

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

12th DAY OF APRIL, 1973

426

The meeting was called to order at 8:50 a.m. Senator Close in the Chair.

PRESENT: Senator Foley  
Senator Bryan  
Senator Dodge  
Senator Hecht  
Senator Wilson

Assemblyman Alan Glover  
Dan Murphy, Parole and Probation  
Bill Furlong, Sheriff's Department  
Assemblyman Bob Barengo  
Assemblyman Roy Torvinen  
Assemblyman Craddock

EXCUSED: Senator Swobe

A.B. 574 - Increases number of counties  
required to have detention  
homes for children.

Assemblyman Glover testified that this bill was introduced to return to the law as it was in 1969 which required cities over 20,000 population to provide for juvenile facilities. Since 1969 it was changed to 100,000. By the time a city has 20,000 people it should be planning on separate facilities for juveniles. This would probably have no effect until 1980 so would give cities an opportunity to plan for the future and put them on notice that something needs to be done to fund this requirement.

Mr. Murphy stated that city supervisors in Carson City are not opposed to the legislation and do realize the need for it. Funding is a matter of what priorities are put first. This legislation would give them an opportunity to look forward a few years.

Senator Bryan moved "DO PASS." Motion seconded by Senator Hecht. Motion carried.

A.B. 567 - Removes possibility of  
probation following con-  
viction of certain offenses  
under Uniform Controlled  
Substances Act.

Mr. Barengo testified that this bill would eliminate the possibility of parole for the first offense of selling, in the commercial sense of the word, controlled substances. Senator Close reminded the committee that S.B. 204 was passed out of the Senate and would make the

second offense without possibility of parole. That bill also cleaned up some of the language in these sections, particularly with regard to persons under 21 years of age.

Mr. Barengo argued that with the present law allowing probation, these persons get convicted but are not getting jail times. They plead to the offense knowing they will get probation. Senator Close remarked that by putting the law back to the way it previously was in not allowing probation, convictions for selling would go way down, and every plea will be negotiated. With the option of the judge to give probation on the first conviction, the probation would act as a deterrent and the person's record would reflect a conviction for sale of a controlled substance.

A.B. 335 - Increases rights and limits obligations of limited partners and relieves limited partnerships from filing certificate of assumed or fictitious name.

Mr. Barengo testified that this bill would conform Nevada's law to the existing Limited Partnership Acts all over the United States. The major change is that after the time of dissolution there would not be a continuing liability for any debts the partnership would accrue.

Mr. Torvinen remarked that this bill validates by statute what is actually being done. It gives to the unlimited partner the power of attorney to execute any partnership agreements whenever other partners are dropped or added.

Senator Bryan moved "DO PASS." Motion seconded by Senator Wilson. Motion carried.

A.B. 566 - Changes certain conditions for admitting to bail under Uniform Criminal Extradition Act.

Mr. Barengo testified that this bill provides that no person may be admitted to bail after a warrant by the governor.

Senator Wilson moved "DO PASS." Motion seconded by Senator Dodge. Motion carried.

Chairman Close left the meeting. Vice-Chairman Foley in the Chair.

A.B. 521 - Expands and clarifies definition relating to investment securities in Uniform Commercial Code.

Mr. Torvinen testified that there has been considerable scandal in the Stock Market because of theft and misappropriation of stock certificates which are negotiable. The bill would conform the Uniform Commercial Code with a national experiment devised to allow banks and insurance companies registered with the SEC to participate as a holding company in stock transactions.

A.B. 453 - Enacts uniform revisions of article 9 on Uniform Commercial Code relating to secured transactions.

Mr. Torvinen testified that this bill makes substantial amendments to Article 9 of the Uniform Commercial Code dealing with secured transactions. These are recommended changes by the Uniform Law Commissioners and have been approved by the Board of Governors of the Bar Association.

The major changes are to the inter-state transactions in the way the securities attach and the times when they attach. It redefines the way that fixtures attach in real estate mortgages and secured transactions are dealt with so that the UCC can operate more uniformly across the nation.

The report of the Uniform Law Commissioners was published in 1972, yet since that time Illinois, Arkansas, and North Dakota have already adopted a bill such as this.

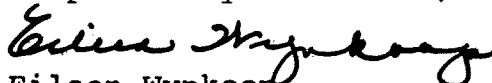
A.B. 533 - Permits more than one humane society in a county.

Assemblyman Craddock testified that NRS 574 dates back to 1873.

Senator Hecht moved "DO PASS." Motion seconded by Senator Bryan. Motion carried.

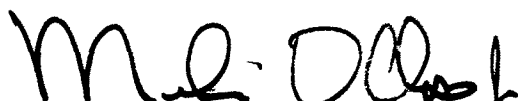
The meeting was adjourned at 9:55 a.m.

Respectfully submitted,



Eileen Wynkoop  
Secretary

APPROVED:



Melvin D. Close, Jr.  
Chairman