

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, March 15, 1965

Meeting was called to order at 4:15 P.M.

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

Absent: Swobe

AB 404: Civil Rights

Mr. Close said he felt the 30 day period may be too short in the employment section and that he proposed to increase the time limitation up from 30 days to 90 days. He asked if there were any objections.

Mr. Kean said he would go for 60 days.

Mr. Knisley agreed that 30 days would be a problem. He asked what would be the effect of 60 days.

Mr. Close said 90 would be better but 60 days would be much better than 30.

Mr. Kean moved to amend with the 60 day figure

Mr. Jacobsen seconded

Motion passed unanimously

Mr. Close said he would like to propose that the \$250 on the Civil action be brought back in. He would rather have a civil prosecution than a criminal prosecution. He asked if there were any objections to putting this back. He said this is not severe enough to hurt anybody.

Mr. Jacobsen said he objected. He thinks it will be an incentive to sue.

Mr. Olsen agreed that possibly in some quarters \$250 would be an inducement.

Mr. Close reminded the Committee that because a man sues is no sure sign that he will get the \$250. He has to prove his case. He asked how about using the word "may" receive \$250 instead of "shall".

Mr. Knisley: If we strike the \$250 are we striking their right to sue?

Mr. Close: No

Mr. Close gave notice that he is going to oppose the deletion of the \$250 from the civil action when it gets on the floor. Mr. Knisley said he may oppose it also.

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

George L. Vargas, representative of American Insurance Association, was present to speak against the bill. He said it was the opinion of the people he represents that the bill would actuate collusion and that the actual defendant in these cases would be the insurance company, and hence the public who pays the premiums.

Assembly Committee on Judiciary

148

Mr. Close : Do you object to the wrongful death provision?

Mr. Vargas: Yes, I think it would apply in either case.

Mr. Knisley: Does California have this law?

Mr. Vargas said he couldn't really answer that. He knows of one case in California where this was allowed. There was also one case in Nevada and in this case it was held that one spouse cannot sue the other spouse.

AB 276: Provides additional procedure for dissolution of domestic corporations by consent of majority of stockholders.

Mr. Close read an amendment prepared by Mr. Knisley which requires nine-tenths of the voting power shall consent in writing.

Mr. Olsen said why not just kill the bill.

Mr. Knisley moved to give the bill no further consideration
Mr. Jacobsen seconded
Motion passed unanimously

AB 236: Mechanic's lien law

Mr. Close reported that Mr. Miles says our proposal to make mandatory notice by suppliers is unworkable and does not solve the problems. He said it would put a real burden on the material suppliers to have to record every notice they send out. Also it would cause complications on title insurance. He recommends striking Section 25 entirely if we are going to make it a condition precedent.

Mr. Kean said Oregon has the condition precedent. He proposed someone on the Committee call them and find out more about this.

Mr. Knisley asked Mr. Kean just who the Oregon law is trying to protect.

Mr. Kean replied it was trying to protect everybody all down the line. He added that only the material suppliers are fighting this. They want to be able to go in and file a secret lien. The only way to solve it is to give notice.

Mr. Close and Mr. Knisley agreed that the notice was no good unless you record it.

Mr. Olsen said why don't we spell it out that the lien is only effective against the Builder-Owner and not against any subsequent purchaser.

Mr. Olsen and Mr. Close are to get together and prepare such an amendment.

Mr. Close said the point had been raised about raising the amount from \$5.00

Assembly Committee on Judiciary

to \$100. He thought maybe that amount might be excessive. He suggested that \$50 might be more realistic and the Committee so agreed.

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

Mr. Jacobsen moved indefinite postponement of the bill
Mr. Knisley and Mrs. Parsons seconded
Motion passed unanimously

BDR 54-1263:^{*} Increases number on Cosmetology Board from 3 to 5 members.

Mr. Close asked if the Committee would agree to introduce this bill.

Mr. Jacobsen so moved and it was agreed that the bill will be introduced by the Committee on Judiciary and referred back to the Committee.

Mr. Close asked the Committee's opinion of having a bill drafted knocking out the 60 day limit on reporting an accident--has to do with financial responsibility. The Committee agreed it was a good idea.

AB 351: Authorizes Real Estate Division to audit and regulate collections and use of maintenance fees for condominiums.

Mr. Olsen explained that his intent when he drafted the bill was to prevent co-mingling of funds. He said if there were no objections he will prepare an amendment to this effect.

This was agreed to by the Committee.

AB 294: Construction Control

Mr. Close presented for a vote each of the amendments proposed by Mr. Gray. He said that both proponents and opponents of the bill have agreed to delete all reference to a land draw.

Mr. Knisley said he was agreeable and would go along with this. He said he had found a better way to effect a stricter banking situation.

Mr. Jacobsen moved to withdraw all reference to land draw
Mr. Olsen seconded
Motion passed unanimously

Mr. Close explained that page 2, lines 23 - 26 could become a basis for blackmail or a "squeeze". Mr. Gray proposes to delete these lines and add that money cannot be taken from one category to another without giving notice to the one whose category is being invaded.

Mr. Olsen moved to adopt this amendment
Mr. Jacobsen seconded
Motion passed unanimously

*A.B. 604

Mr. Close asked the Committee what they thought of a bond of \$50,000 on page 3, line 49.

Mr. Olsen and Mr. Kean thought it was too high.

Mr. Jacobsen asked how about \$25,000.

Mr. Kean suggested leaving the 1½ times provision and adding "but not less than \$20,000".

Mr. Knisley moved to adopt Mr. Kean's suggestion

Mr. Jacobsen seconded

Motion passed unanimously

Page 4--Proposed amendment changes from "State of Nevada" to "any person entrusted with the funds".

Mr. Kean moved Do Pass

Mr. Delaney seconded

Motion passed unanimously

Mr. Close explained that the amendment proposed for Section 25, subsection 5, would read: "obtain true copy certified as such by a registered architect or registered professional engineer and signed by the owner".

Mr. Kean suggested adding one more title--home designer?

Mr. Olsen moved adoption of the amendment adding Mr. Kean's extra designation.

Mr. Delaney seconded

Motion passed unanimously

In subsection 3, the suggested amendment is "copies of the General Contract signed by all parties thereto".

Mr. Knisley moved to adopt the amendment

Mr. Olsen seconded

Motion passed unanimously

Same amendment was suggested by Mr. Gray for subsection 4.

Mr. Knisley moved the adoption of the amendment

Mr. Olsen seconded

Motion passed unanimously

Lines 44-45, page 6, strike out "licensed to do business under the laws of the State of Nevada as a contractor". This is to enable a man to remodel his own home.

Mr. Olsen moved the adoption of this amendment

Mr. Rosaschi seconded

Motion passed unanimously

Meeting adjourned at 5:30 P.M.