

## ASSEMBLY COMMITTEE ON JUDICIARY - 56th SESSION, 1971

MEETING April 5, 1971

The meeting was called to order at 3:45 p.m. All present.

SB 471 - Prohibits state agency, political subdivision from performing construction on public works costing more than a specified amount except by receipt of bids; requires arbitration clause in contracts.

MR. ROLLAND OAKES, Manager, Associated General Contractors, stated the State Planning Board has failed to use the standard arbitration clause in its contracts and specifications and this makes it difficult for building contractors. If the specifications aren't clear and there is no arbitration clause, court action has to decide the disagreement, which takes time. The insertion of the standard arbitration clause in state building contracts would save the state money and the association would like to see the bill passed.

In answer to a question from Miss Foote, Mr. Oakes stated it would keep some contractors from filing bankruptcy, since they wouldn't have to wait for a court decision before receiving their money.

In answer to a question from Mr. Lowman, Mr. Oakes stated the bill exempts the State Highway Department. The Highway Department asked for a two-year moratorium under the provisions, wishing to try arbitration for that period to see if it works.

SB 469 - Permits State Contractors' Board to establish and modify contracting business classifications; removes exemption of public utility construction work from regulation.

MR. OAKES said the bill insures that the state contractors' board is not required to determine jurisdictional problems. The board has broad powers now in assigning work. The board doesn't want to be tied down and neither do the employers or unions. They would prefer not having a state agency making the decisions.

SB 52 - Provides for appointment of appraisers in county road condemnation proceedings.

MR. JAMES HARDING, Chief Right of Way Agent, Washoe County, stated the view in the bill is archaic, at least from the standpoint

of Washoe County. They have never operated under NRS 403.440 as mentioned in the bill, since Chapter 37 covers eminent domain. They feel the bill is quite detrimental by having appraisers lay out the road systems for the counties. He opposes the bill.

Mr. Fry stated he had a letter from George Oshima, Washoe County Engineer, in opposition to the bill.

Mr. Fry moved that SB 52 be indefinitely postponed. Seconded by Mr. May. Mr. Kean moved that Mr. Fry's motion be amended, and that SB 52 be amended to read in Sec. 1, "NRS 403.440 is hereby repealed" and that the remainder of the bill be deleted. There was no second to Mr. Kean's motion. Mr. Fry's motion carried.

Mr. Kean moved "Do Pass" SB 471, seconded by Mr. Lowman. Carried.

Mr. Kean moved "Do Pass" SB 469. Seconded by Mr. Lowman. Carried.

Mr. Torvinen presented amendments to AB 720, and indicated the Supreme Court Justices approved of the bill with the amendment. Miss Foote moved the committee adopt the amendment and recommend "Do Pass as Amended". Seconded by Mr. Lowman. Carried.

Mr. Dreyer read his proposed amendment to AB 411 and moved that the action whereby AB 411 was indefinitely postponed be rescinded. Seconded by Mr. May. Motion lost.

Mr. Kean presented his amendment to AB 519, and moved the committee recommend "Amend and Do Pass as Amended." Seconded by Mr. Fry. Carried.

Miss Foote moved that the action whereby AB 411 was indefinitely postponed be rescinded, and that the bill be re-referred to the Commerce Committee without recommendation. Seconded by Mr. Dreyer. Motion lost.

Mr. Torvinen moved "Do Pass" SB 538. Seconded by Mr. Fry. Carried.

Mr. Torvinen moved "Do Pass" SB 539. Seconded by Mr. Fry. Carried.

Miss Foote moved that AB 335 be indefinitely postponed. Seconded by Mr. McKissick. Motion lost.

Mr. Fry presented a bill which Mr. Valentine requested, and moved that the committee introduce the bill, relative to relief of liability from child support when visitation rights are denied. Seconded by Mr. McKissick. Carried.

Mr. Fry stated he is drawing an amendment to resolve the conflict to SB 185. Mr. Kean moved "Amend and Do Pass as Amended." Seconded by Mr. Fry. Carried.

Mr. Dreyer moved "Do Pass" SB 227. Seconded by Mr. Torvinen. Carried.

Mr. Dreyer moved "Do Pass" SB 184, seconded by Mr. Fry. Motion lost.

Mr. May moved "Do Pass" AB 714. Seconded by Mr. Dreyer. Mr. Torvinen moved that Mr. May's motion be amended, and the bill be indefinitely postponed. Seconded by Miss Foote. Mr. Torvinen's motion lost. Mr. May's motion carried, with Miss Foote, Messrs. Kean, Torvinen and Fry voting "No."

Mr. Torvinen stated he felt AB 714, if passed, would put an end to the construction industry in Nevada.

There being no further business, the meeting adjourned at 4:40 p.m.

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