

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

May 12, 1975

The meeting was called to order at 8:30 p.m. Senator Close was in the Chair.

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

A.B. 489 - Provides procedures for hearings before the Nevada Commission on Equal Rights of Citizens.

Father Larry Dunphy, Franciscan Center, advised that he is here to represent the N.A.A.C.P. This bill would give the Equal Rights Commission the mechanics to speed up their hearings. The companion bill, A.B. 638, provides for administrative hearing officer to serve all the Commissions. A budget in the amount of \$16,000 has been approved for the Equal Rights Commission for the contract of services to carry out these services. Father Dunphy recommends passage of this bill. Senator Dodge queried that when we give subpoena power, don't we generally spell it out in more detail; Father Dunphy replied that they already have subpoena power regarding the hearings. They now delegate the powers they already have to the hearing officer.

Mr. Jesse Scott, Executive Director of the Equal Rights Commission, provided the committee with copy of letter from Mr. Robert Archie, Chairman of the Equal Rights Commission, which solicits support for various bills before the legislature (see Exhibit A for copy of letter)*. Mr. Scott advised that the Commission's caseload has increased 176% in the last two years, and the bills referred to in Mr. Archie's letter would enable them to address themselves to the increased work. Senator Close advised Mr. Scott that they would be notified when these bills are before the committee.

Senator Close called upon Mr. Frank Daykin to give input regarding the hearing officers coming from the Commission. Mr. Daykin advised that the Administrative Procedure Act refers to the situation where fewer than all of the people who make the final decision have heard the evidence; the others weigh the record and there is the opportunity to put in supplementary. Delegation to one of its members is not at all unusual and does occur elsewhere.

Senator Bryan moved "Do Pass"; seconded by Senator Dodge; motion carried unanimously.

S.J.R. 37 - Memorializes Congress to initiate a constitutional amendment to prohibit the practice of euthanasia.

Ruth McGroarty, Southern Nevada Right to Life, advised the committee that she was not aware that the bills regarding abortion and euthanasia had been

*Not attached.

Senate Judiciary Committee
Minutes of Meeting
May 12, 1975
Page Two

made into two separate bills. Ms. McGroarty stated that she does not care how it is worded, but would like to see the State of Nevada go on record as being a humanitarian state. Senator Jack Schofield advised that his reason for setting out abortion and euthanasia in two separate bills was that he felt the committee would be more receptive if they were separate. Ms. McGroarty furnished the committee with a booklet entitled "The Mercy Killers", which contained therein various other pamphlets and data pertaining to abortion and euthanasia. Ms. McGroarty also read various newspaper articles which concur with her position on this measure. Ms. McGroarty referred to proposed bills in other states, and one in particular which states that if a doctor will not perform "mercy killing", then it must be referred to the state and the state will see that it is done. The Althea document wanted a federal law that would say when you will live and when you will die. Senator Bryan asked if any of the proposed bills purport to confer the power to take a life of anyone other than the person himself. Ms. McGroarty replied that if a person is incompetent, a relative, doctor or state can administer this.

Senator Wilson feels that the distinction we are looking for is if the law recognizes the right of a person to say "leave me alone". Ms. McGroarty replied that there is no way someone can make you take something to keep you alive. Senator Dodge expressed concern with the language "active or passive" on line 23 -- if a doctor is keeping a patient alive and the patient does not want it, what position will the doctor be in if he remains passive. Senator Dodge asked if the doctor stands to be exposed if the patient comes off medication; Ms. McGroarty replied no, the patient has that right. Senator Hilbrecht suggested that "active or passive" be removed; Ms. McGroarty feels that this would be ineffective since a person is not rational when he is sick.

Senator Schofield provided the committee with copies of a memo to him from Andrew Grose, a copy of which is attached hereto and marked as Exhibit B.*

S.B. 574 - Increases witnesses' fees in civil and criminal litigation.

Senator Schofield asked if the committee would agree to reconsider this bill. Senator Bryan moved that this bill be reconsidered; seconded by Senator Hilbrecht. Senator Close asked if this compromise of \$15 would conform with jury duty; Senator Schofield referred to A.B. 566 which states that jury duty is \$15. Senator Close advised that the motion to reconsider would have to be brought up again at a time when 5 members are present.

A.B. 609 - Grants justices and municipal courts in certain counties original jurisdiction of juvenile traffic offenses.

Mr. Jack Butler, Master of Juvenile Court in Clark Co., advised that this has been discussed with DMV and there is no objection on the amended form. This is strictly a Clark County bill and is a question of practicality. During the four and one-half years that Mr. Butler has been Master of the court, they find that the licensing of a juvenile is the only area in government

* Not attached.

Senate Judiciary Committee
Minutes of Meeting
May 12, 1975
Page Three

administration that licensed a juvenile. Last session the juvenile was placed on the point system which made him equal, since the standards for juvenile drivers are the same now as for everyone. Mr. Butler advised that this has assisted many in his court. Mr. Butler further commented that in Clark County the problem has been that in 3 months, he has been averaging approximately 800 pleas per month in juvenile, for an average of 266 cases per month. Of those 266 cases, they have projected that there will be 3,192 citations that will appear before the Master of the court. Mr. Butler has checked with all the judges in Clark County that are handling cases in their community and found that for Henderson, with a population of 22,000, it is a 22-mile round trip for the parent and child to come into court when they could go into municipal court or justice court in Henderson. Boulder City has the same problem and must travel 54 miles. Mr. Butler advised that this is working a hardship on these communities.

Senator Dodge referred to S.B. 205, presently in the Assembly which he feels puts a different light on this piece of legislation. Senator Dodge feels that one of the reasons they did not move with the Senate bill was because they were concerned with the workload of the Justice. Mr. Butler referred to Mesquite which is the only area with a presiding court judge that is authorized as a traffic referee, but it is 164-mile round trip for a person who has to come in for a traffic ticket. Mr. Butler advised that Overton is 120 miles, Searchlight is 100 miles, Boulder City is 54 miles, Henderson is 52 miles, and there are 11 courts that can handle them. Sixty percent of the cases are handled in the metropolitan district, while forty percent are handled in the outlying areas of Boulder City, Henderson and No. Las Vegas.

Senator Close asked why we are taking away the traffic court's control over the DUI situation; Mr. Butler replied that he would agree, except for the fact that two offenses under DUI is a mandatory jail sentence; therefore, the judge has to refer it back to the district for disposition. Senator Close objects to taking it out of the driver's license statutes, which require taking away a license. Mr. Butler advised that the amendment uses the language "recommend to the Department" because all of the judges have the revoking license and that power is solely within the discretion of the Department of Motor Vehicles. Senator Close asked what would happen if they gave the other townships the right to handle their own matters and kept Las Vegas with Mr. Butler. Mr. Ned Solomon advised that he does not know what the justices' problems are, but they have problems of their own in trying to handle their cases and keeping Mr. Butler to where he can handle delinquent cases instead of spending so much time on traffic.

Senator Dodge commented that this is an Assembly bill, and what we need to do is see that the other one is enacted. If the other justice, to begin July 1, offers them relief, then this becomes more realistic.

Mr. Ned Solomon commented that they see their business as working with the delinquent children in this area and the traffic violators are not the ones they need to be devoting their time and energy to -- they are placed in the wrong area.

Senate Judiciary Committee
Minutes of Meeting
May 12, 1975
Page Four

Senator Close asked if they would be opposed if this were made effective later than July 1; Mr. Butler replied that they will take anything that the committee deems reasonable.

Mr. Fletcher, DMV, spoke in favor of the bill and advised that they are satisfied with this and have no objections.

Senator Dodge moved amend to July 1, 1976, Do Pass, and hold to make sure that legislation is passed; seconded by Senator Bryan; motion unanimously carried.

A.B. 566 - Grants discretion to jury commissioners in time for selection of jurors and authorizes payment of two-way travel expenses of jurors.

Mr. Richard Bunker, representing the county of Clark, advised that their jury commissioner has from the 3rd of Jan. to the end to process the forms. They have asked that this be amended to put in from time to time. They are only paying mileage one way, and with the price of gasoline it has caused inconveniences for the outlying areas; therefore, they would like to pay both ways.

Senator Dodge so moved; seconded by Senator Wilson; motion unanimously carried.

A.B. 567 - Permits county clerks to retain original transcripts of indictments and accusations.

Mr. Richard Bunker advised that, relative to the indictments, they are now providing the district attorney with the original. This causes inconvenience with the county clerk who certifies everything else - she would like to be able to keep the original.

Senator Wilson so moved; seconded by Senator Dodge; motion unanimously carried.

Senator Bryan asked if there was any secrecy lost in the process; Senator Wilson replied no, it is sealed.

S.B. 98 - Clarifies the rights of handicapped persons.

Senator Hilbrecht stated that he feels there is misapprehension about this bill. The only innovations put into the bill by the Health & Welfare Committee was the language on lines 17-19 that indicates you can't bring a lawsuit for damages. Senator Sheerin commented that the problem with this bill on the floor was because the language states it is unlawful but does not provide a penalty.

Father Larry Dunphy advised that the jurisdiction is presently with the Labor Commission, but they would like to get rid of it.

Senate Judiciary Committee
 Minutes of Meeting
 May 12, 1975

Senator Dodge feels that there is no criminal penalty, but it would offer a suit for a writ of mandamus to force an employer to hire. Senator Dodge further commented that this goes beyond the present law and expands the definition of handicapped -- we have gone far enough as it is. When we wrote into the budget 3 positions regarding the encouragement of the handicapped, we headed in the right direction. Senator Dodge feels it should be an educational program; also that we are crushing private enterprise by this legislation. Father Dunphy stated that if we say the handicapped have the right to employment, we have to give defense for that right. Senator Dodge feels there is no inherent right on the part of anyone to be included in an employer's decision to hire.

Senator Hilbrecht feels that people haven't studied this bill closely enough; Father Dunphy should be here opposing it. It shields the employer as to what is meant by physical or visual. The people who are opposing this seem to be doing it on a symbolic level rather than a reasonable level. This definition enlarges and limits what is meant by those categories, and if people are concerned about the small employer, they should be advocates of this measure.

Senator Sheerin referred to page 2, line 44, and advised that the only reason this bill came back to committee is because there is a problem on the legal penalty. If the committee can't solve that problem, it should go back on the floor and get voted out one way or the other.

Senator Dodge moved that the bill be held in committee. Senator Hilbrecht commented that, in his opinion, the only reason this bill was referred to this committee was because of the confusion on the penalties; the purpose of the bill is to protect the employers. In Senator Hilbrecht's opinion, this motion is to kill the bill and blindly lashing out rather than to come to grips with the problems. Senator Dodge commented that he has been advised by Frank Daykin that the language "it is an unlawful hiring practice" does not indicate that it is a criminal misdemeanor.

A.B. 97 - Changes the definition of capital murder.

Senator Bryan referred to two cases in Clark County and feels that the genesis of the problem is Clark County. Senator Bryan feels that the language is vague and unless there is judicial interpretation, this new language is no better.

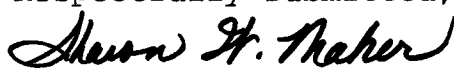
Following brief discussion on this matter, Senator Bryan advised that he would contact Larry Hicks and Tom Beatty and return to the committee tomorrow with his findings.

Being no further business at this time, the meeting adjourned at 10:30 a.m.

APPROVED:


 Senator Mel Close, Chairman

Respectfully submitted,


 Sharon W. Maher, Secretary