

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

13th DAY OF APRIL, 1973

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The meeting was called to order at 8:00 a.m. Senator Close in the Chair.

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

Colonel James Lambert, Nevada Highway Patrol
Thayer Bigelow, First National Bank
T.E. Able, First National Bank, ICL

A.B. 595 - Brings persons who are under influence of controlled substances within scope of Implied Consent Law.

Col. Lambert testified that the Department had a bill similar to this which they dropped in favor of this bill. This bill extends implied consent to controlled substances and goes further to define on Page 2, lines 30-35, that in any criminal prosecution for a violation of Chapter 379, if there is a trace in the blood at the time of chemical analysis, the person is presumed to be under the influence of a controlled substance.

Senator Dodge asked if the test for controlled substances was reliable enough so that would be a reasonable presumption to raise. Col. Lambert suggested contacting the Chemist for the Narcotics Division for testimony on the effectiveness of the testing.

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

Mr. Thayer Bigelow testified in favor of this bill. He stated that this bill would streamline stock certificate transactions by allowing banks to keep stocks on deposit with a central depository and own 90% of a clearing corporation with other banks. They would handle their stock transactions through the clearing house with no exchange of money or certificates, just a bookkeeping entry. The depository would be a subsidiary of the clearing corporation. It is not possible under our UCC to establish these regional depositories unless this technical change to the Uniform Commercial Code is amended. This type of legislation has been passed by 12 states to date and is pending in at least 25 state legislatures.

Mr. Bigelow stated that there were several typographical corrections that should be made by amendment and asked the committee to incorporate those amendments.

Senator Swobe moved to amend and "DO PASS." Motion seconded by Senator Foley. Motion carried.

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

Mr. Able testified that First National Bank had no position on this bill, although it is not objectionable to them. He personally didn't think it was needed since provisions for secured transactions are running smoothly at this time.

Senator Hecht moved to indefinitely postpone action on this bill. Motion seconded by Senator Foley.

Yeas - 2
Nays - Close, Dodge, Bryan, Swobe (4)
Absent - Wilson (1)

Motion lost.

Senator Swobe suggested amending it to be effective on July 1, 1975. Senator Close agreed and stated that by amending it to Senator Swobe's suggestion it would give lawyers and trust companies a chance to study the provisions so they would be knowledgeable of the good and bad points by 1975. If it was objectionable in all or part, it could be amended or killed in 1975. He stated that the Uniform Law Commissioners study these uniform codes for 3 years before recommending adoption and base their recommendations on nationwide experiences. Senator Bryan added that it would put banks on notice if they want any changes in 1975 to study the bill. Senator Swobe added that it would give the Bar Association the opportunity to appoint a committee to study it.

Senator Foley was opposed to the idea of amending the Uniform Commercial Code at the recommendation of the Uniform Law Commissioners before any other states have had experience with it.

Senator Dodge moved to amend to be effective July 1, 1975, and "DO PASS" as amended.

Yeas - 4
Nays - Foley, Hecht (2)
Absent - Wilson (1)

Motion carried.

Senator Foley informed the committee that he would oppose the bill on the floor. Senator Hecht informed the committee that he would not oppose the bill on the floor.

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

Senator Close asked the committee to reconsider the action taken on this bill on April 12th. He stated that Senator Walker had submitted an amendment requested by the Humane Society to repeal the section allowing them to make arrests.

A motion was made and seconded to reconsider the previous action taken on this bill and recommend it be passed with the amendment submitted by Senator Walker. Motion carried.

A.B. 646 - Makes issuance of bad check of
\$50 or more for wages a felony
and expands liability therefor.

Senator Dodge remarked that this legislation had been proposed in previous sessions and he felt it shouldn't be considered in a different category than any other type of payment.

Senator Hecht moved to indefinitely postpone action on this bill. Motion seconded by Senator Dodge.

Yeas - 5
Nays - None
Absent - Foley, Swobe (2)

Motion carried.

A.B. 475 - Eliminates third judicial
district.

This bill was amended by the Assembly to incorporate the splitting of the first judicial district into one district containing Storey County and Carson City County and a second district of Douglas County, Churchill County and Lyon County. However, the second reprint left the four counties of Douglas, Churchill, Lyon and Storey in the first judicial district and removed Carson City County and designated it as the 9th Judicial District. Senator Dodge felt that this was done because of a story which got around stating that Judge Waters wanted Storey County. When Judge Waters testified before this committee he stated that if the work load in Carson City got to be too great, he would be able to handle Storey, but he did not request it be transferred to his district.

Senator Dodge stated that he is in favor of splitting the first district if Storey County and Carson City County comprised the

First Judicial District, and Churchill, Lyon and Douglas Counties were put into a new district, the Ninth Judicial District. He felt that as the capitol, Carson City should be in the First Judicial District.

Senator Bryan objected that the second reprint of the bill was missing the mark by a mile. The real problem the bill was originally aimed at is eliminating the Third Judicial District. The presiding judge in that district is going to retire. There are only 3,500 people in Eureka and Lander which does not justify keeping it as a separate district. Senator Close agreed and asked how a judge and his staff could be supported in towns with a combined population of 3,500. Senator Dodge reminded the committee of the testimony from Judge Young and other rural judges who say they need the extra judge or they can not get relief for vacations and sick leave. Several of the members felt that the judges in these rural areas do not have heavy caseloads and should be able to apportion their time better. The answer to this problem, as suggested by Senator Bryan, would be to give the supreme court the power to examine caseloads.

After some further discussion, the committee agreed to amend the bill further to eliminate the third judicial district by putting Lander into the Sixth Judicial District and Eureka into the Seventh Judicial District.

Senator Dodge moved to amend and "DO PASS." Motion seconded by Senator Wilson.

Yeas - 5
Nays - None
Absent - Foley, Swobe (2)

Motion carried.

A.B. 535 - Permits arrested person to make telephone call immediately after booking.

The committee felt that since there was no provision in the statute presently, it should be law that a person be given an immediate phone call when arrested and jailed.

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

A.B. 612 - Provides for the authentication of fingerprint cards offered into evidence.

Senator Bryan explained that they have had problems in criminal.

proceedings when trying to match the latent fingerprints with the exemplar prints. These prints are taken by a technician who may take 25,000 fingerprints a year and he must testify as to his recognition of the prints. This would allow them to be certified as authentic.

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

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

Senator Bryan remarked that the District Attorneys are happy with the present law allowing probation on the first conviction. Senator Dodge added that he felt that probation acts as an effective deterrent for someone with a jail sentence over his head if convicted a second time.

Senator Bryan moved to indefinitely postpone action on this bill with the understanding that the Assembly will process S.B. 204. Senator Foley seconded the motion. Motion carried.

A.B. 744 - Eliminates concept of fault and certain grounds for divorce.

Senators Close, Wilson, Dodge and Bryan stated that they were in favor of removing the "fault" from divorce proceedings. Senator Foley stated that he too was in favor of removing the mud-slinging, but sometimes this avenue is needed to show extreme misconduct on the part of a husband where the wife is entitled to a bigger share of the assets. He objected to eliminating the grounds of adultery and impotency.

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

Yeas - 5
Nays - Foley (1)
Absent - Swobe (1)

Motion carried.

A.B. 667 - Makes movement of county jail prisoner from one county to another discretionary with sheriffs of counties.

This bill would amend an old statute which stated that the Governor's

permission was needed to move a prisoner from one county to another.

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

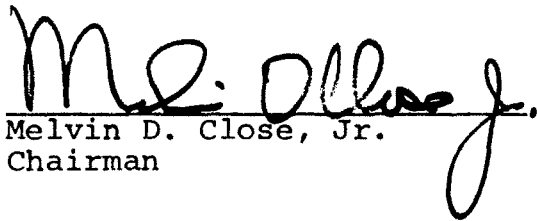
The meeting was adjourned at 10:20 a.m.

Respectfully submitted,



Eileen Wynkoop
Secretary

APPROVED:



Melvin D. Close, Jr.
Chairman