

SENATE JUDICIARY COMMITTEE

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MINUTES OF MEETING HELD

21st DAY OF FEBRUARY, 1973

The meeting was called to order at 9:40 a.m. Senator Close in the Chair.

PRESENT: Senator Foley
 Senator Bryan
 Senator Dodge
 Senator Hecht
 Senator Swobe
 Senator Wilson
 Mr. Tom Cook, Attorney, State Contractors' Board
 Mr. Richard Bortolin, Deputy Attorney General,
 Motor Vehicle Department
 Mr. Joe Midmore, State Contractors' Board
 Assemblyman Roy Torvinen
 Mr. Fred Lewis, Motor Vehicle Department
 Mr. A. A. Campos, Parole & Probation Department

S.B. 249 - Provides for interlocutory license
 suspensions under Nevada Administrative
 Procedures Act.

Mr. Cook testified that the reason this bill was requested is that while a contractor's license could be suspended if it endangered public health, welfare and safety in an emergency situation, there are occasions where an emergency situation is not involved when the Contractors' Board would like to have the power to suspend a contractor's license. Under the Administrative Procedures Act the Board can not suspend a license after a hearing until the formality of preparing the findings is completed. This can not be done until a copy of the transcript is prepared, which sometimes takes 3 or 4 months. The Board feels that although an emergency situation does not prevail, the contractor should not be allowed to operate until the final decision is out.

Senator Bryan pointed out that this would disallow any bid the contractor might have submitted prior to suspension if it were to break while he was on suspension. Senator Dodge remarked that suspension would be justified if it endangered public safety, but otherwise it would be too harsh on a contractor. Senator Close objected that this would allow them to impose a sentence before a decision is rendered, and asked what would happen if the board decided not to suspend the license before the final decision was rendered.

Mr. Bortolin testified that the Motor Vehicle Department was concerned with the effect this legislation would have on their authority to suspend licenses. NRS 482.353 gives them the power to temporarily suspend a dealer's license before a hearing upon notice to the licensee. He asked if the passage of this bill would change that authority.

The committee agreed that the two provisions were ambiguous. Senator Wilson suggested conforming the provisions for license suspension by allowing 2 types of suspension: the first, before a hearing if the Board finds it imperative to public safety; and the second, upon a hearing which would authorize interlocutory suspension short of findings and appeal. Senator Dodge asked that some language be included which would provide that the licensee had an opportunity to show compliance before the suspension takes effect.

Senator Hecht requested that the suspensions of licenses by boards be looked into by an interim subcommittee. The committee agreed and will ask Frank Daykin to prepare a bill requesting an interim study on the rules and procedures under the Administrative Procedures Act.

A.B. 153 - Authorizes formation of nonprofit corporations for scientific purposes.

Assemblyman Roy Torvinen testified that this bill would allow non-profit corporations formed for scientific purposes to attain tax-exempt status.

A.B. 35 - Limits the period of time during which a person may have his driver's license revoked for subsequent convictions of driving "under the influence."

Mr. Lewis testified that the Department of Motor Vehicles would like to create a time limit of within three years but not after 10 years for revocation on subsequent convictions for "driving under the influence." A subsequent conviction after a 10 year period has lapsed would be considered as a first conviction.

Senators Hecht and Dodge felt that the 10 year provision was too long and suggested amending it to 5 years. Senator Close objected stating that 10 years was sufficient when you consider how many times driving under the influence contributes to the accident and death rates.

The committee will request further testimony on this bill.

S.B. 204 - Provides more explicit definition of offenses for which no probation is possible under Uniform Controlled Substances Act.

Mr. Campos distributed copies of the amendment he drafted to resolve the conflict of persons under 21 being penalized more severely than adults. The proposed amendment would increase the penalties for adults by adding to each subsection wording to the effect that for a second conviction of any violation of the Controlled Substances Act, the terms of imprisonment imposed shall be without the benefit of probation.

The committee agreed that this amendment would resolve the conflicts and will submit the draft to the bill drafters for a formal amendment.

S.B. 265 - Enacts disclosure law for members of public agencies, boards, councils, commissions or corporations.

Mr. Midmore objected to this bill on the grounds that it would be onerous with regard to a contractor who is a member of an agency who passes on licenses of all sub-contractors in the state.

Senator Wilson asked Mr. Midmore to give the committee some affirmative suggestions on how to make this type of bill workable. The thrust of the bill is to require disclosures by people who sit on state agencies and local commissions, boards and councils, if financial implications would dictate their vote. Mr. Midmore agreed to bring some suggestions back to the committee within a reasonable time.

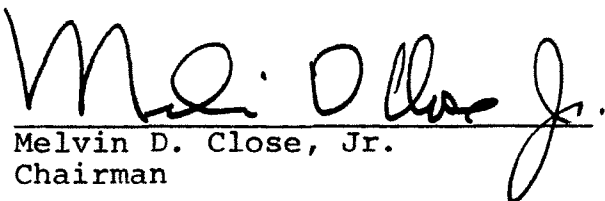
The meeting was adjourned at 10:58 a.m.

Respectfully submitted,



Eileen Wynkoop
Secretary

APPROVED:



Melvin D. Close, Jr.
Chairman



Nevada Association of County Commissioners

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OFFICE OF EXECUTIVE SECRETARY

John L. Meder

March 2, 1973

Senator Melvin D. Close Jr., Chairman
Senate Judiciary Committee
Nevada State Legislature
Carson City, Nevada

Dear Senator Close:

The Nevada Association of County Commissioners has taken the position that any conflict of interest or disclosure legislation be applied equally to all levels of government.

S.B. 265, in its present form, can not be supported by the members of the Nevada Association of County Commissioners, since it applies only to some local elected officials and leaves out most state elected officials, including legislators. If there is a need for this type of legislation for local elected officials it is also applicable and necessary for state elected officials!

It is respectfully requested, that if the Senate Judiciary Committee believes legislation of this nature is desirable and necessary, amendments be added to S.B. 265 to include all Nevada elected officials, state and local.

Very truly yours,

John L. Meder
Executive Secretary

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