

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA ASSEMBLY SESSION

MINUTES

May 5, 1975

This meeting of the Assembly Judiciary Committee was called to order on May 5, 1975, Monday, at 8:00 a.m.

MEMBERS PRESENT: BARENGO, BANNER, HEANEY, HAYES,  
HICKEY, LOWMAN, SENA & WAGNER.

MEMBERS ABSENT: POLISH.

A Guest Register is attached to these Minutes.

A.B.725 was discussed by Mr. Bill Fitzpatrick, Drivers License Divion. This bill is their bill, and he explained the suspensions on the demerit system. He explained the fines under the violations and then said the person must file a certificate of insurance as a condition for reinstatement of the license. He feels that this is too much to require of the person. The current statute requires the suspension of the vehicle registration. If the vehicle is now in the husband's and wife's names jointly, the registration is then transferred to the other person if there is a violation. When a person files a certificate of insurance, most often it involves a youngster, and he must pay for this certificate of insurance. They feel that the penalty is much greater than the offense. 36 states do not require certificates of insurance as a condition to reinstate a license. Referring to Subsection 4 of the bill, their department recommends that a certificate of insurance be a requirement in the more serious offenses. Thus, this bill would delete the requirement of filing a certificate of insurance for a suspension, but keep this requirement in for a revocation. This Committee then questioned Mr. Fitzpatrick.

Howard Hill, Director, Department of Motor Vehicles, commented on A.B.725, saying that the big thing this bill would do as far as insurance was concerned, is that it would eliminate a person from getting into the Financial Responsibility Act where their insurance doubles or triples. When a license is suspended, the insurance carrier assigns them to a high risk category. Usually the rates are raised because the license is suspended. They have contacted every state, and most states in regard to a suspension have rewritten their laws so that a person does not have to meet this kind of insurance clause. Discussion and Committee questioning followed. After questioning from Mr. Hickey, Mr. Hill said they understood that this bill did not conflict with the no fault insurance. Mr. Fitzpatrick said he also feels that there will be no conflict.

John Ciardella, Department of Motor Vehicles, testified on A.B.733, saying that they are here to speak against passage of the bill. This would require the department to suspend or temporarily prevent

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a renewal from being mailed out if a person did not appear on a traffic citation. A stop would be placed in the file so that the vehicle could not be renewed for license until the citation was taken care of. Nevada license plates do not always identify a person--excluded are people who drive rented vehicles, city or county vehicles, driving someone else's car, etc. They would have to have sufficient data on the notice in the computer to indicate where the person could take care of this citation. It would give them problems. And, it would create an additional workload for the department, which would result in 3 additional employees being added to the staff. Also, it would create a large workload for the small county assessors, who handle renewals in the rural areas. They do not have access to the computer terminal.

Dick Lee, representing the car and truck rental and leasing people in Nevada, commented on A.B.733, saying that they feel they will be hit by this bill, even though it was not aimed at them. He referred to Line 10 of the proposed changes. They do not like the language of the bill. They recommended some minor changes to the bill.

Mr. Lee commented next on A.B.741, saying that he previously testified on S.B.497, which is identical to the first 13 lines of A.B.741. He thinks this bill would violate our constitutional provisions in the defense of state employees and would obstruct the legislative process. He feels we should go along with S.B.407 and then make a separate bill. This bill deals with 2 subject matters. Referring to Line 13, the word "and" should be inserted after "wanton". (He also recommended putting "and" in S.B.407.) He is proposing passage of S.B.407 and omitting the identical provisions of this bill and passing the rest of it.

A brief recess was called by Vice Chairman Hayes.

Assemblyman Lawrence Jacobsen testified on A.B.741. Over the last couple years he has sponsored many bills pertaining to the Legislative Building. Many times legislators are subpoenaed to appear in court on various issues, and Mr. Jacobsen feels that this bill would give them a bit more protection. They do not have to hire any counsel. The Legislative Counsel Bureau will provide that service as long as it is tied directly to his or her duties as a Senator or Assemblyman. Almost all states in some manner or means possess legislation in this regard. There is a possibility that in this building where people meet, that a riot could start with resultant damage therefrom. Mr. Jacobsen does not feel the bill is too restrictive, but it would not allow abuse during any function held in this building. It would allow the Legislature some recourse if this happened. He was questioned by the Committee.

As to A.B.728, Mr. Heaney said that Robert Cox, counsel for the Washoe Co. School District, and Robert Petroni, counsel for the Clark Co. School District, both requested this bill. They asked

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for this bill as a result of a recent Supreme Court decision saying that pupils had a right to some kind of due process hearing when where were expelled or suspended. Mr. Heaney said that the requirements of a due process hearing in this regard were not spelled out. So, the purpose of the bill is to go along with the Court's decision. Mrs. Wagner questioned Mr. Heaney as to the procedures in the Washoe County School District for the hearings. Mr. Heaney replied that the School Board adopted these rules. S.B.525 was introduced and attempts were made to set forth procedures for this. Mr. Cox and Mr. Petroni objected to this bill because they would rather set their own procedures in their school districts. Mr. Heaney said this bill has the support of Washoe Co. It was asked for jointly by the Washoe Co. and Clark Co. School Districts. Mr. Heaney suggested that Mr. Cox and Mr. Petroni appear and testify before this Committee. Chairman Barengo commented that he did not feel a due process hearing should be had in front of the school board.

Father Larry Dunphy, representing the NAACP, said that this bill, A.B.728, was representative of one area in Clark Co. where the blacks have a lot of concern. They feel that a lot of black students are discriminated against in dismissing them from school. He requested that perhaps in the next session, this situation could be researched. He said that he agrees with Chairman Barengo--that the hearing should not be before the school board.

Mr. Banner was excused from the meeting at this point, and before any vote was taken on any bill.

Mr. Lowman moved to INDEFINITELY POSTPONE A.B.725, and Mr. Hickey seconded. Discussion was had. Mr. Barengo advised the Committee that he had spoken with Mr. Hill and he advocated adding amending language to the bill if this Committee considered killing it. The vote was taken: 2 in favor of the motion, and 5 dissenting--Wagner, Sena, Barengo, Hayes and Heaney. Absent for the vote were Mr. Banner and Mr. Polish. This motion did not carry. Mrs. Hayes then moved DO PASS, and Mrs. Wagner seconded. The vote indicated 5 in favor of the Do Pass motion, and 2 against--Hickey and Lowman, with 2 absent. Legislation Action Form attached to these Minutes.

MOTION CARRIED DO PASS A.B.725.

Discussion was had on A.B.741, and Mr. Lowman suggested amendment of the bill as requested by Chief Deputy Attorney General Jim Thompson. Mr. Hickey moved DO PASS AS AMENDED. Mr. Lowman seconded and the vote indicated 7 in favor of this motion. 2 absent--Banner and Polish. Form attached.

MOTION CARRIED DO PASS A.B.741 AS AMENDED.

Lengthy discussion on S.B.407 ensued. Amending language was decided upon, and Mr. Lowman moved DO PASS AS AMENDED. Mr. Hickey seconded. 7 voted in favor of the motion. 2 absent. Form attached.

MOTION CARRIED DO PASS S.B.407 AS AMENDED.

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Mr. Lowman moved to INDEFINITELY POSTPONE A.B.733, and Mr. Hickey seconded. The vote was 7 in favor, and 2 absent. Form attached.  
MOTION CARRIED INDEFINITELY POSTPONE A.B.733.

Chairman Barengo read a letter dated May 5, 1975 from Gene Milligan regarding A.B.662. A copy of this is attached hereto. Discussion was had, and Mr. Heaney moved DO PASS in accordance with proposed amending language proposed by Mr. Milligan in the letter. Mrs. Hayes seconded. 7 voted in favor of the Do Pass motion. 2 absent. Form attached.

MOTION CARRIED DO PASS A.B.662 AS AMENDED.

Mrs. Wagner questioned the status of A.B.563. Mr. Barengo said it was passed out of this Committee with amendments last Friday.

Mr. Heaney discussed A.B.679 by suggesting that the word "signature of principal" be taken out, and then he moved DO PASS AS AMENDED. Mr. Lowman said we should find out if we take out the language how correct the bill would be. Chairman Barengo assigned Mrs. Wagner to check this out.

Mr. Barengo advised the Committee that a meeting would be held upon adjournment of the Assembly this afternoon.

Mr. Barengo adjourned this meeting at 10:05 a.m.



ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

LEGISLATION ACTION

DATE May 5, 1975

BILL NO. A.B. 725

MOTION: \_\_\_\_\_

Do Pass  Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By Mrs. Hayes Seconded By Mrs. Wagner

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	_____	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Lowman	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Polish	_____	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

*Banner & Polish absent for vote.*

TALLY: ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes May 5, 1975  
Date

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

LEGISLATION ACTION

DATE May 5, 1975

BILL NO. A.B. 741

MOTION: \_\_\_\_\_

Do Pass  Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By as amended. Mr. Hickey Seconded By Mr. Lowman

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	_____	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	_____	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

*Banner & Polish absent for vote.*  
TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes May 5, 1975  
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ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

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LEGISLATION ACTION

DATE May 5, 1975

BILL NO. S.B. 407

MOTION: \_\_\_\_\_

Do Pass  Amend  Indefinitely Postpone  Reconsider

*as amended.*

Moved By Mr. Lowman Seconded By Mr. Hickey

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Banner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hayes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heaney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hickey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lowman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Polish	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sena	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wagner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Banner & Polish absent*

TALLY:

ORIGINAL MOTION: Passed  Defeated  Withdrawn

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

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ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

LEGISLATION ACTION

DATE May 5, 1975

BILL NO. A.B. 733

MOTION: \_\_\_\_\_

Do Pass \_\_\_\_\_ Amend \_\_\_\_\_ Indefinitely Postpone  Reconsider \_\_\_\_\_

Moved By Mr. Lowman Seconded By Mr. Hickey

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	_____	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	_____	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

*Banner & Polish absent*

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes May 5, 1975  
Date

AB 662

May 5, 1975

951

To: Members of Judiciary Committee:

In testifying for AB 662, we failed to point out that the real estate industry is in a period of transition today concerning commission rates charged for residential housing. The rates are shifting from an average of 6% to 7%. I feel that in a year's time most offices will be at the 7% rate.

We have no opposition to your suggestion that fixed rates be established in the law; however, because of the shifting rate structure, we respectfully request that the residential rate be set "not to exceed 7%."

Because the term "Commercial" only covers part of the area of real property apart from residential property, we further request that the language in the amendment be broader than "Commercial." For example, we also deal in "industrial, income, raw land, etc."

If you find it impossible to consider the 7% figure, naturally, any change would be better than the existing law which is obsolete and not appropriate. However, because of the changes taking place today, it is most likely that we will be required to return next session with a new petition.

Thank you for your consideration. A proposed amendment is attached for your review.  
Gene Mallegan

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

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LEGISLATION ACTION

DATE May 5, 1975

BILL NO. A.B. 662

MOTION: \_\_\_\_\_

Do Pass  Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By as amended  
Mr. Heaney Seconded By Mrs. Hayes

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	_____	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	_____	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Banner & Polish absent

TALLY:  
ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_  
Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes May 5, 1975  
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