open the door for a suit for non-compliance if a person got hurt. Mr. Blyth pointed out that the wording "all buildings and facilities" would involve parking lots, roads, etc.

Senator Dodge suggested amending the bill to include the policy declaration in lines 3 through 10 and deleting the rest. Mr. Hancock suggested making the bill a resolution encouraging compliance rather than a law. No final action was taken.

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S.B. #9 - Allows results of drug detection test in evidence.  
Senator Monroe

Dr. Salvadorini expressed his opinion that this bill is a commendable piece of legislation, and that AB 129 is a similar bill that would relieve their problem. He would like to see the type of legislation where a chemist can be certified to do such a test and the evidence of that test can be submitted in a preliminary hearing so that the expert would not have to appear. However, he would like to see a provision added to make sure the person and lab doing the testing are qualified, and of course, that the defense attorney has access for cross examination.

There was some discussion regarding the amount of a drug that would have to be taken before it would show up on a test, and the length of time the drug will stay in the human body.

Senator Close asked if drug detection kits were used much in hearings, and what kinds of drugs does the kit detect. Dr. Fletcher answered that there are a lot of different drug detection kits. Most are designed for police officers to carry with them for detection as a screening test primarily. They require samples of tissue, blood and urine; but these tests are not valid.

Senator Wilson asked how the evidence of a test would be submitted to the court. Dr. Salvadorini suggested that the committee read AB 129, which shows several forms of affidavit the expert would submit. Senator Wilson then suggested that the committee process A.B. 129. Dr. Salvadorini was agreeable to that but suggested that the wording "whenever any person has qualified" is not adequate. He felt there should be a provision that the expert and laboratory should be licensed and qualified according to standards set up by the Department of Health.

The committee decided to take action on A.B. 129 when it is referred to the Senate.

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S.B. #82 - Increases number of district judges in first, second and eighth judicial districts.  
Senator Monroe

The committee decided to hold this bill until S.B. 121, introduced by Senator Young, comes before the committee. At that time, they will make recommendations and re-refer the bills to the Finance Committee.

S.J.R. #8 - Proposes constitutional amendment to deny bail to persons charged with felony while admitted to bail on separate charge.  
Senators Hecht and Lamb

There was a discussion in regard to the importance and impact of this bill. The committee decided to discuss it further at a public hearing.

S.B. # 43 - Authorizes certain taxpayer actions and provides for attorney's fees therefor.  
Senator Young

There was a discussion regarding the advisability of providing for taxpayer's actions. Mr. Blyth will get further information from his people and the committee will discuss this bill at a later date.

S.B. #34 - Incorporates Episcopal Diocese of Nevada as successor to missionary district.  
Senator Hug

The committee amended this bill by eliminating Lines 7 and 8 on Page 3, and Section 13. A motion was made to "do pass", and second. Motion carried.