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SENATE JUDICIARY COMMITTEE

MINUTES

March 26, 1971

Chairman Monroe called the meeting to order at 8:40 a.m.

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

Others Present: Howard Hill - Department of Motor Vehicles
Dr. John H. Carr - State Health Department
Mr. Jim Lambert - Nevada Highway Patrol
Mr. Virgil Anderson - AAA (Auto Association)
Jack Sheehan - Tax Commission
Erwin Aarons - Deputy Attorney General
Mr. Bill Wolf - Applewhite Mortgage - Las Vegas
Grant Davis - Legislative Counsel Bureau

S.B. #376 - Deletes arrest requirement in implied consent law.
Committee on Judiciary.

Mr. Jim Lambert of the Nevada Highway Patrol testified that this bill as amended would be similar to the model act. The present law has a problem of ambiguity in the law, and this bill would clean that up and make it easier to follow.

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

S.B. #300 - Requires arbitration of civil actions in certain
motor vehicle accident cases.
Senator Monroe

Mr. Virgil Anderson of AAA testified that this bill would make arbitration mandatory and said they would like to see the present figure of \$5,000, after which arbitration is required, reduced to \$1,000. This would be a rapid method of disposing of those lawsuits that are not worthy of going into district court in the first place.

He said that the bill provides that if the person is not satisfied with the arbitration decision, they could take it to district court but have to pay for the cost of arbitration.

No final action was taken.

S.B. #426 - Provides remedies for collection of taxes.
Senator Monroe.

Mr. Jack Sheehan of the Tax Commission introduced Mr. Erwin Aarons, Deputy Attorney General, who testified that the purpose of the bill is to give the tax commission the right to get a judgement without a delay of one or two years in court, and give them a priority tax chapter we don't have now. This would apply to county and city relief tax.

He said that Section 7 would give the tax commission and the state of Nevada the same priority given by the sales and use tax laws of the state.

Senator Foley was bothered by the provision in Section 7 (c) which provides a priority for the tax commission to be satisfied first when an estate is in the hands of the heirs, and felt that would even be applied long after distribution. Mr. Aarons agreed.

Grant Davis suggested changing that to the effect that it would only apply prior to distribution.

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

S.B. #427 - Requires Attorney General to prosecute actions to collect local school support tax.
Senator Monroe.

Mr. Aarons testified that they can't sue a taxpayer for non-payment of school tax separately because the taxpayers pay in one lump sum or not at all. The tax commission collects all the tax and distributes it. In order for them to sue a taxpayer, they would have to have the Attorney General represent the state and the District Attorney represent the county in the same action. This bill would simplify this matter.

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

S.B. #528 - Makes an exception to bond requirements for construction controls.
Senator Close.

Mr. Bill Wolf of Applewhite Mortgage from Las Vegas testified that they can not deposit or make a check payable to a subcontractor or a construction control company because of the way the law is written. They can only make checks payable to the contractor, the owner, or jointly. If the contractor is in trouble, they have trouble getting funds from the contractors into the hands of the subcontractors.

He said that banks, title companies, and savings and loans can disburse funds directly to any corporation, but as a mortgage company they can not. There is a construction control company in Las Vegas who is running a smooth operation with computers who they would like to use, but they can't because they could not make a check payable to him. They would have to post a bond 1 1/4 times the amount of their capital: Their capital is \$1,000,000 so the bond would be \$1,250,000 and they can not afford to pay that.

This would add them to those who are exempt from that bond so they could write checks to the construction control company. 2- 106

Senator Foley felt that they are not now regulated, and this would put them in the same category with agencies that are definitely regulated. The committee asked Mr. Wolf to present evidence of how his industry is regulated and return.

No final action was taken.

S.B. #496 - Provides for reports of child abuse by member of public and grants immunity.
Senator Wilson.

Dr. John H. Carr of the State Health Department testified on this bill. Senator Wilson informed Dr. Carr of the amendments suggested by Dr. Pickering in our meeting of March 19 of making this reporting confidential, to the Health, Welfare and Rehabilitation Department, and mandatory. Senator Wilson then asked Dr. Carr what he thought was the desirability of having this reporting to a central agency and to what extent it is used today. Dr. Carr replied that some states use this system, and some don't, but felt it would be desirable for this state to implement. Dr. Carr suggested the reporting be done to the Department of Health, Welfare and Rehabilitation since the Health Department is not as wide-spread.

The committee felt the person reporting should have the alternative to call either the Welfare Department or the police.

Chairman Monroe asked Grant Davis to draft some language which would make these reports confidential.

Senator Wilson mentioned that Dr. Pickering suggested this bill cover every nurse, and Grant Davis suggested using the definition of nurse as in the appropriate chapter of NRS.

No final action was taken pending the finalization of the amendments discussed.

Meeting adjourned at 10:50 a.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: _____