

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 54th Session, March 29, 1967

Meeting was called to order by Chairman Wooster at 3:40 P.M.

Present: Wooster, Lowman, White, Torvinen, Swackhamer, Hilbrecht, Dungan, Schouweiler,  
Kean

Absent: None

AJR 5: Proposes to amend Nevada Constitution by providing for establishment of commission on judiciary, for alternate method of removal of judicial officers, and for review of district court calendars and salaries of judges and justices.

MR. HILBRECHT: At Mr. Guinan's request, I have prepared certain amendments to AJR 5. They mostly pertain to the manpower of the commission. My main interest, and also the Bar's, is that in case we do not get a court administrator we have provision through AJR 5 to get some kind of action.

It is believed that by coordination of this committee and some act of making each judge submit what he is doing in terms of his case load, we can keep the judges on the ball and get the work load down a little bit. The reporting process has a good effect on the court calendar.

We have now talked to Russ and have decided this should go through in the event we don't get a court administrator. If we should get one, this can be taken care of by a simple change.

MR. Swackhamer moved amend and Do Pass and re-refer to committee on Ways and Means

MR. HILBRECHT: It is a Constitutional amendment and is putting the wheels in motion. This could be re-referred to the Ways and Means Committee two years from now.

Mr. Swackhamer withdrew his previous motion and made a new move to amend and Do Pass  
Mr. Torvinen seconded  
Motion passed unanimously

MR. HILBRECHT: You asked me to contact Mr. Cummings and ask him to come talk to the committee. I did so and he will be here on Friday.

SB 457: Provides additional regulations for the licensing of contractors.

ROWLAND OAKES: State Contractor's Board.

What prompted the bill: There was an individual who claimed the Board had no right to do certain things. He said it was unlawful delegation of authority where direction had not been provided by the Legislature. This is our reason for introducing the bill. But it does have to do with other things, also.

On page 1, lines 8 through 10, we are making the financial information concerning a licensee net worth confidential and not open to public inspection. Many things have been kept confidential in the past, but our attorney does not think we have the right to do this without this language in the bill.

Page 2, lines 15 through 21: This language is similar but not the same as that contained

in Mrs. Brookman's bill. Hers is stricter.

Page 3 contains language in regulations classifying contractors. This gives us the authority to do what we have been doing for twenty-five years. Line 37 on the next page describes the manner in which the Board determines the financial responsibility of a contractor.

Page 4 is the basis on which a qualified man continues his employment with a contractor. On line 30, the language is similar to the regulations. The Senate Judiciary Committee thought there should be some delegation of authority to the Board.

Lines 38 and 39 on page 2, permits the Board to increase its fees from the present \$50 to \$100. This is necessary in order for the Board to operate as a separate agency.

MR. WOOSTER: Is this more or less taken from your regulations?

MR. OAKES: Page 3 is exactly the same. Section 9 is different language. This section empowers us to do what we have been doing. If a contractor loses his qualified employee, we permit him to keep operating for 30 days, to give him time to hire a new man.

Section 11, line 30, is contained in the regulations.

MR. WOOSTER: What does this do more than Brookman's bill, or does it do less?

MR. OAKES: Page 2, lines 15 through 33: This language is not drawn as tightly as the language in Mrs. Brookman's bill.

MR. TORVINEN: Concerning your right to keep the contractor's financial information confidential: Where a public agency lets a public works contract, they have to consider the contractor's financial responsibility. Is this information available from you to them?

MR. OAKES: We don't give this to just anybody. You will have to tell me what public inspection means. Would this prevent our showing the information to the mayor or anybody?

MR. TORVINEN: Sometimes it is very important to know who is the lowest responsible bidder.

MISS DUNGAN: What if I wanted to build a house and I was considering five different contractors, could I call you and ask which was the most responsible?

MR. OAKES: You could not do that. Sometimes the five would all be the same. We can't refine any professional board to that extent. Really, the thing to do is to go beyond this type of restriction and talk to the local Association, whose members are home builders

MR. SWACKHAMER: Will the Association have any licensing ability in any way? The increase in fees is to give you adequate funds to work with.

MR. OAKES: I don't think they will increase to \$100 right now. Some of our employees work part-time for the board and part-time for AGC. They don't get a full salary from either. When you put two businesses together you can save a lot of time and money.

MR. SWACKHAMER: How many licensees do you have?

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MR. OAKES: Approximately 5,000.

MR. SWACKHAMER: What is the renewal fee?

MR. OAKES: \$30. We want to keep it there and get the extra from the new licensee. That is where the expense is.

MR. HILBRECHT: The committee should determine not to go ahead with Brookman's bill, so that this will be the only one going through.

MR. WOOSTER: If there are questions on why this is being done, Tom Cook will be glad to come in and talk to us about the legal aspects.

MR. TORVINEN: Let's wait and see how the Board acts with this bill. We may have to amend it at the next session.

Mr. Torvinen moved Do Pass SB 457

Mr. Lowman seconded

Motion passed unanimously

SB 383: Authorizes mortgages and deeds of trust of leasehold interests.

SENATOR SWOBE: This was requested by the title companies of both Northern and Southern Nevada. We are going more and more into long term leases. This enables a person to use a long-term lease as security on deeds of trust.

MR. KEAN: Do you read in here that you can sell a portion of this? Is that right?

SENATOR SWOBE: Yes. Many states already have this. I am not sure just how many. A number of transactions are being held up now waiting to see if this bill goes through. It might be well to amend it making it effective immediately, rather than July 1.

Mr. Torvinen moved Do Pass with the amendment

Mr. Schouweiler seconded

Motion passed unanimously

MR. KEAN: On line 9, where it discusses power of sale: What are you talking about?

SENATOR SWOBE: The interest of the lease.

SB 295: Prohibits discrimination in employment on basis of age.

MR. HEADLAND: A citizen who was present to speak for the bill.

We have tried to put this measure through the legislature before. It was called "Jobs After 40". This bill has been passed in 25 states. It applies to people over 40 years of age.

Two years ago I lost my job and I applied to the State of Nevada for employment. I was 56 then and they said they could not hire me because I was too old. I am still too young to retire.

We would like employers to take the time to consider the application of the older person,

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as they would that of a younger man. This bill has been passed in the Senate and we sincerely hope the Assembly will pass it, also.

Mr. Kean moved to indefinitely postpone SB 295

Mr. Lowman seconded

MR. TORVINEN: I don't know about that. In about three months I am going to be 40 years old.

MR. KEAN: The state has mandatory retirement for age 65. This bill is a labor-management sort of thing. You are taking away some of the rights of the employer. He should be able to run his business for the best interest of himself.

MR. LOWMAN: You do have some very difficult problems with retirement systems. Many companies have requirements for having the retirement fund at a certain level and if you don't have it, the business has to put in the balance. This is why my company has an age limitation.

MR. KEAN: It spells out all kinds of things for Employment Security to do and provides no funds to do it with.

MR. WOOSTER: I had noticed that a lot of it is general language.

Mr. Kean's motion to postpone indefinitely SB 295 passed unanimously.

AB 338: Provides for automatic revocation of will as to spouse on divorce or annulment.

MR. WOOSTER: This has come back to us from the Senate. They have deleted lines 6 and 7 and have inserted "unless otherwise ordered by the court in the divorce or annulment proceedings, and the will shall take effect in the same manner as if the former spouse had died before the testator."

MR. KEAN: In simple language, this means that if two parties agree between themselves and the court agrees.

Mr. Kean moved to concur in the amendment

Mr. Lowman seconded

Motion passed unanimously

AB 438: The CATV bill.

MR. LOWMAN: I want to know if the committee is going to support me if I bring the bill out tomorrow. One man that supposedly wanted to appear does not really want to appear. He wants me to tell you that there is a case pending in the Supreme Court on this matter.

There has now been plenty of time for amendments to be brought in and none have come in. I intend to take this bill off the Chief Clerk's desk tomorrow and have it put on the board

MR. KEAN: I would ordinarily go for the bill but I have seen official confirmation of the court case and they will supercede what we do.

MR. WOOSTER: Under the State Constitution, the State has the right to supervise CATV. If the Supreme Court decision is in our favor, we should have a good statute to take care of the situation.

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MR. LOWMAN: I think the people who voted against this bill did it against my credibility. We had had a hearing, but they said we had not had sufficient hearings.

MR. KEAN: I have a natural reluctance against government control.

MR. SCHOUWEILER: I always supported Mr. Lowman's position.

MR. WOOSTER: As far as I can determine, the opposition boils down to these Federal cases. I fail to see why we should not enact this. If the Federal decision is that we have no power in this area, then this will be void. If they say we do have responsibility of regulation, then we will need this.

MR. LOWMAN: I have a case from Florida, which says that the mere statement by the Federal is not enough.

I have some quick notes on AJR 21. Daykin says that right after "person" we put this wording "except felons whose civil rights have not been restored".

AB 377: Establishes rights of visually and physically handicapped.

MR. WOOSTER: I have a lengthy letter from Mr. Flanders on this, in which he tells us of his desired amendments.

MR. LOWMAN: The letter doesn't change much.

Mr. Lowman moved to postpone indefinitely AB 377  
Mr. White seconded

MR. LOWMAN: I think this bill is offensive. It seems to me that a driver, not seeing evidence of blindness, is at a real disadvantage. The white cane statute should not be put in there. In general, this bill seems to be giving special consideration which is unwarranted to a special part of the population.

MR. KEAN: Besides, we have already passed a lot of blind bills.

MR. WHITE: This is a bunch of garbage and doesn't help anybody. This is ridiculous.

MR. LOWMAN: It appears to me that everything that was in the original bill is still in the amendment.

MR. WHITE: They want all their records to be secret, but they want the White Cane Week.

The motion by Mr. Lowman to postpone indefinitely AB 377 carried, with Lowman, White, Kean, voting Aye and Schouweiler and Wooster voting No.

MR. WOOSTER: I think there are some things in this bill that are good.

MR. LOWMAN: I would like the committee to know and particularly the secretary that with the necessity of being gone as much as I have I have really appreciated the kind of minutes we have been getting.

MR. KEAN: What about AB 113?

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MR. WOOSTER: Mel Close was going to do something about this and he hasn't done it. Will you see Mel and ask him about it?

MR. KEAN: What about SB 355?

MR. WOOSTER: It never got into this committee, although it was in the Senate Judiciary committee.

MR. SCHOUWEILER: Is SB 436 in our committee?

MR. WOOSTER: Yes, it got here today. Does Ben Edwards want to appear on it?

MR. SCHOUWEILER: Yes, if there is going to be any difficulty with it.

MR. WOOSTER: I would like to have him appear. Ask him to come Friday.

Meeting was adjourned at 5:00 P.M.