

## SENATE JUDICIARY COMMITTEE

## MINUTES OF MEETING

MAY 14, 1975

The meeting was called to order at 8:35 a.m. Senator Close was in the Chair.

PRESENT:                    Senator Close  
                               Senator Wilson  
                               Senator Bryan  
                               Senator Dodge  
                               Senator Foote  
                               Senator Sheerin  
                               Senator Hilbrecht

AB 662                    Authorizes executors and administrators to make certain contracts with brokers or multiple group of agents or brokers.

The Committee discussed the bill with Ted Nigrow, Nevada Bankers Association, and Gene Milligan, Nevada Association of Realtors. Senator Close told them that from previous testimony the Committee had decided to pass the bill with some modifications on amount of commissions. Mr. Nigrow said they would prefer to leave this open for negotiation rather than set a rate, however, did agree with the Committee's recommended amendments to set commission at 7% on improved property, 10% on unimproved property, delete 10% on personal property and provide concept for exclusive listing.

Senator Bryan moved a "do pass as amended",  
 Seconded by Senator Wilson,  
 Motion carried unanimously.

AB 488                    Extends jurisdiction of Nevada Commission on Equal Rights of Citizens and clarifies certain practices.

Jesse D. Scott, Nevada Commission on Equal Rights of Citizens, testified that this bill will enable one agency to handle discrimination complaints and will make it more convenient for the citizen to file a complaint and also provide compliance with federal request to do this.

Stan Jones, Commissioner of Labor, testified that the Federal EEOC notified his office that it would be necessary to move toward one agency administering and enforcing all discrimination complaints and this bill will do that.

Senator Dodge had questioned that this bill might provide unwarranted intervention in an already difficult area of small business and be an additional burden on the small businessman, but he was absent from this discussion, so the Committee said they would like to discuss this with Senator Dodge before they take any action.

Senate Judiciary Committee  
Minutes of Meeting  
May 14, 1975  
Page 2

AB 634 Revises penalty provisions in laws pertaining to public utility regulations.

Lowell Clark, Nevada Public Service Commission, testified the intent and purpose of the bill is to bring about uniformity of penalty provisions of Public Service Commission for public utilities. It is not the intent of the Commission to impose penalties in and by itself and any emphasis on penalty would be provided for in court. Mr. Clark presented new language for Section 2 to clear this up, which provides that the amount of any civil penalty to be imposed pursuant to this section including propriety of any compromise penalty shall be determined and assessed by court of competent jurisdiction upon a complaint filed by the Commission.

Clark Guild, Attorney representing Southwest Gas Corp., testified that with the proposed amendment and the understanding that the rules and regulations of the Commission will be updated and published relatively soon, they have no objection to this bill.

Senator Hilbrecht moved a "do pass as amended",  
Seconded by Senator Wilson,  
Motion carried unanimously.

AB 723 Provides for care and protection of abused and neglected elderly persons.

John McSweeney, Division of Aging Services, testified that this bill is relative to Title 20 of the Federal Act pertaining to information on services provided under Title 20 and services directed at the goal of preventing or remedying neglect, abuse or exploitation of adults who are unable to protect their own interests.

The Committee questioned Mr. McSweeney at length about the financial implications of this bill and the impact it would have on the counties. The Committee said they intend to amend the bill limiting the funds for the program to Title 20 and asked Mr. McSweeney to rewrite the bill identifying the source of funding but to pull out existing programs or ongoing services already funded so they will not be compromised by the financial limitation.

There was no further action taken on this bill.

Senate Judiciary Committee  
Minutes of Meeting  
May 14, 1975  
Page 3

AB 625 Permits mobile home buyer to rescind contract with dealer within specified time period.

Bob Benkovich, Assemblyman, testified that this bill will extend the right to rescind protection on credit transactions to include cash transactions when buying mobile homes.

Ray Trees, State Consumer Affairs Division, testified that mobile homes are a large purchase item and some salesmen use high pressure tactics. The 2 day cooling off period provided by this bill will allow the buyer to collect his thoughts and see if he has second thoughts about buying the mobile home.

Al Chapman, Mobile Home Association of Nevada, said he did not see any need for this bill as there are legal methods available now for a buyer who feels he has been wronged or improperly treated. He stated he did not feel it fair to legislate mobile home buyers buying habits. He said the 48 hour period when a dealer could not deliver a mobile home after sale would mean the contract could not be cashed until the 5th day and this would cause cash flow problems for the dealer, especially a small dealer. He also testified that approximately 25% of the customers request delivery as soon as possible and with this bill they would have to wait 48 hours before they could deliver.

David Hoy, Attorney representing Trailer Coach Association, testified they were violently opposed to this bill. He stated that mobile home credit contracts are covered by the Federal Truth in Lending Act and this bill is unwarranted.

There was no action taken at this time.

AB 741 Expands provisions constituting unlawful interference with legislative process and prescribes conditions and indemnification for actions against legislators, public officers, and employees.

Lawrence Jacobsen, Assemblyman, cited past instances which prompted this bill, and stated that it would tighten provisions for protection of the building. It provides for detaining a person and referring them to the police department for interference with the legislative process and complies with due process.

Senate Judiciary Committee  
Minutes of Meeting  
May 14, 1975  
Page 4

AB 741 The Committee recommended changing the language in paragraph 2 of the bill. They felt that specifying types of conduct would limit the thrust of the legislation. The amended language would state that an act which "disturbs, disrupts, or interferes with not only a meeting of the legislature but also a meeting of any subcommittees or generally disturbing, disrupting or interfering with legislative business" would be covered, rather than limit the language to specified categories of conduct.

Senator Close and Senator Wilson will make the amendments to the bill. There was no further action taken at this time.

AB 725 Amends Motor Vehicle Safety Responsibility Act to require proof of financial responsibility only after driver's license revocation.

Bill Fitzpatrick, Department of Motor Vehicles, testified this will amend a bill that was enacted many years ago and the Department feels it is an extremely harsh penalty.

Senator Bryan moved a "do pass",  
Seconded by Senator Hilbrecht,  
Motion carried unanimously.

AB 691 Modifies debt adjustment contracts; authorizes debtor to cancel contract subject to charge of additional 30 days' service fees.

Dick Brennan, Credit Counselors of Reno, testified that under present law there is a provision for a client to rescind a contract and reduce fees for services rendered and that any further or additional reductions would be unreasonable. He stated that without an obligation on the part of the client to continue debt adjustment program there is not much inducement for the creditor to go along with the program.

Ray Eccleston, Credit Managers of Las Vegas, stated that he is against AB 691 as they are already losing profits in the debt adjustment business and this would effect them even more adversely.

Nick Harkins, Department of Commerce, informed the Committee that his division could see no need for this bill.

Senator Hilbrecht moved an "indefinitely postpone",  
Seconded by Senator Dodge,  
Motion carried unanimously. Senator Sheerin was absent from the vote.

Senate Judiciary Committee  
 Minutes of Meeting  
 May 14, 1975  
 Page 5

AB 130 Enacts Fair Rental Housing Act.

Nick Harkins, Department of Commerce, presented an index for the Committee's use in reviewing the bill.

There was no action taken at this time.

AB 516 Provides method of disposing of certain physical evidence prior to trial.

Mike Fondi, Attorney, testified that at the Committee's request he reviewed this bill and had mixed emotions about it. He could see some good in the bill but felt that it also might pose some problems for the prosecutors. He said it sometimes takes a long time to get a defendant to trial - sometimes a period of years - and in the case of theft of property or embezzling property the item goes to the evidence vault and is tied up until shown to a jury. The item depreciates in value and no one receives the benefit from it. He stated he believed that photographs do serve a useful purpose in these cases and provide very satisfactory evidence, but that the prosecutor should be given notice.

The Committee amended to bill to say "subject to prior concurrence of the District Attorney".

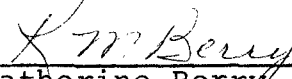
Senator Wilson moved a "do pass as amended",  
 Seconded by Senator Sheerin,  
 Motion carried unanimously.

AB 38 Makes certain changes in administration of decedents' estates.


Senator Close recommended that the Committee authorize the amendments, however, before putting them on they should go over them and make sure they are correct. Senator Hilbrecht made a motion to do so and the Committee unanimously agreed.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
 Katherine Berry, Secretary

APPROVED:

  
 Senator Close, Chairman