

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 54th Session, February 7, 1967

Meeting commenced at 9:20 A.M.

Present: Wooster, Kean, Hilbrecht, Dungan, Loman, Swackhamer, Torvinen (late)
Loman left early

Absent: Schouweiler, White

Mr. Wooster announced there would be another meeting of the committee today immediately following the afternoon adjournment and every morning the rest of the week at 9:00 o'clock A.M.

The following bills will be discussed this afternoon:

SB 5
SB 23
SB 12
SB 21
SB 22
AB 113
AB 155

Mr. Wooster said he will have people present to speak on these bills.

AB 94: Confers right of eminent domain upon board of regents of University of Nevada.

Present to be heard on this bill were: Regent Proctor Hug, President Charles Armstrong, Neil Humphrey, and Dan Walsh from the Attorney General's office.

Pres. Armstrong spoke first. He said that presently the University is approved for eminent domain only on sewage. It would be desirable for the University to be able to negotiate as other political sub-divisions of the state are. This would be in the best interests of the University and the State because they would be able to acquire properties earlier. The present situation makes it so that the University has to pay more than the fair market value for properties.

Pres. Armstrong said they have made a study to find out if any other public universities are denied the power of eminent domain and have not been able to find even one that does not have this power.

He added that the power of eminent domain would give some tax advantages to the seller of property.

Proctor Hug spoke next. He said he had asked around among attorneys at National Association of Public Universities meetings and he had found no public universities that did not have the right of eminent domain and he found that many private universities also have this power.

Mr. Hug named the people or organizations that do have this right in the State of Nevada as: ditches, canals, railroads, utilities, cemeteries, public parks, school districts, etc. Of course the property for whose purchase the right of eminent domain is used must be for a legitimate public purpose. If the University of Nevada has any such right at present it is very shaky and would be very difficult to exercise.

He said if the right of eminent domain is granted he does not think it will be used very often. Just having it will eliminate most of the need to exercise it. The University has the Master Plan to go by and would try to implement it as funds are available. Sometimes opportunities arise for purchasing needed properties but

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because of present circumstances, unfair prices have to be paid. He cited one instance of this in Clark County where a man, or rather some people, want to construct a hot dog and hamburger stand in a place where it will be a serious detriment to the University.

Mr. Hug explained in a little more detail the tax advantage to the seller where the University has eminent domain. He said that where an individual has property that has been condemned, the profit which he received on the selling price can be re-invested in other property within 18 months and he will have no capital gain to pay on it. This could be a substantial thing.

Mr. Hug said that in many cases Nevada is prone to follow California with its legislation. In the matter covered in AB 94, California has such legislation already on the books.

He told of a 40-acre tract of land on a ridge in Little Valley that the University wants to purchase and the owner has threatened to cut it up for Christmas trees if the University does not pay his asking price of \$800 per acre. If the University had a clear-cut power of condemnation they could deal with this man and get a more reasonable figure. The ultimate power to the state would be that properties could be obtained cheaper.

Mr. Hilbrecht asked if he was right in assuming that this act pertains to the capital improvement program of the University. He asked the visitors to tell him exactly how they would go about utilizing the power of eminent domain if it is granted to them.

Mr. Hug explained that this act is needed for capital improvements and that anything they do with it first has to go through the State Planning Board, with the single exception of dormitories. He said in the case of dormitories the legislature is always involved because the building of dormitories involves bonds.

Mr. Hug said further that there is land in Clark County that should be purchased in the near future because real estate is currently depressed in that area.

Mr. Armstrong added that the property which they wish to acquire is in the Master Plan, suggested by the study authorized by the legislature. The power which they ask for is needed for the interval period.

Mr. Hilbrecht asked what assurances there are to protect the legislature against invasion of operating funds for the University's purchase of properties.

Mr. Armstrong replied that such an invasion would be impossible. Money appropriated for operating funds cannot be used otherwise. He said the things they want to do have been approved by the State Planning Board and the Board of Regents and were turned in for approval to the legislature. The legislature did not disapprove or take any negative action, so they assumed that they approved also.

Mr. Hilbrecht said the committee feels that the University Board would cause crisis after crisis with which the legislature would be confronted. They do not want to be confronted with any fait accompli.

Mr. Hug said that any major capital improvement would have to go through the legislature to be funded, so they would know all about it.

Mr. Walsh said the legislature appropriates a lump fund for the University operation and this has to clear through the state budget office. They would have the opportunity to stop any project.

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Miss Dungan asked how the gentlemen would feel, if they would have objections to the further spelling out of these rights in order to satisfy certain people. For instance, if the bill were to be amended to say "within the master plan". To what extent would that hinder them.

Mr. Swackhamer said that Frank Newman has given his opinion that the only right the legislature has with the university is to appropriate monies; that it could not indicate in any way how these monies were to be spent.

Mr. Humphrey assured the committee that any appropriation that has been designated for operating expenses must be used for that purpose.

Pres. Armstrong said his understanding of this was just the opposite to Mr. Swackhamer's; that he understood that the Board of Regents can determine what monies can be used for certain purposes within the framework of operating expenses.

Mr. Swackhamer asked if the University needs this condemnation power right now.

Mr. Hug said yes they did, for the 40 acres at the lake.

Mr. Swackhamer asked if specific power for this one purchase would help.

Mr. Hug said that it would but they would hate to settle for just that.

AB 7: Prohibits discrimination in employment on basis of sex.

Mr. Lou Paley, Labor lobbyist was present but he said he did not wish to speak on the bill. He was present to ask the introducer why it was put in in the first place.

Mr. Kean explained briefly that this was a part of the original Civil Rights Bill and was deleted before passage. We had to pass a Civil Rights Bill equal in force to the Federal Civil Rights Bill in order for us to be able to administer it ourselves. If we passed a bill of less power, then the Federal Civil Rights Bill has to be enforced. The bill we passed has almost as much strength. One of the exceptions was 15 employees but this was because of our small population. The only way we do not measure up to the Federal Bill is in this matter of "sex".

Mr. Paley asked if the legislature intends to change the other laws that are on the books now that are discriminatory. He gave as an example: Women over 18 receive a minimum of \$1.10 an hour, men receive \$1.00; women who work overtime over 40 hours per week receive overtime pay, men do not.

Mr. Wooster asked how this affects other Federal law. Mr. Paley replied that the only one affected is the Fair Labor Standards Act.

Mr. Wooster said there would be further discussion on this bill this afternoon. He then passed out copies of the bill Judge Waters want the committee to introduce. He also passed out copies of the Uniform Recording Fees Bill and said he would like to get this going.

Mr. Hilbrecht said the Uniform Recording Fees Bill should take into account three areas: Sheriff's fees, recording fees and clerks fees.

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Mr. Wooster said the committee has a request from the Supreme Court. They have regular terms, the first Monday of January, July and October. They have suggested these be abolished and regular terms set to dispose of their business. They have a bill drafted to accomplish this and Mr. Wooster said he has gone over it and would like to have the Committee on Judiciary go over it.

Mr. Swackhmaer asked if the bill has any penalty for the Supreme Court if they do not dispose of all their business.

Mr. Wooster said he will save the bill and will explain it briefly to the committee and if there is no objection he will introduce it as a committee bill.

Meeting adjourned at 10:00 A.M.