

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA ASSEMBLY SESSION

MINUTES

May 6, 1975

This meeting of the Assembly Judiciary Committee was called to order by Chairman Barengo on Tuesday, May 6, 1975 at the hour of 8:30 a.m. for the purpose of considering previously heard bills.

At all times during the voting, there was a quorum present.

As to A.B.392, Mr. Lowman moved to INDEFINITELY POSTPONE, and Mr. Polish seconded. The vote indicated 5 in favor of the motion. 4 were absent--Wagner, Heaney, Banner and Hickey. Form attached.  
MOTION CARRIED INDEFINITELY POSTPONE A.B.392.

As to A.B.484, Mrs. Hayes moved INDEFINITELY POSTPONE, and Mr. Lowman seconded. 5 "aye" votes and 1 dissenting (Hickey)--3 absent (Wagner, Heaney and Banner). Form attached.  
MOTION CARRIED INDEFINITELY POSTPONE A.B.484.

Mr. Polish moved to INDEFINITELY POSTPONE A.B.485, and Mr. Lowman seconded. 5 "aye" votes--1 no vote (Hickey)--3 absent (Wagner, Heaney and Banner). Form attached.  
MOTION CARRIED INDEFINITELY POSTPONE A.B.485.

Mr. Polish moved to INDEFINITELY POSTPONE A.B.487. Mrs. Hayes seconded. The vote was 5 in favor of the motion and 1 against (Hickey). 3 absent--Wagner, Heaney and Banner. Form attached.  
MOTION CARRIED INDEFINITELY POSTPONE A.B.487.

As to A.B.488, Mr. Sena moved DO PASS and Mr. Banner seconded. The vote was 6 in favor of the motion with 3 absent (Lowman, Wagner and Heaney). Form attached.  
MOTION CARRIED DO PASS A.B.488.

Mrs. Hayes moved DO PASS A.B.489, and Mr. Banner seconded. 6 "aye" votes with 3 absent--Lowman, Wagner and Heaney. Form attached.  
MOTION CARRIED DO PASS A.B.489.

A.B.512 was discussed next, and Mrs. Hayes moved DO PASS. Mrs. Wagner seconded. Discussion was had. Mr. Barengo suggested a possible amendment. 3 voted for the Do Pass motion, 3 were absent, 2 dissented, and 1 abstained. This motion did not carry.

A.B.517 was discussed. Amendment was discussed. Action will be taken at another time.

Mr. Sena moved to INDEFINITELY POSTPONE A.B.518, and Mrs. Hayes seconded. 5 "aye" votes with 4 absent (Lowman, Heaney, Banner & Hickey). Form attached.  
MOTION CARRIED INDEFINITELY POSTPONE A.B.518.

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May 6, 1975

Mrs. Wagner moved DO PASS A.B.667, and Mr. Sena seconded. 5 "aye" votes with 4 absent--Lowman, Heaney, Banner & Hickey. Form attached.  
MOTION CARRIED DO PASS A.B.667.

Mrs. Wagner moved to INDEFINITELY POSTPONE A.J.R.16, and Mr. Polish seconded. 4 "aye" votes--3 dissented (Barengo, Hayes & Sena)--Hickey and Banner absent. This motion did not carry.

Mr. Sena moved to INDEFINITELY POSTPONE A.B.8, and Mr. Barengo seconded. Discussion was had. 4 voted in favor of this motion. 3 dissented (Lowman, Heaney and Polish), and 2 were absent (Hickey and Banner). This motion did not carry.

Mr. Lowman moved DO PASS A.B.97, and Mr. Heaney seconded. 8 voted in favor of this motion. Mr. Banner was absent. Form attached.  
MOTION CARRIED DO PASS A.B.97.

At this time, Chairman Barengo announced that Mr. Hickey would like this Committee to look at the amendment on A.B.151, which is out of the general file. The bill is about drunk driving. The amendment would be to take out the mandatory 10 days proposed in the bill. The justices of the peace want to leave it to the discretion of the court. The bill originally came from the Nevada Judges Association. Mr. Heaney moved that this Committee make this amendment to A.B.151. Mrs. Hayes seconded the motion. 7 voted in favor of the motion, and Mr. Lowman dissented. Mr. Banner was absent for the vote. MOTION CARRIED--ADD AMENDMENT TO A.B.151 OUT OF THE GENERAL FILE.

Chairman Barengo said that Mr. Hickey requested a Committee introduction for a new bill regarding child stealing. 8 Committee members voted in favor of introduction of this bill. He passed out copies of the proposed bill to this Committee.

At this point, Frank Daykin, came into the meeting to further discuss the obscenity bills. As to A.B.722, Mr. Daykin said that he looked in the Iowa and Indiana statutes on the matter. He told the Committee about the various states' statutes. It is possible to legislate in the area of minors. Indiana's law is exactly what Nevada now has with the exception of minors. Mr. Daykin explained the constitutional problem in Section 14 of A.B.722. As to the proposed amendments by Carl Lovell, all that would have to be incorporated if the amendment were used would be the concept of an advisory jury. Lengthy discussion followed. Chairman Barengo moved to amend A.B.722 in accordance with the amendment proposed by the Las Vegas City Attorney, Carl Lovell, and to use an advisory jury concept. Also, he proposed amending it to allow for seizure but not destruction of materials until a verdict is handed down, as well as to take out the portion of the bill referring to transferring or giving away this material. Mr. Lowman seconded this motion. After a unanimous vote, Chairman Barengo and the Committee requested Mr. Daykin to incorporate all of these amendments into the bill and then present it to this Committee for approval.

Chairman Barengo adjourned this meeting at 9:45 a.m.

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

LEGISLATION ACTION

DATE 5/6/75

BILL NO. A.B. 392

MOTION: \_\_\_\_\_

Do Pass \_\_\_\_\_ Amend \_\_\_\_\_ Indefinitely Postpone  Reconsider \_\_\_\_\_

Moved By Mr. Lowman Seconded By Mr. Polish

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

*Banner, Heaney, Hickey & Wagner absent.*

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes 5/6/75  
Date

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

956

LEGISLATION ACTION

DATE 5/6/75

BILL NO. A.B. 484

MOTION: \_\_\_\_\_

Do Pass \_\_\_\_\_ Amend \_\_\_\_\_ Indefinitely Postpone  Reconsider \_\_\_\_\_

Moved By Mr. Lowman Seconded By Mr. Polish

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

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

*Banner, Heaney & Wagner absent.*

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes 5/6/75  
Date

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

957

LEGISLATION ACTION

DATE 5/6/75

BILL NO. A.B. 485

MOTION: \_\_\_\_\_

Do Pass \_\_\_\_\_ Amend \_\_\_\_\_ Indefinitely Postpone  Reconsider \_\_\_\_\_

Moved By Mr. Polish Seconded By Mr. Lowman

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

*Banner, Heaney & Wagner absent.*

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes 5/6/75  
Date

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

LEGISLATION ACTION

DATE 5/6/75

BILL NO. A.B. 487

MOTION: \_\_\_\_\_

Do Pass \_\_\_\_\_ Amend \_\_\_\_\_ Indefinitely Postpone  Reconsider \_\_\_\_\_

Moved By Mr. Polish Seconded By Mrs. Hayes

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

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

*Banner, Heaney + Wagner absent.*

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes 5/6/75  
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ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

959

LEGISLATION ACTION

DATE 5/6/75

BILL NO. A.B. 488

MOTION: \_\_\_\_\_

Do Pass  Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By Mr. Sena Seconded By Mr. Banner

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

*Lowman, Wagner & Heaney absent.*

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

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ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

960

LEGISLATION ACTION

DATE 5/6/75

BILL NO. A.B. 489

MOTION: \_\_\_\_\_

Do Pass  Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By Mr. Hayes Seconded By Mr. Banner

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

*Heaney, Lowman & Wagner absent.*

TALLY: ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
 Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_  
 Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes 5/6/75  
Date



ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

LEGISLATION ACTION

DATE 5/6/75

BILL NO. A.B. 518

MOTION: \_\_\_\_\_

Do Pass \_\_\_\_\_ Amend \_\_\_\_\_ Indefinitely Postpone  Reconsider \_\_\_\_\_

Moved By Mr. Sena Seconded By Mrs. Hayes

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

*Banner, Heaney, Hickey + Lowman absent.*

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes 5/6/75  
Date

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

962

LEGISLATION ACTION

DATE 5/6/75

BILL NO. A.B.667

MOTION: \_\_\_\_\_

Do Pass  Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By Mr. Wagner 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	_____	_____	_____	_____	_____	_____
Hickey	_____	_____	_____	_____	_____	_____
Lowman	_____	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

*Banner, Heaney, Hickey & Lowman absent.*

TALLY:  
ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_  
Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

5/6/75

Attach to Minutes \_\_\_\_\_  
Date

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

963

LEGISLATION ACTION

DATE 5/6/75

BILL NO. A.B. 97

MOTION: \_\_\_\_\_

Do Pass  Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By Mr. Lowman 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	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

*Mr. Banner absent.*

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes 5/6/75  
Date