

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

**Seventy-Fourth Session  
March 30, 2007**

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 8:09 a.m., on Friday, March 30, 2007, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/74th/committees/](http://www.leg.state.nv.us/74th/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Bernie Anderson, Chairman  
Assemblyman William Horne, Vice Chairman  
Assemblywoman Francis Allen  
Assemblyman John C. Carpenter  
Assemblyman Ty Cobb  
Assemblywoman Susan Gerhardt  
Assemblyman Ed Goedhart  
Assemblyman Garn Mabey  
Assemblyman Mark Manendo  
Assemblyman Harry Mortenson  
Assemblyman John Ocegura  
Assemblyman James Ohrenschall  
Assemblyman Tick Segerblom

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Marcus Conklin (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Kathy McClain, Assembly District No. 15

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**STAFF MEMBERS PRESENT:**

Jennifer M. Chisel, Committee Policy Analyst  
Risa Lang, Committee Counsel  
Doreen Avila, Committee Secretary  
Matt Mowbray, Committee Assistant

**OTHERS PRESENT:**

Scott Anderson, Deputy, Commercial Recordings, Office of the Secretary  
of State

**Chairman Anderson:**

[Meeting called to order. Roll called.] I will open the hearing on  
Assembly Bill 370.

**Assembly Bill 370:** Revises certain provisions relating to the use of credit cards  
and debit cards. (BDR 15-1297)

**Assemblyman Edwin A. Goedhart, Assembly District No. 36:**

Assembly Bill 370 was going to be heard today. However, when we talked to  
some people from Legal and others, there are already statutes that are codified  
into law. We felt this proposal would be redundant. Because of that, we pulled  
it before it came to hearing.

**Chairman Anderson:**

At the request of Mr. Goedhart, I will close the hearing on A.B. 370.  
I will open the hearing on Assembly Bill 371.

**Assembly Bill 371:** Makes certain changes to provisions governing foreign  
business entities. (BDR 7-872)

**Assemblyman Edwin A. Goedhart, Assembly District No. 36:**

[Read a letter from a constituent, Jeremiah Donovan ([Exhibit C](#)).]

When this was brought to my attention, I thought it sounded like a reasonable  
piece of legislation. The original intent of *Nevada Revised Statute* (NRS) 80.190  
would extend to many foreign companies that have been established recently in  
the State of Nevada. Looking at it from a business point of view, being able to  
publish financial information twice a year in a newspaper with a circulation of at  
least 1,000 would not appear at first glance to be an undue financial burden on  
said corporation or business entity.

**Chairman Anderson:**

Last session, this was a relatively new requirement that we modified. I am perplexed with this additional requirement and if publishing a company's financial information will bring support from the Secretary of State's Office and others. Have they made any kind of indication to you?

**Assemblyman Goedhart:**

No, I have not received a response back from the Secretary of State's Office. It may be because some corporations are being singled out, so this bill will bring them under the same requirement.

**Assemblyman Horne:**

How did you come up with the \$100 penalty? I recognize that there are various types of entities, but that number seems low.

**Assemblyman Goedhart:**

The current statute provides for the \$100 penalty. We are just including different sorts of business forms and corporations under the umbrella; we stayed with the existing penalty as already provided for in statute.

**Assemblyman Horne:**

I am not sure if there is a provision. It seems like some corporations would maybe prefer to pay \$100 a month and not disclose their financial information. I do not know if they can continue to do that. If a corporation chooses to take that route, eventually, the Secretary of State will step in and say, "no more."

**Assemblyman Goedhart:**

That is an interesting point. The way the language is written in the existing statute, as well as my amendment to that statute, would allow the possibility of that to occur.

**Assemblyman Segerblom:**

Does the newspaper have to meet a certain requirement so that information would be published on the Internet? If not, would you consider publishing on the Internet a requirement?

**Assemblyman Goedhart:**

That would put an additional burden on the newspaper printing that information. They would probably have to increase their costs. Currently, the notices have been microfilmed by the Special Collections Department of the University of Nevada, Las Vegas (UNLV). It has also been made available to government agencies such as the Department of Homeland Security (DHS). There is already

a set central repository, as such, collecting that information where an interested party could obtain it.

**Chairman Anderson:**

Is microfiche accessible?

**Assemblyman Goedhart:**

Yes, it is accessible. You would have to go to the physical building.

**Chairman Anderson:**

That is an entirely different kind of search process.

**Assemblyman Goedhart:**

It is. It is a much more tedious process. If the Committee would like to provide the financial information by microfiche, then the sponsors of the bill and I would be open to those suggestions.

**Chairman Anderson:**

How did this piece of legislation come into existence? What brought it to your attention?

**Assemblyman Goedhart:**

Jeremiah Donovan, who prints the *Nevada Legal Press*, brought this to my attention. He lives in Pahrump, Nevada.

**Scott Anderson, Deputy, Commercial Recordings, Office of the Secretary of State:**

We have not had an opportunity to meet with Assemblyman Goedhart on this. We do not have a position at this time. Granted, the publication requirements are not regulated by the Secretary of State's Office; however, there are a few provisions in Sections 2, 6, 10, 11, and 14 that might cause the Secretary of State to have to provide forms and things of that sort. I am not sure if that is the intent of this bill. I have not heard from the Nevada Resident Agent Association or any of the service providers that represent foreign corporations in this State. I would be happy to discuss this with Mr. Goedhardt and get something to the Committee by this afternoon.

**Chairman Anderson:**

I will now close the hearing on A.B. 371.

Let us turn our attention to the work session document ([Exhibit D](#)). Ms. Chisel, where would you like us to start?

**Jennifer M. Chisel, Committee Policy Analyst:**

We will start with Assembly Bill 18.

**Assembly Bill 18: Expands the confidentiality provisions pertaining to certain review committees to include certain committees of institutions of the Nevada System of Higher Education. (BDR 4-276)**

Assembly Bill 18 is a Committee bill brought on behalf of the Nevada System of Higher Education (NSHE), and was presented by Dr. John McDonald, Dean of the Medical School. Current law provides that certain medical review committees have confidentiality for its proceedings, records, and testimony. Assembly Bill 18 seeks to provide the confidentiality for review committees within clinical and medical programs of the Medical School. There are no amendments proposed for this bill and there was no testimony in opposition during the hearing ([Exhibit D](#)).

**Assemblywoman Gerhardt:**

I have some real concerns about this bill and expressed those during the hearing. I understand the need for confidential meetings at many levels, but I have a real concern when we are dealing with students and interns. I worry about the patients involved.

**Chairman Anderson:**

According to my notes, on page 2, at line 8 of the bill, Ms. Gerhardt's concerns revolve around "any of its affiliated organizations." Discussions are a part of student learning. Identifying the problems of their institutions and the openness of such dialogue should be helpful to both the student and to the institution. It will help improve care to its patients.

**Assemblyman Cobb:**

I would like to reiterate my disclosure that my wife works for the University of Nevada School of Medicine (UNSOM). The Medical School is an affiliated organization, which is in the private practice plan of UNSOM and is an entity within NSHE. I do not believe that this disclosure is an actual conflict, so I will be arguing and voting on the issue.

I agree with the Chairman who just pointed out that affiliated organizations work hand-in-hand. I just described the relationship of the private practice plan with UNSOM. They teach at UNSOM, but also have their practice there. During the hearing, I specifically wanted to know about any issues involving immunities that would be given to individuals who are involved in possible malpractice. The Committee was assured that no immunities would be given to practitioners. This bill is purely for the edification of the institution and does not

affect any external proceeding legal or otherwise. When considering this bill, I hope we just focus on the fact that this is for improving the care and the teaching that is done at the school. It has nothing to do with any type of legal proceeding.

**Chairman Anderson:**

Legal proceedings are always a question that is open for discussions because of recent legislation that was passed here in the State.

**Assemblyman Mabey:**

I echo the comments of Mr. Cobb. As a medical student and as a resident, I know the importance of doctors being able to discuss problems with the students. We have two other boards at the hospital where the same type of concept is already being used. So I feel comfortable supporting the bill.

**Assemblyman Segerblom:**

I agree. Right now the same hospitals have a few committees who are given confidentiality. I do not see why the students who are engaged in the same process would not have the same rights. I do not see this as a big issue.

**Chairman Anderson:**

There are no amendments offered. Ms. Gerhardt has indicated a concern.

ASSEMBLYMAN MABEY MOVED TO DO PASS  
ASSEMBLY BILL 18.

ASSEMBLYMAN GOEDHART SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYWOMAN GERHARDT VOTED  
NO. ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE).

**Chairman Anderson:**

I will ask Dr. Mabey to present the bill on behalf of the Committee on the Floor.

**Jennifer Chisel, Committee Policy Analyst:**

The next bill is Assembly Bill 92.

**Assembly Bill 92: Revises provisions governing genetic marker testing of certain convicted persons. (BDR 14-805)**

This bill was brought forward by Chairman Anderson. Currently the Department of Corrections (DOC) or Parole and Probation (P&P) are required to obtain a DNA sample for genetic marker analysis for defendants convicted of

certain felonies. Assembly Bill 92 requires that a DNA sample be collected from defendants convicted of any felony. There were no amendments for this bill and there was no opposition during the hearing ([Exhibit D](#)).

**Chairman Anderson:**

We need to expand the ability of the DOC and P&P to obtain genetic markers for category A, B, and C defendants regardless of the felony. Of course, I anticipate the cost associated with this bill is going to have to be solved. The other alternative that was presented is a very laudable way of approaching it. In fact, we should also obtain a DNA sample at the time of release, which would be helpful to us all.

ASSEMBLYMAN OCEGUERA MOVED TO DO PASS  
ASSEMBLY BILL 92.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY (ASSEMBLYMAN CONKLIN  
WAS ABSENT FOR THE VOTE).

**Chairman Anderson:**

I will present the bill on the Floor.  
Let us move to Assembly Bill 112.

**Assembly Bill 112:** Makes various changes to provisions governing protective orders. (BDR 3-48)

**Jennifer Chisel, Committee Policy Analyst:**

Assembly Bill 112, presented by Assemblywoman Bonnie Parnell, relates to orders for protection against domestic violence. The bill provides for a 12-hour hold on a person arrested for violating a protection order if the person is intoxicated or has previously violated a protection order. A 12-hour hold may also be placed on a person who violates an order for protection against stalking, aggravated stalking, or harassment. During the hearing, the only change suggested was to rearrange the list of factors a court may consider when determining whether bail may be granted. What was requested was to keep the threat of harm listed as the first factor, then the intoxication factor, and lastly the previously violated protection orders. There were no other substantive amendments proposed and there was no opposition testimony. Basically, it is rearranging subsections (a), (b), and (c). It is not indicative of priority for those factors when a court is to consider them ([Exhibit D](#)).

**Chairman Anderson:**

This is not a change in the order of factors that would be considered or weighed by the court. Rearranging the factors may be a priority in some of our minds, but in reality these factors are not supposed to be in front of the court. I am not sure that the amendment is really necessary, but if it makes us all feel better, we can do that. I would suggest that we not do it. This amendment may appear to be simply drafted, but is still time-consuming. We would like to see our staff work on other amendments that are more controversial.

ASSEMBLYMAN CARPENTER MOVED TO DO PASS  
ASSEMBLY BILL 112.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY (ASSEMBLYMAN CONKLIN  
WAS ABSENT FOR THE VOTE).

**Chairman Anderson:**

This is Ms. Parnell's bill, so we will set her up with a floor statement and Ms. Gerhardt will be the backup.

**Jennifer Chisel, Committee Policy Analyst:**

Next on the list is Assembly Bill 127.

**Assembly Bill 127: Revises provisions relating to interception of wire communications. (BDR 15-1049)**

This bill was presented by Assemblywoman Debbie Smith. It provides an additional exception to the two-party consent rule for recording telephone conversations. Assembly Bill 127 would allow a debtor or an alleged debtor to record a telephone conversation without obtaining consent if the call is made by a collection agency. After the hearing, all the Committee members should have received additional information on this issue based on questions from Committee members on practices in other states. There were no amendments proposed during the hearing on this bill ([Exhibit D](#)).

**Assemblyman Carpenter:**

A few sessions back we discussed this situation regarding persons being recorded without their consent. Now we have the two-party consent rule, so I have a problem deviating from that. If you want to record somebody, then you should tell them they are being recorded. This way they have the opportunity to know that they are being recorded.



**Assemblyman Cobb:**

I would agree with Mr. Carpenter. This bill could actually do some good. It could prevent hostile situations or bad feelings, and even subsequent litigation. If somebody knows they are being recorded, there is almost no chance they are going to start being belligerent. The only thing that I would like to see changed in the bill is to require a certain disclosure by the individual recording to the individual who is being recorded.

**Chairman Anderson:**

The lending companies or groups who recorded telephone conversations were of the opinion that it was going to cause a problem for them. Many of my colleagues, whose children may have had credit problems, would relate the rude comments or statements from these collection agencies. The problem is that many are doing exactly what the federal government expects, but some are not. Those who are not end up making the rules.

**Assemblyman Segerblom:**

I really support this bill. These collections agencies are going to be put on notice and, hopefully, they will inform their callers that they could be recorded. Hopefully, that will solve the problem. If not, somebody who is being harassed will have a record he can bring to a lawyer. I do not see any down side. This is a great bill.

**Assemblywoman Gerhardt:**

I also support this bill. The minute you are put on hold with any of these businesses, they immediately run a recording saying that you could be recorded for quality purposes. We all understand what that means. They can record you at any time with or without notice because they made this blanket disclosure.

ASSEMBLYMAN HORNE MOVED TO DO PASS  
ASSEMBLY BILL 127.

ASSEMBLYMAN MORTENSON SECONDED THE MOTION.

**Chairman Anderson:**

Is there any additional discussion?

**Assemblyman Carpenter:**

I am going to have to vote against it. You should not record someone unless they have knowledge of it.

THE MOTION PASSED (ASSEMBLYMEN ALLEN, CARPENTER, COBB, GOEDHART, AND MABEY VOTED NO. ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE).

**Chairman Anderson:**

The bill received sufficient amount of votes to pass the Committee. We will take it to the Floor. We can anticipate that other questions may be raised on the Floor. This is Assemblywoman Smith's bill, so we will advise her to present this on the Floor. Her backup will be Mr. Mortenson.

We will move to Assembly Bill 136.

**Assembly Bill 136:** Provides for the recovery of certain fees and expenses for the settlement or administration of small estates. (BDR 12-373)

**Jennifer Chisel, Committee Policy Analyst:**

Assembly Bill 136 is a Committee bill brought on behalf of the Nevada Association of Counties. Don Cavallo, the Washoe County Public Administrator, presented the bill. Assembly Bill 136 addresses both categories of small estates—those that are less than \$75,000—as well as those that are less than \$20,000. The bill provides for the payment of fees and expenses by the government agency or public administrator to settle the estate. During the hearing, Mr. Carpenter had suggested leaving the funeral expenses as a first priority. Mr. Cavallo responded that current statute provides that administration expenses of an estate actually have a first priority for payment. I have attached that statute to the work session document for your reference. During the hearing, there was no opposition testimony ([Exhibit D](#)).

**Assemblyman Carpenter:**

It seems to me that the counties would want the funeral expenses paid first. If the other agencies take up all the funds that are in the estate, then the county is left to take care of the burial expenses. I know this from being a county commissioner for many years. It would seem to me that they would want to have those taken care of before anything else.

**Assemblyman Horne:**

I recall having similar concerns at the hearing. These are small estates, so there is a greater risk of there not being enough funds for the funeral expenses. I recognize that administrative expenses are currently in the statute, but these other statutes are making the priority acceptable to having an exception to small estates that funeral expenses go first.

**Chairman Anderson:**

The amendments would be to rearrange the language so that funeral expenses are listed as the first priority under *Nevada Revised Statutes* (NRS) 147.195. We could argue about whether the administration should precede the expense of the last illness, which can be the most expensive thing on that entire list, but the quality of life is the most important subject. I have no problem with moving the expense of the administrator to number two or three under NRS 147.195, and we could argue about where it should fit in the list.

**Assemblywoman Allen:**

I appreciate the amendment by Mr. Carpenter. A similar bill came before us two years ago and I voted against it. I am going to vote against this bill again because I do not feel comfortable increasing fees to estates. Ultimately the children of the estate end up with no money.

**Chairman Anderson:**

You would argue that administrative fees should be lower on the list? That it should be priority number four?

**Assemblywoman Allen:**

I would argue that it is the government's job to administrate these small estates.

**Chairman Anderson:**

It is at the pleasure of the Committee. Do we have a consensus?

**Jennifer Chisel:**

I would like to clarify that NRS 147.195 is not actually part of the bill. It is a separate statute. In the bill itself, the amendment is to NRS 146.070. In Section 2, the amendment would be to NRS 253.0403.

**Chairman Anderson:**

Ms. Lang, can we use this as a vehicle to make sure that we place this where we want within the subsequent statute?

**Risa Lang, Committee Counsel:**

We can put this in the order that you like in Sections 1 and 2.

**Chairman Anderson:**

Would the proper motion be Amend and Do Pass? We want to accept the amendments that are suggested in this current statute, and subsequently amend NRS 147.195, so that administrative fees are moved from priority number one to number two on the list.

**Jennifer Chisel:**

You would not have to change NRS 147.195 if you made the changes to the bill. NRS 147.195 actually deals with larger estates. We would be looking at Section 1 of the bill. Currently, the language to pay the reasonable fees and expenses is at page 2, lines 19 through 22. That is listed as (a), which would be the first priority order, and (b) is the funeral expenses. What you can do is rearrange those factors in Section 1 of the bill. Additionally, in Section 2, we would be looking at pages 4 and 5, lines 37 through 44, then lines 1 through 5 on page 5 of the actual bill.

**Chairman Anderson:**

We are dealing with it conceptually. We would amend A.B. 136 to change the priority in Section 1, so that payment of funeral expenses would precede the payment of reasonable fees necessary. The bill would reflect those additional changes, so that we would be in conformity.

**Jennifer Chisel:**

Yes.

**Assemblyman Horne:**

Section 2, subsection 4 (a) references NRS 147.195. Ms. Chisel, you say that we would not have to change that provision in the statute. We could just rearrange the paragraph below?

**Risa Lang:**

If we rearranged this section, we will look at any relevant sections of NRS 147.195. If there is anything else that needs to be added, we would certainly do that during the amendment process.

**Chairman Anderson:**

In the opinion of the bill drafters, it may have an effect upon NRS 147.195. We would be reordering that also. I thought this was for smaller estates, so there might be an opportunity to differentiate between the large and small estates. We are trying to make sure that funeral expenses come first for the smaller estates, whereas we are not going to change the priority in large estates. If there are sufficient dollars, public administration will take out its expenses before the funeral costs for larger estates. Is that correct, Ms. Lang?

**Risa Lang:**

I believe that is correct, Mr. Anderson.

**Chairman Anderson:**

For the smaller estates, it would be funeral expenses first, then we would be moving to public administration. For estates over \$75,000, we would be looking at expenses of the administration then the funeral expenses.

**Assemblyman Carpenter:**

I would make a motion to Amend and Do Pass with the amendment being that the funeral expenses would be the first thing paid on estates less than \$20,000 and \$75,000.

**Chairman Anderson:**

It would not be for estates that exceed \$75,000.

ASSEMBLYMAN CARPENTER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 136.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYWOMAN ALLEN VOTED NO.  
ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE).

**Chairman Anderson:**

I will have Mr. Segerblom present this on the Floor.  
We will now move to Assembly Bill 226.

**Assembly Bill 226: Establishes teams specializing in the investigation and prosecution of crimes against older persons. (BDR 15-162)**

**Jennifer Chisel, Committee Policy Analyst:**

Assembly Bill 226 was presented by Assemblywoman McClain. It creates a unit to investigate and prosecute crimes against the elderly. As you recall, the Assemblywoman indicated that there would be several amendments to the bill, and those amendments are attached to the work session document for your review ([Exhibit D](#)). The conceptual amendment changes the name of the unit and it establishes it within the Attorney General's office. It also removes the Crime Evaluation Team and the Civilian Volunteer Team and provides the unit with investigation and prosecution authority. The amendment provides a training requirement to recognize and prevent elder abuse. Additionally, the amendment makes changes to the structure for reporting abuse and neglect of the elderly and requires the director of the Department of Public Safety (DPS) to report statistical information regarding crimes against the elderly to the Legislature. It creates the authority of the Attorney General to file civil actions to prevent the abuse and neglect of elderly. It also provides for civil penalties.

**Assemblyman Ocegüera:**

I support the bill. However, I am concerned about the training requirement in the amendment. We have a similar bill in the Commerce and Labor Committee, but are having trouble with training doctors, nurses, personal care assistants, attorneys, bankers, investors, et cetera. That section caused me concern, but it is an appropriation that will have to go to the Ways and Means Committee.

**Assemblywoman Kathy McClain, Assembly District No. 15:**

There are a few sections that you did not mention. One section would establish funds for the civil penalties that would be used for education, outreach programs—things of that nature. The other was the report that has been required from the criminal repository. I did email the Division on Aging, the Attorney General's office, and the Criminal Repository and asked if they had any concerns. I did not get a response from anybody, so I assume that they are okay. This will go to Ways and Means, so if there are small, specific things that anybody has a problem with, I am sure they could fix them then.

**Chairman Anderson:**

Since this is not a joint referred piece of legislation, is it your intent that we inform the Chair of Ways and Means?

**Assemblywoman McClain:**

Yes, we can rerefer it.

**Chairman Anderson:**

Would you prefer that we would take it directly as an Amend and Rerefer?

**Assemblywoman McClain:**

Yes.

**Assemblyman Ocegüera:**

Mr. Carpenter pointed out that it says "to the extent of legislative appropriation." That answers my question.

ASSEMBLYMAN CARPENTER MOVED TO AMEND AND REREFER  
ASSEMBLY BILL 226.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY (ASSEMBLYMAN CONKLIN  
WAS ABSENT FOR THE VOTE).

**Chairman Anderson:**

Ms. McClain, since this will be rereferred to the Ways and Means Committee, the assumption of this Committee would be that you will take care of it on the Floor. I will serve as your backup.

**Jennifer Chisel, Committee Policy Analyst:**

Assembly Bill 227 is Mr. Carpenter's bill regarding trespassing.

**Assembly Bill 227: Revises the provisions governing the posting of warnings against trespassing. (BDR 15-702)**

The bill increases the distance between fence posts that a landowner is required to paint fluorescent orange. The bill makes further changes regarding how much paint is required on each post and at each corner at each gate. There were several issues raised during the hearing. There is a conceptual amendment attached which tries to address those issues ([Exhibit D](#)). The amendment does four things, which are outlined on the work session document. The first amendment has two subsections: (a) modifies the distance between the fence posts that must be painted every 1,000 feet for agriculture and herding or grazing land, and (b) leaves the 200-foot distance for all other types of property, which would include urban property. Second, the posts must be painted on the side facing the exterior of the property. Third, the gates, cattle guards, and other openings should be painted fluorescent orange to designate which side of the property is privately owned. Finally, it removes the barbed wire from the definition of fence and requires areas of barbed wire must also have painted posts to qualify as a sufficient warning against trespassing.

**Chairman Anderson:**

If I have a barbed wire fence enclosure, I do not have to put up a posting?

**Jennifer Chisel:**

The bill would actually require you to do a posting as well. A barbed wire fence is not sufficient, so it would also require posts to be painted.

**Chairman Anderson:**

Before, we were looking at 12 inches, but now we will be looking at how much?

**Jennifer Chisel:**

The 12 inches still remains.

**Chairman Anderson:**

It will still be the fluorescent orange?

**Jennifer Chisel:**

Correct.

ASSEMBLYMAN HORNE MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 227.

ASSEMBLYWOMAN ALLEN SECONDED THE MOTION.

**Chairman Anderson:**

Will hazardous materials within the urban areas still be readily visible? We are not changing that definition because it needs to be known that a hazard exists, is that correct?

**Jennifer Chisel:**

That is correct. It is still the 200 feet for those urban areas.

THE MOTION PASSED UNANIMOUSLY (ASSEMBLYMAN CONKLIN  
WAS ABSENT FOR THE VOTE).

**Chairman Anderson:**

This is Mr. Carpenter's bill, so we will anticipate that he will want to handle this on the Floor. Mr. Horne or I will take care of the amendment.

**Jennifer Chisel, Committee Policy Analyst:**

The next bill is Assembly Bill 282.

**Assembly Bill 282: Makes various changes to provisions concerning domestic violence. (BDR 3-105)**

This was presented by Assemblywoman Shelia Leslie earlier this week. The bill provides that a protection order against domestic violence may include provisions to prevent the taking, injuring, or killing of a pet with the intent to harass the victim. It also provides an extended order and arrangements that may be made for the care of a domestic animal. During the hearing, a couple of conceptual amendments were suggested and they are described in the document. The first is to broaden the types of animals that could be protected in the bill by removing the word "domestic" to allow for animals including horses or sheep, for example. The second change is to enjoin an adverse party from injuring or killing his own pet to harass the victim ([Exhibit D](#)).

**Chairman Anderson:**

I am concerned about the first amendment of the bill. It would expand the scope of the bill to include all animals instead of domestic animals for possible



harm. The burden would be to show that it was a pet and not an animal that is part of a herd, hunting group, or anything else that we might be able to come up with. Can we find some clarification, Ms. Lang?

**Risa Lang, Committee Counsel:**

Right now, the language of the bill says "physically injuring, threatening to injure, or taking possession of any domestic animal." If your concern is that the bill not be used in an inappropriate way, we could always add "threatening to injure or taking possession to harass the applicant or minor child." It is not just injuring in that broader sense that you are referring to, but injuring for the purpose of harassment.

**Chairman Anderson:**

We could then include all animals, but a person would have to prove that the purpose of obtaining a protection order was to prevent injury, and that the injury is for the purpose of harassment.

**Risa Lang:**

That is correct. And remember, this bill is for a restraining order. A judge would be issuing the order that would enjoin the adverse party from engaging in those acts. I am not sure if you need to say "to harass," but the judge would be making the call about whether or not those animals needed a protection order to prevent such harassment.

**Chairman Anderson:**

The second amendment clarifies the threat of injuring or killing a pet. It is the ownership that would have to be demonstrated by the adverse party.

ASSEMBLYMAN OCEGUERA MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 282.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY (ASSEMBLYMAN CONKLIN  
WAS ABSENT FOR THE VOTE).

**Chairman Anderson:**

This is Ms. Leslie's bill and we will assume that she will take care of it herself. Mr. Horne or I will take care of the amendments. Mr. Horne will be the backup.

**Jennifer Chisel, Committee Policy Analyst:**

That brings us to Assembly Bill 364.

**Assembly Bill 364: Revises certain provisions relating to the use of a grand jury. (BDR 14-1303)**

This was brought forward by Mr. Horne. It provides an additional restriction on the use of the grand jury to include those circumstances when a court finds insufficient evidence to hold a person for trial. The exemption to this restriction is that if substantial new evidence is discovered that was not available at the preliminary hearing, the grand jury may be used. There were no amendments to this bill ([Exhibit D](#)).

**Assemblyman Mabey:**

I have a great deal of respect for the sponsor, but I will be voting no.

**Assemblyman Cobb:**

I recognize the idea that we need to be focused on is judicial economy, and I praise the sponsor of this bill for always keeping that in mind. My only concern was that we did hear testimony of actual instances in Nevada where the current system, with the safety valve of being able to go to the grand jury, has ended up with convictions at trial at a later date. I recognize that the sponsor has good arguments regarding judicial economy; however, I will be voting against the bill.

**Assemblyman Carpenter:**

This is a very difficult bill for me. I think there was great testimony on both sides. We do not have a grand jury in rurals, so it probably will not affect them. It seems to me that if they have an opportunity to go back when there is substantial evidence, then they can go to the grand jury. If they have a high profile case, they would go to the grand jury anyway. After much thinking about this, I think that the safeguards are there, so I will be voting for the bill.

**Chairman Anderson:**

This is a difficult issue that we are trying to solve. We do recognize that prosecution has cases that are emotional and highly charged, and occasionally unusual circumstances present themselves which the grand jury can help solve. I am still of the opinion that we need to be careful here. I also will be supporting the bill. I am curious as to what is going to happen with it, but I am concerned.

**Assemblyman Segerblom:**

I have problems with the concept that you can go to a preliminary hearing, present all your evidence, fight like crazy, win, and then be faced with it again. If the district attorney has a weak case, they should go straight to the grand

jury if that is their jurisdiction. I hate to have somebody continue being charged with a crime, so I will vote for it.

**Assemblyman Ocegüera:**

I am going to vote for the bill, but I will like to reserve my right to change my mind on the Floor.

**Chairman Anderson:**

You do not have to disclose that at this time, but it is always nice to let the other members of the Committee know as a courtesy, so that we all know where we stand. I presume that you are continuing your search for information. If there is something unusual, please inform the Chair because that might change many of our minds, and not just yours.

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 364.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMEN COBB AND MABEY  
VOTED NO. ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE  
VOTE).

**Chairman Anderson:**

Mr. Horne will take care of this on the Floor.

That is it for the work session. Before we adjourn, I would like to mention a bill that we heard the other day that deals with the gaming industry. Mr. Horne, were there any problems with that bill?

**Jennifer Chisel:**

That was A.B. 248.

**Chairman Anderson:**

It deals with the approval of nonrestricted gaming licenses in certain counties. This bill gives the opportunity for counties whose population is less than \$100,000 to have privileges that are available in the larger counties.

**Assemblyman Horne:**

There were not any real problems, just certain questions on whether this approval was a current practice. There was testimony that this was a current practice. There were also questions on whether or not local governments

actually have that authority. This was brought in order to clarify that counties could operate in such matter.

**Assemblyman Carpenter:**

This was a difficult issue, but I might not vote for the bill. I feel that entities have meetings that would control the development of zoning and infrastructure. I do not know if rural Nevada is ready to tell local governments what they can do. A community in my district, Wendover, has already done this. They did this on the basis that they felt they have the general powers of the city to do it. After reading the ordinance that they passed, it seemed to me like it was a protect-the-big-guy-ordinance.

**Chairman Anderson:**

Let me push the issue aside since I did not have the opportunity to hear the supporters of the bill or questions at the time.

I would like for us to consider another bill, A.B. 246. It is the need for additional judges and justices in the Second and Eighth Judicial Districts, which will ultimately be decided by Ways and Means. I am of the opinion that we should not take the suggested amendments presented by the Supreme Court relative to the creation of new judicial districts. Those amendments would be better left to a formal bill because there are many overlapping questions here. Both the Second and the Eighth Judicial Districts clearly demonstrated the need for additional judges because of the number of family courts. Maybe we can amend the bill if you do not feel that they need all ten judges in Clark County. However, if we move the bill to Ways and Means, they can tell us how many judges they are willing to finance. I would remind you that the counties were concerned. This was introduced by the Committee on Ways and Means. It would be the creation of two additional family court judges in the Second Judicial District, from 12 to 14. In the Eighth Judicial District, the judges would increase by ten—from 37 to 47. We can hold this bill until next week, but we need to move this along and get it to Ways and Means.

**Assemblyman Segerblom:**

I want to make it clear that I oppose that bill.

**Chairman Anderson:**

We are not going to make a motion right now. If this bill is going to move, I would suggest that the courts take a look at the establishment of their rural districts as a whole, rather than the way it was being approached.

**Assemblyman Cobb:**

It has been expressed to me by the representatives of Clark County that there are ongoing discussions about what the county and the courts are able to work out in terms of the number of judges currently in this bill. I do not know what bearing that has on our discussions, but I wanted to make the Chair aware of that.

**Chairman Anderson:**

That was the reason why I mentioned it. Ways and Means is going to have to make the decision on the impact of the dollar amount that is going to be both on the State and the county. We are looking at the apparent need for the additional judges. Evidence was demonstrated by the Chief Justice and the other members of the court. It is a policy question that we are dealing with.

**Assemblyman Cobb:**

Based truly on policy, I have no problems with the bill.

**Chairman Anderson:**

This will definitely be placed on our next work session document. I wanted to make sure that everybody was comfortable with it because it is a major policy decision.

Meeting adjourned [at 10:09 a.m.].

RESPECTFULLY SUBMITTED:

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Doreen Avila  
Committee Secretary

APPROVED BY:

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Assemblyman Bernie Anderson, Chairman

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

**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** March 30, 2007

**Time of Meeting:** 8:09 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 371	C	Assemblyman Goedhart, on behalf of Jeremiah J. Donovan	Written testimony on A.B. 371
	D	Jennifer M Chisel, Committee Analyst	Work Session document