

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, March 10, 1965

Meeting was called to order at 3:00 P.M.

Present: Close, Delaney, Jacobsen, Knisley, Kean, Rosaschi

Absent: Parsons, Swobe, Olsen

Present to speak on SB 82 were Don McNelley, Real Estate Division, and Walter Wilson, Department of Commerce.

Mr. Wilson said he understood that the Committee was not receptive to some of the proposed amendments and he was not present to speak on those particularly but he would like the Committee to reconsider a few of the proposed amendments.

On page 1, line 7, right after "all subject to the provisions" he would like to add "and penalties". He said the out-of-state broker has been creating quite a lot of problems especially in Clark County and at the North and South ends of Lake Tahoe. He said an out-of-state broker will come and not take the test or get licensed or pay the \$40.00 but will get a deal all lined up and then contact a cooperative local broker. He feels this act would give the state some control of these brokers.

Mr. Kean asked what does California do to our brokers.

Mr. Wilson replied that he didn't know but would get the information for the Committee. Mr. McNelley later came back and reported that he had called Sacramento and that California does not have any kind of a reciprocal agreement with any state.

Mr. Wilson said that the time limit of 30 days does not give them ample time to consider the applicants requests. They would like to have the possibility of extending this if necessary and are asking for this with lines 15-17.

Mr. Wilson said that the addition of "whether or not acting as a licensee" had been suggested by the legal counsel of the real estate division. Also the additions on lines 1, 2, and 3, page 5. The additions page 6, lines 7-11 and lines 41 and 42 were also made at the request of the legal counsel.

Mr. Close asked if there is another bill pending that changes the \$5 fee on each section of the real estate examination to \$40 on all the sections.

It was determined that SB 253 is the bill to which Mr. Close referred. It is a companion bill to SB 82 so far as the fees are concerned.

Mr. Close: Is the applicant required to take all sections at the same time?

The answer was that he does and that if he fails even one section of the test he is required to repeat the entire test.

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Mr. Knisley asked Mr. Wilson if the committee could find a tighter definition of "moral turpitude", page 5, line 49, would there be an objection to changing this wording as "moral turpitude" is so vague.

AB 369: Requires out-of-state contractors to give security to cover employee payroll.

Mr. Roland Oakes, of the State Contractor's Board, was present to speak on this bill and to answer questions by the Committee.

Mr. Oakes said he felt he should point out some of the dangers of this bill. He has been advised by some attorneys that it is unconstitutional and that it violates the equal protection concept. Another danger is that if it is enacted, Arizona will straightway impose a 5% differential to Nevada. This will be a bad thing for some of our Nevada contractors; for instance, Isbell Construction right now has some \$20,000,000 worth of contracts in Arizona. Another danger of the bill is that it would result in double bonding.

The present Public Works bonding act provides for 50% payment bond and 50% performance bond.

It was brought out that SB 220 is now before the Committee and that it was felt by many that it would perform the same objective as AB 369 without causing the increases in construction costs that AB 369 would cause.

Mr. Close: Isn't the \$500, page 2, line 37, somewhat low on this?

Mr. Oakes replied that right now the board will not accept a bond under \$1,000.

Mr. Delaney brought up a case in his county where suppliers of goods and services had not been paid by the construction company, Nacon. Mr. Close asked Mr. Oakes to check on this

Mr. Knisley: Is it your opinion that if we pass SB 220 we will not need AB 369?

Mr. Oakes: Yes, it is.

Mr. Close referred to page 3, section 5, and asked if the contractors should ever be allowed to build something without a bonding; also, should the figure ever be as low as \$500.

Mr. Jacobsen suggested the figure be changed to \$1,000.

Mr. Jacobsen moved to postpone indefinitely AB 369.

Mr. Delaney seconded

Motion passed unanimously

Mr. Knisley moved Do Pass SB 220

Mr. Delaney seconded

Motion passed unanimously

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SB 82: Amends real estate law with respect to brokers' licenses

Mr. Knisley made a motion to remove the brackets on page 2, lines 4-6, line 42 also to strike "two years" and all of subsection 3.

Mr. Jacobsen seconded

Motion passed unanimously

Mr. Kean moved to eliminate the extended time granted to check an applicant page 3, lines 15, 16, and 17

Mr. Delaney seconded

Motion passed unanimously

Mr. Kean moved to pass the adding of "reissue" page 4, line 13

Mr. Jacobsen and Mr. Delaney seconded

Motion passed unanimously

Mr. Jacobsen moved to accept the language page 4, lines 17 and 18

Mr. Delaney seconded

Motion passed unanimously

Mr. Kean moved to strike out all the new language in section 5, subsection 12

Mr. Jacobsen seconded

Motion passed unanimously

Mr. Knisley moved to retain "of the United States" page 5, lines 2 and 3

Mr. Jacobsen seconded

Motion passed unanimously

Mr. Kean moved to put a period after "United States" and delete "or of a foreign country".

Mr. Delaney seconded

Motion passed unanimously

Mr. Kean said that if page 1 is approved, then we should approve page 6, lines 41-42 and he so moved.

Mr. Jacobsen seconded

Motion passed unanimously

Mr. Knisley moved Do Pass page 6, lines 7-11

Mr. Delaney seconded

Motion passed unanimously

SB 253: Amends fees for real estate examinations

Mr. Kean moved to amend SB 82 to conform with the \$40 fee for all 8 sections of the real estate examination which is what SB 253 does.

Mr. Jacobsen seconded

Motion passed unanimously

Mr. Jacobsen moved indefinite postponement of SB 253

Mr. Delaney seconded

Motion passed unanimously

After Mr Mcnelley had returned with the news that California has no reciprocal agreement on real estate licenses with any state, and that they don't let us get a permit but we let them, SB 82 was considered again.

Mr. Jacobsen moved SB 82 Do Pass as amended

AB 521: Makes extensive changes in provisions relating to vital statistics

Mr. John Sullivan, director of Vital Statistics was present to answer questions.

Mr. Close asked Mr. Sullivan how he felt about the bill.

Mr. Sullivan said he likes it. He said further that Nevada is one of only 5 states not to have a central file on vital statistics. Our system makes it very difficult for a person to secure a record of any birth, death, divorce, marriage, etc.

Mr. Kean asked Mr. Sullivan if their staff is large enough to handle this.

Mr. Sullivan replied that the staff would have to be increased. There is in the bill a \$1.00 addition to each marriage license and divorce action and these revenues will help with this extra cost. He added that they get from 5 to 10 requests each day for vital statistics which they cannot answer because the state has no central file and no definite system for handling these requests.

Mr. Close: Is your plan to go back and pick up all these dates?

Mr. Sullivan: No. That is too tremendous a task. We will go from the date of enactment.

Mr. Kean: Could you gradually pick up all the old records?

Mr. Sullivan didn't seem to think this would be possible or practical.

Mr. Sullivan said he had some suggestions to make AB 521 conform to SB 274's more recent developments.

On page 2, line 8, instead of \$1 it should be \$2. On line 10 instead of 50¢ it should be \$1.

Mr. Sullivan suggested adding a section which would provide that the division of buildings and ground and maintenance furnish space for records, etc., at no cost to the Bureau of Vital Statistics.

Mr. Knisley asked how much detail would be required in the complaint, page 3, line 8.

Mr. Close said nothing that would be included in a sealed record.

Mr. Knisley moved the committee take action and re-refer the bill to the Ways and Means Committee.

Mr. Delaney seconded

Motion passed unanimously

AB 371: Amends conflict of interest statute.

Mr. Delaney moved to kill the bill
Mr. Knisley seconded
Motion passed unanimously

AB 405: Requires plaintiffs in actions to attach personal property to deposit sufficient funds to cover expenses involved in taking and storing such property.

It was agreed that the bill has merit and that the main objections are the "5 days" and the last paragraph. Committee decided to hear Mary Frazzini on this.

AB 569: Allows wrongful death and personal injury actions between spouses.

Mr. Close explained that that this bill is to allow inter-family recoveries. For instance, if a man is driving a car and has an accident in which his wife is injured, she cannot sue the insurance company; she must sue her husband. What this bill does is to permit her to sue the insurance company.

Mr. Close offered to look into this further, see what California has, etc.
Mr. Knisley informed him that Len Harris has a very complete file on this which might be helpful.

AB 294: Construction Control

Mr. Close informed the Committee of certain amendments which Mr. Gray is planning to introduce on Friday.

Mr. Gray wants to strike out lines 23, 24, 25, and 26 on page 2 because he feels this will permit a form of blackmail. Mr. Close suggested to him that he give construction control the requirement that they must give notice to the subcontractors whose categories are being invaded. Then if the subs want to contest it they can.

Mr. Gray is going to try to take out all reference to land draws.

On page 3, line 50, Mr. Gray was going to propose \$100,000. Mr. Close suggested he come down to \$50,000. He said we may as well have nothing as the 1½ times the capital which is in there now.

Mr. Knisley asked if Mr. Close would discuss these proposed amendments with Mr. Miles.

On page 5, line 16, Mr. Gray proposes to have the true copy signed by an engineer, an architect, and the true owner.

On page 5, section 25, subsection 3, Mr. Gray wants to have a copy of the general contract signed by all parties thereto. He wants the same thing on subsection 4.

On page 6, lines 44 and 45, Mr. Gray would strike "licensed to do business under the laws of the State of Nevada".

Meeting adjourned 5:05 P.M.