

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-third Session  
April 12, 2005**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 8:10 a.m. on Tuesday, April 12, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, 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 Horsford

**GUEST LEGISLATORS PRESENT:**

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

**STAFF MEMBERS PRESENT:**

Nicolas Anthony, Committee Policy Analyst  
Bradley Wilkinson, Committee Counsel  
Ellie West, Committee Secretary

**OTHERS PRESENT:**

James Wadhams, Nevada Association of Insurance and Financial Advisors  
Tim Donovan, President, Las Vegas Security Chiefs Association  
George Togliatti, Director, Department of Public Safety  
Robert Wideman, Major, Central Repository for Nevada Records of Criminal History, Department of Public Safety  
Virginia A. Lewis, Director, Department of Motor Vehicles

Senate Committee on Judiciary  
April 12, 2005  
Page 2

Martha Barnes, Administrator, Central Services and Records Division,  
Department of Motor Vehicles  
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Carrie Henderson, Legislative Intern, Senator Michael A. Schneider  
Heidi Wixom, Main Street Billboard Committee  
Joy Kendall, Nevada Parent Teacher Association  
Shari Peterson, American Mothers Incorporated  
Susan Leavitt, American Mothers Incorporated  
William Bible, Nevada Resort Association  
Robert D. Faiss, Counsel, Palms Casino Resort  
Jim Hughes, General Manager, Palms Casino Resort  
William R. Uffelman, Nevada Bankers Association

Chair Amodei opened the meeting with Senate Bill (S.B.) 432 and invited James Wadhams to testify.

**SENATE BILL 432**: Revises exemption from execution of certain money, benefits, privileges or immunities arising or growing out of life insurance. (BDR 2-1316)

James Wadhams, Nevada Association of Insurance and Financial Advisors, said the Association's goal was to update the obsolete, 1971 provision related to life insurance policies. Rather than exempting from creditors only benefits from policies whose original, annual premiums totaled less than \$1,000, the proposal was to exempt, in their entirety, the values of life insurance policies. He proposed adding a one-year limit and no-intent-to-defraud language to S.B. 432 to prevent people from putting huge premiums into life insurance policies in anticipation of bankruptcy. Senator Care asked Mr. Wadhams when the language regarding not exceeding \$1,000 was put there. Mr. Wadhams said his research indicated it began in 1971. Chair Amodei asked Mr. Wadhams to give the information to Bradley Wilkinson, Committee Counsel, for a proposed amendment.

Chair Amodei closed the hearing on S.B. 432 and opened the hearing on Senate Bill 308.

**SENATE BILL 308**: Revises provisions governing release and use of certain information contained in records of criminal history and in files of Department of Motor Vehicles. (BDR 14-285)

Tim Donovan, President, Las Vegas Security Chiefs Association, read from his written testimony ([Exhibit C](#)) in opposition to S.B. 308. He gave a brief history of the Las Vegas Security Chiefs Association, and said their purpose was to establish and provide minimal training standards within the industry. Since police departments were understaffed, security teams were often a direct extension of law enforcement.

He used the "Triangle Illustration" with the federal, public and private sectors each being vital and dependent upon the other. He said since the tragedy of September 11, 2001, the security forces had been trained in the use of weapons of mass destruction by the Federal Bureau of Investigation (FBI) and the Department of Homeland Security. He spoke about response time for a vehicle registration check and the amount of time the police officer was out of service doing it.

Mr. Donovan said the resorts had to provide due care and safety for all employees so they could assist law enforcement in protecting tourism and the citizens in the communities. Their primary goals were prevention, response and recovery, he said. He cited two articles supporting the need for preventative measures to deter terrorist attacks on tourists and citizens. He emphasized the key was to remain proactive. They were asking for more latitude to perform their jobs as effectively as possible, he continued.

As the Committee reviewed the bill, he alleged they noted significant changes since the last Session. He stated he firmly believed they had been prudent in addressing safeguards for these requested privileges. He concluded, saying: "To be prepared is half the victory" and, from terrorist Osama Bin Laden, "This place may be bombed, and we will be killed. We love death, the U.S. loves life. That is the big difference between us."

Senator Care asked Mr. Donovan what the Las Vegas Security Chiefs Association's legal relationship was with law enforcement. Mr. Donovan replied they worked closely with the local law enforcement agencies and the federal agencies in Las Vegas. Senator Care referred to S.B. 308, section 4, subsection 2, and asked what the language "reasonable suspicion" meant to him. Mr. Donovan said if there was a vehicle parked close to the building, and

the nation was at an elevated threat level, his officers needed to know why that vehicle was there and who owned it. Senator Care asked him about the language that referred to a person on the property who might pose a threat and inquired what reasonable suspicion would mean to him in that situation. Senator Care asked if it could be based upon race, a particular ethnic group or people just acting funny.

Mr. Donovan replied they certainly did not profile. Reasonable suspicion arose from a person's activity within the casino or on the property and how people conducted themselves. Officers reviewed video footage to determine why and how a vehicle came to be parked there, and they based their decision on the circumstances, he said. Senator Care asked what he would do with these suspects before law enforcement provided them information. Mr. Donovan replied they would detain the people, ask them why they were on the property and ask for proof of identity. He said this bill would give them the authority to call the local police department to find out with whom they were dealing, to verify their identification was legitimate, to discover any outstanding warrants and to know if the FBI had them on a terrorist list. Senator Care asked what would happen if the individuals resisted being detained. Mr. Donovan said they would be released since they could not hold people against their will. However, they could detain them for 30 minutes while notifying the local police department.

Senator Wiener asked Mr. Donovan what was different about S.B. 308 compared to a bill previously before the Judiciary Committee during the last Session. Mr. Donovan replied the last bill did not provide enough safeguards against intrusion on the citizenry, so now they had given the burden of responsibility to the local police agencies. Those agencies could establish the criteria they wanted from each resort in order for security departments to conform to their policies and procedures before releasing the requested information to the resorts. Senate Bill 308 would give permission to release information to the security personnel at the resorts but it would not be mandatory. Senator Wiener recalled substantial focus in the previous bill last Session on the automobile portion and asked if language was also in the bill that addressed individuals on the property. Mr. Donovan said yes, there was, but the updated version of the current bill before the Committee was more specific about the information they required.

Senator Nolan said the genesis and need for the bill were the same as when the Committee heard it during the last Session. He said the only change was the Las Vegas Security Chiefs Association had received many briefings from experts regarding the terrorist threat and potential vulnerabilities. Senator Nolan said he believed they were working toward protecting our State's top industry of tourism. He said the intention of the bill was to give them one additional tool to protect the resort industry.

George Togliatti, Director, Department of Public Safety, testified in opposition to S.B. 308. He was primarily concerned about allowing access to potentially sensitive information, particularly regarding criminal history. Secondly, he noted a concern about the volume of calls to dispatch and the Central Repository for Nevada Records of Criminal History. His third concern was the information received by the legal enforcement agencies required response. He suggested it would be more prudent and effective to relay the initial suspicions to local law enforcement. He pointed out the considerable fiscal impact S.B. 308 would have, if passed.

Robert Wideman, Major, Central Repository for Nevada Records of Criminal History, Department of Public Safety, testified he agreed with the concerns of Mr. Togliatti regarding the intent of S.B. 308. The bill allowed the Criminal History Repository to be contacted for information requested, he said. Major Wideman explained the Repository was not staffed, constructed or intended to serve this purpose. His division was not staffed to answer queries made by telephone in a situation analogous to a dispatch center. To provide that level of service would have a substantial financial impact, and they estimated it to be about \$320,000 in the first fiscal year, followed by increases approximating \$200,000 or more annually in the years to follow. He said there was money available in the Repository reserves, but several bills were in competition for those funds, so the Legislature would have to prioritize the use of those funds to meet the demands of the proposed Legislation.

He referred to page 2, line 27 of S.B. 308, and said part of the information requested would be whether the person located on the property was wanted for questioning by any law enforcement agency. Mr. Wideman said no such file existed of persons wanted for questioning, and the only information they could provide regarded warrants issued for arrests. They also had concerns regarding

the level of administration of the Nevada Criminal Justice Information System. The Department of Public Safety was the system-control agency, he said. It was a significant issue to determine who had authority to call in a request and keep that list of those authorized current and valid, he stated.

They were also apprehensive about what would happen to the information after they released it in that manner. Mr. Wideman validated the efforts of the major properties' investments of money for training and believed they had good personnel who would act appropriately with information disseminated. However, S.B. 308 provided that any operator of a transient lodging facility, no matter what size, would have the same level of access and right to the information. They were not confident the level of training in all those properties would be the same as in the larger resorts, he asserted.

Senator Nolan said he respected the issues the testifiers had with S.B. 308 and said the only opposition to the bill he heard from Mr. Togliatti regarded the Criminal Repository or the State's involvement with it. Mr. Togliatti said the part of the bill that referred to the Criminal History Repository became extremely burdensome, and they had problems with the control of information. He believed local law enforcement would have the same concerns and would have to devise some safeguards. He noted it was very difficult for the Department of Motor Vehicles and them, as well, to respond to the requirements of the bill.

Senator Nolan pointed out there was some support for the bill last Session, before the administration of the Criminal History Repository had changed. Secondly, he said, even if the Repository portion of the bill was taken out, Mr. Togliatti had made a salient point in that the Repository could not respond even if it were mandated to in the manner S.B. 308 required. Senator Nolan said the central point should be local law enforcement because their antiterrorism units stayed in contact with the U.S. Department of the Treasury's Secret Service and the FBI regarding people who were not only in the United States, but were also in our communities and might be wanted for questioning.

Mr. Togliatti said local law enforcement agencies would be in a difficult situation if asked to disclose information regarding any criminal history or the personal history of the owner of a suspect vehicle. He revealed they had initiated a Commercial Interdiction Team in Las Vegas as part of their Homeland

Security effort, where cards were passed out to taxi drivers, limousine drivers and truck drivers. The cards had telephone numbers they could call if they saw something suspicious. He said calling a dispatch center was burdensome; however, there were ways to address the problem while maintaining the interests and privacy of the people involved. Senator Nolan said he thought amending out the Repository portion of the bill was a good idea and to let local law enforcement institute that type of program.

Senator Care said S.B. 308 focused on transient lodging resorts. He asked Mr. Togliatti why some people should be entitled to the information and not others such as schools or you, yourself, as a homeowner. Senator Care said he valued his own safety as well as that of his neighborhood. He asked if there was a way anyone could obtain the information out there regarding the subjects of this bill. Mr. Togliatti acknowledged S.B. 308 was specific to resorts. He referred to section 4, subsection 2, paragraph (d) and quoted: "Any information that, pursuant to subsection 1 of NRS 179A.100 may be disseminated by an agency of criminal justice without any restriction." He interpreted that section of S.B. 308 referred to a criminal history.

Virginia A. Lewis, Director, Department of Motor Vehicles (DMV) said the information contained in the DMV database was confidential, and the Department was sensitive about the possibility of that information being compromised. She introduced Martha Barnes to express the Department's concerns in greater detail.

Martha Barnes, Administrator, Central Services and Records Division, Department of Motor Vehicles, read from her written testimony ([Exhibit D](#)) and expressed the Department's concern was primarily about the number of individuals S.B. 308 allowed to access personal information from a license plate, as well as the high turnover rate of individuals in those positions. She asked if the DMV would be held liable if information was released to an individual no longer entitled to receive it and followed by a crime using this personal information. She pointed out DMV was only available Monday through Friday from 8 a.m. to 5 p.m., while law enforcement was available 24 hours a day, 7 days a week. She asked if background checks would be conducted on potential employees who would be authorized to gain access to this sensitive information.

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association, said he would speak on behalf of local law enforcement. He had concerns about S.B. 308, but recognized the importance of information being released to the professional security groups in the resorts. He said he was uneasy about who had access to the information, and as a law enforcement officer, he had extensive training regarding the release of criminal information. He said a person wanted for questioning touched close to criminal intelligence information. He concluded that if the bill went forward, the impact on local dispatch, the high turnover rate of employees in the resorts and training issues needed to be addressed.

Chair Amodei closed the hearing on S.B. 308, and Senator Nolan said they would try to amend the bill to reflect the concerns expressed.

Chair Amodei opened the hearing on Senate Bill 299.

**SENATE BILL 299**: Provides that State Gaming Control Board and Nevada Gaming Commission may not take disciplinary action against any person for engaging in lawful advertising that is not false, deceptive or misleading. (BDR 41-624)

Senator Michael A. Schneider, Clark County Senatorial District No. 11, introduced his intern, Carrie Henderson from the University of Nevada, Reno. He said she was working on S.B. 299 with him and she would present the bill.

Carrie Henderson, Legislative Intern, Senator Michael A. Schneider, read from her written testimony ([Exhibit E](#)). She said the intent of the bill was to prevent the Gaming Board and Gaming Commission from imposing moral guidelines on casino advertisements instead of applying and enforcing only those guidelines stipulated by law. After meeting with the Gaming Board and discovering the Board did not object to the content of the advertisements in question, but rather the disregard of previously agreed-upon processes for review of all their billboards prior to public display, the sponsor withdrew the bill.

Chair Amodei said he intended not to call the bill up again for hearing, since the sponsor of S.B. 299 requested it to be withdrawn.

Heidi Wixom, Main Street Billboard Committee, thanked Senator Schneider and his intern, Carrie Henderson, for their consideration, and said she appreciated



their acknowledgement of the billboards and the effect they could have on their community.

Joy Kendall, Nevada Parent Teacher Association, testified she was glad S.B. 299 was withdrawn.

Shari Peterson, American Mothers Incorporated, expressed gratitude that S.B. 299 had been withdrawn. She said she was strongly opposed to taking away control from the Gaming Board regarding billboards and their advertisements. She hoped, in the future, this bill would not reappear.

Susan Leavitt, American Mothers Incorporated, said while she was thankful S.B. 299 was withdrawn, she emphasized the impact the billboards had on children, family and neighbors, expressed a need to feel comfortable in her community of Las Vegas and stressed the billboards were often offensive to many local citizens. She emphasized the residents' need to have a say in what they did and did not want in their communities, and as taxpayers and voters, they would have it.

Chair Amodei closed the hearing on S.B. 299 and opened the hearing on Senate Bill 324.

**SENATE BILL 324**: Provides for expedited inspection and investigation of gaming devices by State Gaming Control Board. (BDR 41-245)

Senator Schneider testified he had learned about a problem with getting slot machines approved because a large workforce was required. The Senate Committee on Finance had addressed the issue, so the problem was resolved. Senator Schneider, therefore, withdrew S.B. 324.

Chair Amodei closed the hearing on S.B. 324 and said it would not be called up again for hearing since the sponsor withdrew the bill.

Chair Amodei opened the hearing on Senate Bill 351.

**SENATE BILL 351**: Revises provisions governing resort hotels and nonrestricted gaming licenses in certain counties. (BDR 41-1185)

Senator Schneider said the Committee heard S.B. 351 last week and requested that casino owner Ron Coury provide some information on its fiscal impact ([Exhibit F](#), original is on file at the Research Library) from Professor William N. Thompson at the University of Nevada, Las Vegas. Senator Schneider said it appeared a compromise had been made with Clark County regarding this bill, and a letter was issued from Clark County. Mr. Coury's attorney reviewed the bill and had a question regarding the letter. If that question was satisfactorily answered today, the bill would be withdrawn. Chair Amodei said the materials provided by Mr. Coury and those prepared by Professor Thompson would be made part of the record for the hearing on S.B. 351.

William Bible, Nevada Resort Association, testified that section 2 was the operative provision in S.B. 351 because it would change the manner in which the county adjudicated the standards required for resort hotels. The new language disallowed a county whose population was 400,000 or more from prohibiting or restricting building resort hotels if the building or group of buildings met the requirements in subsection 2 of NRS 463.01865. He said he opposed the bill, as written, unless this matter was resolved because of the substantial changes to the definition of a resort hotel. Chair Amodei said the record would reflect that the Nevada Resort Association appeared through Mr. Bible and forwarded the objections he expressed. Chair Amodei asked if Mr. Bible wanted to incorporate, from the record two years ago, his same general objections into his appearance today. Mr. Bible responded in the affirmative. In testimony on April 8, 2003, in the Senate Committee on Judiciary regarding S.B. 104 of the 72nd Session, Mr. Bible voiced opposition to modifying the definition of resort hotel by reducing amenity requirements for that classification as it related to gaming licenses.

Chair Amodei closed the hearing on S.B. 351 and opened the hearing on Senate Bill 444.

**SENATE BILL 444**: Requires Nevada Gaming Commission to adopt regulations authorizing gaming licensee to charge fee for admission to area in which gaming is conducted under certain circumstances. (BDR 41-1295)

Mr. Bible said S.B. 444 was extensively discussed in the Nevada Resort Association's regulatory and legislative committee and was endorsed by the members. The bill had a mixed result, since this legislation allowed licensees to charge an admission fee for entrance into certain areas of their properties where

gaming activity occurred. He said the NRS 463 gaming policy statement indicated gaming was to be open to the general public, and the access of the general public must not be restricted in any manner, with the provision enacted in 1991 that allowed people to still have gaming activity beyond the security check points within public transportation facilities. This policy was more global in concept, since it did not differentiate between a restricted and a nonrestricted licensee. He pointed out the State restricted access to public parks and other facilities it operated and charged a fee. The Resort Association members thought this bill would provide a valuable option to both restricted and nonrestricted licensees in this State, he said.

Robert D. Faiss, Counsel, Palms Casino Resort read from his written testimony ([Exhibit G](#)). He said S.B. 444 was developed in close cooperation with the Gaming Control Board, which had asked him to present an amendment enhancing the ability of the Control Board to implement the bill consistent with its intent ([Exhibit H](#)). Mr. Faiss said his client supported the Control Board's amendment and understood the Control Board took no position on S.B. 444, but wanted to ensure its chairman had the guidance and tools necessary for enforcement, if the bill became law.

Senator Wiener asked Mr. Faiss if there were other benefits to the State in addition to the increased revenue. He replied the chairman of the board would consider what the benefits were, but the tax revenue would be immediate. He asked Jim Hughes if he had anything to add. Jim Hughes, General Manager, Palms Casino Resort, said he had no comment on Senator Wiener's question.

Senator Care said he discussed section 1, subsection 2, paragraph (c), subparagraph (4) with Mr. Faiss and had pointed out there was no reference to age there, and Mr. Faiss, appropriately, said they could discriminate on the basis of age since a person had to be 21 years old to enter a gaming area. He said the language in S.B. 444 mirrored *Nevada Revised Statute* (NRS) 463.4076. Senator Care wanted some idea of how large those roped-off areas would be. Mr. Faiss said the bill recognized that the industry should have the ability to keep up with both the problems and the possibilities. The admission fee would not only benefit the State and the gaming industry, but would help prevent problems, he stated.

Mr. Hughes stated the admission-fee area would most likely be separate from the casino. He said the gist behind the bill was to combine gaming with

entertainment. The admission-fee area would be for a pool party outside or a lounge or dance club inside, he explained. The people would be willing to pay the cover charge because they wanted the entertainment, primarily, with the gaming being secondary. Senator Care asked Mr. Hughes about regulations regarding minimum bets four years ago. Senator Care said he thought the regulators adopted regulations that violated what he understood as the legislative intent. With that in mind, he asked Mr. Faiss what sorts of admission fees were being considered for purposes of legislative intent.

Mr. Faiss replied the cover charge would be commensurate with the entertainment provided. He reminded the Committee that the primary purpose was to put the gaming in an entertainment venue. He said it would be reasonably priced. Senator Care expressed concern that someone would bring in a celebrity, and suddenly, the cover charge would be so high the local public would be prevented from seeing the show. Mr. Hughes said the idea was to generate revenues by assessing a cover charge to drive masses through a property. He said he did not want to restrict the entertainment to a few high rollers or a few wealthy people. The idea was to attract thousands of people per night through the entertainment venue, and collect that cover charge, he said. In order to accomplish that, the price would have to be reasonable enough for people to afford to go to the event.

Senator Care said he had some discussion with Mr. Faiss about this and asked Mr. Hughes to make a distinction between a specific event and a continuous event. Senator Care said the admission fees might fluctuate, depending upon what the event was. Mr. Hughes said they envisioned having the entertainment regularly.

Mr. Bible said whatever the casino wanted to do, it would first have to pass the criteria as set forth in S.B. 444, and the Board's chairman had to be satisfied that what he approved was consistent with the application.

Senator McGinness asked whether additional slot machines would be installed in typically nongaming areas, if the event was long term. Mr. Hughes said the intent was to do it on a semi-regular basis, either as a weekly or nightly occasion. Senator McGinness asked if cowboy poetry would be the type of one-time event he envisioned. Mr. Hughes said he would have to defer to the Gaming Control Board to know whether that would meet their criteria.

Senator Care referred back to Mr. Bible's earlier testimony that it could be any gaming licensee, and asked if it could also apply to a neighborhood bar or tavern. Mr. Bible said that it could. Senator Care said he did not foresee a neighborhood tavern constructing a separate room for an event like this. Mr. Bible agreed.

Senator Wiener asked Mr. Bible if there was a posting requirement on some of the smaller properties to notify people in advance that they would not have access. Mr. Bible said they posted the event when they knew they were going to have entertainment with a cover charge or admission fee, and the gaming devices were available without charge. Senator Wiener acknowledged the policy was to be open and accessible, but wanted to know if posting was done to notify people that there might be a fee imposed, so the people could decide in advance whether they wanted to attend. Mr. Bible said he had not considered her question before and did not know how the Gaming Board would answer. He said he thought it was good business practice to advise patrons in advance of special activities. He did not know if it was an obligation of the State to get involved in that business-customer relationship.

Senator Horsford said he thought the amendment would help clarify the types and quantities of gaming offered. He then referred to page 2, section 1, subsection 2, paragraph (b), subparagraph (3) of S.B. 444, and asked Mr. Bible if he was correct. Mr. Bible answered in the affirmative and noted that was one of the protections built into the bill. Senator Care asked what the remedy was for a person who felt discriminated against when denied entrance to an event. Mr. Bible said the Gaming Board had remedies under "unsuitable methods of operation." The Board was never without a remedy to do what was in the public interest, he said.

Chair Amodei closed the hearing on S.B. 444 and opened the hearing on Senate Bill 447.

**SENATE BILL 447**: Revises definition of "resort hotel" for purposes of certain statutes pertaining to gaming. (BDR 41-1023)

Senator Schneider said he and other Legislators attended a reception at the Mirage Resort Hotel in Las Vegas and were shown a large \$4.7-billion complex

being built on Las Vegas Boulevard that included hotels, condominiums and shopping. Also mentioned was the condominium project they had on the grounds of the MGM Resort Hotel. Senator Schneider said he thought the businesses would need some flexibility to design the projects, so he introduced S.B. 447 to redefine "resort hotel" with the intent to give them flexibility for building the new complexes, allowing condominiums to be part of the hotel projects. He stated the Resort Association did not want that flexibility at this time, so he suggested the withdrawal of S.B. 447. Mr. Bible said the current code allowed the type of flexibility S.B. 447 had proposed. Senator Care commented about S.B. 84 regarding room taxes on time shares. Mr. Bible said he was aware of the bill, but did not understand all of the tax structure.

**SENATE BILL 84:** Revises provisions governing exemption of certain uses of time-share units from taxes on transient lodging. (BDR 20-135)

Chair Amodei closed the hearing on S.B. 447.

Chair Amodei opened the work session, directed the Committee's attention to the Senate Committee on Judiciary Work Session Document ([Exhibit I, original is on file at the Research Library](#)) and opened discussion on Senate Bill 28.

**SENATE BILL 28:** Creates crimes of video voyeurism and distribution of product of video voyeurism. (BDR 15-8)

Senator Care said he had spoken to representatives of the American Civil Liberties Union. He had supported the bill, spoken to staff and thought everyone agreed there was a need for a bill that addressed this issue. The question was what language to use to avoid vagueness that could subject it to constitutional challenge, and how to define the "reasonable expectation of privacy." They decided to criminalize what was now a tort for invasion of privacy using a video mechanism. He said that was what Tab A of [Exhibit I](#) referred to for amending S.B. 28.

SENATOR MCGINNESS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 28 WITH THE AMENDMENT AT TAB A OF THE WORK SESSION DOCUMENT.

SENATOR WASHINGTON SECONDED THE MOTION.

Chair Amodei asked if there was discussion on the motion.

Senator Horsford questioned section 1, subsection 3 of the amendment, which said a person who violated this section was guilty of a Category E felony and asked if it was consistent with other charges. Senator Care said the Category E felony was decided upon by the bill's sponsor and would not require incarceration.

THE MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*

Chair Amodei continued the work session with Senate Bill 150.

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

Chair Amodei asked Mr. Wilkinson to explain the amendment in Tab B of Exhibit I. Mr. Wilkinson replied the proposed amendment would further limit the scope of the bill, as it was currently drafted, so it would apply first to complaints filed with the employer of a public employee, as opposed to simply being an ethics complaint. It also limited the definition of a public employee, so elected officials would be excluded and appointed positions would be included. Chair Amodei said the amendment in Tab B was the result of concerns that a cause of action was created in incumbents but not challengers in a political context. The amendment was the Committee's best effort to respond to public safety concerns and not make an exception for elected officials.

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 150 WITH THE AMENDMENT AT TAB B OF THE WORK SESSION DOCUMENT.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARE VOTED NO.)

\*\*\*\*\*

Chair Amodei continued the work session with Senate Bill 172.

**SENATE BILL 172**: Provides that sale of real property under deed of trust must take place at courthouse of county where property is located. (BDR 9-1029)

Chair Amodei said S.B. 172 dealt with foreclosure and was similar to Senator Beers' bill, S.B. 249. He asked if Tab C of Exhibit I combined S.B. 249 into S.B. 172. Nicholas Anthony, Committee Policy Analyst, said it did. Chair Amodei said S.B. 172 would be the vehicle to combine the bills so they would process one bill, which he assumed an amend-and-do-pass-with-Tab C action would accomplish.

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 172 WITH THE AMENDMENT AT TAB C OF THE WORK SESSION DOCUMENT.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*

Chair Amodei continued the work session with Senate Bill 272.

**SENATE BILL 272**: Revises provisions governing confiscation and disposition of certain weapons. (BDR 15-321)

Chair Amodei asked Mr. Anthony for background on the bill. Mr. Anthony stated there was no opposition to the bill or amendments proposed; the discussion was to bring the weapons-forfeiture provisions in line with those of other crimes. He said there would be due process protection for a person acquitted to have his weapon returned.

SENATOR NOLAN MOVED TO DO PASS S.B. 272.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*



Chair Amodei continued the work session with Senate Bill 316.

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

Chair Amodei said S.B. 316 addressed civil liability regarding the use of a defibrillator and civil liability regarding seeing patients pro bono in one's office. There was also a request to delete the section referring to pro bono bar services from civil liability. Chair Amodei asked Senator Nolan if he was familiar with the proposed Amendments No. 1 and No. 2. Senator Nolan said he was, and held he would be glad to take Mr. Bradley's amendment, which was No. 1, (Exhibit I, Tab D) and stated there was no opposition to Amendment No. 2.

Senator Horsford questioned the oral amendment. Chair Amodei said it just sought to delete the exemption for members of the bar who performed pro bono services, so, the effect of his amendment would be: a member of the bar, who provided pro bono services and performed malpractice, would still be liable for those, he explained. Senator Wiener asked if money was exchanged, would there be a right of cause of action. Mr. Anthony said under Amendment No. 2 in the Work Session Document, the second portion of Mr. Bradley's amendment would be to delete "to the person rendering" from subsection 11 of section 2 of the bill for those exact concerns. Chair Amodei concluded Amendment No. 2 incorporated both of those provisions as well as the amendment under Tab D.

SENATOR NOLAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 316 WITH THE AMENDMENT AT TAB D AND THE AMENDMENT DESCRIBED AS AMENDMENT NO. 2 ON PAGE 5 OF THE WORK SESSION DOCUMENT.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

Chair Amodei asked Senator Nolan to handle S.B. 316 and the amendment on the Senate Floor.

Chair Amodei continued the work session with S.B. 331.

**SENATE BILL 331**: Makes various changes concerning Advisory Commission on Sentencing. (BDR 14-111)

Mr. Anthony said S.B. 331 was intended to revive the Sentencing Commission and to move the responsibility from the Department of Administration to the Office of the Attorney General. Randal Munn, Special Assistant Attorney General, Office of the Attorney General, had proposed deleting sections 2 and 3 of the bill in order to keep those functions within the Department of Administration. Mr. Anthony reminded Chair Amodei he had proposed amending section 1 to add the Director of the Department of Corrections as a member of the Commission. Subsequently, the Board of Parole Commissioners requested their chair be added. As a policy consideration, that amendment, adding one more person, would make the Commission an even number, and the Division of Parole and Probation (P&P) was already represented, he explained.

Chair Amodei asked the Committee if the membership desired to amend and do pass with the amendments described in the first paragraph of Proposed Amendments on page 6 of the Work Session Document, Exhibit I, that would delete the chairman of the State Board of Parole Commissioners as a specific and leave the P&P representative out as a general one. Senator Wiener asked if the amendment would add the Director of the Department of Corrections as a member. Chair Amodei said yes.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 331 WITH THE AMENDMENTS DESCRIBED IN THE FIRST PARAGRAPH OF PROPOSED AMENDMENTS ON PAGE 6 OF THE WORK SESSION DOCUMENT.

SENATOR WASHINGTON SECONDED THE MOTION.

Senator Washington asked if they were going to leave the chairman of the State Board of Parole Commissioners on the Commission. Chair Amodei said no, actually there was already a representative from the Division of Parole and Probation on the Advisory Commission in the bill. Mr. Anthony clarified, the current law listed a representative from the Division of Parole and Probation and

not the Chairman of the Parole Board. Chair Amodei said an even number of members was something the Committee should try to avoid.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

Chair Amodei continued the work session with Senate Bill 198.

**SENATE BILL 198**: Revises provisions of Articles 3 and 4 of Uniform Commercial Code. (BDR 8-542)

Senator Care explained the amendment to the Universal Commercial Code revision, and said the parties were in agreement.

William R. Uffelman, Nevada Bankers Association, said they reviewed S.B. 198 and S.B. 201, concluded the facts in law were now embodied in the amendment, Tab E of Exhibit I and they supported the bill as amended. Chair Amodei asked if there was anyone else wishing to testify. No one came forward. Mr. Uffelman said Ted Kitada, mentioned in Exhibit I, was the attorney from Wells Fargo Bank. Chair Amodei assigned the floor work on S.B. 198 to Senator Care.

SENATOR WIENER MOVED TO AMEND AND DO PASS S.B. 198 WITH THE AMENDMENT AT TAB E OF THE WORK SESSION DOCUMENT.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

Chair Amodei continued the work session with Senate Bill 201.

**SENATE BILL 201**: Revises provisions of Articles 1 and 7 of Uniform Commercial Code. (BDR 8-357)

Senator Care said there was no opposition to Article 7, but Article 1 was revised and is contained in Tab F of the Work Session Document, Exhibit I.

Senate Committee on Judiciary  
April 12, 2005  
Page 20

Chair Amodei asked Mr. Uffelman for comments. Mr. Uffelman said the amendments restored existing Nevada law to S.B. 201.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 201 WITH THE AMENDMENT AT TAB F OF THE WORK SESSION DOCUMENT.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

Chair Amodei said Senator Care was assigned to do the floor work on S.B. 201.

Chair Amodei continued the work session with Senate Bill 452.

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

Chair Amodei said the bill related to the creation of the proposed Advisory Committee on Nevada Criminal Justice Information Sharing. He said he had asked for additional information, and asked Mr. Anthony if Tab G of Exhibit I was a proposed amendment. Mr. Anthony said that was correct, and after having worked with the parties, the Department of Public Safety had provided Tab G, which sought to clarify how the individuals would be appointed to that committee.

Mr. Anthony responded to Senator Wiener's question regarding how a replacement would be appointed if a member had to resign. He said the representative would be appointed from the same representative group. Chair Amodei asked Mr. Wilkinson to clarify the language that said the Director would appoint members, but then it also said two members were appointed by the Legislature. He asked how that would track. Mr. Wilkinson said the provisions were in conflict, and that either the Director had to do it, or the Legislature would have to do it.

Chair Amodei asked for Committee input, and said he did not see the need for two members of the Legislature on this committee. Senator Washington

suggested the Legislative Commission appoint the two Legislators. Chair Amodei said he did not want to go that far. Senator Washington said it made it fairly consistent.

George Togliatti said, speaking as the Director of the Department of Public Safety, he had no ownership in this appointment as far as the Legislature was concerned, and he said if the Committee felt it was in the State's best interests to make the appointment or not have a Legislator on the Committee, it was all right with him. He said just making this change accomplished the Department's goals. Chair Amodei asked Mr. Togliatti who he was thinking about, since it did not include an information technology (IT) person, and this struck him as a computer issue. Mr. Togliatti said he had a bridge between the technology division and the rest of the world, and indicated Major Bob Wideman was that bridge.

Major Wideman said the Nevada Criminal Justice Information System had an IT component, but it was part of the staff support the Department of Public Safety provided. He said the Department wanted representation from the user group of the system, which was usually the 132 criminal justice agencies connected to their system. They desired broad participation from the various entities that used and funded this process, and wanted them to have input on the decisions made in the administration of this system. Chair Amodei said he foresaw adding a municipal court representative and asked if they needed a district court representative. Chair Amodei said he did not see how two members of the Legislature would add to this Committee. Senator Wiener said she had served in the past with Major Wideman on corrections committees and advisory committees and she thought this bill was for political purposes, either for funding or for Legislative activity that might be needed, based on the activities of this committee. She asked if that was why Legislators were included. Chair Amodei suggested it might have to do with a misunderstanding of his remarks.

Major Wideman said Chair Amodei's statements were certainly part of this particular issue. Senator Wiener's statements about this bill being a shared-governance issue was a political process to ensure all those using the system would have a voice in how it was managed. He concluded they were

willing to include the Legislature or not, if that was their preference. Senator McGinness said he would like to eliminate one of the members of the Legislature from the Advisory Committee and add a member from rural Nevada, who would lend a different perspective. Senator Wiener asked if they were still undecided about who made this appointment. Chair Amodei said he was unsure how the Committee felt and called for a motion. Senator Wiener was asked to handle the bill on the Senate Floor.

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 452 WITH THE AMENDMENT AT TAB G OF THE WORK SESSION DOCUMENT AND THE PROVISIO THAT THE TWO APPOINTMENTS FOR LEGISLATORS BE CHOSEN BY LEADERSHIP, THE SPEAKER OF THE ASSEMBLY AND THE MAJORITY LEADER OF THE SENATE.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS AMODEI AND CARE VOTED NO.)

\* \* \* \* \*

Chair Amodei continued the work session with Senate Bill 453.

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

Chair Amodei said S.B. 453 was Secretary of State Dean Heller's bill. He referred to Amendments No. 1 and No. 2 and said Scott W. Anderson, Deputy Secretary of State, Commercial Recordings Division, Office of the Secretary of State, was cited in Tab H of Exhibit I, about having a reasonable fee, not to exceed \$1,000, charged for providing service within 1 hour after the time the service was requested. Mr. Anthony explained that Mr. Anderson's two proposed amendments were under Tab H. The first was to gain support from the Governor's Office for increased fees, and the second amendment deleted sections 10, 16, 18, 19, 35, 41 and 42, which were all related to increased fees. Mr. Anthony referred to Tab I as Amendment No. 3, proposed at the hearing on behalf of the Nevada Resident Agents Association and supported by

the Secretary of State. The last option was Amendment No. 4, from attorney Pat Cashill on behalf of the Nevada Trial Lawyers Association, to amend section 43 of S.B. 453 by adding the word "or" in 2 places, in lieu of the amendment he offered on S.B. 338. Chair Amodei said if there was a consensus motion, it would be to include all four amendments. Mr. Anthony said yes, you could use one motion to approve all of them.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 453 WITH THE AMENDMENTS AT TABS H AND I AND THE AMENDMENT DESCRIBED AS AMENDMENT NO. 4 ON PAGE 9 OF THE WORK SESSION DOCUMENT.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*

Chair Amodei continued the work session with Senate Bill 338.

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

Chair Amodei said S.B. 338 was the business association bill and said Mr. Cashill had appeared with a proposed amendment. Mr. Anthony said Mr. Cashill's concerns were taken care of with S.B. 453. Mr. Anthony referred to Tab J of Exhibit I and said it was the same amendment he offered at the hearing with the only change being the addition relating to NRS 86.201 withdrawing any amendment to that section.

SENATOR CARE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 338 WITH THE AMENDMENT AT TAB J OF THE WORK SESSION DOCUMENT.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*

Senate Committee on Judiciary  
April 12, 2005  
Page 24

There being no further business to come before the Committee, Chair Amodei adjourned the meeting at 10:14 a.m.

RESPECTFULLY SUBMITTED,

---

Ellie West,  
Committee Secretary

APPROVED BY:

---

Senator Mark E. Amodei, Chair

DATE: \_\_\_\_\_