

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-third Session
April 7, 2005**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 8:21 a.m. on Thursday, April 7, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Mark E. Amodei, Chair
Senator Maurice E. Washington, Vice Chair
Senator Mike McGinness
Senator Dennis Nolan
Senator Valerie Wiener
Senator Terry Care
Senator Steven A. Horsford

GUEST LEGISLATORS PRESENT:

Senator Maggie A. Carlton, Clark County Senatorial District No. 2
Senator Michael A. Schneider, Clark County Senatorial District No. 11

STAFF MEMBERS PRESENT:

Nicolas Anthony, Committee Policy Analyst
Kelly Lee, Committee Counsel
Gale Maynard, Committee Secretary

OTHERS PRESENT:

George Togliatti, Director, Department of Public Safety
Bill Bradley, Nevada Trial Lawyers Association
Scott M. Craigie, Nevada State Medical Association
Steven T. Walther
John L. Wagner, Burke Consortium of Carson City
Janine Hansen, Nevada Eagle Forum, Nevada Committee for Full Statehood

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Pamela B. Wilcox, Administrator and State Land Registrar, Division of State
Lands, State Department of Conservation and Natural Resources
Katy Singlaub, Manager, County Manager's Office, Washoe County
Lucille Lusk, Nevada Concerned Citizens
Frank W. Thompson, Evans Creek Limited Liability Corporation
Mike Chapman, Washoe County
Robert L. Crowell, Nevada Trial Lawyers Association
Robert C. Kim, Chair, Executive Committee, Business Law Section, State Bar of
Nevada
Pat Cashill, Nevada Trial Lawyers Association
Scott W. Anderson, Deputy Secretary of State, Commercial Recordings, Office
of the Secretary of State
Scott Swain, Sergeant, Nevada Highway Patrol, Department of Public Safety
Misty R. Grimmer, Nevada Resident Agents Association
Derek Rowley, Nevada Resident Agents Association
Tracy A. DiFillippo, Black Jack Bail Bonds
R. Ben Graham, Nevada District Attorneys Association

CHAIR AMODEI:

We will call this meeting of the Senate Committee on Judiciary to order.
Senator Carlton has requested to make a statement before the Committee, for
the record, in regard to Senate Bill (S.B.) 279 which she has asked to be pulled
from our agenda.

SENATE BILL 279: Allows chief executive officers of certain law enforcement
agencies of this State to certify peace officers under certain
circumstances. (BDR 23-1243)

SENATOR MAGGIE CARLTON (Clark County Senatorial District No. 2):

Senate Bill 279 was drafted to help solve a problem, and the bill has been
a great inspiration. Mr. George Togliatti, Director of the Department of Public
Safety, is here to give further information on the bill and answer any questions
you may have.

GEORGE TOGLIATTI (Director, Department of Public Safety):

I have been assured this issue will be placed on the agenda for the next Peace
Officers' Standards and Training Commission (P.O.S.T.) meeting; hopefully, we

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can get relief and resolve the issue. I have had some contact with other commissioners and various members of the Nevada Sheriff's and Chief's Association.

CHAIR AMODEI:

Can you tell the Committee when the next P.O.S.T. meeting is?

MR. TOGLIATTI:

I am not certain, but I believe it is the second week in May.

CHAIR AMODEI:

If you would correspond with Mr. Anthony as to the result of that meeting to keep us up to date on the issue, we would appreciate it.

MR. TOGLIATTI:

I certainly will keep you informed.

CHAIR AMODEI:

We will close the hearing on S.B. 279 and open the hearing on S.B. 313. Mr. Bradley, do you have anything to add to S.B. 313 to complete your testimony?

SENATE BILL 313: Provides immunity from liability to certain persons and governmental entities for certain claims based on consumption of food. (BDR 3-748)

BILL BRADLEY (Nevada Trial Lawyers Association):
I do not have anything to add.

CHAIR AMODEI:

Is there anyone else who has testimony on S.B. 313? Seeing no further testimony, we will close the hearing on S.B. 313. We will now go to our Work Session Document (Exhibit C, original is on file at the Research Library) and examine Senate Bill 234 which is Senator Lee's bill regarding qualifications in terms of years of practice for district court and Nevada Supreme Court judges.

SENATE BILL 234: Revises qualifications for Supreme Court Justices, district judges and justices of the peace. (BDR 1-775)

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CHAIR AMODEI:

Mr. Anthony, please review the provisions of Senator Lee's measure. We also indefinitely postponed (IP) Senator Townsend's measure on the same topic so we would only have one bill. Senator Lee's bill had five years experience for the Nevada Supreme Court and five years for district court. Senator Townsend's bill had ten years for the Nevada Supreme Court and five years for district court. What are the thoughts from the Committee on S.B. 234?

SENATOR WIENER:

There was a consideration that experience did not have to be in Nevada; are we looking at an amendment that would not require it to be in Nevada?

CHAIR AMODEI:

It is at the pleasure of the Committee. Personally, I do not think the experience has to be in Nevada.

SENATOR WIENER:

The bill states it needs to be in Nevada, does it not?

SENATOR CARE:

I spoke with Senator Lee, and he agrees the experience required is ten years cumulative, anywhere.

CHAIR AMODEI:

Is there a motion to amend and do pass on S.B. 234?

SENATOR WIENER MOVED TO AMEND AND DO PASS S.B. 234 WITH LANGUAGE STATING THE CUMULATIVE YEARS OF EXPERIENCE NEED NOT BE IN A NEVADA DISTRICT.

SENATOR CARE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

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CHAIR AMODEI:

The next bill is S.B. 343, on the mechanics' and materialmen's liens, [Exhibit C](#).

SENATE BILL 343: Makes various changes to provisions related to mechanics' and materialmen's liens. (BDR 9-787)

This bill was heard two days ago in our Committee, and a significant amendment was offered. Is there a desire of the Committee to move on S.B. 343?

SENATOR CARE MOVED TO AMEND AND DO PASS S.B. 343 WITH THE AMENDMENT SUBMITTED AT THE APRIL 5 HEARING.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

CHAIR AMODEI:

The next bill on the docket is Senate Bill 445 on parole and probation, [Exhibit C](#).

SENATE BILL 445: Revises various provisions related to State Board of Pardons Commissioners. (BDR 16-659)

SENATOR CARE:

I have read the Attorney General's opinion and am prepared to make a move to do pass. The opinion will affect Senator Horsford's bill the Committee will hear tomorrow or Monday.

CHAIR AMODEI:

Should we hold this bill until we hear Senator Horsford's bill? Is there any value in holding it?

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SENATOR CARE:

There are some questions as to what the Legislature can do. The Executive Branch can act independently of the Legislature under the Nevada Constitution when it comes to these pardons. I have not looked at this in depth, but it is clearly the same subject matter.

SENATOR CARE MOVED TO DO PASS S.B. 445.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

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CHAIR AMODEI:

This takes care of all the bills in the Work Session Document, today. We will reopen the hearing on S.B. 316.

SENATE BILL 316: Limits civil liability of certain persons providing gratuitous services under certain circumstances. (BDR 3-739)

MR. BRADLEY:

On behalf of the Trial Lawyers Association, we have two objections to S.B. 316. The first is section 1, subsection 2, extending immunities to attorneys who provide pro bono services. In terms of the Trial Lawyers Association, whether or not we are providing services voluntarily, we are still responsible for our actions, and in the event we commit legal malpractice, we should be held accountable. The second concerns the term "gratuitously" in section 2, at the top of page 5, line 1, subsection 11. The language change will have some consequences. The intent behind this bill is to provide immunity, primarily to physicians who are performing gratuitous work to assist with some of the health care problems, particularly, in southern Nevada, and we support that.

The language currently in the law states that gratuitously means the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance. The language of S.B. 316 changes that to the person rendering the care or assistance. If I understood the testimony from yesterday, Dr. Havens testified

that physicians are getting indigent care referred to their offices and are providing that care gratuitously. The physician providing the care would not bill that person, but certainly his or her corporation could bill that person, Medicaid or another entity. Our concern is in the area of other types of services provided. If a charge is incurred, that creates responsibility. If we can keep the language as it currently exists in the law, that person cannot be charged regardless of who provides the care or who bills the person. That is the policy behind the bill, and that policy is what should persevere, should this law go forward.

SENATOR NOLAN:

If you have a physician who renders gratuitous care, regardless of the level of care or service, and there is no remuneration, then, essentially, you have no problem with providing that civil immunity to that physician. Is this correct?

MR. BRADLEY:

That is correct.

SENATOR NOLAN:

Let us say the physician is working pro bono as well as for an organization. The agency for whom he works might receive grants or funding from the State of Nevada or another source for which they bill in order to keep the facility open.

The doctor's activities and actions are the same, regardless of whether some other organization tries to receive some type of remuneration for supplies used and the cost of keeping the clinic open. Therefore, his or her activities have not changed, and though the patient is not billed, there might be billing for receiving grants or funds. It does not change the services provided, but helps keep the facility open. The fundamental idea behind this bill is to do what is necessary to provide care to indigent people.

MR. BRADLEY:

As we all know, every physician's office is a corporation, and that office charges the patient for services rendered. If a neurological office sees a patient, that patient is entitled to rights under our Nevada Constitution. If the language in the bill said we are only charging you to keep the lights on, this is an impossible burden to prove in a bill. You get the same immunity for that physician without changing the language. Do not charge the person, then there is no problem. Once you start charging, it creates responsibility.

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SCOTT M. CRAIGIE (Nevada State Medical Association):

The language reads, "the person receiving care or assistance." Frankly, the impact of the language, either way, is the same, and I would not mind if the term "gratuitously" was left in its original form.

CHAIR AMODEI:

Are there any other questions for these two testifiers?

SENATOR CARE:

Mr. Bradley, let me ask you about the pro bono work for attorneys because they would not be part of a charitable organization. My own thoughts on this are that the attorney should still be held liable.

MR. BRADLEY:

That is the position of my organization.

CHAIR AMODEI:

Is there anything else for our testifiers? Is there anyone else who wants to testify on S.B. 316? Please include for the record the letter dated April 5, 2005, to the Committee ([Exhibit D](#)) from Lucille Lusk, Nevada Concerned Citizens, stating their support for S.B. 316. Seeing no further testimony, we will close the hearing on S.B. 316 and reopen the hearing on Senate Bill 326.

SENATE BILL 326: Makes various changes to provisions governing eminent domain. (BDR 3-78)

STEVEN T. WALTHER:

In previous testimony, I addressed the issue of the option existing on the Ballardini Ranch prior to its acquisition by the owners. The owners of the Ballardini Ranch originally entered into an option to maintain the land as open space with the American Land Conservancy, and it was their desire that this occur. When the federal trading program needed to move forward for other reasons, they disposed of the ranch for compensation.

Prior to the March 15, 1998, acquisition, the owner, with the Ballardini people, applied for 2,200 homes in December 1997 for a major plan amendment. This would have devastated the southwest Truckee Meadows plan and caused problems in the entire traffic system. An hour or two before the hearing, that application was pulled by them. They pulled the application for development and

bought the property a few months later without knowing about the existing plan and the work that had gone into protecting the area. It is not a surprise this has continued over the years. With respect to support, the news media has never wavered in supporting the position of the Ranch for open space and public use.

Open space does not mean the land is not used; the Ballardini Ranch has been a working ranch for a long time. It is the last, great ponderosa-available land in the Truckee Meadows where people can come from everywhere, not just southwest Reno, but all over the valley. They can actually see a working, "Ponderosa-type" ranch where children can camp, ride horses, hike and milk a cow. The Ranch provides tremendous rural activities not available elsewhere. Rancho San Rafael is a wonderful place, a ranch that was acquired, but has urban use at this time.

Criticism was raised at yesterday's meeting about the Southern Nevada Public Land Management Act. This was an application filed by Washoe County to obtain \$15 million in addition to the farmland approved by the voters. There will be \$20.5 million available, if approved, to buy a ranch acquired for \$8.5 million only a few years earlier. After the hiatus occurred between the negotiations with the County and the owner, acquisition discussions also took place with The Conservation Fund, which came to no avail. Throughout that period of time, the owner knew the process was still in play for federal money. The owner's lawyer said it was a matter of money and was encouraging us that what it came down to was price, not where the money came from. Secretary of the U.S. Department of the Interior Gale A. Norton, approved the Ranch for \$15 million plus a 10-percent override, \$16.5 million, with a formal order calling the Ranch sensitive land and approving it for acquisition. All this was known to everyone in the community, including one of the lead lawyers representing the interests of the Ballardini Ranch. The whole issue of the Southern Nevada Public Land Management Act was in hopes that the money could become available to help acquire the land either through the County, The Conservation Fund or some other source.

To our knowledge, the owners were offered fair market value because an appraisal was done and given to them, and they have not had an appraisal done on their own. The other issue, addressed in previous testimony, was that the Ranch has no value to wildlife. I would like to give you a copy of a report on the Ballardini Ranch by Dr. Paul T. Tueller ([Exhibit E](#), original is on file at the Research Library), who is the longest tenured professor in the area for the

University of Nevada, Reno. It shows that the Ballardini Ranch has critical wildlife opportunity for deer and other important habitat. Photographs of the Ranch were taken by a local photographer and show the available habitat. When the weather gets rough and there is no place for the wildlife to go, we could lose them. We had a bear cub in our apple tree because they are running out of range. This Ranch provides the kind of open space that allows this kind of wildlife to survive.

A question came up about the property surrounding the Ballardini Ranch. [Exhibit E](#) includes an aerial photograph of the southwest Truckee Meadows' open-space and public-use plan. McCarran Boulevard is to the north, and this is a rough cut of the 1,400-acre property, dedicated by Arrow Creek, to link to the Ballardini Ranch. The owner of the Ballardini Ranch is conserving 225 acres for personal use and open space. It is in the middle of a transition area and a buffer zone from the city that gives everyone access.

Finally, as a matter of policy, one piece of land and two pieces of litigation are pending judgment and the law is clear on just compensation. This legislation is designed to terminate that litigation process without hearing the facts from all sides. Senate Bill 326 says a county commissioner, a city councilman or any person of a political subdivision can never vote to acquire land by eminent domain for open space. What does open space mean? We can never vote to deprive our officials the power to have open space with activity consistent with our national and State's heritage to protect wildlife and to have flood-control zones. Do we not care enough about wildlife to entrust our county commissioners or a city to do anything for wildlife throughout the State and to protect one piece of ground from a Minnesota developer who is entitled to a fair price, no matter what happens? I question whether it is good public policy and ask you to give it consideration. There is no opposition to section 2, and it deals with a different issue.

JOHN L. WAGNER (Burke Consortium of Carson City):

We were in favor of this bill before I heard testimony. The eminent domain is stretched to the limit to cover a lot of these issues, and I question whether eminent domain was originally set up for this. After hearing the testimony involving the Ballardini Ranch, I am amazed it has gone this far and gotten this vicious. The County of Washoe had plenty of time to buy that property before the present owner did. Why did they wait and now cause an uproar in trying to acquire that land? The eminent domain is almost legalizing taking property from

one person to give to someone else or for someone else's personal use. Who cares what the newspapers say? It is what the owners do; they have rights, and it looks as if they are being denied their rights.

JANINE HANSEN (Nevada Eagle Forum; Nevada Committee for Full Statehood):
The Nevada Committee for Full Statehood has worked hard since 2001 on property issues. In section 1 of S.B. 326, when we look at the issues of open space and protecting and conserving wildlife habitat, we have seen other government organizations in the State of Nevada abuse this for open-space habitat. If we look at Clark County, there used to be 50 ranchers; now there is one. In the State of Nevada, we have probably lost 50 percent of our ranchers; most of them were pushed out on these same kinds of issues. We have more problems in our rural communities because they do not have the tax base they need, and this is an issue of importance.

Former U.S. Supreme Court Justice George Sutherland noted property has no rights, but the individual has three great and equally sacred rights: the right to his life, his liberty and his property. These three rights are bound together to equal one. To give life but deny liberty is to take all that makes life worth living, and to give someone liberty and take his property is to leave him a slave. It is important to protect people against the abuses of government with eminent domain.

I handed you a copy of a column about the property issue by national Eagle Forum President Phyllis Schlafly ([Exhibit F](#)). It particularly applies to section 2, and we know this is in the U.S. Supreme Court. Much of the issue regarding eminent domain in a blighted area was brought forth in the 1981 Poletown decision by the Michigan Supreme Court, which was reversed in 2004. The mischief created by this case still continues.

Government has gone beyond the original intent of eminent domain which applies if you need a highway or a building, and now it has been extended to many other things. An issue now before the U.S. Supreme Court is *Susette Kelo v. City of New London*, 04-108. In March 2004, a 4-to-3 decision by the Connecticut Supreme Court authorized the town of New London to take the property of Susette Kelo and many others for a private development by a wealthy pharmaceutical corporation, Pfizer, Incorporated. Manufacturing Viagra is not the public use our founders had in mind when they wrote eminent domain into the U.S. Constitution.

The protection is limited in Senator Care's bill to those properties which may not be in a blighted area, but it is an important first step. We would also support the bill in the Assembly, if it goes further. I encourage you to remember government has the ability, under eminent domain, for abuse of power. You need to be careful to protect the rights to property, and we encourage you to pass this legislation.

PAMELA B. WILCOX (Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources):

My concern with the bill is its impact on the State. I recommend you not compromise the State's power of eminent domain in this way. The Division of State Lands has been the State's general land agency since 1977, when we were given the power to acquire land on behalf of the State. In *Nevada Revised Statute* (NRS) 321.001, subsection 2, that power specifically includes:

If additional land or an interest in land is required for the use of any state agency except the Department of Transportation or the University and Community College System of Nevada, the agency and the Division shall select land for use by the agency.... The Division shall determine the value of that land and obtain the land or interest by negotiation or, if necessary, by exercising the State's power of eminent domain. Title must be taken in the name of the State of Nevada.

Similarly, NRS 37, which addresses eminent domain, specifically provides in NRS 37.010, subsection 2, that in behalf of State activities, property may be acquired for all public purposes authorized by the Legislature.

We are the agency that acquires land for use by any agency for any use. The definition of open space given in this bill refers to NRS 376A.010, and it is a broad definition. It includes not only the preservation of land to conserve and enhance natural or scenic resources, but also the protection of streams, and stream-environment zones, watersheds "viewsheds," natural vegetation, wildlife habitation, maintenance of natural and man-made features that control floods other than dams, preservation of natural resources, sites designated as historic and for the development of recreational sites. Clearly, this list overlaps the jurisdictions of quite a few state agencies. If this bill were passed, we would be unable to exercise the State's power of eminent domain to acquire land for any of those agencies for any of those public purposes.

This is not something we often do. I have been State Lands Registrar for 22 years, and in those years, we have used eminent domain once on behalf of the Legislature when we acquired a parcel across the street for a parking lot. We do everything not to use it; it is the last resort, but still an essential tool to acquire land on behalf of the State. I recommend you not compromise this authority.

KATY SINGLAUB (Manager, County Manager's Office, Washoe County)

We wish to express our objection to section 1, subsection 1, paragraphs (a) and (b). I want to summarize the Washoe County Board of Commissioners' decision to petition the court to determine the appropriateness of preservation of wildlife habitat as a legitimate public use under eminent domain. That petition was a last resort. We had documented public input in the range of 100 to 1 in favor of the commissioners' use of eminent domain to pay fair market value for the land in question.

We respect private property rights, but the elected commissioners believe that the public interest also needs to have a voice. The commissioners heard testimony and voted to have the question of the appropriateness of the use of eminent domain for preservation of sensitive environmental and wildlife habitat decided in court based on the facts. Eminent domain gives the people the right to have a court decide and determine the compensation to be provided. I will testify, under oath, that we tried for many months over the course of years to find a plan that would provide quality development opportunities while protecting the wildlife habitat and public access for recreation.

The property owners provided no evidence until the day before yesterday that they were willing to accept the zoning and land-use entitlements that existed on the property when they purchased it in 1998. We are convinced the case of the Ballardini Ranch is a planning problem, not a public-policy problem for the Legislature to decide. We, and the property owners, should be encouraged to return to the planning table under the guidance of our regional planning authority in Washoe County to work out an appropriate development plan for this property.

We respect the Committee's efforts to decide this policy and wish to ensure that eminent domain can be used as a last-resort tool for elected officials, in the interest of the public, to preserve wildlife habitat, flood control and the like.

SENATOR WASHINGTON:

Are you telling the Committee that an olive branch was sent to the developers to take another look at their plans for development and allowing some space to be opened for wildlife, trails and other things? The only time you have had a response to your request was yesterday?

MS. SINGLAUB:

Let me clarify. Mr. Tim Nelson, from Evans Creek, can attest that we worked for many months to find a solution that was workable. A lot of factors contributed to an environment of mistrust between the parties and settlement discussions broke down, but we have continued to offer the olive branch. Until the day before yesterday, we were not advised the property owners would accept the zoning authority they had on the property when they purchased it.

You heard testimony from Mr. Walther that various maps had been submitted with an excess of 2,000 lots on the property; we found out this week, through deposition, that 184 lots were acceptable. We believe there could be a win-win opportunity with this kind of development proposal.

SENATOR WASHINGTON:

This would be without going to court and actually settling.

MS. SINGLAUB:

We would be happy to settle it ourselves, but we also need to involve other parties including the City of Reno, the Truckee Meadows Regional Planning Agency and others who have jurisdiction in that matter. We would look to having it returned to the jurisdiction of our regional planning authority. We have an alternative dispute resolution process through Associate Justice James W. Hardesty, that we would be willing to do, and I have the commitment of the chair of the Washoe County Commission that it is an avenue we will pursue.

LUCILLE LUSK (Nevada Concerned Citizens):

I am addressing section 2 of S.B. 326. It is a shock to citizens when they discover their property rights have been compromised. Their individual property, home or business, that is well taken care of and provides for their family, either through income or a place to live can be taken by the power of eminent domain for redevelopment purposes. This transfers their property to a wealthier or more

politically connected private property owner so a fancier business or an office building can be built. The only change that purpose serves is to bring in more taxes for that government entity.

We have reached the point where this issue has now been taken under advisement by the U.S. Supreme Court. There is no question that the original intent of the U.S. Constitution regarding the power of eminent domain was not for this purpose. We strongly support section 2.

CHAIR AMODEI:

Is there anyone else to testify on S.B. 326?

FRANK W. THOMPSON (Evans Creek Limited Liability Corporation):

I have a handout ([Exhibit G](#)) supplementing my previous testimony. We told you Evans Creek is and has been the victim of the abusive use of the power of eminent domain for pretextual reasons. Those reasons are open space and preservation of wildlife habitat. Importantly, I ask you to consider what has happened over the past two days of hearings. Washoe County has asserted three grounds for condemning this property, two of which are in the bill. One is for habitat, one is for open space and the other is for public access to the national forest.

During the course of these two days, no county representative has made an attempt to justify the ground of wildlife habitat. It is not stated in chapter 37 of NRS as a ground for the exercise of eminent domain, and we have not heard from the County counsel or the County itself as to why they should be able to exercise the power of eminent domain to preserve wildlife habitat. There is no statutory justification, and there is no justification under any decision by the Nevada Supreme Court to condemn property for wildlife habitat.

Another ground, though not in the bill, but relevant to what has happened, is that of public access. The Chair of this Committee pointed out yesterday that condemning 1,019 acres of property on the alleged ground of access to the national forest is ridiculous and unnecessary.

I ask you, why would a governmental agency shotgun a laundry list of alleged grounds to condemn property when they are not necessary or provided by statute? They do it when there is no legitimate basis for condemning the property. If you view this issue of open space against that backdrop, you will

see clearly that they acknowledge open space is not provided for as grounds for eminent domain. Under direct questioning by the Chair, county counsel evaded the question at least four times: "show me where in chapter 37 it says you can condemn for open space?" Counsel finally conceded NRS 37 did not say that.

The County relies on a decision by the Nevada Supreme Court from a case in 1951, *Bushard v. Washoe County*. They are trying to convince you that in 1951, the Nevada Supreme Court ruled that neighboring landowners can prevail upon a governmental entity to condemn residentially zoned property contiguous to a city, within a sphere of influence, for open space so their neighbors can look at it. It is an outrageous statement that the Nevada Supreme Court would do something like that in 1951, and they did not. That decision said if you plead in your complaint as a governmental entity that you are condemning property as a park, then you can condemn for that reason because it is in the statutes.

What you have here is a shell game played by the County telling you that open space is a park, and it is not. If they wanted to condemn for a park, they can put it in their resolution and their complaint, but they have done neither. Why is that? It is a simple matter; they do not want it to be a park. The County is trying to convince you that the district judges in the State cannot tell a cow from a horse, but they can. Open space is not a park. Wildlife habitat is not a park.

Senator Care has introduced this legislation to protect all property owners in the State of Nevada from this type of abuse and pretextual use of the power of eminent domain to take other people's property. Irrespective of the lawsuits that exist, we urge you to consider and approve S.B. 326 to protect all landowners in the State. No matter what the outcome of the Ballardini case, other property owners in the State deserve to be protected from this outrageous and abusive use of the power of eminent domain. It has never been authorized by the Legislature or the Nevada Supreme Court.

CHAIR AMODEI:

Is there anyone else to testify on S.B. 326?

MIKE CHAPMAN (Washoe County):

This is the kind of closing argument that is appropriating court and why the Nevada Supreme Court in the *Pappas v. City of Las Vegas Downtown*

Redevelopment Agency (2003) decision states that questions of public use are properly presented to the trial judge early in the proceeding to determine whether the use is appropriate.

I previously testified at length as to why the statutes say that open space is appropriate and why the Bushard case of 1951 allowed the acquisition of 138 acres of land for access for public use. It belongs in the courts. The bill seems to make it retroactive which upsets the balance in the courts. Not only does this bill potentially harm the counties and the taxpayers' position in the lawsuit itself, but also terminates the ability to go through the process within the courts. We request that section 1 of the bill be defeated.

CHAIR AMODEI:

We will close the hearing on S.B. 326 and leave the record open on this for the submission of additional materials for consideration by the Committee until Monday, April 11, at 5 p.m. Mr. Chapman and Mr. Thompson, please submit a brief summary of your opinion of what the impact of this bill would be, if it went forward, regarding the three pieces of litigation. In the bill's present form, it attempts to significantly impact one of those pieces of litigation. If you feel this is a request you do not wish to respond to, based on the pending litigation, please indicate this also.

A letter dated April 7, 2005, from Buffy Jo Dreiling, Legal Counsel, Nevada Association of Realtors ([Exhibit H](#)) was submitted into the records for S.B. 326. We will open the hearing on S.B. 266.

SENATE BILL 266: Revises provisions governing statutes of repose and statutes of limitation in actions relating to deficiencies in construction of improvements to real property. (BDR 2-732)

CHAIR AMODEI:

I realize Senator Schneider is not here to discuss his bill, but if there is anyone who wishes to testify on this bill, please step forward.

ROBERT L. CROWELL (Nevada Trial Lawyers Association):

We have concerns about this bill; mostly, we find it confusing. Despite our best efforts to understand the bill, there is substantial dissent and discussion about what this bill exactly does. This bill deals with the conversion of property to condominiums (condo).

Our understanding of existing law holds that when a person converts an apartment to a condo or converts to a condo, the statute of limitations with respect to the underlying developer and owner does not change, and it should not change.

This bill, although it seems to codify this holding of the law, goes on to say that the statute of limitations can be extended. If a person converts the property, from the date of conversion, the statute of limitations is retriggered in its entirety as to the underlying property and not just to the improvements the converter put on the property when the conversion was made.

On face value, S.B. 266 can be read to say that when there is a conversion, the statute of limitations is not only the existing one, but the statute extends to the underlying owner and to the original developer for an additional period of time. Although this language may be beneficial to some people, we do not think it is consistent with existing law. Instead of creating any additional confusion in the law, we suggest the statute be left the way it is.

CHAIR AMODEI:

Is there anyone else to testify on S.B. 266? Seeing no further testimony, we will close the hearing on S.B. 266 and open the hearing on S.B. 338.

SENATE BILL 338: Makes various changes concerning business associations.
(BDR 7-728)

ROBERT C. KIM (Chair, Executive Committee, Business Law Section, State Bar of Nevada):

As chair of this committee I helped guide a group of practitioners to compare and submit the changes reflected in S.B. 338, as well as submitting some clarifying amendments ([Exhibit I](#), original is on file at the Research Library).

CHAIR AMODEI:

Mr. Cashill, do you have an amendment?

PAT CASHILL (Nevada Trial Lawyers Association):

I have an amendment to this bill ([Exhibit J](#)), and I have heard the testimony of Mr. Crowell. We do not understand the purpose of this bill. However well intended, legislation may lead to unforeseen or unintended consequences. The

amendment we propose simply adds language, where appropriate in the view of the Legislative Counsel Bureau, starting at page 2, line 9, we would add "provided that the delay in commencement of corporate existence is not intended to defraud creditors or to violate or evade the law of the United States or of any state."

Whatever the purpose of this bill and the intended consequence of the delay in the commencement of corporate existence, were the purpose nefarious, to defraud creditors or violate or evade the laws of this State, any other state or the United States, that purpose would not be worthy of legislation in this State. For this reason, we proposed the amendment placed before the Committee.

CHAIR AMODEI:

Mr. Cashill, have you spoken with Mr. Kim or anyone in his Committee about the amendment?

MR. CASHILL:

No, I have not. I gave him a copy of the amendment before this meeting, and I do not have a copy of his amendment. Following the hearing, I will speak with Mr. Kim.

SCOTT W. ANDERSON (Deputy Secretary of State, Commercial Recordings, Office of the Secretary of State):

We have met with Mr. Kim, had several conversations regarding their bill, and we are not in opposition. With our current systems, the Secretary of State feels we can handle the provisions provided in this bill.

CHAIR AMODEI:

We will close the hearing on S.B. 338 to allow Mr. Kim and Mr. Cashill a discussion regarding any concerns, and report to Mr. Anthony whether there is or is not a consensus on the proposed amendments. Then, the Committee can schedule a work session on the bill sometime next week. We will open the hearing on Senate Bill 452.

SENATE BILL 452: Revises provisions pertaining to Central Repository for Nevada Records of Criminal History. (BDR 14-612)

SCOTT SWAIN (Sergeant, Nevada Highway Patrol, Department of Public Safety):
My current assignment is at the Central Repository for Nevada Records of Criminal History, and I am here to provide information on S.B. 452.

This is basically a housekeeping bill to allow a change in NRS 179A.078 permitting the director of the Department of Motor Vehicles to create an advisory committee for the Nevada Criminal Justice Information System (NCJIS) as opposed to an advisory committee for the Uniform Crime Reporting Program.

The NCJIS is a secured network administered by the Department of Public Safety to all law enforcement entities in the State of Nevada. The benefit to the law enforcement community would be a committee that would continue to work toward sharing information of criminal records. The Uniform Crime Reporting Program, under NRS 179A.078, was a system developed by the Federal Bureau of Investigation (FBI) in the late 1940s that is currently under review while other programs are considered. The NCJIS continues to grow in complexity with linkage to the Department of Motor Vehicles (DMV), the Dangerous Offender's Notification System and the National Crime Information Center.

Under these same statutes, the advisory committee has not met for several years due to funding. The process we are seeking in Nevada mirrors the FBI's approach in building the NCJIS. We are trying to duplicate, at the State level, what is being done at the national level.

This advisory committee will allow the Department of Public Safety to better serve the State of Nevada and its law enforcement agencies. There is a small fiscal impact for this program for travel for committee members. If this is passed, there will be two meetings per year; one meeting in southern Nevada and the other in northern Nevada. The fiscal impact has been calculated at \$4,517 annually as currently proposed in the Criminal History Repository's budget for 2005-2006.

A second part to the bill would reassign the Criminal History Repository from the Highway Patrol Division to the Department of Public Safety. In 1985 when the Criminal History Repository was enacted by the Legislature, the DMV was with the Department of Public Safety. Because the Criminal History Repository is required to be administered by a law enforcement agency, it was put under

the direction of the Nevada Highway Patrol. Now that the Department of Public Safety is a stand-alone, the Criminal History Repository would be better served under this Department.

SENATOR WIENER:

Tell me the difference of jurisdictions of the committee that failed to hold meetings and the responsibility of the advisory committee to be appointed by the director.

MR. SWAIN:

In reading the bill and change in statute, the biggest difference is it allows the director of Public Safety to better diversify. One of the goals of the Repository is to share information throughout the State, and part of that system is through the NCJIS. Having an advisory committee under this, rather than the Uniform Crime Reporting Program, would allow us to proceed forward more rapidly.

SENATOR WIENER:

There was a committee, required by law, that had no meetings. Is there a new movement toward a need, whether by attitude or changing times, you feel will succeed where it has not in the past?

MR. SWAIN:

You are correct. We are trying to pick up the pieces, and this is a better direction to go instead of having a committee on Uniform Crime Reporting.

SENATOR MCGINNESS:

In the repealed section, you will no longer report statistical data relating to crime or delinquency of children to the Uniform Crime Reporting Program. If we are no longer reporting this information, what effect would this have?

MR. SWAIN:

There should not be an effect. The Repository will continue to create annual reports on crime information. The methods may change if we have a committee that creates new policies. If we can get the advisory committee running and everyone shares information, the reporting will be simpler.

SENATOR MCGINNESS:

A notable change in the committee is the membership used to include a district judge, municipal judge, district attorney, a law enforcement representative from

a county of less than 400,000 population and one from a county of 400,000 population or more and a member of the Nevada Highway Patrol. Now, it is the director of the Department or designee and six other members appointed by the director. This leaves the allocation for appointment loose. The director can appoint six district attorneys.

MR. SWAIN:

The new writing of the bill states that the director of the Department of Public Safety shall consider a balanced representation from the Executive, Judicial and Legislative Branches.

SENATOR MCGINNESS:

It does not mandate the director do this. He could have members of this Committee fill all six slots, if he so chose.

MR. SWAIN:

You are correct.

CHAIR AMODEI:

As a follow-up to Senator McGinness, I understand the need for flexibility in a seven-member committee, and I am assuming the Director has a mix of personnel in mind. Would this include some federal representatives, maybe some FBI people? This is nothing against Mr. Togliatti, but I am a little uncomfortable. Could you go back and find out if there should be representation from a couple of federal agencies and get back to Mr. Anthony with some suggestions or specificity? There ought to be personnel on the committee to make sure that things go well.

MR. SWAIN:

I understand your concerns.

SENATOR WIENER:

Section 1, subsection 5, talks about vacancies. Would a vacancy be filled by someone with like representation so the balance would be maintained?

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CHAIR AMODEI:

I support the concept of this bill in fulfilling the mission; we just want more specifics on who the players are going to be. If there are no further questions for Mr. Swain, we will close the hearing on S.B. 452 and reopen the hearing on Senate Bill 266.

SENATOR MICHAEL A. SCHNEIDER (Clark County Senatorial District No. 11):

This bill is in response to the condo conversions going on in Las Vegas. I am not sure if the wording on this bill is correct. In Las Vegas, because of the price of housing, large developers are buying apartment complexes and converting them into condos. From my understanding, these apartment complexes would be sued for construction defects and the statute of repose starts when the new buyer buys the unit. Some of these buildings are 20 years old; you cannot take a 20-year-old project and sue for construction defects. The intent of this bill is to sue on defects in the modifications of a building.

CHAIR AMODEI:

There was testimony given earlier on this bill to the tune of the bill was fine as it is. Could you talk with Mr. Crowell about your intent and get an amendment?

SENATOR SCHNEIDER:

I spoke with Mr. Crowell yesterday, and we were going to see Jan K. Needham, Senate Bill Drafting Advisor, Legal Division, to get this clarified for an amendment.

CHAIR AMODEI:

We will close the hearing again on S.B. 266 and open the hearing on S.B. 453.

SENATE BILL 453: Revises various provisions concerning filings in Office of the Secretary of State. (BDR 7-576)

MR. ANDERSON:

This bill proposes numerous changes to further standardize the filings process of the Secretary of State's Office. Many of the provisions are housekeeping, cleaning up provisions that are nonstandard and those causing confusion to the public. Other provisions offer cleaning up many of the provisions that are streamlining by advancement in business practices, including electronic filing of documents ([Exhibit K](#) and [Exhibit L](#)).

A new system has been implemented, where documents are received and scanned. It is inefficient to then scan additional documents a customer has supplied for the sole purpose of file stamp or certification. We do not have the resources to review each duplicate document provided to our office.

We received word the Governor is not in support of any fee increases, and that position was clarified by his chief of staff, Michael D. Hillerby. While these increases are standard and not new, we would like the opportunity to meet with the Governor's Office to discuss these fees, and then determine if these fees should be amended. We do not want this issue to affect the passage of this bill.

SENATOR WIENER:

In section 45, you are requesting a specimen of a mark be filed on 8 1/2- by 11-inch paper; would the specimen be acceptable on a compact disc or digital video disc?

MR. ANDERSON:

At some point, that might be possible. Currently, we scan the item into the system, along with the payment as it is received, and follow the format of other documents received in our office.

SENATOR WIENER:

How are items such as T-shirts filed?

MR. ANDERSON:

Those items are filed in cabinets. When a customer requests that item, we do our best to reproduce them on a sheet of paper.

MR. KIM:

The State Bar of Nevada executive committee of the business law section has reviewed the bill, and there is no opposition.

MISTY R. GRIMMER (Nevada Resident Agents Association):

Our association supports this bill, and we have been working with the Secretary of State's Office on a friendly amendment, which they support ([Exhibit M](#)).

Nevada is fortunate to enjoy the status as one of the nation's top five incorporation centers. More than 220,000 entities call Nevada home and more than 80 percent of them are represented by resident agents. The majority of

these entities are small and use none of the resources of the State or local governments; however, they generate significant revenue. Nevada's continued competitive status in this industry is beneficial to the State. When money was needed for education in the 2001 Legislative Session, the Legislature came to the resident agents' industry, and the industry delivered \$27 million. In the 2003 Legislative Session, the State was looking for revenue, and one of the proposals was an across-the-board increase of 50 percent on filing fees for Nevada-based entities. The resident agents' industry proposed and increased fees in some areas and decreased fees in other areas where the industry could remain healthy. As a result, the State generated approximately \$75 million in General Fund revenue over the biennium, which was a 35-percent increase over previous years.

Nevada has been an attractive alternative for entities to relocate, primarily due to the Legislature's support in keeping the legal statutes ahead of the game in competition with other states for filings. The amendment proposed today will continue that goal.

We met with the business law section of the State Bar of Nevada and made several changes, at their request, to the amendment. This language was also given to the Nevada Trial Lawyers Association, and there were no objections.

DEREK C. ROWLEY (Nevada Resident Agents Association):

The proposed draft amendment language from the Nevada Resident Agents Association is in [Exhibit M](#); that includes a white paper, "Charging Order Protection for Nevada Corporations." This document gives aspects of the proposals submitted to the Committee for your review.

CHAIR AMODEI:

We will close the hearing on [S.B. 453](#) and open the hearing on [S.B. 490](#).

[SENATE BILL 490](#): Makes various changes relating to bail. (BDR 14-1368)

TRACY A. DiFILLIPPO (Black Jack Bail Bonds):

The purpose of a bail bond is to make sure the defendant reappears in court and justice is served. Various changes made through [S.B. 490](#) make the bail bond statutes consistent with the bail bond process.

When a defendant is arrested, he calls a family member, possibly his grandmother, to get him out of jail. The grandmother puts her house up for bond and the defendant is released on the condition he reappears for various hearings. The defendant appears for some of the hearings. Sometimes, the defendant pleads guilty and is scheduled for sentencing some months later. During those months, if the defendant flees, the grandmother is provided with a notice stating the defendant has not appeared for court. The defendant cannot be found, and the grandmother loses her house through forfeiture. Later, the defendant comes back, he is sentenced and justice is served. Nothing additional happens to the defendant.

Through this bill, the grandmother can apply to get her house back, provided she can show she did nothing to aid or cause the defendant's failure to appear. This is one of the provisions of the bill. There are other provisions in this bill that will assist in assuring the defendant reappears and justice is served.

Case law states the bail bond is neither punitive nor enriches the government. It is to make sure the defendant comes back and reappears before the courts. This circuit has observed that the ultimate appearance of the defendant justifies remitting and setting aside the forfeiture.

These changes are to make it more clear and consistent. Changes were made in the last Legislative Session to aid these amendments, and it has helped. We are willing to work with the city attorney and the district attorney to ensure we are working together to make the changes, so it is clearer and easier for everyone in the bail bond process.

SENATOR HORSFORD:

Can you explain section 11, subsection 1, paragraph (f) and the effect of that provision?

MS. DiFILLIPPO:

There is a 10-percent premium placed on the bonds. We are trying to prevent the bail bond agents from saying we will only allow 5 percent, give 5-percent credit for the remainder and never collect on that. It is a way to get around the 10 percent. We wanted to make it even for all the bail agents with 10 being the percentage.

SENATOR HORSFORD:

Can you give me a specific example of how this has been abused in the past and why this provision is needed?

Ms. DiFILLIPPO:

I know the Division of Insurance has tried to prevent loopholes of lowering the costs of your premium. There is a set premium of 10 percent, and they do not want certain bail agents to advertise credit for 5 percent and you only pay the 5-percent balance. The person who put up the 5-percent bond might say, "do not worry," because they end up exonerating the bond and do not need the other 5 percent. They are trying to get away from extending the credit. Another example may be extending credit to a defendant or family member in regard to multiple fines imposed by the court. We are trying to prevent the abuse by the various bail agents.

SENATOR HORSFORD:

If a company is willing to offer such credit, why is that a bad thing to the person getting the bail?

Ms. DiFILLIPPO:

The Division of Insurance sets the 10-percent premium. They do not want these bail agents to set a lower price and get around the system by lowering their premium.

SENATOR WIENER:

Could we request the Division of Insurance policy on the 10 percent? It looks like a market-competitive issue.

CHAIR AMODEI:

We can do something like that, based on the consensus of the Committee.

R. BEN GRAHAM (Nevada District Attorneys Association):

There is no one here who has a higher respect for what is done in this Legislature building. I appreciate Ms. DiFillippo's testimony, but I do not see this bill as one that is going to work.

The concept of bail is if I am arrested and I post that bail, by cash or putting up my house, I know if I do not show up for court, I will lose my money or house. If my grandmother posts my bail, she is going to make sure I make my court

appearance or she knows she is going to lose her house or money. Unfortunately, what frequently happens is a bail agent places an insurance bond, takes a risk, charges a substantial fee, but also gets Grandma down there to sign over her house to back up the bail bond.

If this bill were to pass, it would continue to erode the responsibility of a person placing bail to help ensure a person gets to court. This bill takes away any incentive I would have to go to court because I am going to lose my money, or grandmother would have to get me to court, because she may lose her house.

This is an erosion of the bail bond companies, but not all of them. Essentially, there is universal opposition to this bill. Mr. James Jackson of the Nevada Attorneys for Criminal Justice asked that I speak on this matter on behalf of the defense attorneys who see no advantage to passing this legislation. There is also opposition by the prosecutors from the cities and the State.

This bill places a significant amount of obligation on the courts at the municipal, justice and district court levels, as well as the jails. The reason for the bail forfeiture is a guarantee to get the defendant to court. This cuts across the board. If the person does not show up, the money from bail forfeitures stays in local jurisdictions.

When bail is done on the district level, it is a long process. If you pass this legislation, you are not serving the interest of the defendant and the system, and you are going to kill the goose. The people who are proposing this legislation are shortsighted; it will cost the State hundreds of thousands of dollars and not benefit grandma at all.

CHAIR AMODEI:

The letter from the Washoe County District Attorney, dated April 6, 2005, signed by David L. Watts-Vial, Deputy District Attorney ([Exhibit N](#)), will be made part of our records. It does a good job of pointing out the objections by section.

The genesis of S.B. 490 was a request by Mr. James Wadhams, the Saturday before the Monday deadline for Committee bill draft requests. I asked Mr. Wadhams to appear before the Committee to share some information, and he was unavailable to do this because he was out of the State. It was my understanding the purpose of the request was to fix a few words that were changed in the bail statutes at the end of the last Legislative Session.

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Obviously, S.B. 490 is not changing a few words. I owe the Committee and the bill-drafting folks an apology for a major piece of legislation with new terms and direction in the bail bond statutes. After looking at all the material, I have no objections on taking a motion of indefinitely postpone from the Committee.

SENATOR WIENER MOVED TO INDEFINITELY POSTPONE S.B. 490.

SENATOR MCGINNESS SECONDED THE MOTION.

CHAIR AMODEI:

Ms. DiFillippo, please take my comments into account. You were the messenger sent here today; under no circumstances leave here thinking the messenger has been shot.

THE MOTION CARRIED. (SENATORS WASHINGTON AND CARE WERE ABSENT FOR THE VOTE.)

* * * * *

CHAIR AMODEI:

We will close the hearing on S.B. 490. The bills heard today are the ones people needed to discuss and come back to my Committee members with additional information.

SENATOR NOLAN:

There was a brief discussion to consider Senate Bill 150.

SENATE BILL 150: Prohibits false or fraudulent complaint against public officer or employee. (BDR 23-1168)

SENATOR NOLAN:

If the Chair is willing to take a motion, I would like to make one.

SENATOR NOLAN MOVED TO DO PASS S.B. 150.

SENATOR HORSFORD SECONDED THE MOTION.

CHAIR AMODEI:

Mr. Anthony or Ms. Lee, can you give the Committee a brief recap of the bill?

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KELLY LEE (Committee Counsel):

We worked with Senator Care on S.B. 150. In trying to modify the language, we then deviate from the *Eakins v. Nevada* (2002) holding and the Ninth Circuit Court of Appeals, which struck down the statute because it did not reference public officials. Specifically, the bill now takes the court ruling into account and addresses public employees and public officials. There still may be concerns, but it addresses the court's specific ruling.

SENATOR WIENER:

Can we have what the review was? As I recall, there were concerns.

MS. LEE:

We looked at alternative language which limited the scope, did not reference public officials and tried to say something about public employees. The issue remained that we would not be mentioning public officials. The court in the *Eakins* case specifically stated, in its ruling, why that provision was unconstitutional. The court said it was too narrow and limiting by singling out a group, but if it had expanded to include public officials, it would have been fine.

SENATOR WIENER:

You reference public officials and public employees; can you help me understand the scope of this? The court wanted a broader application. How broad is it?

MS. LEE:

The current statute only references police officers. If you are paid by the State, you are a public employee; public official means anyone appointed or elected.

CHAIR AMODEI:

I support the protection sought by the public safety arena, but the testimony about making it a misdemeanor for someone to file a complaint or allegation against an elected person bothers me. If someone is a candidate for office, and I say something false about them, they have civil remedies. If they say something about me as an incumbent, I can file a criminal action against that person. I am not sure how to rectify this.

SENATOR NOLAN:

Before you continue, Mr. Chair, there was a potential amendment that might help ease some of the concerns the Chair and others might have. The amendment provided for a sunset and would give us an opportunity to look at this section of statute, when enacted, to evaluate a practical application. If the worst fears of the members were realized, it will be allowed to sunset. If the fears do not come to pass, then the statute will be allowed to go forward.

CHAIR AMODEI:

I do not want to hold up the bill. If there are four votes for the motion, let us process it and send it to the Senate Floor. I will do what is best at that time with the provision that I support the application of the public safety personnel.

SENATOR WIENER:

Is there a middle ground on this bill?

MS. LEE:

The case does not state this. I can provide a copy of the actual language in the case that has invited the statute be inclusive of public officials to make it survive. There was no middle ground drafted to address what the court held.

SENATOR NOLAN:

Mr. Chair, let me withdraw my motion of do pass and see if we can talk with the sponsors of the bill to see if there is an amendment with which they can work.

CHAIR AMODEI:

Senator Horsford, you had seconded the motion. Let us put S.B. 150 back on the work session docket for Monday. If the best legal opinion is take it as it is, or not, we need to address this Monday. Also, get copies of the court decision Senator Wiener requested for the Committee's review before work session on Monday.

Ms. Lee, can you produce language in a political context that removes the statute application to statements made in a political race? I am concerned only with the election scenario that makes it a crime.

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SENATOR HORSFORD:

If we check what we currently have on record, we all signed an affidavit as candidates that we would not engage in this type of activity in a political campaign.

MS. LEE:

Would you like to see a proposed amendment with that language?

CHAIR AMODEI:

Yes, I would like to have something of content, unless it is the consensus of the Legal Division that if we did that, it would counteract the bill as a whole. If there is no further business for this Committee, we are adjourned at 10:37 a.m.

RESPECTFULLY SUBMITTED:

Gale Maynard,
Committee Secretary

APPROVED BY:

Senator Mark E. Amodei, Chair

DATE: _____