

1131

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

May 19, 1975

This meeting of the Assembly Judiciary Committee was called to order Monday morning, May 19, 1975 by Vice Chairman Hayes.

MEMBERS PRESENT: BARENGO, HAYES, HEANEY, HICKEY,
LOWMAN, SENA & WAGNER.

MEMBERS EXCUSED: BANNER & POLISH.

First to testify was Martha Gould, Reference and Technical Service Librarian at the Washoe County Library and also representing the Nevada Library Association, as well as Mr. William Andrews. She was concerned about the passage of A.B.802, which she opposes on her own behalf and on the behalf of the people she represents today. They sent information on obscenity and pornography, which arrived the day after A.B.722 was passed by the Assembly. They request the entire testimony verbatim and exhibits given before and presented to the Assembly Judiciary Committee at its hearings on any of the obscenity bills considered this session. This situation is a very serious matter and deserves very careful consideration. In effect, if A.B.802 passes, it will do nothing different than all other past legislation, as it will be open to the public, as it is now. Where the library services are concerned, there will be no continuity throughout the state if the counties and the cities enact their own ordinances to control the problem.

Ms. Gould said that everyone is aware of all the problems which people face--not knowing what is or what is not obscene. There is not enough time left in this legislative session for adequate study and preparation of legislation for this all-important issue. She then referred to various statutes which have been enacted. Among the states which have this type of legislation are North Dakota, Minnesota, and Louisiana.

Mrs. Wagner offered to go to the bill drafter and see if we can get something new out on this.

Mr. Lowman commented that this problem is great in Las Vegas, and something has to be done about it now, and if the legislators have to spend an additional few days in Carson City for this purpose, they should be willing to do it.

Minutes
Page Two.

May 19, 1975

Ms. Gould commented that local government bodies tend to change, just as the make-up of state legislators tends to change. And, they are concerned with the very broad spectrum, especially as regards A.B.802. This subject definitely needs further in-depth study.

Chairman Barengo entered the meeting at this point and proceeded to chair this meeting.

Ms. Gould, speaking personally on her own behalf this time, said that she knows that an interim study can be conducted in regard to what is proposed by A.B.802. She referred to other studies which she considers less important.

Chairman Barengo questioned Ms. Gould as to her feelings of how the prior obscenity bills (A.B.575, A.B.576, and A.B.722) were handled by the Assembly Judiciary Committee.

Mrs. Hayes commented that she feels it is too late in this session to have adequate hearings on this subject, which are, apparently, necessary.

James Bilbray commented on the bill regarding jam auctions. The bill in question, A.B.786, was considered last week during several meetings of this Committee, and Mr. Bilbray came to talk about the legislation which was proposed and amending language discussed last week. Chairman Barengo said that the amendments were to be presented today, and he has not seen anything of them. Mr. Heaney commented that this is a local problem and should be handled by local ordinance. He also feels that this bill is over-broad and thinks there are problems with it.

Mr. Bilbray said that they are not opposed to controls, but they just feel that there is not enough time to do a good job. He feels he should meet with the city officials and possibly work something out. He said that a city ordinance is constitutional and regulated monthly. The group he represents does have proposed amendments of their own, which are not even in the bill yet. If a bill is just thrown together in 30 minutes, it is not a bill which will do a good, effective job.

Harold Morehouse, Past President of the Nevada Library Association and currently employed at the Library at UNR, testified as to A.B.802. They oppose passage of the bill. They feel that this sort of legislation is very difficult to do well and takes time and study. They hope no action will be taken on the bill until this time and study is completed. The bill would need expert opinion and advice.

Assembly Committee on Judiciary

Minutes
Page Three.

May 19, 1975

Mr. Lowman questioned whether Mr. Morehouse and his group would be willing to assist in a study and preparation of the language of the bill. Mr. Morehouse answered affirmatively. They would be very willing to cooperate in this regard.

Mr. Hickey commented on Las Vegas' situation, where the obscenity problem is a huge one. Mr. Morehouse felt that the situation in Reno was not as severe.

Chairman Barengo announced that Mrs. Wagner left the meeting to confer with the bill drafting department, and upon her return she said that the Legislative Counsel Bureau will have a resolution ready this afternoon, which resolution would request this study.

Discussion was had on S.B.614, and Mr. Hickey moved DO PASS, and Mr. Heaney seconded. 7 voted "aye" with 2 absent--Banner and Polish. Legislative Action Form attached.
MOTION CARRIED DO PASS S.B.614.

Mrs. Wagner will check with the Law Library on S.B.486 and report back to this Committee.

Discussion was had on S.B.533, and Mr. Heaney moved DO PASS. Mr. Hickey seconded. 7 voted in favor of this motion. 2 were absent--Banner and Polish. Form attached.
MOTION CARRIED DO PASS S.B.533.

Mr. Lowman moved DO PASS S.J.R.26, and Mr. Hickey seconded his motion. Discussion followed, and Mr. Heaney moved to amend the motion to pass the bill without recommendation. Mr. Sena seconded Mr. Heaney's motion to amend. 5 voted in favor of amending the motion. 2 dissented--Lowman and Hickey. 2 were absent--Banner and Polish. The motion to amend carried. A vote was now had on the original motion with the amendment to pass the bill without recommendation. 7 voted in favor of that motion as amended, and 2 were absent--Banner and Polish. Legislation Action Form attached.
MOTION CARRIED DO PASS S.J.R.26 WITHOUT RECOMMENDATION.

S.B.445 was considered, and Mr. Sena moved to INDEFINITELY POSTPONE. Mrs. Wagner seconded. 7 voted "aye" with 2 absent--Banner and Polish. Form attached.
MOTION CARRIED INDEFINITELY POSTPONE S.B.445.

The Committee generally discussed S.B.214.

Mr. Hickey questioned the Chairman as to whether or not it would be proper to move for a sine die of the Committee.

Assembly Committee on Judiciary

Minutes

Page Four.

May 19, 1975

The Committee questioned the new malpractice bill, and Mr. Barengo commented that since everyone has had a chance to review it, it would be introduced into the Assembly this morning.

Chairman Barengo adjourned this meeting at the hour of 9:10 a.m.

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE May 19, 1975

BILL NO. S.B. 614

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Hickey Seconded By Mr. Heaney

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	_____	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	_____	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Banner & Polish absent

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes May 19, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

1136

LEGISLATION ACTION

DATE May 19, 1975
BILL NO. S. B. 533
MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Heaney Seconded By Mr. Hickey

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	_____	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	_____	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Banner & Polish absent

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____
Amended & Passed _____ Amended & Defeated _____
Amended & Passed _____ Amended & Defeated _____

Attach to Minutes May 19, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE May 19, 1975
BILL NO. S. J. R. 26

MOTION: _____

Do Pass, Amend Indefinitely Postpone _____ Reconsider _____

Moved By with amendment 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	_____	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Lowman	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Polish	_____	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Banner & Polish absent.

TALLY:
ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____
Amended & Passed _____ Amended & Defeated _____
Amended & Passed _____ Amended & Defeated _____

Attach to Minutes May 19, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE May 19, 1975
BILL NO. S. B. 445

MOTION: _____

Do Pass _____ Amend _____ Indefinitely Postpone Reconsider _____

Moved By Mr. Sena Seconded By Mrs. Wagner

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	_____	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	_____	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Banner & Polish absent.

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes May 19, 1975
Date