

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

February 19, 1975

Vice Chairman Karen Hayes called to order this meeting of the Assembly Judiciary Committee at 8:40 a.m.

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

MEMBERS ABSENT: NONE.

Guests present at this meeting of the Committee were: V. L. Fletcher, Department of Motor Vehicles; William A. Fitzpatrick, Department of Motor Vehicles, Drivers License Division; Howard Hill, Department of Motor Vehicles; James L. Lambert, Nevada Highway Patrol; W. E. "Bill" Adams, City of Las Vegas; Robert Warren, Nevada League of Cities; and Jack Mitchell, City of North Las Vegas. Attached hereto is the Guest Register for this meeting.

Testifying on A.B.188 was W. E. "Bill" Adams, Assistant City Manager of the City of Las Vegas. Mr. Adams testified that their opposition to this bill as it is now written is that they are fearful of losing much needed revenues if the courts now having jurisdiction over certain traffic offenses are changed. Various examples were given by Mr. Adams of the Las Vegas locations where offenses might occur and which law enforcement agency would be able to issue citations, and then which court would have jurisdiction. This Committee questioned Mr. Adams.

Next to testify was James L. Lambert, Chief of the Highway Patrol. Col. Lambert spoke regarding A.B.188. The Highway Patrol was responsible for the introduction of this bill. This bill is primarily to clarify jurisdictions. He spoke briefly about the money derived from traffic fines and where it ends up. This bill also clarifies the way the present statute is written, as it leave room for interpretation. Col. Lambert proceeded to quote the statute, section 484.803, for the Committee.

Mr. Barengo entered the meeting during Col. Lambert's testimony.

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Col. Lambert proceeded to testify that there was a mix-up in the way the bill was now written regarding which law enforcement agency would refer traffic offenders to particular magistrates. He, therefore, offered an amendment to this bill, which he offered to the Committee for consideration. This proposed amendment is attached to these Minutes.

Mrs. Wagner entered the meeting during Col. Lambert's testimony. Mr. Lowman entered the meeting just after Col Lambert's testimony.

Next to testify was Jack Mitchell from the City of North Las Vegas. He suggested that the Committee consider an amendment to A.B.188 which would take out most of the objections voiced at this meeting.

Mr. Heaney left the meeting.

Mr. Mitchell proceeded to comment on the amendment proposed by Col. Lambert which added particular law enforcement agencies, i.e. Nevada Highway Patrol or Motor Carrier Division of the Department of Motor Vehicles. Mr. Mitchell stated that whoever did the job should receive back some of the revenue.

William A. Fitzpatrick, Chief, Drivers License Division, testified regarding A.B.124 and A.B.126. He said A.B.124 was merely a "housekeeping measure". He cited the various changes, which included re-revocation of a license already suspended or revoked and the modification of the demerit system where possibly a person could lose his license after only one incident where the total points equalled or exceeded twelve. Mr. Fitzpatrick explained the traffic safety program, in which people who have been issued a certain number of demerits may enroll. He also explained in which way demerits may be erased from their records. Questioning by the Committee followed. Regarding A.B.126 and the implied consent law, the requirement is added that the arresting officers send all the documents relating to the arrest within ten days to the Department of Motor Vehicles. It is an inconvenience to the Department and to the citizen when documents are held up for a long period of time due to procrastination by the difference law enforcement agencies. Questioning by the Committee followed.

Col. James Lambert testified at this point regarding A.B.187. This bill was a "housekeeping measure" and changed the wording "narcotic drug" to "controlled substance" to keep continuity throughout the statutes.

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Mr. Heaney re-entered the meeting.

Mostly, according to Col. Lambert, the chapters they are revising do not do the job they want them to do, and this bill was introduced by way of clarification.

Chairman Barengo then opened up discussion among members of this Committee.

Mr. Barengo then left the meeting.

Regarding A.B.188, it was suggested that the Committee withhold taking any action until it is amended in conformity with the amendment submitted by Col. Lambert (which is attached to these Minutes).

Mr. Barengo re-entered the meeting and Mr. Sena left briefly and returned.

Mr. Heaney moved that the Committee delay taking any action until A.B.188 is amended as stated above, and Mr. Hickey seconded that motion. The vote was unanimous that A.B.188 be indefinitely postponed to allow for amendment. Legislation Action form is attached to these Minutes.

Regarding A.B.124, the floor was opened for discussion. Mr. Hickey moved DO PASS. Mr. Heaney seconded. Form attached.
MOTION CARRIED DO PASS A.B.124.

Regarding A.B.126, discussion was had. Mr. Lowman moved DO PASS, and Mrs. Hayes seconded. Form attached.
MOTION CARRIED DO PASS A.B.126.

Regarding A.B.187, after discussion, Mr. Lowman moved DO PASS, and Mr. Sena seconded. Legislation Action form attached.
MOTION CARRIED DO PASS A.B.187.

Mr. Barengo advised the Committee that Minutes as yet unapproved for Feb. 3, 10 (2 sets), 12 and 14 were in the Minute Books for the Committee to review at their convenience.

Mr. Barengo advised that the next meeting of this Committee would be scheduled for Friday, February 21.

There being no further business, a motion was made and seconded to adjourn the meeting, which Mr. Barengo then proceeded to do.

REQUESTED AMENDMENT:

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Section 1, sub-section 2, lines 12 & 15:

LINE 12, ADD: After "PEACE OFFICER", "of the Nevada highway patrol or motor carrier division of the department of motor vehicles".

LINE 15, DELETE: "of any state, vehicle licensing or traffic law,"; ADD: "of the Nevada revised statutes".

Whenever any person is taken by a peace officer of the Nevada highway patrol or motor carrier division of the department of motor vehicles before a magistrate or is given a written traffic citation containing a notice to appear before a magistrate, as provided for in NRS 484.799 for an alleged violation of the Nevada revised statutes, the magistrate shall be a justice of the peace who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the alleged violation occurred.

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 19, 1975

BILL NO. A. B. 188

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	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
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"/>	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed _____ Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes _____ Date _____

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 19, 1975

BILL NO. A.B. 124

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	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
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"/>	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed 9 Defeated 0 Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 19, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 19, 1975

BILL NO. A.B. 126

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

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

TALLY:

ORIGINAL MOTION: Passed 9 Defeated 0 Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 19, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 19, 1975

BILL NO. A.B. 187

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

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

TALLY:

ORIGINAL MOTION: Passed 9 Defeated 0 Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

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