

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

March 19, 1975

This meeting of the Assembly Judiciary Committee was called to order by Chairman Barengo on Wednesday, March 19, 1975 at the hour of 8:35 a.m.

MEMBERS PRESENT: Messrs. BARENGO, BANNER,
HEANEY, HICKEY, LOWMAN,
POLISH, SENA, Mrs. HAYES
and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

Guests present at this meeting were: Mr. W. R. Butler, Vice President of First National Bank of Nevada in Carson City and representing the Nevada Bankers Association; Mr. Gino Del Carlo, representing the Nevada Bankers Association; Fran Breen, Esq., representing the Nevada Bankers Association; Mr. Maynard Yasmer, State of Nevada Rehabilitation Division; Mr. John R. Kimball, member of the 16-county Advisory Commission for the Aging; Father Larry Dunphy, representing the NAACP; Mr. Bill Hammer, a Fallon resident who represented the Governor's Developmental Disabilities Council; Blaine Sullivan Rose, Department of Human Resources; and a class from Manogue High School, Reno. A Guest Register from this meeting is attached to these Minutes.

This meeting was called for the purpose of discussing A.B.186. First to testify in this regard was Maynard Yasmer, Nevada State Rehabilitation Department. He read a statement directed towards the protection of all persons' civil rights. He said that the Nevada Commission on Equal Rights has been created by the Legislature to effect this policy; however, this policy has not always been in effect as to the handicapped person. This proposed bill would remedy the problems the State's handicapped people have been experiencing by the denial of their rights. Mr. Barengo questioned why there was no fiscal note attached to this bill, and Mr. Yasmer said no additional manpower would be needed if this bill was passed. At this point, Blaine Sullivan Rose passed out proposed amendments to the bill from the Department of Human Resources, Rehabilitation Division, a copy of which is attached hereto. In various sections of the bill the phrase "physical and visual handicap" would be changed to just "handicap". On Page 2 of the Amendment, it states that a person who is qualified and capable of fulfilling the duties of a job shall not be discriminated against because of this. Mr.

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Yasmer gave examples of how the handicapped person has been discriminated against in the State of Nevada.

Mr. Lowman questioned how the potential employers and businessmen were going to be affected by this bill and whether or not they would be harassed by the passage of the bill.

If this bill were passed, then the handicapped people would have a channel to make the meaning of the statutes effectual.

Next to testify was Father Larry Dunphy, who was representing the NAACP of Las Vegas. He related some of his experiences when he was in a situation working with handicapped people. He said that even if an agency trained and certified handicapped people, when it actually came down to it, they could not land a job. He spoke about amending the language "physical and visual handicap" to read just "handicap". In speaking about the aspect of the employer being harassed by the Equal Rights Commission, Father Dunphy stated that in the cases brought, about 50% of these have been dropped for lack of evidence. He does not feel that this constitutes any kind of harassment. Father Dunphy related that two sessions ago, Congress passed the National Rehabilitation Act. Part of this act includes non-discriminatory clauses regarding handicapped people. They need some source for obtaining redress.

Next to testify was Mr. Bill Hammer from Fallon, who represents the Governor's Developmental Disabilities Council. This is a group which is appointed by the head elected official of the state in connection with federal funds which are allocated to various states to aid handicapped people of all types. It interprets the statutes relating to these people and is an advisory group which represents many groups and agencies under it. Its primary function is to eliminate and prevent some unadvisable and unnecessary programs.

The Governor's Developmental Disabilities Council supports the changing of the wording from "physical and visual handicap" to "handicap". Mr. Hammer cited some discriminatory practices which he experienced when he was younger. He says that the handicapped person compensates by (a.) trying harder, and (b.) not trying or applying for something which he does not think that he can be successful at. This Council supports A.B.186 and urges its passage.

Fran Breen, representing the Nevada Bankers Association, was next to testify. He introduced to this Committee Mr. W. R. Butler, First National Bank of Nevada. The

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Bankers Association has no objection to the purpose of the bill but are concerned with Section 9. With this language, if passed, the bank must lend to a handicapped person regardless if he, in the opinion of the bank, is able to repay the loan.

Mr. Butler addressed himself to some particular problems the bank considers in regards to a handicapped person, and they are: (a.) He does not usually have the income.; (b.) He does not usually have the ability to maintain his property, speaking to the physical aspect of this maintenance.; and (c.) He does not usually have sufficient income to hire repair services for this property. He pointed out that this Committee should be aware that the bank lends other depositors' money. Mr. Butler directed some of his comments at this point to the FHA and VA home loans, which are guaranteed to the bank.

Mr. Breen stated that the bill was drawn primarily for job-related problems, but after considering Section 9, you have an entirely different situation when you get into the lending of money.

Mr. Lowman said an amendment could be added to the effect that a person's physical condition would be unrelated to the payment of the loan. Mr. Breen said this might help, but the fact that the handicapped person presented a different problem was a situation to be accepted.

Blaine Sullivan Rose spoke next as to Section 9 of A.B.186. She felt that this section should definitely not be deleted from the bill. She suggested that if there is something wrong with the section, it should be redrafted--not omitted.

Discussion about Section 9 followed with various suggestions being made by this Committee.

Mrs. Rose then suggested that this language be added to Section 9 to correct the problem: "unless such distinction is directly related to such person's ability to repay."

Mr. Breen and Mr. Butler said that this language would probably solve the banks' problem.

A representative of the Nevada Association Mentally Retarded Persons stated that that this group is in favor of A.B.186 if it is amended as Mrs. Rose proposed.

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Mr. Barengo referred to a letter sent to Jim Brooke, who is a consultant of the State Bar of Nevada, which requested an amendment to NRS 50.225, which talks about mileage paid to witnesses. Mr. Barengo then read from the current law. The State Bar feels that witnesses should be paid round trip, to and from their residence, and if air transportation is available, they should be paid the cost of this air transportation if the round trip is \$50.00 or less. The Committee agreed to introduce this bill.

Chairman Barengo told this Committee that Assemblyman Dreyer was concerned about whether or not the Committee would wish to reconsider A.B.45, which was indefinitely postponed by this Committee March 14, 1975. Lengthy discussion followed. No decision was made on this.

Mr. Barengo told the Committee that he now has Rex Lundberg's (Consumer Affairs Division) amendments to A.B.130. The bill is a joint referral, to Assembly Judiciary and Assembly Commerce Committees. He suggests passing the bill with the amendments and letting Commerce hold another hearing to further consider amending the bill. Mr. Hickey moved to adopt the amendments. Mr. Sena seconded. Discussion followed. After a vote, there were 7 Committee members voting in favor of adopting these amendments, and Mr. Hickey and Mr. Lowman dissented. Mr. Lowman suggested that Chairman Barengo appoint a sub-committee to round up the amendments from the other groups interested in this bill. Thereafter, Mr. Barengo appointed Mr. Lowman and Mrs. Hayes to this sub-committee for that purpose.

Regarding A.B.186, Mr. Heaney moved DO PASS as amended by adding Blaine Sullivan Rose's amendment to Section 9, and by incorporating all the amendments suggested by the Department of Human Resources, Rehabilitation Division, as listed on the attached letter dated March 18, 1975. Mr. Sena seconded. Lengthy discussion followed, after which Mr. Heaney withdrew his original motion. Mr. Heaney then proposed a new motion--DO PASS A.B.186 with amendments of Rehabilitation Division listed in March 18 letter, together with new proposed language to be added to Section 9, i.e. "unless such handicap is directly related to such person's ability to repay." Mr. Sena seconded this motion. A vote was had, and 8 members of this Committee voted to pass A.B.186 as amended. Mr. Lowman dissented. Legislation Action Form is attached to these Minutes.
MOTION CARRIED DO PASS A.B.186 WITH PROPOSED AMENDMENTS.

Mr. Barengo brought the Committee's attention to data delivered to this Committee by A. A. Campos, Department of Parole and Probation, which data was relative to A.B.285. A copy of this data is attached hereto.

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The proposed meeting of this Committee tomorrow evening, March 20, was cancelled due to the fact that Committee members had other commitments.

Mr. Barengo referred to the "death penalty" bills, A.B.8 and A.B.97. He suggested that they be passed out of this Committee separately.

Regarding A.B.305, Mr. Barengo said he spoke with someone from the Metro Police in Las Vegas and was advised that there was no problem with the University there. Mr. Lowman advised that Dr. Dixon, representing the UNLV, said the letter referred to March 14 during the Committee meeting was written by Bart Jacka of the Clark County Sheriff's Department. He suggested Mr. Jacka speak to this Committee.

There was a motion and a second for adjournment of this meeting, and seeing no further business to be considered, Chairman Barengo adjourned the meeting.

ASSEMBLY JUDICIARY COMMITTEE

GUEST REGISTER

DATE: Mar. 19, 1975

NAME	BILL NO.	SPEAKING	REPRESENTING
W. R. Butler	AB 186	✓	Nevada Bankers Ass'n
Gino DEL CARLO	AB 186		N. B. A.
Fran Dreyer	AB 186	✓	Nevada Bankers Ass'n
Maryann Giamme	AB 186	✓	Rehabilitation Div
John P. Kimball	AB 186		member 16 counties advisory commission
Fr. Larry Dunphy	A186	✓	NAACP
Bill Hammer	A.B. 186	✓	Fallon / Governor's
			Developmental Dis-
			abilities Council
Blaine Sullivan Rose	A.B. 186	✓	Department of Human
			Resources
Manogue High			
School Class		-	Reno

STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES

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ROGER S. TROUNDAY, DIRECTOR

MIKE O'CALLAGHAN, GOVERNOR

DEL FROST, ADMINISTRATOR

REHABILITATION DIVISION
ADMINISTRATIVE OFFICE
UNION FEDERAL BUILDING, ROOM 200
308 NORTH CURRY STREET
STATE CAPITOL COMPLEX
CARSON CITY, NEVADA 89701

March 18, 1975

The Honorable Robert Barengo
Chairman, Assembly Judiciary Committee
Nevada State Legislature
Carson City, NV 89701

AB 186 - PROPOSED AMENDMENTS

The following amendment should be included in the following places:

. . . *[physical or visual] handicap* . . .

page 1, line 8	page 6, line 12
page 2, line 2	page 6, line 36
page 2, line 5	page 7, line 6
page 2, line 33	page 7, line 9
page 2, line 48	page 7, line 10
page 3, line 10	page 7, line 23
page 3, line 14	page 8, lines 15 and 16
page 3, line 26	page 8, line 20
page 3, line 32	page 8, line 27
page 3, line 37	page 8, line 30
page 4, line 2	page 8, line 36
page 4, line 21	page 8, lines 44 and 45
page 4, line 24	page 9, line 2
page 4, line 28	page 9, line 8
page 4, line 36	
page 4, line 39	
page 4, lines 46 and 47	
page 5, line 11	
page 5, line 18	

There should be added to AB 186 the following definition:

"Handicap" means any physical or mental condition, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness and which shall include but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness, or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog, wheelchair, or other remedial appliance or device and shall also mean the physical or mental condition of a person which constitutes a substantial handicap, as determined by a physician, but is unrelated to such person's ability to engage in a particular occupation.

BLAINE SULLIVAN ROSE
LEGISLATIVE LIAISON

BSR:jam

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Mar. 19, 1975

BILL NO. A. B. 186

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By with amendments
Mr. Heaney Seconded By Mr. Sena

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	_____	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

as amended.

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Mar. 19, 1975
Date

Memo

FROM THE DEPARTMENT OF PAROLE AND PROBATION :: STATE OF NEVADA

To: ASSEMBLY JUDICIARY COMMITTEE

Date: March 17, 1975

From: A. A. CAMPOS, CHIEF

Copies:

Re: ATTACHED

Deadline:

The attached data is for Marijuana convictions in Nevada for 1974. There were a total of 214 convictions. Of these, 83 were reduced from sale or other more serious charges. Thus, 131 cases were originally possession cases. There were 59 persons under 21 years of age convicted of possession of less than one ounce, and 68 persons over 21. The deferred or non-adjudicated sentence was used in 76 cases.

Of the 14 cases sentenced to prison, all had more serious charges pending, or had prior history of criminal activities.

The data is broken down by parole and probation district offices as follows:

District I - Carson City
District II - Reno
District III - Elko
District IV - Las Vegas



A. A. CAMPOS, CHIEF
Department of Parole & Probation

AAC:ct

SURVEY ON POSSESSION OF MARIJUANA DURING 1974
By Districts

Total number of people convicted of Possession of Marijuana: 214

DISPOSITION

Deferred:

District 1	5
District 2	45
District 3	5
District 4	<u>21</u>
Total	= 76

Probation:

District 1	25
District 2	30
District 3	30
District 4	<u>29</u>
Total	= 114

Probation with jail:

District 1	1
District 2	0
District 3	0
District 4	<u>0</u>
Total	= 1

Prison:

District 1	2
District 2	6
District 3	4
District 4	<u>2</u>
Total	= 14

County Jail:

District 1	3
District 2	1 (sentencing is cc/w prison sent.)
District 3	1 (sentencing is cc/w prison sent.)
District 4	<u>0</u>
Total	= 5

Fines:

District 1	2 (already counted under co. jail)
District 2	1
District 3	2
District 4	<u>1</u>
Total	= 6

Total not counted in another category: 4

UNDER 21 YEARS OF AGE

Less than 1 ounce:

District 1	9
District 2	23
District 3	13
District 4	<u>14</u>
Total =	59

More than 1 ounce:

District 1	6
District 2	11
District 3	4
District 4	<u>7</u>
Total =	28

Amount not clearly stated:

District 1	0
District 2	1
District 3	1
District 4	<u>0</u>
Total =	2

Total under 21 by districts:

District 1	15
District 2	35
District 3	18
District 4	<u>21</u>
Total =	89

OVER 21 YEARS OF AGE

Less than 1 ounce:

District 1	13
District 2	26
District 3	10
District 4	<u>19</u>
Total	= 68

More than 1 ounce:

District 1	8
District 2	23
District 3	11
District 4	<u>12</u>
Total	= 54

Amount not clearly stated:

District 1	0
District 2	0
District 3	2
District 4	<u>1</u>
Total	= 3

Total over 21 years by districts:

District 1	21
District 2	49
District 3	23
District 4	<u>32</u>
Total	= 125

NUMBER WITH CHARGES REDUCED

District 1	17
District 2	46
District 3	11
District 4	<u>9</u>
Total	= 83