

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

April 9, 1975

This meeting of the Assembly Judiciary Committee was called to order by Chairman Barengo on Wednesday, April 9, 1975, at the hour of 7:40 a.m.

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

MEMBERS ABSENT: NONE.

Guests present at this meeting were Barbara Weinberg, representing AAUW; Ms. Ann Rusnak, who represented NOW; William Isaeff, from the Attorney General's Office; Linda Johnson; and Kate Butler, representing Nevadans for ERA. Guest Register attached. Also, Mrs. Wagner introduced a group of academically talented students from Wooster, Reno and Hug High Schools in Reno, who was observing the Committee meeting.

First, considering A.J.R.16, Assemblyman Karen Hayes testified. She was the introducer of this piece of legislation, and she feels that this Resolution can do the same job on a state basis as the Equal Rights Amendment would do on a national level. The Hayden Amendment is in this Resolution, and it was not in the other Equal Rights Amendment. Mrs. Hayes commented that we can legislate forever and still not take away the difference between men and women. She feels that this bill would not have the requirement that women register for the draft, but she feels that women will get their rights and equality. This Resolution would take care of employment and credit problems women are experiencing, and it would assist in the other areas in which women are being discriminated against now. This will go back to the people for a vote, as Mrs. Hayes feels that the people should have a say on this subject.

Barbara Weinberg, representing the American Association of University Women, spoke against A.J.R.16, particularly because of its inclusion of the Hayden Amendment. Her group opposed this amendment in Congress. Two sentences of this Resolution are in conflict--one declares that there will be no discrimination and the other provides that a group, namely the women, will get some privileges. Mrs. Weinberg's group prefers the wording of

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the federally drawn Equal Rights Amendment, which is not how A.J.R.16 reads. A state ERA will not have any effect on the draft. This is federal. The University Women feel that a federal standard is needed.

William Isaeff, Esq., Deputy Attorney General, testified against A.J.R.16. He was present at this meeting as a private citizen, and in no way representing the Attorney General's Office. He opposes the unusual selection of language for the first sentence. He said that civil rights and political rights are not identical with the provisions under the law. He then gave the Committee examples of civil and political rights. This sentence is not inclusive enough. There are some legal rights left outside the scope of this amendment to our state constitution. If this Resolution is presented to the Assembly, Mr. Isaeff recommends that the language in sentence one be substituted. Language to this effect should be put in: "Equality shall not be denied on the part of the state on account of sex." Mr. Isaeff echoes Mrs. Weinberg's testimony. The inclusion of the Hayden Amendment seems to negate what is said in the first sentence. When Mr. Isaeff first testified in regards to the Equal Rights Amendment before Joint Assembly and Senate Judiciary Committees on February 3, 1975, he pointed out why the Hayden Amendment was not necessary and why they wanted the federal amendment to be changed to exclude it. The second sentence was not needed in the federal amendment. If this Resolution is made part of Nevada law, when the Equal Rights Amendment becomes part of the federal law, it is possible that this Nevada amendment to the state constitution may be unconstitutional.

With respect to the Hayden Amendment-type of language, if this right is extended to a man, this language raises a real danger in Mr. Isaeff's mind that they might find such a law to be unconstitutional because it would deny the woman some rights she now enjoys. Mr. Isaeff feels that this amendment to the state constitution should be killed in Committee. If it is not, he wishes to see amending language such as was discussed above, and he would like to see it brought in line with the other states' language in their amendments of this type.

Kate Butler, representing Nevadans for ERA, spoke against A.J.R.16. She said she supports many points brought up today by the previous speakers. She said her testimony would be relative to the comments made by Mrs. Hayes in support of the Resolution. This Resolution would not provide equality of rights for men and women in the basic and supreme law of this country. This Resolution would recognize the difference between men and women. There are clearly biological differences, but there should not be

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differences in the equality under the law for men and women. A.J.R.16 proposes an amendment adding unequal protection for men and women. The amendment needs to be entirely revised before it is put to the public for a vote.

Next to testify was Daisy Talbot, League of Women Voters of Nevada. Her group commends the sponsor of this bill for the concern shown to the problem; however, they could not support the Resolution with its present wording. They do not support the Hayden Amendment. They concur with the sponsors of the other bill, A.J.R.1. If we are to have a state ERA, different language should be used.

Next to testify was Lloyd Whalen, State of Nevada Narcotics Laboratory, who spoke on S.B.53. He said that both the federal and the state law defines marijuana as being a specific species from the genus Cannabis. In the past few years there have been some "new" species discovered, but in all probability they are not really new. In court proof must be made that the marijuana in question is from the Cannabis sativa plant. They all contain tetrahydrocannabinol (THC), which is the active ingredient. Mr. Whalen referred to the Washington State change of law regarding the definition of marijuana, stating that it seemed to work well for them, and he supports changing our law to conform to something like the Washington law. In court, as he already stated, proof must be that the marijuana in question came from the sativa plant, which is a purely academic question. After a question from Mr. Hickey, Mr. Whalen informed the Committee of his professional experience and his current employment with the State of Nevada Department of Law Enforcement Assistance.

Next to testify on S.B.53 was Dr. Hugh Mozingo, Chairman of the Biology Department, University of Nevada Reno. He told this Committee that he had also been trained as a botanist. He said that there is no agency in botany to decide whether a species is a valid one. He feels that the "new" species discovered are just varieties. He feels that if the law just prohibited the genus Cannabis, this would solve the problem. One other matter for debate in a scientific connotation is the difference between "stalk" and "stem". He said that "stalk" is not a very good scientific description. It could mean the leaf stalk. Mr. Lowman questioned Dr. Mozingo further about the possibility of changing "stalk" to "stem".

Mr. Whalen commented about the possible change of "stalk" to "stem". He said he feels as Dr. Mozingo--you would have a more technically correct bill if the term "stem" were used rather than "stalk".

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In relation to A.B.285, Mrs. Wagner questioned Mr. Whalen as to the number of cigarettes which could be made from one ounce of marijuana. He said the average marijuana cigarette coming through his office weighed 1/2 gram. Considering that weight per cigarette, it would be possible to make about 46 cigarettes per ounce. Mr. Whalen commented that it was the THC content of the marijuana which caused the effect for which it was used. Mr. Whalen further stated that you could remove the resin and get hashish. He gave examples of how to obtain the hashish and hash oil. Marijuana plants themselves vary considerably as to the content of THC.

Next to testify was George Bennett, Secretary, Nevada State Board of Pharmacy. His testimony was in regard to S.B.53. With him was Bob Groves, Deputy Attorney General. Mr. Bennett told the Committee how marijuana was gathered in Mexico. They were present at this meeting to support this bill as written to change it to the genus Cannibis. He said the Las Vegas Metro Police sent him a large portfolio asking that they support the bill because there are many cases where the District Attorney is reluctant to go to court because of the various species of marijuana. Deputy Attorney General Groves stated that there had been some reluctance on the part of their office to proceed on these cases. At the Law Enforcement conference held by the Attorney General's Office in December, the conference voted unanimously to support the change proposed by S.B.53. Mr. Barengo questioned the federal penalties, and Mr. Groves said he was unfamiliar with them, because the federal ones are large cases in which the state does not usually become involved, such as extremely large quantities, quantities coming into this country by ship or air, etc.

Mr. Barengo told the Committee of some bills which were submitted by the Supreme Court for this Committee's consideration in order to introduce the bills on the floor. Mr. Lowman moved to introduce the bills, and Mr. Sena seconded. A vote was had, showing 8 in favor of Committee introduction. One Committee member dissented.

Mr. Hickey told of a bill he wished the Committee to consider for possible introduction, which bill deals with drivers' licenses. There was a motion and a second in favor of introducing this bill. A unanimous vote followed in favor of Committee introduction.

Mr. Barengo brought to this Committee's attention the fact that he had received from Assemblyman Don Mello, Chairman of the Assembly Ways and Means Committee, a large number of bills dealing with engineers and land surveyors, which defined various matters pertaining to them. Mr. Hickey suggested using a concurrent referral. Mr. Lowman moved to introduce the bills.

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There was a second to his motion, and a unanimous vote showed that the Committee was in favor of introduction.

As to A.B.130, landlord/tenant bill, Mr. Barengo said he had the revised bill available for this Committee to review. He left the bill with the Secretary to this Committee until all members had an opportunity to see it.

Mrs. Wagner announced to this Committee that she had the amendments to this bill. Discussion was had, and Mrs. Wagner moved DO PASS A.B.381 AS AMENDED. Mrs. Hayes seconded. There was a unanimous vote in favor of passage of the bill. Legislation Action Form is attached to these Minutes.

MOTION CARRIED DO PASS A.B.381 AS AMENDED.

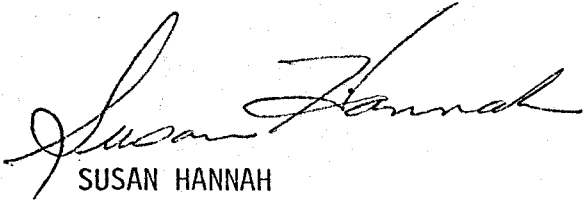
There being no further business, and after a motion and a second to that motion, Chairman Barengo adjourned this meeting at the hour of 8:40 a.m.

IN SUMMARY:

AS A CITIZEN OF THIS COUNTRY, I HAVE A RIGHT TO THE SAME LEGAL PROTECTION AS ANY MALE CITIZEN AND HE HAS THE RIGHT TO THE SAME LEGAL PROTECTION AS I OR AS ANY OTHER FEMALE. A CITIZEN OF THE UNITED STATES SHOULD HAVE THE GUARANTEED RIGHT TO EQUALITY UNDER THE LAW REGARDLESS OF SEX. THAT IS WHAT THIS AMENDMENT IS ALL ABOUT. OUR VEHICLE FOR GUARANTEE OF RIGHTS IS THE UNITED STATES CONSTITUTION. ONLY BY RATIFICATION OF THIS AMENDMENT CAN WE MAKE SUCH A GUARANTEE. THE CHANGING OF ALL STATE LAWS OF ALL STATES CAN NEVER DO THAT. THAT IS WHY WE HAVE A CONSTITUTION AND A METHOD OF CHANGING IT.

I URGE YOU, IN GOOD CONSCIENCE, TO VOTE FOR PASSAGE OF THIS RESOLUTION AND THUS THE RATIFICATION OF THE EQUAL RIGHTS AMENDMENT IN NEVADA.

THANK YOU FOR YOUR TIME.

A handwritten signature in cursive script that reads "Susan Hannah". The signature is written in dark ink and is positioned above the printed name.

SUSAN HANNAH

Feb. 3, 1975