

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 54th Session, March 27, 1967

Meeting was called to order at 3:20 by Vice Chairman Norman Hilbrecht.

Present: Hilbrecht, Torvinen, Lowman, Kean, Dungan, White, Schouweiler (late)

Absent: Wooster, Swackhamer

SB 368: Clarifies and modernizes law relating to professional engineering and land surveying.

MILTON SHARPE: Representative of Nevada Society of Professional Engineers.

This legislation was prepared by the Nevada State Board of Professional Engineers. The intent is to clarify certain ambiguities in the definition of engineering, which seems to create some problems in the administration of engineering.

MR. HILBRECHT: You might describe areas of changes that you have made.

MR. SHARPE: The number one item of concern is in section 1, which defines engineering. Circumstances arose during the last year which seemed to put certain restrictions on the practice of engineering. Legal opinion said that engineers could only do things described in the definition of engineering. It would keep us from doing things ordinary people could do in the performance of their profession.

This legislation removes the restriction that has been placed on the practice of engineering.

MISS DUNGAN: Specifically, what are you talking about? What are these restrictions?

MR. SHARPE: These restrictions arose over a conflict with the State Board of Architects. The legal opinion said that an engineer in the performance of his work can not do anything except what is involved in the definition of his work. We are sometimes forced into consideration of some aspects of architects, some aspects of financing, etc. It is sometimes impossible to perform engineering services without relating somewhat to these other things.

After a whole series of meetings, we have arrived at this wording, which has been accepted by the architects and by the engineers.

MR. LOWMAN: You gave me an exempted section. What was it?

MR. SHARPE: 625. It is in there.

ROWLAND OAKES: Associated General Contractors.

This bill would create problems for contractors. Page 4, lines 1 through 2, for example. At the present time, contractors who perform dirt moving projects are called General Engineering Contractors. This is a generally accepted term. SB 457 describes the scope of work of a general contractor. If this bill passes in its present form, there will be a conflict.

MISS DUNGAN: Do you feel it would be necessary under this wording for an architect to

have an engineering rate to do their work?

MR. SHARPE: No. Architects are specifically exempted from the provisions of this law.

MR. OAKES: I talked with Mr. Sharpe and we arrived at a compromise . (He then read this proposed amendment).

MR. HILBRECHT: Is this acceptable to the engineers?

MR. SHARPE: Yes, it is.

MR. TORVINEN: Doesn't a General Contractor have to have at least a Civil Engineer's Degree to be called an engineer?

MR. OAKES: No. Sometimes they can put through the request.

MR. KEAN: Why do you want to take away from them their reference books?

MR. SHARPE: To allow the State Board of Registration a little more latitude in what they could accept in the way of reference material. This gives every applicant the same chance in passing the examination.

MR. KEAN: On the bottom of page 3: Why did you have to do that section over?

MR. SHARPE: It was requested by certain members of the State Board of Registration. Certain firms have implied that they were offering professional engineering services. The Board and legal advisors have felt that they did not have sufficient strength under the present law to prevent these firms from offering engineering services which they were not qualified to offer.

MR. KEAN: Why did you rewrite 520?

MR. SHARPE: The legal advisors felt that the language as it is now was not strong enough for them to take any action.

Mr. Sharpe and Mr. Oakes were excused.

MR. TORVINEN: I have known Mr. Sharpe for a long time. He is a man of high integrity.

MR. KEAN: I don't want to accept this without analyzing it. It may be making restrictions tighter.

MR. TORVINEN: Let's hold it over and study it further.

MR. HILBRECHT: Mr. Kean, why don't you personally take a good look at this bill tonight?

SB 334 Prohibits bondsman for defendant in criminal matter from employing attorney to enter plea of guilty for such defendant.

SENATOR CHRISTENSEN: It is cheaper this way for the bondsman, cheaper than to hunt out the guy.

MR. TORVINEN: In other words, the bond might be \$500 and rather than pay the bond, they

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will plead him guilty and pay the fine, which might be just \$50.

MR. HILBRECHT: We have not found out if this is something commonly done.

MISS DUNGAN: We should talk to someone who knows more about this.

MR. TORVINEN: If any lawyer was doing this, he should be brought to the attention of the Administration Committee.

MR. HILBRECHT: The bondsman should not have this authority anyway.

MR. KEAN: I hate to pass a law which we don't any of us know anything about.

SB 397: Defines monorail as a motor vehicle and gives monorail companies certain powers of eminent domain.

SENATOR CHRISTENSEN: This concerns a monorail from the Strip down town. To build this, they need the same rights as telephone companies and so forth. They will have to have some rights of eminent domain.

MR. TORVINEN: Why do they make it a motor vehicle? No other things that run on tracks are motor vehicles, that I know of.

SENATOR CHRISTENSEN: Because it is going to be run on gasoline, I guess.

MR. TORVINEN: I would guess it would be powered electrically.

MR. WHITE: How are disputes settled between public utilities?

MR. TORVINEN: These have to be settled by a court.

Mr. Hilbrecht then read an amendment to the bill which was brought in by Zel Lowman.

MR. LOWMAN: The effect of the bill is to give them some action.

Mr. Kean moved Do Pass SB 397 with amendment

Mr. Torvinen seconded

Motion passed unanimously

SB 350: Provides penalty for operating vehicle while operator's license is canceled.

MR. HILBRECHT: If a license is suspended, there is a fine. I guess there is no penalty if it is canceled.

Mr. Lowman moved Do Pass SB 350

Mr. White seconded

Motion passed unanimously

SB 313: Provides for recordation of master form mortgages and deeds of trust to permit short-form recordings thereafter.

MR. HILBRECHT: Don't they do this now?

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MR. TORVINEN: Evidently they don't contain the covenants that the FHA has. They want a short-form FHA. This is the practice now in California. I would like to read this carefully before taking any action.

MR. HILBRECHT: Will you read it and report back tomorrow? Maybe you should talk to Senator Herr about it.

SB 414: Exempts corporate administrators, guardians, and trustees from voucher filing requirement when rendering account.

MR. KEAN: Anybody know the reason for this?

MR. TORVINEN: I guess banks want to cut down their paper work. I have always had some question about the voucher in my own mind. Almost always payments are made by check and you get that back with the endorsement on the back. In addition to this, in trusts you are supposed to have a voucher which says they received the check, etc. What you are doing is double work.

MR. HILBRECHT: I agree with you, but this bill doesn't seem to do anything about that situation. It says you store them up but how long do you have to hold them? It still requires that you have a voucher but you don't have to give them to the bank.

Why don't we find out who introduced this and see what he had in mind? This doesn't solve anything. It is obviously designed to some specific problem.

MR. KEAN: I think we should do away with vouchers entirely.

MR. HILBRECHT: Roy, will you find out about this?

SB 253: Requires sending of behaviour report to and approval by committing court prior to parole from juvenile correctional institution.

MR. HILBRECHT: Roy, do you handle juvenile cases?

MR. TORVINEN: Not many. This applies to adult parole, not to juveniles.

MR. WHITE: Didn't Ravenholt ask for an amendment to this bill?

MR. HILBRECHT: Mr. White, will you go ahead and look into this?

AB 438: Provides for issuance of certificates of public convenience and necessity to community antenna television companies.

MR. HILBRECHT: Mr. Graves said they were preparing some amendments for this committee but I have not seen any.

MR. KEAN: I received some official information from somebody concerning three court cases that are supposed to settle this issue.

MR. HILBRECHT: I was one of the people who thought we should have more time on this because I was a little against the Public Service Commission people. It developed after I talked to some of the people from Clark County that none of these people had submitted

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to the Public Service Commission. There are people who have submitted applications because this is the only place they can submit them.

I have not had a satisfactory explanation of why Elko has not jerked the rug out from under these people, if the fees are so high and the service so poor. I am in favor of having the cities do something about these things. Why should we in Carson City regulate TV in Las Vegas.

MR. TORVINEN: It is improper discrimination not to put TV under the Public Service.

MR. WHITE: Some of the people in rural areas cannot get service. These people won't provide it for them. If they were under the Public Service they would have to. They don't have to make money on every installation. The bill should be passed.

MR. HILBRECHT: They regulate so many things. I wonder if a three-man commission can take care of all these things.

MISS DUNGAN: Do you think the city of Elko is qualified to make a study of this problem? Of course they are not.

MR. WHITE: We defeated a measure to allow Las Vegas to oversee taxicabs. They thought the state could do it better.

MISS DUNGAN: All the TV stations in Las Vegas are outside the city limits.

MR. LOWMAN: I just received two messages from Fred Smith. Let's hold this over and see what he has to say.

Meeting was adjourned at 4:20 P.M.