

SENATE JUDICIARY COMMITTEE

MINUTES

March 24, 1971

Chairman Monroe called the meeting to order at 8:45 a.m.

Committee Members Present: Chairman Monroe
Senator Foley
Senator Dodge
Senator Wilson
Senator Young

Absent : Senator Close
Senator Swobe

Others Present: John Haley - Coordinator, Nevada Industrial Comm.
James F. Wittenberg - Personnel Administrator
Bob Gagnier - Executive Secretary, Personnel
Mr. C. W. Malone - Washoe County Treasurer
Mr. Vaughn Smith - Treasurer of Carson City
John Koontz - Secretary of State
Fred C. Gale - Deputy, Archives Division
Senator Emerson Titlow
Press

S.B. #555 - Allows Industrial insurance benefits to newspaper,
magazine vendors based on lower monthly wage.
Senator Walker.

John Haley, Coordinator for the Nevada Industrial Commission testified that they have the flexibility now to look at their loss experience and transfer those that are out of line. This bill would take away that flexibility.

Senator Dodge made a motion to "hold" the bill. Senator Young seconded the motion. Motion carried.

S.B. #324 - Provides for hearing officer in state personnel matters.
Committee on Judiciary.

Mr. Gagnier and Mr. Wittenberg from the State Personnel office testified that this bill was proposed to alleviate the demands on the commission as far as hearings are concerned. In the last year they have experienced an abnormally large number of hearings. This would provide for a hearing officer. He stated that their budget would absorb this cost since the cost would be equivalent to the commission coming in for hearings.

Senators Dodge and Wilson felt the provision for the hearing officer to be a lawyer might be too restrictive, and suggested amending it to say "shall appoint a hearing officer." This way they could or could not choose a lawyer.

Senator Young suggested placing a time limit of 10 days on the time the commission could take to review the hearing officer's decision and grant or deny a hearing de novo.

Mr. Wittenberg asked that a time limit of 45 days be set for getting the commission and reports together for a trial de novo, and he stated that whenever possible they would do it within 30 days.

Senator Wilson made a motion to amend and "do pass." Senator Young seconded the motion. Motion carried.

S.B. #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.
Committee on Judiciary.

Senator Dodge stated that he met with Mr. Roland Oakes and worked out an amendment to this bill. The amendment would limit the city to \$5,000 on construction work, after which it would go to a contract. The first section is deleted from the bill. The provisions for arbitration are left in, with a new section which exempts the highway department from arbitration. John Bowden of the Highway Department has informed Senator Dodge that he wanted to try arbitration by putting a clause in his contract to see how it would work for them.

Senator Dodge made a motion to amend and "do pass." Senator Wilson seconded the motion. Motion carried.

S.B. #472 - Clarifies conditions existing when work or improvements on state highways can be done more economically than by contract.
Committee on Judiciary.

Senator Foley felt the \$5,000 figure was not right, and Senator Dodge suggested \$25,000.

The committee discussed the situation of subdivisions buying equipment that sits idle at the taxpayers expense, and ways to correct this. Senator Wilson made a motion to amend the resolution on the municipal government study, S.C.R. #21, for the purpose of showing that it is the intent of the legislature that both the counties and the cities eliminate these expenditures.

S.B. #333 - Provides additional penalty for child abuse and neglect.
Committee on Judiciary.

Grant Davis submitted the amendments on this bill requested by the Christian Scientists and drafted an amendment to define the term "permit" so that it would not be abused.

Senator Young made a motion to amend and "do pass." Senator Dodge seconded the motion. Motion carried.

S.B. #332 - Provides that notice of delinquent property taxes shall be given regardless of amount due; corrects terminology in property tax law.
Committee on Judiciary.

Mr. C. W. Malone, Washoe County Treasurer, testified that he feels this is a good bill. Mr. Malone felt that the provision for turning delinquent tax

accounts over to the District Attorney for collections was an unnecessary burden on the District Attorney. He said his office could handle it the same as it does for the smaller accounts. 2-16

Chairman Monroe mentioned that the provision requiring them to send out notice by certified mail is time consuming and expensive for the people doing the noticing. Mr. Malone agreed and stated that the cost of publication is eventually recovered, but the cost for this certified mail is not. Chairman Monroe suggested charging the delinquent taxpayer \$1.00 for each mailing, to be added to the amount of delinquency.

Vaughn Smith of the Carson City Clerk's Office, and Treasurer of Carson City, was present at this meeting also. He stated that he also felt it was a burden on the District Attorney to try to collect these taxes.

Senator Dodge made a motion to amend and "do pass." Senator Young seconded the motion. Motion carried.

S.B. #315 - Changes method of computing payment of delinquent taxes for reconveyance.
Committee on Judiciary.

Chairman Monroe explained that this bill provides that the person who wants to redeem his property has to pay an amount equal to the tax on such property multiplied by the number of years since it accrued, together with the costs, penalties, and interest. Mr. Malone stated that Washoe County is doing that now.

Senator Dodge made a motion to "do pass." Senator Young seconded the motion. Motion carried.

A.B. #192 - Authorizes Secretary of State to accept and spend grants for the Division of Archives.
Assemblyman Dini.

Secretary of State, Mr. John Koontz, testified that this bill was proposed to authorize the Archives Division to accept grants of money. At the present time they are not authorized to accept money except by legislative appropriation. There is a federal grant available from the National Endowment of the Humanities in the sum of \$15,000 to research military history. The Archives could research the military history for the State of Nevada from this grant at no cost to the state.

Mr. Koontz then introduced Mr. Fred Gale, deputy in charge of Archives, who stated that there are many other areas of Nevada's history that are untapped as far as research, and that public grants could be had not only from the federal government, but from private grants.

Senator Young made a motion to "do pass." Senator Dodge seconded the motion. Motion carried.

A.B. #220 - Provides for special state election to be held June 8, 1971, on proposal to amend Nevada Constitution to reduce minimum voting age to 18 years.

Secretary of State, John Koontz, testified that this bill would permit a special election in June to decide the 18 year old vote issue because if the

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issue were included in the elections of 1972 and passed, the 18-year olds could not vote in that election. This bill would solve a lot of problems for county clerks by eliminating the necessity of having three different registrations: one for 18 year olds, one for regular voters and one for migrant voters.

He said that yesterday Congress passed the 18-year old referendum and it was already approved by 4 states. Speaking for the Governor, he strongly urged the legislature to ratify that federal legislation.

Senator Dodge said that Mr. Coon was before the committee on March 16 and suggested that we amend this bill to conform the closure of registration in city elections to the county closure of registration.

Senator Dodge made a motion to amend and re-refer to the Finance Committee with the recommendation "do pass." Senator Foley seconded the motion. Motion carried.

S.B. #437 - Revises requirements of statements to be filed for public intra-state offerings of securities.
Committee on Federal, State & Local Governments.

Mr. Koontz testified that this bill would provide that a security offerings statement would only be effective for 18 months, after that time if no action had occurred, it would be terminated. This would allow them to clear their files so these would not be pending indefinitely.

Section 2 was proposed because they have had some applications which did not conform to what they required.

Senator Dodge made a motion to "do pass." Senator Foley seconded the motion. Motion carried.

S.B. #204 - Allows cancellation of surety bonds on guardians, executors, and administrators for nonpayment of bond premiums.
Senator Titlow.

Senator Emerson Titlow testified that this bill was introduced because there is no method for cancelling a bond on an administrator who is not paying the premiums until a court order is executed. He felt there should be some procedure for bringing this to the attention of the court and after a certain time period, cancelling the bond.

Senator Dodge pointed out that the reason for the bonding requirement is for the protection of the estates. He asked Senator Titlow how we could insure we were not leaving the estates out in left field.

Senator Wilson felt it was the responsibility of the administrator to pay these premiums, and if he wasn't doing it, he wasn't administering the estate properly. He felt it is not fair to lock in a third party because the administrator is not doing his duty.

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Senator Dodge asked Senator Titlow to investigate other states to see how this problem is handled.

No final action was taken.

Meeting adjourned at 10:50 a.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: _____