

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 54th Session, April 10, 1967

Meeting was called to order by Chairman Wooster at 4:35 P.M.

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

Absent: Swackhamer, Kean

SB 102: Revises, standardizes vagrancy laws on all governmental levels within State.

FRANK DAYKIN: In AB 71 you redefined the offense of vagrancy to meet Judge Thompson's objections. There was extensive correspondence between the council and the Judge on this subject. This would have been a back-up bill, had AB 71 not passed. The first section would have been necessary in that event, but the rest is still necessary.

All vagrancy statutes have been revised to the definition in 71. The reason it is so important is that power to pass vagrancy statutes is buried in the midst of city charters. Every section of the bill says what section 2 does.. Then we go through all these charters and cut out the vagrancy provisions.

MISS DUNGAN: This is a funny definition of vagrancy.

MR. TORVINEN: This is a recent Supreme Court decision.

MR. DAYKIN: Shuttlesworth vs. City of Birmingham [382 U.S. 87 (1965)]

SB 370: Amends law relating to water and sanitation district organization and elections.

MISS DUNGAN: I have a question on the last provision, the privilege tax. What does that do on the automobile exemption that is now afforded veterans?

MR. DAYKIN: The only reason they get that exemption is because the learned Attorney General has not been able to read existing law. The purpose of this is to prevent, in the case of voting, people claiming the right to vote because they pay an automobile tax. This only says what the law says already.

MISS DUNGAN: My only question is what was given across the street.

MR. DAYKIN: That was wrong.

MISS DUNGAN: They still give exemptions on automobiles, but the intent of the legislature was not to give exemptions on automobiles to veterans. I know because I was there. The decision that he came out with that automobiles were exempted was not given until right after we adjourned.

MR. DAYKIN: The only other way to do it would be to write out that for the purpose of this particular thing, and then we would have been in effect reversing the action of the 1963 legislature. The door is still open for some public-spirited citizen to make him eat crow on this.

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MR. WOOSTER: Why 8:00 A.M. on July 1st?

MR. DAYKIN: Because, according to my information from Senator Titlow, that is when the Courthouse opens down there. If they don't open until 9:00, it is still all right.

MISS DUNGAN: Is this a good bill?

MR. DAYKIN: Yes, it probably is a good bill.

SB 487: Exempts employees of Legislative Counsel Bureau from jury duty while the legislature is in session.

MR. DAYKIN: This bill was introduced by Senator Dodge by request from the Legislative Counsel Bureau. What happened and woke us up to the danger of this and the need for this bill was that a member of the Bar in Utah was working for us and was called for jury duty. He had not yet been admitted to the Bar in Nevada so the fact that he was a lawyer did not exempt him. This came up during the peak load of the legislature and if he had been assigned to jury duty we would have been in very bad shape.

MISS DUNGAN: Didn't we have a bill eliminating teachers from exemptions?

MR. WOOSTER: Yes, but it died in the Senate. They were in favor of it, but they couldn't work out the mechanics of the thing. Without a hearing and without letting the people speak who have strong feelings on this, I would hesitate to try to amend to do anything about teachers.

SB 102: Revises, standardizes vagrancy laws on all governmental levels within State.

Mr. Torvinen moved Do Pass
Mr. Lowman seconded
Motion passed unanimously

SB 370: Amends law relating to water and sanitation district organization and elections.

Mr. Lowman moved Do Pass
Mr. Torvinen seconded
Motion passed unanimously

SB 487: Exempts employees of Legislative Counsel Bureau from jury duty while Legislature is in session.

Mr. Torvinen moved Do Pass
Miss Dungan seconded
Motion passed unanimously

AB 443: Adopts 1964 amendments to Uniform State Food, Drug, and Cosmetic Act.

MR. WOOSTER: This was the bill that we discussed at some length. Mr. Hunter, from the Food and Drug came in and spoke on it. I believe Mr. Kean had a question on "pesticide chemical", which is used throughout the bill. I have a letter from Mr. Hunter saying it means the same thing as "economic chemical". It is defined in the bill, that it means the same thing.

Mr. Lowman moved Do Pass AB 443
Mr. Torvinen seconded
Motion passed unanimously

MR. WOOSTER: The Senate has amended AB 223. This is the only "plaintiff's bill" that has made it through the Senate this session. It now provides that "where the plaintiff has not sought recovery over \$10,000."

I would just as soon concur.

MISS DUNGAN: It is better than nothing.

Mr. Torvinen moved to concur
Miss Dungan seconded
Motion passed unanimously

MR. WOOSTER: We also have a conflict amendment on AB 366. Is there any problem on this? Page 2, line 36, word "misdemeanor."

Mr. Lowman moved to concur in the amendment
Mr. White seconded
Motion passed unanimously

Meeting was adjourned at 5:10 P.M.