

## Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY - 54th Session, February 14, 1967

Meeting was called to order at 1:50 P.M.

Present: Wooster, Swackhamer, Kean, Dungan, White, Torvinen, Lowman, Schouweiler, Hilbrecht

Absent: None

Mr. Wooster made two announcements: 1. Wednesday, February 15, at 2:00 P.M. the meeting will be a joint session with the Senate Judiciary Committee. The prison warden will be present.

2. Thursday at 2:00 P.M. in the Ways and Means Room there will be a hearing on AB 180, the therapeutic abortion bill.

SB 48: Limits exemption from taxation of federally owned real property.

Tim Hafen was present to speak for the bill. He said it is to correct wording and take out "or other Federal agency". There is an amendment which outlines the intention of the original act. This primarily affects the Nevada Test Site property used by private contractors for the making of profit.

Mr. Kean asked if it meant loan, lease or rent. Mr. Hafen said it could be any of these. It applies mostly to buildings and structures. Section 1 D exempts certain types of property.

Miss Dungan asked--not subject to taxation under the Taylor Grazing Act?

Mr. Swackhamer said Taylor Grazing Lands have to be exempt because they collect fees from the cattlemen. He said that, with the Chairman's permission, he would like to hold the bill over because he has a call in to someone to make sure the bill will not affect a certain situation in his county.

Mr. Lowman said this might involve land on the shores of Lake Mead if the government decided to lease some land to a concession outfit. Mr. Hafen said that would be specifically exempted and Mr. Wooster said that is the problem. They wouldn't want these lands exempted under those circumstances.

Mr. Hafen expressed a strong wish that the committee would hurry up and pass this bill out, and then, if necessary, pass another to take care of any possible loopholes.

Mr. Torvinen said he had asked for an amendment to the bill because of a problem in Reno having to do with parking facilities. The tax assessors think they should be taxed. He wants to have them added to the exemptions.

Mr. Wooster noted that the act would be effective July 1, and suggested that an amendment was needed to speed this up. He suggested that Mr. Hafen talk to the Senate about this. He said other things could be taken care of with a new bill, or possibly with Mr. Torvinen's amendments.

AB 62: Revises fee schedule for County Recorder of Washoe County.

Mr. Kean said there had been some discussion about extending this to all counties. He said he has letters from 16 counties to the effect that it is just what they would like. The Act spells out just how the fees would be handled. He has had three new bills drafted to take care of this whole situation. He asked the committee if they would like to introduce them. He said Mr. McDonald said there is a great need for this legislation.

Mr. Wooster asked if there were any objections to introducing this legislation. There were none.

AB 131: Provides penalties for wrongful diversion of construction funds.

Mr. Kean said he has been getting a lot of static on this bill. He said everyone wants to cut out all of it except section 3. He would like to have more time on it. Mr. Wooster said further discussion would be held over until Wednesday.

SB 12: Authorizes State Fire Marshal to set standards for fire prevention and fighting equipment, license certain businesses, and establish library.

Miss Dungan, who was chairman of a subcommittee appointed to study this bill and make recommendations, reported that she had talked to the introducers of the bill and had found out what they are trying to do.

Mr. Swackhamer said he would withdraw his objections if the licensing section is removed. This would leave in sections 1, 4, 5, and 6 and eliminate 2 and 3.

Miss Dungan said section 3 would be the only one taken out. She said why don't we take a little more time and ask the guys what would happen if the licensing provision is taken out.

Mr. Kean suggested leaving in, or adding, a hearing section for the introduction of new products.

Mr. Wooster asked Miss Dungan to talk to the bill drafter and come up with an amendment we can look at and pass on.

Mr. Hilbrecht said if the committee takes out the licensing they will make it a misdemeanor to use fire equipment that does not conform.

AB 94: Confers right of eminent domain upon Board of Regents of the University of Nevada.

Mr. Wooster said we have held a hearing on the bill and it should be discussed and acted on.

Mr. Hilbrecht said that what frightens him is that he can't find anything in the law that says the legislature can say what monies they must use for operations, capital improvements, etc. He said he presumed they would have no objection to our limiting the use of eminent domain to those things for which money had been appropriated by the legislature, and which the legislature was aware of and planning for. He suggested adding language "for which a specific capital improvement appropriation has been made". He said we should put in an authority which they have indicated we already have.

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Mr. Swackhamer told of how the legislature in the past gave the university money for engineering equipment, year after year. As soon as the legislature adjourned, the university would take these funds and put them in the salary budget and there wasn't a thing the legislature could do about it. They finally got around this situation by putting the money for this engineering equipment in the State Purchasing Department and the university could get the engineering items by request but could not get the money. That is how the university finally got its engineering equipment.

Mr. Swackhamer also told of the study made by Frank Newman on the university authority, in which Mr. Newman gave the university the authority of a fourth head of the State of Nevada.

Mr. Kean moved to introduce a committee bill to give the university the right of eminent domain for only the particular piece of property at the lake, which they are dickering for right now. He later withdrew this motion for a new bill and recommended an amendment to the present one to take care of this.

Mr. Wooster said he would like to have a vote to find out if this is the way the committee wants to go. If so, he will prepare an amendment.

Mr. Hilbrecht asked if there were any other objections other than the fact that they might misappropriate funds in a grievous fashion.

Mr. Swackhamer related a past event where the legislature gave the university money for the J.E. Church Fine Arts Building. As soon as the legislature adjourned, they put the money where they wanted to and presented the next session with a bill for \$40,000 for a new curtain.

Mr. Hilbrecht asked if the legislature could not condition the eminent domain power. He said if this were done he didn't see how there could be any problem, and it would answer their problem of having no power with which to bargain.

Mr. Swackhamer said the university was given a specific recommendation by the legislature not to take Stead Air Force Base, but they did it as soon as the legislature adjourned.

Miss Dungan asked: If we get them this land, can they turn around and sell it? She was told they could.

Mr. Kean moved to amend and give the university the right of eminent domain in this particular instance, and hold to add others if there are any right now.

Mr. White seconded the motion

The motion carried, with White, Schouweiler, Dungan, Swackhamer, Torvinen and Kean voting Aye. Mr. Wooster and Mr. Hilbrecht voted No. Mr. Lowman voted Aye.

Mr. Wooster said ht would contact the university and find out all pieces of property which they want right now.

Mr. Kean suggested it would be a good idea to have them give an estimate on how much each would cost.

Mr. Lowman said he had talked to Mr. McDonald to see if this legislation was necessary

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and that Mr. McDonald told him it was not; that the university already has the power of eminent domain the same as the other state departments have.

Mr. Wooster said this is not the opinion of the legal counsel of the university.

SB 21: Expands provisions relating to attempted arson and prohibits disposal and possession of fire bombs.

Mr. Wooster said he had asked that this bill be re-referred to the Committee on Judiciary, even though it had been given a Do Pass. He said there is a conflict between two sections of the bill and that possession is called the greater crime. If the bill is kept as is, the penalty should be changed. There is no specific intent in that section. He said his suggestion for an amendment would be to eliminate the word "possession" on line 12 and make it a misdemeanor.

Mr. Hilbrecht said he thought it would be better to leave in "possession" and bring down the specific intent, then figure out whether it should be a felony.

Mr. Torvinen said why can't line 5 go up in subsection 2 and the word "fire bomb or any flammable explosive, with intent wilfully to use" be inserted.

Mr. Hilbrecht said let's just make it a gross misdemeanor.

Mr. Kean moved that instead of references to NRS we insert "gross misdemeanor".  
Mr. Hilbrecht seconded.

Mr. Lowman asked if he understood exactly what they were doing. He said: Are you changing the bill passed by the Senate so that it is no longer a felony but a misdemeanor?

He was told that he understood correctly. Mr. Hilbrecht then explained the serious results and consequences of being guilty of a felony.

Mr. Wooster suggested that the committee not pass piece-meal legislation, which this would be doing. Arson in the fourth degree is now a felony, therefore this should be a felony because there is no difference in the crime.

On the vote on the motion Hilbrecht, Torvinen, Dungan, Kean, and Schouweiler voted Aye. Lowman, Swackhamer, White and Wooster voted No.

Mr. Kean moved to eliminate 12 and 13 and add to line 5.

Mr. Hilbrecht seconded  
Motion passed unanimously

Mr. Kean moved Do Pass SB 21 as amended

Mr. Hilbrecht seconded

The motion carried, with Hilbrecht, Torvinen, Dungan, Kean and Schouweiler voting Aye Lowman, Swackhamer, White and Wooster voted No.

AB 173: Provides that livestock, produce dealers' bonds may be secured by real property mortgages, deeds of trust.

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Mr. Swackhamer said he thought this bill should be in Ways and Means Committee.

Mr. Wooster said we can send it out with our recommendations and then re-refer it if we decide that is where it should be.

Mr. Lawrence Jacobsen was called in to explain this bill, the reason for it, etc. He said the Minden Milling Company requested this bill be presented. He said they have property and buildings but they need a bond in the amount of \$5,000 and they wondered if they could use a mortgage on real property which they have. The mortgage would be for twice the amount of the bond so it should be a recoverable thing.

Mr. Kean said the state wants something that is liquid. This would put the state in a position of having to foreclose on a mortgage. He wondered if this fits into the general concept of the way the state does things.

Mr. Hilbrecht said why don't they give the mortgage to their bonding company?

Mr. Kean then said he had misread the bill and he apologized. He did not read it carefully enough.

Mr. Jacobsen said he would have Mr. Hanna research this a little more and bring in further information.

AB 187: Provides for release of parolees in county of residence or county from which sentenced.

Mr. Jacobsen said this legislation was requested by the sheriff of Ormsby County and the Carson City Council. The prisoners are dumped here, probably each one is met by two of his friends, and the people are getting quite concerned about all of these people being here, too many undesirables.

Miss Dungan said this bill is completely unrealistic. If released on parole, the prisoner has to have a job waiting. Are you going to send him somewhere else and then have him find his way to wherever his job is?

Mr. Lowman asked Mr. Jacobsen if he would like to resubmit this bill in a different form. Mr. Jacobsen said it was worded wrong and perhaps this would be a good thing.

Mr. Swackhamer suggest that worrying about the prisoner who has served his sentence and is being released would be more to the point.

Mr. Hilbrecht said how about making provision that the parolee be transported if he has a job, to where the job is waiting.

Mr. Wooster said he would ask Mr. Toland to advise the committee on this.

Mr. Lowman moved indefinite postponement of AB 187

Mr. Schouweiler seconded

Motion passed unanimously

Mr. Wooster said it might be well to adjourn and let the subcommittees go to work on SB 12 and AB 131. He appointed a new subcommittee consisting of himself as Chairman together with Mr. Kean to work on AB 129, the car storage bill.

Mr. Hilbrecht suggested a Do Pass on AB 148 but Mr. Wooster said we still have to

protect the public utility on this and it will be discussed at the next committee meeting, Wednesday.

The agenda for the Wednesday meeting is to be:

AB 91  
AB 148  
AB 129  
SB 48  
AB 131  
SB 12

Mr. Wooster suggested all committee members be thinking whether they want to go the route of the indeterminate sentence or the determinate sentence because that decision will have to be made soon, on AB 71. If the committee decides to go the indeterminate route, there will be much redrafting to be done.

Mr. Hilbrecht said he would contact the utility on 148.

A date of February 27 was set to hear Mr. Hilbrecht's bills. (Attorney bills)

The meeting adjourned at 3:35.