

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Third Session
February 28, 2005**

The Committee on Judiciary was called to order at 9:10 a.m., on Monday, February 28, 2005. Chairman Bernie Anderson presided in Room 3138 of the Legislative Building, Carson City, Nevada, and via simultaneous videoconference, in Room 4401 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Bernie Anderson, Chairman
Mr. William Horne, Vice Chairman
Ms. Francis Allen
Mrs. Sharron Angle
Mr. John C. Carpenter
Mr. Marcus Conklin
Ms. Susan Gerhardt
Mr. Brooks Holcomb
Mr. Garn Mabey
Mr. Mark Manendo
Mr. Harry Mortenson
Mr. John Ocegüera
Ms. Genie Ohrenschall

COMMITTEE MEMBERS ABSENT:

Ms. Barbara Buckley (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Allison Combs, Committee Policy Analyst
René Yeckley, Committee Counsel

Katie Miles, Committee Policy Analyst
Carole Snider, Committee Attaché

OTHERS PRESENT:

Morgan Baumgartner, Legislative Advocate, representing Nevada Court
Reporters Association
Joan Dotson, Private Citizen, court reporter
Andrew List, Executive Director, Nevada Association of Counties

**Assembly Bill 91: Revises provisions governing fees of reporters of district
courts. (BDR 1-472)**

Chairman Anderson:

[The meeting was called to order and roll was taken.] Let's turn to the only
item on the agenda today which is Assembly Bill 91.

**Morgan Baumgartner, Legislative Advocate, representing Nevada Court
Reporters Association:**

Walking through A.B. 91, it is fairly straight forward. A.B. 91 represents a fee
increase for the court reporters who serve district courts. As you know, the
fees for district court and the reporting requirements are set by statute.
Accordingly, we have to come to you and request an increase in those fees
every few years. The last time the court reporters requested a fee increase was
1999, which you graciously granted.

This session we are requesting a fee increase for the daily reporting fee from
\$150 to \$170 a day. We are requesting an increase in the transcript rates for
civil and criminal testimony. You will notice that we separated out the civil and
criminal transcript fees. I won't walk you through all those fees but the most
important fee is the last fee for the more than four-day transcript turnaround
time. That is the most commonly requested transcript by the courts. The
expedited transcripts are not commonly requested and, therefore, don't
represent a significant impact to the courts.

In addition to the daily fee that the courts pay, there is a civil fee of \$30 for
each hour spent. That fee is split by the litigants rather than the court. There
is some additional technical cleanup regarding all these fees in the separation of
civil and criminal comport with the statutes. I believe that takes care of all the
fee increases.

Chairman Anderson:

This is an issue that the court reporters had requested through me and I was happy to accommodate. For the understanding of the Committee, when we are looking at page 2 of the bill, the \$150 to \$170 per day is regular business hours. The next line allows reporters to charge a higher fee for availability when it is on a Saturday. Then in [subsection 1(c)] on that page, lines 14 through 28, we are talking testimony in civil cases. How was the dollar figure fees arrived at?

Morgan Baumgartner:

They are reflective of a cost-of-living increase. The per-page increase is 1.2 percent for each year from 1999 through this year. The transcript charges were arrived at based on increases in the amounts that are more reflective of what the court reporters are able to charge to attorneys outside of the courtroom. They are not as high as that but are more in line with what the reporters charge to litigants outside the courtroom.

Chairman Anderson:

I presume the criminal cases are reflective of the changes in the civil cases. On page 3, lines 7 through 18 is the same formula being used?

Morgan Baumgartner:

Not precisely the same formula. The civil litigants pay the cost of the transcription fees. The court bears the cost of the criminal testimony and the translation of that. So those fees are somewhat less because they are borne by the court and not absorbed by the litigants themselves.

Chairman Anderson:

What is the \$20 to \$30 one on line 22 of page 3?

Morgan Baumgartner:

That is the additional hourly fee for civil litigation paid by the litigants and is reflective of the cost-of-living increase.

Chairman Anderson:

On page 4, it establishes fees for reporters in civil cases if more than one reporter is necessary.

Assemblyman Carpenter:

The question I have is in regard to the rate per page that is being charged. It looks to me like the fee is almost being doubled. I don't think the cost of living has doubled in the last few years.

Joan Dotson, Private Citizen, court reporter:

Are you on page 2?

Chairman Anderson:

I believe he is on line 28 of page 2 where the cost goes from \$0.55 to \$1.00 per page. Is this the area you are concerned with, Mr. Carpenter?

Assemblyman Carpenter:

Yes, it is. Each one of those fees has almost doubled.

Chairman Anderson:

It is on line 21 going from \$0.83 to \$1.50, from \$0.69 to \$1.25, and from \$0.55 to \$1.00 in subsection 1(c).

Joan Dotson:

In regard to these costs under subsection (c), I, II, III and IV, the one that is the most applicable, occurring 98 percent of the time, is the one in [subsection] IV. The amounts of \$3.55 are what we charge for our daily criminal transcripts and are requesting an increase to \$4.10. The \$0.55 to \$1.00 does look like an almost 100 percent increase but we don't even charge for the paper of the copies. The \$0.55 to \$1.00 is rarely charged. We usually deal with the \$3.55 to \$4.10 fee which includes an original and one copy. So the court gets the original and the public defender or district attorney, at no charge, can come into the county clerk's office and get a free copy. So we work with the county on that. The \$0.55 can come into play if there is an appeal, the other party needs a copy, or the Supreme Court needs a copy. It does sound like 100 percent but actually it is quite modest.

Chairman Anderson:

You produce the original and one copy for the charge of \$4.10. Both those copies go to whom?

Joan Dotson:

The original goes to the court file in the clerk's office and then there is one phantom copy that either the district attorney can have from the county clerk or the court reporter makes a copy free.

Chairman Anderson:

Then you are going to charge \$1.00 per page for a copy?

Joan Dotson:

That is included in the first copy that costs \$4.10. The only other time you would need another copy is if the Supreme Court needs a copy or some other

litigant wants a copy. So this \$1.00 per page, as we speak, the clerk is currently charging \$0.55 a page. What most litigants do is they go to the county clerk and they are charging the public \$1.00 a page. Most of the time the reporter is left completely out of that loop and the county clerk gets that \$1.00. So what this is doing is bringing the litigant to the counter where they request a copy of the transcript. Instead of the clerk charging them a dollar, now the reporter has the option of charging \$1.00. That is how we make our living is per page. As we speak, they are paying the clerk more than the reporter would be getting.

Assemblyman Carpenter:

On page 2, it is in regard to civil testimony and on page 3, it is in regard to criminal testimony. It just seems to me it is a fairly hefty increase per copy.

Chairman Anderson:

If it is a civil matter, the reporter makes the original copy that goes to the court and then it becomes a permanent record of the court. So I pay \$5.13 per page, which is split between both civil attorneys. They include that fee to their client. Now they can use the copy machine in their office to copy the document.

Joan Dotson:

Anytime civil is transcribed, it basically is for when they appeal. The losing party has to pay for the original and one copy, so they pay for the copy of the other party.

Chairman Anderson:

Then they would be paying \$1.00 a page in addition?

Joan Dotson:

Correct. Those copies are disseminated to the Supreme Court and to the winning party. So in civil, the loser pays all to appeal. Whereas in criminal, it is a lot more streamlined. These are everyday things for criminal. We file the original and we work with the county.

Chairman Anderson:

So the record that they are able to copy for a dollar has been supplied from where?

Joan Dotson:

For the civil, the clerks in the district court house provide the copies. They can run up to 500 pages a transcript. So that would have been \$500 to the reporter but the clerk did not send the client to the reporter. This would put us on a level playing field.

Chairman Anderson:

The court reporter's argument is this puts you on a level playing field with the county clerk.

Joan Dotson:

The emphasis would be with the private sector. When it comes to civil reporting, we want to be on a level playing field with the private sector. When we have a reporter that needs to come in, sit in our chair and work for the day, they need to feel they are going to make an equal amount as in the private sector. This is one thing I wanted to add that wasn't brought out before. I'll just go to the transcripts as that seems to be where the greatest interest is. Right now for a civil transcript, a court reporter is charging by statute \$0.55 a page. We are asking for \$4.10 a page.

Chairman Anderson:

Ms. Dotson, I think you've lost us. I want to make sure that we all understand what is going to be taking place here. I think from listening to Mr. Carpenter, there is a certain reluctance to move the fees up based upon what the county clerk is doing. We're trying to justify where we are going to set this fee, because I don't think people will want to pay a dollar a page, especially if the document runs 520 pages. They just won't pay unless they feel really adamant about it. We are trying to figure out the justification for moving it forward.

Morgan Baumgartner:

I think we have two issues. Let's deal with civil, lines 14 through 28. The \$8.20 is an increase from \$7.10; \$5.32 to \$6.15, \$4.43 to \$5.13, and \$3.55 to \$4.10 are all package prices. You get an original and one copy. That is the court reporter being paid for their work product. The original goes to the court and the copy is distributed to a party or maintained by the court for the record. If somebody outside of the parties wants a transcript, they will go to the clerk or court reporter and request a third copy.

The court reporter, because that is still their work product, still should be paid for that copy. They have generated that piece of work and whether it is a 20-page transcript or a 500-page transcript, that is the hours they have put into recording it in the courtroom, and transcribing it for the purposes of having the transcript. That is where the dollar fee comes in. I think we are trying to bring it into parity with what the clerks charge because, as you know, the state rate for copying, the county rate for copying, and the municipality rate for copying are fairly high. This is just one manner in which the reporters are seeking to earn their living from their work product. They are trying to maintain the work integrity of that work product and maintain their ability to generate money from

their work product. We realize that is a significant increase but it is reflective of what everybody else is charging and paying.

Assemblyman Mabey:

The court reporter is privately employed and the court hires you. It seems like the court would want to hire their own reporters. The court will pay you according to this current scale. Once the copy is given to the clerk, the clerk has the right to sell that, whatever fee it is per page.

Morgan Baumgartner:

I think the reporters take the position that it is their work product and they still really own that transcript. They have the original document. The court and the clerk often do make copies directly and the reporters don't usually object to that. While they are not employees of the court, as they are independent contractors, that is their job and they may as well be employees. So they try not to counter what the courts want to do or how they work. So they are working with the courts and clerks in that aspect.

In theory, if a litigant wants another copy of the transcript, it would be better for them to go directly to the court reporter and pay the fee the court reporter charges for the additional copies.

Assemblyman Mabey:

The attorney could go to the clerk and get it for a higher price now.

Morgan Baumgartner:

Correct.

Assemblyman Mabey:

So why would you want them to be at the same level? It seems that if you are giving them a better price, you are going to sell more than if it's exactly the same.

Morgan Baumgartner:

I agree.

Joan Dotson:

You are absolutely right but that is how the system is working right now. Thank goodness, we do have statutes that bring it up to an even par. We are working with the clerks. We are not adversaries of the clerks. It is just easier for them to pull the file and make a copy rather than to hunt us down to provide them a copy. This dollar a page puts us on an even playing field with the

clerks. Right now, we just turn a blind eye. We are not there to rock the boat. We really are partners with the county.

[Joan Dotson, continued.] If we tactfully talk to the clerks, a lot of them will direct the business our way and we appreciate that. But it doesn't happen a lot of times and there is this page disparity here where you would think they have a motivation to do that. But it is a matter of the size of the document and the rapport between reporters and the clerks.

Chairman Anderson:

You're trying to tell me that it is of familiarity that exists between the clerks and the attorneys. They are used to sending a runner to get a copy and they know where the clerk's office is but they may not know where your office is. So it is a matter of where I am used to doing business even if it costs me a little more. They are not concerned because the dollar cost as it is passed onto their client.

Assemblyman Horne:

This analogy works like a professional photographer. The photographer still owns the negative and if you want reprints, you have to go through the photographer. In this situation, you have two parties. You have the reporter or the clerk. Oftentimes, a person is more familiar with the court so they go there to get their copies. Your product has value to it and you want to get the same value that the court is receiving when a firm chooses to go through the court instead of you.

Morgan Baumgartner:

That is correct. We are held captive by the statutes and the fees that are set forth in the statute. This is an attempt to set those fees in a manner that is reflective of the marketplace as well. That is why we have to come to you and approach you for these increases on a regular basis.

Chairman Anderson:

On a regular basis, you mean every seven or eight years? We like to hold onto these because it makes people remember we're around.

Assemblyman Manendo:

As an independent contractor, do you pay the \$100 business license annual fee?

Joan Dotson:

Absolutely, I pay county and state.

Chairman Anderson:

I see you are expanding the number of days from just Sunday to also Saturday to be included as a nonbusiness day. Apparently, we only let you have Sunday off before and you charged a regular fee on Saturday.

Morgan Baumgartner:

That is correct. As you know, the court load is getting larger and larger. I don't think it is a common occurrence up here that we have court on the weekends, but in Clark County it is becoming a common practice.

Chairman Anderson:

So why didn't we put Saturday and Sunday in there originally? I can rarely recall a court being held on a Saturday, although some municipal courts have indicated their desire, from time to time, to move evening and weekend agendas in order to accommodate the public.

Morgan Baumgartner:

I'm not sure of that. I will have to research that. Perhaps it is an oversight on our part. I'll be sure and bring that answer back to you. As the courts are growing and expanding, we are constantly evolving to try and catch up and keep pace with the new and innovative practices of the courts as well.

Andrew List, Executive Director, Nevada Association of Counties:

We are neutral on this bill. We don't think paying the court reporters an additional amount of money for their work is a terrible thing as indexed by the CPI [Consumer Price Index]. Actually, the requested increase is a little bit lower than the CPI. We think they should be paid for the work they do and they should be paid appropriately. In that regard, we do support this bill.

Chairman Anderson, you brought up the Saturday and Sunday issue. When I read the bill, I was surprised that it didn't talk in terms of judicial days. My issue is if they are required to work on a holiday, at what rate will they be paid? That might be something the reporters should look into.

I had a question as to why there were different tables for the civil and the criminal. Some of the courts I talked to said it might be difficult to track this using two different fee schedules at this point. A suggestion might just be to somehow average them out so you end up with the same results. If you use one fee it might be better utilized by the courts.

My other point is regarding the unfunded mandate language. We are neutral on this issue. I would like to suggest that consideration be given to district court fees under BDR 2-587. It has not been introduced yet but it uses those fees for

a modest increase based on the CPI index as a method to offset these increased costs for the court reporters.

Chairman Anderson:

You are concerned about another piece of legislation which has nothing to do with this one?

Andrew List:

My point is that this is an unfunded mandate. This is an additional cost to the court system and a cost that is paid for by the county. The percentage of the General Fund that supports the court system rises every year. We need to do something to stem the rise. I know there is an interim study to study the funding of the court system.

Chairman Anderson:

I'm trying to figure out if you are on topic or not and what you're saying is germane to the question in front of us.

Andrew List:

My point is that this is an unfunded mandate.

Chairman Anderson:

You might want to take a look at the rules relative to speaking to a bill and not pushing bills that have not been introduced. Is the county objecting to the bill because it represents an unfunded mandate and, therefore, not one that you would support or do you wish to be neutral on the bill in its entirety?

Andrew List:

We are neutral about the bill but are concerned about the funding.

Assemblyman Carpenter:

What is the cost of living since they last had a pay increase?

Andrew List:

By my calculation, approximately 22.25 percent.

Assemblyman Horne:

You stated that the courts said it may be difficult to track between criminal and civil? Could you please clarify?

Andrew List:

On page 2, Section 1, subsection (c), the amount for a transcription of a civil matter is different than the amount for criminal testimony on page 3, Section 1,

subsection (d). The clerks indicated to me that it might be a little difficult to set up a system to calculate or track the differences between a civil and criminal case. I think right now a lot of it is done by a computer program. I can get more information on that if you like. Their suggestion to me and my suggestion to you is to make it the same fee so they don't have to charge different fees. They could somehow be averaged together so they end up with the desired result that averages out to the CPI raise they are requesting.

Assemblyman Horne:

When I look at a document, it has a case number and if the case number begins with an "A", it is a civil matter. If it begins with a "C", it is a criminal matter. I don't see how that is difficult to track. You look at it and you can tell whether it's civil or criminal and you apply the applicable fees accordingly.

Andrew List:

This is a matter that came from the county clerks. I'm not sure why they think it is a difficult matter. Of course, if you chose to use the two different schedules, as always, the county clerks will comply. They did say it created some difficulty for them and their suggestion was to come up with one fee to get to the desired result. I can certainly get more information for you about why it presents difficulty for them.

Chairman Anderson:

Your concern is the net responsibility of the bill on page two, line 14 where we removed the colon and put in "of civil testimony." Then the creation of a new subsection (d) on [page] 3 which had not previously existed for the difference between civil testimony and criminal testimony. You believe that creates an unfunded mandate that could potentially be there that did not happen before, thus creating a bifurcated system.

Andrew List:

The additional fees in Section 1, subsection (a) of \$170 a day and the additional fees you referenced are the unfunded mandates. The bifurcated system could create a difficulty in tracking. That is not the unfunded mandate. The unfunded mandate is the increase in the fee itself.

Chairman Anderson:

So it is the creation of subsection (d) that the county is concerned about since those are criminal cases in terms of this process.

Andrew List:

Yes, administratively, it might be initially difficult to handle.

Morgan Baumgartner:

I just clarified and confirmed with the court reporters that, as I understand Mr. List's question, there is some confusion about billing by the county at different rates for civil and criminal. The civil charges are billed directly by the court reporters, so I don't believe the counties would have that issue. They would only be billing the criminal rate. It shouldn't be different in the rural counties. That is our understanding.

Chairman Anderson:

If we look on page 2, line 14, under the existing law there is just one statute and it does not draw distinction between civil and criminal. Now with this new process that you are suggesting, you draw a difference between criminal and civil rates. Those distinctions did not take place in the past.

Morgan Baumgartner:

Correct. But I believe previously, as a matter of practice, the court reporters billed directly to the attorneys for the civil cases and the county billed for the criminal cases albeit at the same rate.

Joan Dotson:

Traditionally and in the future, this is the same. The county absorbs the criminal and the private attorneys absorb the civil. The county never absorbs civil, just the private sector.

Chairman Anderson:

So we note that in reality when we are dealing with the criminal case, we are moving from what they are currently paying at \$7.10 to \$7.50. Would that be correct?

Joan Dotson:

That is accurate.

Chairman Anderson:

So then we are moving from \$5.32 to \$5.62 and from \$4.43 to \$4.68 and from \$3.55 to \$3.75. So in the criminal area, we are moving at a dramatically less rate. Yet, the county is terribly concerned about the unfunded mandate of this additional \$0.40 and \$0.20.

Morgan Baumgartner:

I just wanted to clarify for the Committee that civil was a different issue.

Chairman Anderson:

The hearing is then closed on Assembly Bill 91. We will bring it back to the Committee after Mr. Carpenter's questions have been answered. It is the intent of the chair to put this back on the board. We may see it at the work session on Thursday but it is unlikely we will see it that quickly.

If there are any groups to suggest other dollar amounts, I would suggest they speak with Ms. Baumgartner and Ms. Dotson to see what their suggestions might be.

We have six remaining bill drafts to utilize and today is the deadline day for our utilization of additional requests. I have several bills that have been requested of me.

We have a handout ([Exhibit B](#)). When various people appear from time to time and make requests for pieces of legislation to be drafted, occasionally I'll bring it to Committee. What I have tried to do this time is somewhat different and that is try and leave a little more responsibility to you. I asked for a bill draft request last Monday, for example, for a public employees' group who had asked for a bill draft request. I asked Ms. Combs to prepare the document based upon the fact that we had six bill draft requests. Then I spoke with the Speaker on behalf of the Committee because there already were several legitimate requests. One of these requests we have already used regarding regulation of mobile gaming on the premises of licensed gaming establishments. That had been one of the issues being addressed during our pre-conferencing period. You very generously gave the Committee an introduction on February 16, 2005.

Earlier we had listened to Ms. René Yeckley give a presentation of Supreme Court decisions. One of them dealt with juvenile sex offenders which addressed the findings of the Nevada Supreme Court *In the Matter of T.R v. Nevada Division of Child and Family Services* [80 P.3d 1276 (Nev. 2003)]. The statute governs the hearings of determination whether a juvenile sex offender should be the subject of adult regulation. Ms. Yeckley noted in her presentation the explicit standards of determining how a child should conduct himself to avoid lifetime regulation. It also guided the juvenile courts in determining whether it requires a child to comply with adult offender standards. That seemed to be one I felt the Committee could easily take on as a drafting request.

The third bill and the second from Ms. Yeckley's presentation would be the threatening of public officials relative to *Chaffee v. Roger*. While it is currently pending in federal district court, it appears likely the court will find the statute unconstitutionally broad and that we might need to deal with some level of

specificity relative to both the terms "threat" and "intimidation." That would be a fit discussion for us.

[Chairman Anderson, continued.] In addition, one of the continuing problems in northern Nevada evolves around the question of neighborhood gaming. While there are some pieces of legislation that we may be hearing in this area, it seemed to me it would be good to have something that the Committee was writing, thus taking the heat around that particular issue. Also to keep the central issue focused rather than following a wider path it might lead to.

In addition, several people approached me to clarify the intent of the 2001 Legislature with regard to *Nevada Revised Statutes* 20.035 which is the Tobacco Master Settlement Agreement. The bill draft would clarify that other parties involved in those kinds of caps were originally intended to be part of the settlement. For those of you who were here in 2001, we were among the very first states to comply with that and subsequent to that, many states broadened that to include anybody else who was part of that. I would suggest that this be one of our bill draft requests.

Mr. Horne brought to my attention the problems of sporting officials prior to and after sporting events.

Assemblyman Horne:

I just wanted to bring in sports officials that were left currently out by statute. You probably have seen the problem on television of out-of-control fans and parents. That focus is directed being toward sports officials.

Chairman Anderson:

In addition, we have the opportunity to hear delinquent payment of installments of obligation of child support due to undue hardship. We may need to reacquaint ourselves with NRS 125B.095.

Also, Mr. Manendo brought to my attention one of my concerns from common interest communities relative the statutes of "right of redemption."

Assemblyman Manendo:

I had a bill draft request left over so I chose to use that avenue rather than use one of the Committee's bills. I appreciate the consideration but we are taken care of.

Chairman Anderson:

That is the purchase of title unit ownership without equity or right of redemption. Clearly, this is an issue I hope we will be able to get to.

The last one we heard, a presentation from last Monday, was on the juvenile facility. Some of those issues are being addressed and we do have the specificity that those issues are being addressed.

[Chairman Anderson, continued.] It is my recommendation that we use our six remaining bill drafts to take care of the juvenile sex offenders, the threat to public officials, neighborhood gaming issue, the Tobacco Master Settlement Agreement, the assault on sports officials, and to authorize waiving penalties for delinquent payment of installment child support.

This is the last day that a Committee can request a piece of legislation, so from this point forward the only way to fix something we discover is by taking an existing statute that we have heard and is on the board. We would bring it back to Committee and amend it into the bill. It has to be specific to that. Ms. Yeckley will be the arbiter of what amendments we will deal with.

Assemblyman Mabey:

Thank you for the clarification of new legislation.

ASSEMBLYMAN CONKLIN MOVED TO REQUEST BILL DRAFTS FOR:

- JUVENILE SEX OFFENDERS TO CLARIFY NRS 62.590 [62F.250],
- THE THREAT TO PUBLIC OFFICIALS TO CLARIFY NRS 199.300,
- TO ADDRESS NEIGHBORHOOD GAMING ISSUES OF NORTHERN NEVADA,
- TO FURTHER CLARIFY THE TOBACCO MASTER SETTLEMENT AGREEMENT UNDER NRS 20.035,
- TO CLARIFY THE ASSAULT ON SPORTS OFFICIALS UNDER NRS 200.471 AND NRS 41.630, AND
- TO AUTHORIZE WAIVER OF PENALTY UNDER NRS 125B.095.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION CARRIED (Ms. Buckley was not present for the vote.)

Allison Combs, Committee Policy Analyst:

The green calendar indicates the bills that have been heard by the Committee since February 14, 2005, and will hear up through March 2, 2005. As you can see, the Chairman has scheduled a work session for Thursday, March 3. This is reflective of the Committee's work to date.

Chairman Anderson:

Also note I have not scheduled a meeting for Friday, March 4. This is reflective of how many bills I have sitting on my desk and on the board. So far I have had one of you ask me about a particular piece of legislation. I have indicated to the primary sponsors of bills that I need people to come and speak with me regarding a particular bill before I will schedule it. I am not going to take up our time if the Committee had dealt with the issue over several sessions, until I know that there is a real appetite from the members of the Committee to hear the bill. Asking to hear a bill is not the same as voting for it. So you should not consider it to be an absolute acceptance of the bill but rather this is a topic you want to make sure we hear. I remind you that it will go to work session when I know there are seven people willing to vote on the bill whether you are going to vote for it or against it. It helps me have a feeling of where things are going. I just need to know you are ready to vote on it. We will not be holding a hearing on A.B.72 as there some issues in drafting the legislation. In this area we could find a very unusual set of legal circumstances that I don't think either side anticipated. There may even be a move to have it withdrawn so we don't tamper with it.

[Meeting was adjourned at 10:25 a.m.]

RESPECTFULLY SUBMITTED:

Carole Snider
Committee Attaché

APPROVED BY:

Assemblyman Bernie Anderson, Chairman

DATE: _____

EXHIBITS

Committee Name: Judiciary

Date: February 28, 2005 Time of Meeting: 9:10 a.m.

[illegible]