

## SENATE JUDICIARY COMMITTEE

## MINUTES OF MEETING

APRIL 28, 1975

The meeting was called to order at 8:15 a.m. Senator Close was in the Chair.

PRESENT:                    Senator Close  
                              Senator Wilson  
                              Senator Bryan  
                              Senator Dodge  
                              Senator Foote  
                              Senator Sheerin  
                              Senator Hilbrecht

SJR 29    Memorializes Congress to refrain from enacting any law to in any way abridge the right to keep and bear arms.

Senator Dodge moved a "do pass",  
Seconded by Senator Bryan,  
Motion carried unanimously. Senators Sheerin, Foote and Wilson were absent from the vote.

SB 561    Revises provisions for judicial review upon driver's license suspension for driving under the influence of intoxicating liquor or controlled substance.

George Stout, Deputy Attorney General, and Lowell Fletcher, Department of Motor Vehicles, appeared before the Committee. Mr. Stout requested that this bill be amended to provide for review procedures by administrative procedure act instead of the special review procedure currently in force in NRS 483.520 because there is disparity in interpretation. Some district courts in the State interpret 483.520 to mean an appeal on the record and other interpret it to provide for a trial denoble. He also suggested that an appeal to Supreme Court for error, currently available to petitioner, should also be provided for the State; and they also requested that the number of days allowed to handle hearings be increased from 20 to 60.

Senators Bryan and Hilbrecht discussed the problems of using tape recorders as a record of the hearings.

Senator Dodge moved a "do pass as amended",  
Seconded by Senator Sheerin,  
Motion carried unanimously.

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SJR 26 Memorializes Congress to consider the grievous ramifications of the Roe and Doe decisions by the United States Supreme Court on abortion and to consider action to protect the right to life.

Senator Jack Schofield testified he had been asked by many people to introduce a right to life resolution to protect the rights of the unborn human life and guarantee that right to life will not be denied on account of age, sickness, stage of development or condition of dependency or destitution. He presented a newspaper article entitled "Secret Strategy for Euthanasia by 1983", which he indicated was a movement in the direction of giving people the opportunity at age 80 to have death with dignity. He said that Oregon, Washington, Virginia, Florida and Hawaii have already introduced legislation in the direction of euthanasia. He stated no one should legislate when people can live or die. He stated there were almost one million legal abortions in the past year and was hoping that by introducing this bill, and hopeful passage, that Congress would make a more definitive determination of when life does begin.

The Committee requested Mr. Schofield gather more documented data on the ratio of live births to abortions and the legislation in other states on euthanasia and report back to the Committee.

There was no action taken at this time.

SJR 27 Proposes constitutional amendment to allow legislature to create subdistricts within certain judicial districts for election of individual judges.

Senator Joe Neal told the Committee that this is a resolution to enable the legislature to subdistrict judgeships but would not take effect for 6 years, if passed at this time. He said that in Clark County with many judges running at the same time it becomes a nightmare for voters to try to select one best for the office and that there is a considerable amount of money spent when a man runs for office and therefore the system is becoming controlled by the money brokers. As a result of this, he felt that certain parts of the town are not receiving consideration.

The Committee discussed with Senator Neal some problems they see with this resolution regarding the requirement of residing in a certain district to run in that district and whether election would be by district or countywide.

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SJR 27 Senator Close said that a judge has countywide authority and should be elected by the people over whom he has that authority. The Committee discussed the proposal of having the judge run in the subdistrict for the primary election and countywide for the general. Senator Sheerin suggested that they have legislative research find out what other metropolitan areas do in this area and if they have subdistricts.

There was no action taken at this time.

AB 234 Technical amendment conforming section 53, chapter 530, Statutes of Nevada 1973, to section 9, chapter 747, Statutes of Nevada 1973.

Walter Forgen, Department of Motor Vehicles, informed the Committee this was a technical change to correct an error in the no-fault insurance bill concerning basic reparation benefits.

Senator Foote moved a "do pass",  
Seconded by Senator Hilbrecht,  
Motion carried unanimously. Senator Close was absent from the vote.

AB 438 Makes technical correction in NRS 163.330

Senator Dodge moved a "do pass",  
Seconded by Senator Sheerin,  
Motion carried unanimously.

AJR 23 Memorializes Congress to study and clarify laws and regulations pertaining to access by government agencies to personal financial information in possession of financial institutions.

Sue Wagner, Assemblyman, testified that this resolution addresses itself to the Fourth Amendment which guarantees freedom from unreasonable searches and seizures and requires issuance of warrants based on probable cause showing what is to be searched. Accounts and records of transactions in financial institutions fall under the Fourth Amendment. However a recent Supreme Court decision approved the use of John Doe warrants by the I.R.S. to search bank records for evidence of income tax evasion. The dissenting opinion in that Supreme Court case found that such power could certainly be abused for fishing expeditions and the Fourth Amendment was designed to prohibit the conduct of arbitrary and nonspecific searches. AJR 23 memorializes Congress to study the I.R.S. Code, particularly sections 7601 and 7602, and to take remedial action to clarify sections of the law that

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AJR 23 would allow such abuses under the Fourth Amendment. She informed the Committee that the banking industry also supports this resolution.

Senator Bryan moved a "do pass",  
Seconded by Senator Dodge,  
Motion carried unanimously. Senator Close was absent from the vote.

SB 440 Provides salary for court reporters.

Senator Bryan moved a "do pass as amended",  
Seconded by Senator Dodge,  
Motion carried unanimously. Senators Wilson and Hilbrecht were absent from the vote.

SB 483 Makes private use of county motor vehicles unlawful.

Senator Wilson moved a "do pass as amended",  
Seconded by Senator Dodge,  
Motion carried unanimously. Senators Hilbrecht and Bryan were absent from the vote.

SJR 19 Deletes provision that county clerks are ex-officio clerks of courts.

Senator Wilson will get more information on this for the Committee.

No action was taken at this time.

SB 507 Conforms law concerning state militia to practice of non-discrimination on basis of sex.

Senator Dodge moved a "do pass",  
Seconded by Senator Sheerin,  
Motion carried. Senator Foote was opposed. Senator Hilbrecht was absent from the vote.

SB 533 Shortens unlawful detainer and summary eviction proceedings against certain tenants renting on daily or weekly basis.

Senator Sheerin moved a "do pass as amended",  
Seconded by Senator Wilson,  
Motion carried unanimously. Senator Hilbrecht was absent from the vote.

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There being no further business, the meeting was adjourned.

Respectfully submitted,

*K M Berry*  
Katherine Berry, Secretary

APPROVED:

*Mc Ollsoy*  
Senator Close, Chairman