

MINUTES

ASSEMBLY JUDICIARY COMMITTEE  
April 28, 1977

Members Present: Chairman Barengo  
Assemblyman Hayes  
Assemblyman Banner  
Assemblyman Coulter  
Assemblyman Polish  
Assemblyman Price  
Assemblyman Ross  
Assemblyman Sena  
Assemblyman Wagner

The meeting was called to order at 8:10 a.m. by Chairman Barengo. All witnesses wishing to testify were sworn before testifying.

SB 455: Justice of the Peace, Robert Miller of Clark County testified on this bill stating that it was very important to their office to increase the number of justices in their area because of the increasing case load. And, he stated, though he was in favor of the bill as it was originally introduced, stipulating 2 new justices, he felt this bill would be a move in the right direction. He presented to the committee a package of statistics concerning his area and their case load and that is attached and marked Exhibit A.

Mr. Tom Moore stated that both the District Attorney's office and the Clark County commissioners were in favor of the bill.

COMMITTEE ACTION:

SB 268: Mr. Ross introduced an amendment to the bill which would delete section 6 and also make conspiracy to sell marijuana a gross misdemeanor. Mr. Ross moved for a Do Pass as Amended. Mrs. Hayes seconded the motion and it carried.

AB 387: Mr. Ross made a motion to reconsider this bill. Mr. Sena seconded the motion and it carried. Mr. Ross read to the committee amendment 1078A which he proposed to the bill. Mr. Ross moved for a Do Pass as Amended. Mr. Sena seconded the motion and it carried.

AB 160: Chairman Barengo introduced to the committee and amendment on this bill and the committee concurred with the amendment and it will be added to the bill which is on the Chief Clerk's Desk.

SB 455: Mrs. Hayes moved for a Do Pass. Mr. Sena seconded the motion and it carried.

AB 355: Chairman Barengo stated to the committee that he felt the committee should include the amendment which would make this effective on passage and let the Senate side decide on the other amendments which had been proposed, the committee concurred. Mr. Ross moved for a Do Pass as Amended. Mr. Sena seconded the motion and it carried.

AB 10: This bill was merged with SB 220 and therefore no action was taken.

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AB 27: This bill is being held pending a reply to a letter sent to Judge Beko concerning this subject.

AB 251: This bill will be considered next session.

AB 403: This bill was merged with SB 220 and therefore no action was taken.

AB 516: This bill was merged with SB 220 and therefore no action was taken.

AB 647: This bill was superseded by SB 412.

SB 438: Mrs. Wagner moved for a Do Pass. Mr. Ross seconded the motion and it carried.

SB 506: Mr. Ross moved for a Do Pass. Mr. Sena seconded the motion and it carried. Mrs. Wagner voted no.

SB 275: Mr. Ross moved for a Do Pass. Mr. Sena seconded the motion and it carried.

SB 274: The committee concurred that "other devices" ought to be amended into the bill. Mrs. Hayes moved for a Do Pass as Amended. Mrs. Wagner seconded the motion and it carried.

SB 154: Mrs. Hayes moved for a Do Pass. Mr. Sena seconded the motion and it carried. Mr. Ross abstained.

SB 192: Mr. Ross moved for a Do Pass. Mrs. Wagner seconded the motion and it carried.

SB 195: Mr. Ross moved for a Do Pass. Mrs. Hayes seconded the motion and it carried.

SB 225: Mr. Ross moved for a Do Pass. Mr. Polish seconded the motion and it carried.

SB 79: Mr. Ross moved for an Indefinite Postponement. Mrs. Wagner seconded the motion and it carried.

SB 368: Mrs. Wagner moved for an Indefinite Postponement. Chairman Barengo seconded the motion and it carried.

SB 185: The committee approved the amendment to delete lines 5 & 6 on page 2. Mrs. Hayes moved for a Do Pass as Amended. Mr. Sena seconded the motion and it carried. Mr. Polish voted no.

SB 290: Mr. Ross moved for a Do Pass. Mr. Sena seconded the motion and it carried.

SB 504: Mr. Sena moved for a Do Pass. Mrs. Hayes seconded the motion and it carried.

SB 452: Mr. Banner moved for a Do Pass. Mr. Ross seconded the motion and it carried.

SB 394: Mr. Ross moved a Do Pass. Mrs. Wagner seconded the motion and it carried.

SB 386: Mr. Ross moved for a Do Pass as Amended. Mr. Sena seconded the motion and it carried. Mrs. Hayes did not vote.

SB 263: Mr. Ross proposed an amendment which would insert a period after the word deposition and deleting the balance fo the section. Mrs. Hayes moved for Do Pass as Amended. Mr. Ross seconded the motion and it carried.

Chairman Barengo gave out to the committee copies of a letter from Stephen Boland, Deputy AG, concerning SB 152 and a copy of is attached and marked Exhibit B.

For the record the following votes were redone:

AB 24: Mr. Banner moved for a Do Pass. Mr. Sena seconded the motion and it carried. (Originally voted out on 3/29/77.)

AB 517: Mr. Sena moved for a Do Pass. Mr. Coulter seconded the motion and it carried. (Originally voted out on 4/12/77.)

SB 89: Mr. Sena moved for a Do Pass as Amended. Mr. Polish seconded the motion and it carried. (Originally voted out on 4/22/77.)

There being no further business, the meeting was adjourned at 10:30 a.m.

Respectfully submitted,


  
Linda Chandler, Secretary

EXHIBIT A

Office of The Justice of The Peace

CLARK COUNTY COURT HOUSE  
LAS VEGAS, NEVADA 89101

EILEEN CARSON  
Clerk of Justice Court  
Telephone: 384-5234

VIVIAN WEBER  
Assistant Clerk  
Telephone: 384-5234

April 8, 1977

SCHEDULED DATES AS OF APRIL 8, 1977

FELONY PRELIMINARY  
HEARING DATES

JUDGE BROWN 9-15-77 @ 9 a. m.  
JUDGE LEGAKES 9-19-77 @ 9 a. m.  
JUDGE MILLER 6-6-77 @ 9 a. m.  
JUDGE SHEARING 8-16-77 @ 9 a. m.

MISDEMEANOR TRIAL DATES

JUDGE BROWN 12-7-77 @ 2 p. m.  
JUDGE LEGAKES 12-28-77 @ 2 p. m.  
JUDGE MILLER 9-22-77 @ 2 p. m.  
JUDGE SHEARING 7-6-77 @ 2 p. m.

TRAFFIC TRIALS

N. H. P. 7-27-77 @ 10:30 a. m.  
METRO 11-28-77 @ 10:30 a. m.

FELONY COMPLAINTS  
FILED FOR 1976

3,793

MISDEMEANOR COMPLAINTS  
FILED FOR 1976

4,999

TRAFFIC COMPLAINTS  
FILED FOR 1976

5,704

FELONY COMPLAINTS  
FILED UP-TO-DATE 1977

1,079

MISDEMEANOR COMPLAINTS  
FILED UP-TO-DATE 1977

1,191

TRAFFIC COMPLAINTS  
FILED UP-TO-DATE 1977

1,616

1	APRIL	4-4	16	SEPTEMBER	8-29	--
2		4-11	48		9-5	--
3		4-18	34		9-12	78
4		4-25	89		9-19	--
5	<u>TOTAL</u>		<u>187</u>		9-26	--
6				<u>TOTAL</u>		<u>78</u>
7	MAY	5-2	34			
8		5-9	30	OCTOBER	10-3	--
9		5-16	--		10-10	43
10		5-23	85		10-17	--
11	<u>TOTAL</u>		<u>149</u>		10-24	--
12	JUNE	5-30	2		10-31	--
13		6-6	30	<u>TOTAL</u>		<u>43</u>
14		6-13	39	NOVEMBER	11-7	61
15		6-20	76		11-14	--
16		6-27	--		11-21	--
17	<u>TOTAL</u>		<u>147</u>		11-28	--
18				<u>TOTAL</u>		<u>61</u>
19	JULY	7-4	39			
20		7-11	19	DECEMBER	12-5	25
21		7-18	76		12-12	--
22		7-25	--		12-19	--
23	<u>TOTAL</u>		<u>134</u>		12-26	--
24				<u>TOTAL</u>		<u>25</u>
25	AUGUST	8-1	1			
26		8-8	1			
27		8-15	71			
28		8-22	--			
29	<u>TOTAL</u>		<u>73</u>			

*Total Reading*  
797

April 9, 1977

TRAFFIC CASES FILED JAN. 1977 to DATE.....1,643

TRAFFIC CASES FILED JAN. -DEC. 1976 .....5,704

TRAFFIC CITATIONS ISSUED.....BASED ON FISCAL YEAR.

75-76.....110,50.

PRESENT ESTIMATE FOR 76-77.....131,000.

PROPOSED ESTIMATE FOR 77-78....180,000.

TRAFFIC CITATIONS SET FOR ARRAIGNMENT\_...BASED ON FISCAL YEAR.

PAST ACTUAL.....34,000. ...75-76

PRESENT ESTIMATE....40,000....76-77

PROP. ESTIMATE .... 62,000....77-78

WARRANTS ISSUED:

PAST ACTUAL.....14,000.....75-76

PRESENT ESTIMATE..18,000.....76-77

PROPOSED ESTIMATE.24,000.....77-78

COUNTY OF CLARK  
OFFICE OF THE JUSTICE OF THE PEACE  
COUNTY COURTHOUSE  
Las Vegas, Nevada 89101

*Justice of the Peace*  
B. MAHLON BROWN III  
ROBERT G. LEGAKES

Telephone  
386-4011  
Ext. 435  
Ext. 436

CIVIL CASES FILED FOR 1976 ..... 811

CIVIL CASES FILED JAN. thru APRIL 7, 1977..... 74

SUMMARY EVICTIONS FILED FOR 1976..... 868

SUMMARY EVICTIONS FILED JAN. thru APRIL 7, 1977.... 214

SMALL CLAIMS FILED FOR 1976..... 6,374

SMALL CLAIMS FILED FOR JAN. thru APRIL 7, 1977..... 1,960

EN 1111 15

*Handwritten scribbles*



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL  
SUPREME COURT BUILDING  
CARSON CITY 89701

ROBERT LIST  
ATTORNEY GENERAL

April 19, 1977

The Honorable Robert R. Barengo  
Assembly Judiciary Committee  
State Legislative Building  
Carson City, Nevada 89710

Dear Assemblyman Barengo:

Re: SB 152 (Administrative Subpoena Power)

Pursuant to your request, enclosed please find a list of state agencies which regulate businesses, occupations, and professions which currently have a subpoena power. A list of those similar agencies which do not have the subpoena power is also enclosed.

SB 152 would establish a uniform procedure for the issuance of subpoenas by state agencies as that term is defined in Chapter 233b of NRS. The various state agencies which regulate businesses, occupations and professions (often called professional licensing boards) typically issue permits or licenses which allow qualified individuals and other legal entities to engage in a particular trade or profession. They are also typically empowered to suspend or revoke licenses. The functions of these various licensing boards are therefore highly similar.

Because these agencies must police the ranks of their respective trades or professions in order to protect the public health, safety and welfare, these agencies on occasion must conduct hearings in contested cases. Many of these agencies are currently empowered by statute to issue subpoenas to compel the attendance of witnesses, whereas other agencies have no similar power. SB 152 would establish a uniform procedure for the issuance of subpoenas by all state agencies.

If you desire additional information in this regard please do not hesitate to contact me at 885-5420.

Very truly yours,

ROBERT LIST - Attorney General

By: *Stephen P Boland*  
Stephen P. Boland  
Deputy Attorney General

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The Honorable Robert R. Barengo  
April 19, 1977  
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SPB:e

enclosures

cc: The Honorable Karen W. Hayes  
The Honorable James J. Banner  
The Honorable Steven A. Coulter  
The Honorable John M. Polish  
The Honorable Robert E. Price  
The Honorable R. Ian Ross  
The Honorable Nash M. Sena  
The Honorable Sue Wagner

Agencies Regulating Businesses, Occupations, or Professions Which Currently Have a Statutory Subpoena Power

Statute Authorizing Issuance of Subpoena

1.	Nevada State Board of Architecture	NRS 623.152
2.	Board of Landscape Architecture	NRS 623A.140
3.	State Contractors' Board	NRS 624.170
4.	State Board of Registered Professional Engineers	NRS 625.440
5.	Nevada State Board of Accountancy	NRS 628.410
6.	Board of Medical Examiners of the State of Nevada	NRS 630.140
7.	Board of Dental Examiners of Nevada	NRS 631.360
8.	State Board of Nursing	NRS 632.360
9.	State Board of Osteopathy	NRS 633.030
10.	Nevada State Board of Chiropractic Examiners	NRS 634.180
11.	State Board of Oriental Medicine	NRS 634A.070
12.	Nevada State Board of Optometry	NRS 636.141
13.	Board of Dispensing Opticians	NRS 637.040
14.	Board of Hearing Aid Specialists	NRS 637A.110
15.	Nevada State Board of Veterinary Medical Examiners	NRS 638.143
16.	State Board of Pharmacy	NRS 639.246
17.	State Board of Funeral Directors and Embalmers	NRS 642.400
18.	State Barbers' Health and Sanitation Board	NRS 643.170
19.	Nevada Real Estate Advisory Commission	NRS 645.700
20.	Real Estate Administrator of the Real Estate Division of the Department of Commerce (Escrow Agents)	NRS 645A.060
21.	Commissioner of Savings Associations (Mortgage Companies)	NRS 645B.070
22.	Private Investigator's Licensing Board	NRS 648.160
23.	Certified Shorthand Reporters Board of Nevada	NRS 656.290

Agencies Which Do Not Currently Have  
A Statutory Subpoena Power

1. State Board of Podiatry
2. State Board of Physical Therapy Examiners
3. Board of Psychological Examiners
4. Board of Marriage and Family Counselor Examiners
5. State Board of Cosmetology ..
6. Collection Agencies by Superintendent of Banks
7. State Board of Health (Medical Laboratories)
8. Board of Registration for Public Health Sanitarians
9. Nevada State Board of Examiners for Skilled Nursing Facility Administrators