

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 53rd Session, April 3, 1965

Meeting was called to order at 11:10 A.M.

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

Absent: Olsen, Parsons, Kean

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

Mr. Close reported that he had another amendment, "if the majority of the board expresses disapproval of an action then the whole board has to act". It is also amended so that an action is not effective for 10 days.

AB 491: Provides qualification for office of justice of the peace.

Mr. Close said he doesn't think the Committee is going to be able to put this out this session. He suggested Mr. Jacobsen do something with it next session.

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

Mr. Close said that section 8 is being amended out because Mr. McDonald said there is a conflict and it is unworkable.

Mr. Swobe asked if this section was the only objection Ed Olsen had and was told that it was.

Mr. Close said that there were some other pretty substantial changes in the bill that the Committee should discuss. It changes the name, increases penalty if winnings are not reported or licenses paid for. It provides for an interest charge.

Mr. Jacobsen said he didn't like the interest charge because he thought it would cause conflict.

Mr. Close said basically what it seems to do is increase penalty for not paying license on time from \$10 to \$25, or 25% of the gross. The amount you owe pays interest at 7% per annum.

Mr. Swobe moved Do Pass  
Mr. Knisley seconded  
Motion passed unanimously

SB 132: Amends eminent domain procedure.

Carl Suderblom was present to speak on the bill. He asked that the Committee strike

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the section that gives highway property precedence over railroad property. This is paragraph 3. He said if this could be amended out they have no objection to the bill.

Mr. Knisley: If we take this out this would not preclude the Highway from going to court and seeking adjudication on this would it?

Mr. Swobe and Mr. Suderblom replied that it would not.

Mr. Swobe said he thinks that particular section is too broad and that it is unnecessary. Mr. Knisley concurred. This would make the Highway Department paramount over everything else.

Mr. Jacobsen moved to <sup>Remove</sup> ~~leave in~~ the italics on page 1  
 Mr. Swobe seconded  
 Motion passed unanimously

Page 2, line 28:

Mr. Knisley said he thinks this is necessary.

Page 3, line 32:

Mr. Close said this provides that the owner can still appeal even after taking out his money and that this provision is probably good.

Page 3, section 2, line 36:

As this is written, if the defendant draws his money he is barred from further action?

Mr. Jacobsen didn't think so. Mr. Close said yes, except for greater compensation under a new trial.

Mr. Knisley said he thought it was all right and Mr. Jacobsen and Mr. Delaney agreed.

Page 4, line 14:

Mr. Close said this provides interest on money shall not be paid if the hearing is delayed by the defendant.

Mr. Knisley said he would just as soon strike this whole thing. It might be good to put pressure on the Attorney General to get quicker action on these cases. He said he knows of one lawyer who is earning handsome fees by taking one-third of the extra that he gets for these defendants. He said he thought the Committee should leave the interest on. It might help to get the Highway to make more realistic appraisals.

Mr. Knisley moved to strike lines 14 through 18.  
 Mr. Jacobsen seconded  
 Motion passed unanimously

Section 11:

Gives 30 days to answer instead of the 20 days now in effect. It extends the period for the defendant, Mr. Close said, which is good.

Mr. Rosaschi moved Do Pass SB 132  
Mr. Knisley seconded  
Motion passed unanimously

SCR 14: Declares legislative policy on length of tenure for members of state boards and commissions.

Mr. Knisley stated that this would eliminate some of our ablest people and he gave a number of examples.

Mr. Close said it was permissive legislation and that it does not apply to people on full salary with the state.

Mr. Knisley said that if a man is a good man to start with, he is going to be a better man as he goes along. If he is good, there should not be a limit on his time. If he is not good, he should not even serve two terms. He thinks this is a spite measure.

Mr. Rosaschi moved indefinite postponement  
Mr. Delaney seconded  
Motion passed unanimously

SB 333: Describes capitol complex, Carson City, Nevada.

Mr. Knisley said he would like to have Ed Crews or one of the Senators come in and explain this.

Mr. Jacobsen was assigned to make arrangements with Ed Crews.

Meeting was adjourned at 11:40