

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 53rd Session, April 2, 1965

Meeting was called to order at 3:00 P.M.

Present: Close, Delaney, Knisley, Parsons, Swobe, Jacobsen, Olsen, Rosaschi

Absent: Kean

SB 319: Allows State Board of Parole Commissioners to delegate hearing authority to referees and panels.

Mr. Swobe said he would like to see an amendment that would require approval of all actions by three members of the Parole Board. He said they would not be required to be in a meeting to make this approval. The way we have it now a minority of the board can run the thing.

Mr. Close reviewed quickly what Mr. Miller had told the Committee about this bill on April 1, about what a good man Mr. Reed is and about how this act is taken right from the California Law. Mr. Miller had said that the parole system is just too cumbersome if they are not given leeway to act, especially now that the parole act has been broadened.

Mr. Swobe: Our population does not need the same kind of a law that they have in California.

Mr. Knisley: This hearing does not automatically release the prisoner?

Mr. Swobe: No

Mr. Knisley said he thought the act would be acceptable as long as the full board is given notice of any action taken.

Mr. Close suggested amending to provide for the concurrence of one member with notice to the full board.

Mr. Knisley said he thought it would be a better bill if the amendment providing for two members to concur should be stricken out and the provision for giving notice to the entire board be added. This would do away with the hardship of getting two members together.

Mr. Swobe gave notice that he will speak against the bill on the floor.

Mr. Close: Shall we say so many days before an action is effective? Ten?

Mr. Knisley and Mr. Delaney suggested 5 days. Mr. Jacobsen said he did not think 5 days would be long enough. The decision was to make this ten days after the date of mailing.

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## Assembly Committee on Judiciary

Mr. Knisley moved that the bill be Do Pass with the amendment as to notifying all board members and the ten day effective date.

Mr. Delaney seconded

Mr. Swobe voted against the Do Pass

Motion was carried by a majority of the vote

SB 322: Limits cases in which punitive or exemplary damages may be awarded.

Mr. Delaney moved to kill the bill

Motion was lost for lack of a second

Mr. Swobe moved Do Pass

Mr. Knisley seconded

Mr. Delaney voted NO

Motion was carried by a majority of the vote

SB 259: Prohibits sale or advertisement of goods in limited quantity unless advertisement so states.

Mr. Olsen moved to kill the bill

Mr. Jacobsen seconded

Motion passed unanimously

SB 304: Provides minimum age for persons who accompany holders of drivers' instruction permits.

Senator was asked to come in and speak for the bill, which he did. He explained that all the bill does is to raise the age of the person who may accompany the driver with the learner's permit from 16 to 21. He said the judges and probation officers would all like to see this bill passed and he personally urged the Committee to reconsider their action on the bill and pass it.

SB 329: Amends law relating to the Legislative Commission and the Fiscal, Legal, and Research Divisions of the Legislative Counsel Bureau.

Russ McDonald was present to speak for the bill. He explained that the purpose of the bill is to remove engrossment and enrollment clerks from legislative control and put them under him, Russ. He said it is a matter of economy. At the beginning of the session he has about 15 stenographers working about 14 hours a day. During this time amendment clerks have very little to do. Later the situation is completely reversed. By having control he could make the work go three times as fast.

Mr. McDonald then went through the entire act with the Committee, section by section. It is all designed to speed up and facilitate the legislative process.

Mr. Knisley said he thinks it is highly desirable, a refinement of what was done two years ago.

Mr. Close: Would you mind telling me just what you mean by administrative services?

Mr. McDonald said that administrative services include such things as a newsletter monthly giving court opinions, administrative action, etc., opinions from the legal division, any research legislators might want to have done without any questions as to why they want it, fiscal control, audit reports, the answering of innumerable inquiries, five to six hundred per month in the Research Division alone.

Mr. McDonald said that there are another 50 to 60 recommendations he could make that he didn't try to include this time for fear of imperiling the bill.

He cited the improvement in service this session over the one in 1963. At that session 673 bills were processed in 94 days. This time it will reach over 1400 bills in about 73 days.

Mr. Jacobsen moved Do Pass SB 329  
Mrs. Parsons and Mr. Delaney seconded  
Motion passed unanimously

SB 296: Imposes additional requirements for intrastate sale of securities and clarifies scope of securities regulation.

Mr. McDonald gave the history of what had happened to this act at the last session and how the additions were arrived at this session. He said they are trying to do four things with this addition: They are trying to stop a broker-dealer from operating in a corporation. Right now they could appoint 75 directors who would really be salesmen and these 75 men would not have to be registered. Under this proposed act each corporation would have to file each change of officers and this would prevent the above practice. An agent of a broker-dealer is not required to be registered unless he sells for another broker-dealer.

Secondly, underwriting fees are not to exceed 15% of securities issued. Limits the juice in the thing so that it does not all come off the top.

Thirdly, this act has knocked out some definitions from last year's section and replaced them.

The last thing has to do with how much of the money has to be actually on hand before a security can be offered to the public. This must be 10%. On a \$200,000 authorized issue, \$20,000 must be on hand before public offering.

Mr. McDonald added that some of the Senators feel the Act is working very well now for very little money. The fingerprinting requirement has run out a lot of bums.

Mr. Knisley said this bill is not going to hurt anybody and it does clear up some points.

Mr. McDonald said if we tried to go any further at this time we would have too many attorneys down battling us. We might lose this.

Mr. Knisley moved Do Pass SB 296  
Mr. Delaney seconded  
Motion passed unanimously

SB 231: Makes extensive changes in provisions relating to gambling licensing and control regarding employees licenses, payment of license fees, and penalties.

Mr. McDonald said this bill is the result of an audit. He, McDonald, has prepared an amendment to delete section 8.

Mr. Close started going over the amendments proposed for the bill but the Committee was called back to the Assembly.

Meeting adjourned at 4:35 P.M.