

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

March 26, 1975

Chairman Barengo called this meeting to order at 8:40 a.m. on Wednesday, March 26, 1975.

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

MEMBERS ABSENT: NONE.

Guests present at this meeting included E. J. Silva, from the Department of Motor Vehicles; John Ciardella, also from the Department of Motor Vehicles; George M. Stout, Deputy Attorney General representing the Department of Motor Vehicles; Judge Tom Davis, representing the Judges Association; and Mr. Larry Widner. Guest Register from this meeting is attached.

Testifying on behalf of the Nevada Judges Association was Judge Tom Davis, from Carson City. He is a Justice of the Peace and Municipal Judge. A.B.373 was requested by a number of judges at the December meeting, and they wish to increase the contempt penalties. At the present time they are limited to \$100- fine and 24 hours incarceration for a contempt act which they may wish to impose. He, personally, is not so sure that the fine should be as high as \$500- or the incarceration period should run as long as six months. Mrs. Wagner questioned the extreme jump in the incarceration period--from 24 hours to 6 months. Mr. Hickey said that the apparent reason for this was because of the "higher" type of crimes which are handled. Judge Davis feels personally that the limits could be 30 days incarceration and \$300- fine.

Next, Judge Davis discussed A.B.376. Presently the Justices of the Peace receive \$5- for performing a marriage ceremony. This law has been in existence for 110 years, and the judges feel that it is time for an increase in this particular area. The marriage commissioners now perform most of the ceremonies, but there are still a lot needed to be performed on holidays, weekends, etc. The judges feel that they will not take time away from their other cases during the week to perform marriages, but they occasionally have busy months. They would like to see this figure increased in view of the changing economic values during the last few years.

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Judge Edward F. Lunsford, Elko Justice of the Peace, wanted to go on record as being against an increase. Judge Davis indicated, however, that Judge Lunsford may be acceptable to a \$10- fee for performing marriages.

Then the Committee discussed the Justices' of the Peace salaries. It was pointed out that Washoe and Clark Counties placed theirs on a salary. The Marriage Commissioners are salaried, and they are reimbursed for their expenses. When a judge retains a fee, he pays the expenses. Judge Davis was also questioned as to the fees for the small claims actions which he handles. The fee for these is \$5-. (The individual involved only pays \$5- for service of process, so the total fees and costs is only \$10-.)

Judge Davis pointed out that people coming into the area for the purpose of getting married mainly go to Las Vegas, Reno, Carson City or Elko. Mr. Barengo read from the statute on contempt.

Testifying regarding A.B.150 was E. J. Silva, Supervisor of the Vehicle Compliance and Enforcement Section. They feel that there is a necessity to expand the field officers' powers. There are 6 field officers--4 years ago there were only 3. There has been an upswing of felonious crimes to be considered. He stated that their area of enforcement has expanded, and he gave examples of this. Most of the cases with which they become involved are out of their jurisdiction--they can take statements and interview witnesses, and then they go to the district attorney, who has to duplicate work already done. It is difficult to present these cases in court. Mr. Silva listed requirements of automobiles which are sold in this state. They also license and regulate the motorcycle dealers, and the statutes pertaining to them are also out of their jurisdiction. Clark County would not issue search warrants to them. He pointed out that his department is not interested in running up and down highways--their cars are not set up for this. Between the 6 men in his department, there is a total of 48 years of law enforcement experience. (One requirement for the job is that the applicant have 5 years prior law enforcement experience.)

According to Mr. Silva, there has been a problem with co-operation of the local law enforcement agencies when their department has requested certain assistance. He pointed out that there is limited knowledge in police circles as to car identification numbers. They do not divulge these, except in extremely confidential situations. Mr. Silva

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then gave an example of a stolen car ring situation. These types of cases are the ones where they would like to have the right to seize the vehicle. Mr. Barengo added that anything of a contraband nature is subject to seizure without a search warrant. The Committee questioned Mr. Silva in detail.

Next to speak on behalf of A.B.150 was Assemblyman Alan Glover, Chairman of the Assembly Transportation Committee. He stated that he was at this meeting to give some background on this bill. This bill had two hearings in his committee. The members of his committee felt that this was one of the more important pieces of legislation they passed. Mr. Glover said they feel that these inspectors have done a good job and they need help. The Assembly Transportation Committee would like to see this bill passed and in effect.

Next to testify on behalf of A.B.150 was John Ciardella of the Motor Vehicle Department. He believes that Mr. Silva did a good job explaining the situation. When the dealer section was formed in 1971, they then had regulatory power but no enforcement power. They can only go so far in their job. They have had trouble with the district attorneys and police departments, and there was no follow through. They are experiencing a paper forgery problem now. They feel that their hands are tied in so many areas. They only request enforcement for the four sections of the law which applies to them, i.e. 42--legislation section; 47--complete records, laws and abandoned vehicle section; 108--liens as pertains to motor vehicles; and 49--mobile home standards. These are the only areas in which they desire enforcement power. They have no provision for stopping cars. Mr. Ciardella was then questioned by the Committee. Mr. Barengo then asked the representatives from the Department of Motor Vehicles if they would have objection to an amendment to the effect of removing Subsection 4 from the bill and placing it in Section 3. They said they would agree to this. Mr. Barengo advised them to study the bill as to this amendment.

Mr. Lowman moved DO PASS A.B.376 AS AMENDED, raising the fee for marriage ceremonies to \$10-, and removing the language on Lines 10, 11 and 12. Mrs. Wagner seconded. Discussion was had by this Committee. The vote was 5 in favor of passage as amended, and 4 against (Barengo, Hayes, Heaney and Sena). Legislation Action Form is attached.
MOTION CARRIED DO PASS A.B.376 AS AMENDED.

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Mr. Demers submitted to Chairman Barengo a Memorandum dated March 24, 1975 from Andrew P. Grose, Chief Deputy Research Director of the Legislative Counsel Bureau, a copy of which is attached. Chairman Barengo read this aloud to the Committee.

Next to be discussed was A.B.373. Discussion was had, and it was mentioned that Chapter 22 of the Nevada Revised Statutes be incorporated in this bill. These statutes deal with contempt and will give guidelines in regards to A.B.373. There was a motion and a second, and as to adopting this particular amendment to A.B.373, a vote was had. The vote was unanimous in favor of adopting Chapter 22 in regards to this bill. Mr. Lowman then moved DO PASS A.B.373 WITH PROPOSED AMENDMENT, plus changing wording to "probable cause" on Page 2, Lines 10 and 21, as well as putting Sub-section 4 into Section 3. Mrs. Hayes seconded the motion for passage. A vote was had, and 6 Committee members were in favor of this motion, with Mr. Banner and Mrs. Wagner voting against passage and Mr. Hickey abstaining. Form attached.

MOTION CARRIED DO PASS A.B.373 AS AMENDED.

Mr. Barengo announced that the meeting of this Committee set for tomorrow morning, March 27th, will begin at 8:00 a.m., not 9:00 a.m. as originally scheduled.

Mr. Lowman announced that he and Mrs. Hayes should be ready soon to present amendments to A.B.130 to this Committee.

Mr. Heaney said he was requested by Deputy Attorney General Jim Thompson to ask for a Committee introduction of a bill which is already drafted. It permits the Attorney General to appear and defend in any court in the State of Nevada, whether the court be state or federal. It was moved and seconded that this Committee introduce this bill. The vote was unanimous in favor of this.

Regarding A.B.284, Mr. Heaney presented to this Committee some of the amendments he was working on in connection with this bill. He is further to work on language which will assist the person defending himself or his property.

Mr. Lowman moved for adjournment of the meeting, and Mr. Hickey seconded. Thereafter, Mr. Barengo adjourned the meeting.

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Mar. 26, 1975

BILL NO. A.B. 376

MOTION: _____

Do Pass Amend Indefinitely Postpone Reconsider
as amended.

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	—	✓	—	—	—	—
Banner	✓	—	—	—	—	—
Hayes	—	✓	—	—	—	—
Heaney	—	✓	—	—	—	—
Hickey	✓	—	—	—	—	—
Lowman	✓	—	—	—	—	—
Polish	✓	—	—	—	—	—
Sena	—	✓	—	—	—	—
Wagner	✓	—	—	—	—	—

TALLY:

ORIGINAL MOTION: Passed Defeated Withdrawn
as amended.

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Mar. 26, 1975
Date

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CARSON CITY, NEVADA 89701



LEGISLATIVE COMMISSION
LAWRENCE E. JACOBSEN, Assemblyman, Chairman
INTERIM FINANCE COMMITTEE
FLOYD R. LAMB, Senator, Chairman

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ARTHUR J. PALMER, Director

PERRY P. BURNETT, Legislative Counsel
EARL T. OLIVER, Legislative Auditor
ARTHUR J. PALMER, Research Director

March 24, 1975

M E M O R A N D U M

TO: Assemblyman Daniel J. Demers
FROM: Andrew P. Grose, Chief Deputy Research Director
RE: Bogus Licenses

Bill Fitzpatrick was able to provide the following breakdown without going back through his files again.

- 10 Federal
 - 1 Dept. of Treasury
 - 9 Drug Enforcement Administration
- 31 State
 - 8 Utah
 - 1 Montana
 - 22 Nevada, primarily if not all to the Investigations and Narcotics Division of the Crime Commission
- 27 Local
 - 5 San Diego Police Department
 - 22 To Las Vegas and Reno Police Departments.

APG/jd

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Mar. 26, 1975
BILL NO. A.B. 373

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By as amended. Mr. Lowman 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	✓	_____	_____	_____	_____	_____
Banner	_____	✓	_____	_____	_____	_____
Hayes	✓	_____	_____	_____	_____	_____
Heaney	✓	_____	_____	_____	_____	_____
Hickey	_____	_____	_____	_____	_____	_____
Lowman	✓	_____	_____	_____	_____	_____
Polish	✓	_____	_____	_____	_____	_____
Sena	✓	_____	_____	_____	_____	_____
Wagner	_____	✓	_____	_____	_____	_____

Mr. Hickey abstained.

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Mar. 26, 1975
Date