

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, Feb. 4, 1965

Meeting commenced at 2:00 P.M.

Present: Close, Jacobsen, Kean, Parsons, Delaney, Knisley

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Absent: Olsen, Swobe, Rosaschi

One change was made in the minutes of previous meeting. Mr. Olsen abstained from voting on BDR 18-430, so the voting was not unanimous.

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AB 233 Helen Herr was present to speak for the bill which is concerned with one-year residency before a person can prepare income taxes for a fee.

Miss Herr stated that she was asked by a number of people to present this bill. The purpose is to keep out the "fly-by-night" tax experts.

Mr. Kean expressed himself as feeling that there is too much tendency of boards and associations to protect themselves at the expense of free enterprise and that he feels that this bill may be a result of such tendency.

Mr. Knisley pointed out that the bill does not set up any standard of ability, only the requirement of residency. He said that if the city of Las Vegas would ask the legislature to give them authority to license these people, then that might be done, but the bill as is is not legitimate legislation.

Mr. Close is to talk to Miss Herr and see if the bill can be related to some sort of standard.

Mr. Jacobsen was asked to talk to the Internal Revenue to get their views on this bill.

AB 102 Obscenity statute

The City Attorney for Las Vegas, Sidney Whitmore, and the Las Vegas City Manager were present to speak for the bill. Mr. Whitmore read a letter which he had written to Mr. Close concerning the bill. He said this proposed bill is patterned after the Arizona bill and that our present Nevada law on this is completely out of date. This new bill has a sales clause which we have not had before. Section 3 ties in this sales provision. Never before has anyone in Nevada had authority to seek injunctions against sales.

Mr. Whitmore said the City Commissioners and the Las Vegas PTA requested the bill as they feel the present law is not nearly strong enough.

Jacobsen inquired as to how the law could be policed and Mr. Whitmore replied through the licensing department in the city and through the governing body in the county.

Mr. Close: In the final analysis who determines what is obscene and should be removed?

Mr. Whitmore: Final determination is up to the courts, but any person can bring a magazine, etc., to the City Attorney and make a complaint.

Mr. Jacobsen: Who opposed the bill at the last session?

Mr. Whitmore: The major news distributor in Las Vegas appeared to speak against it.

Mr. Knisley moved AB 102 Do Pass

Parsons seconded

Motion passed unanimously

AB 228 Allows a third conviction of petit larceny to be punished as a felony.

Mr. Close reported that after thinking it over he doesn't believe it possible for a person to be convicted of 3 petit larcenies in Las Vegas in a year's time.

Mr. Knisley: Could we soften this to a gross misdemeanor over a two year period?

Mr. Kean said that he would go along with a provision saying that so many gross misdemeanors could be prosecuted as a felony. He asked, also, if a judge can eliminate any possibility of a parole when he sentences a person to the county jail.

Mr. Close replied that that was his understanding.

Mr. Close said he would amend the bill to two years and perhaps take off the felony punishment.

Mr. Kean asked for advice concerning his bill 209. He wondered if the word "value" is enough, or if it should be changed to "full cash value", "sales value", etc.

Mr. Knisley said he thought the word "value" was the right word.

Meeting adjourned 3:00 P.M.