MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Seventy-Fourth Session
April 6, 2007

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 7:45 a.m., on Friday, April 6, 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/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Bernie Anderson, Chairman
Assemblywoman Francis Allen
Assemblyman John C. Carpenter
Assemblyman Ty Cobb
Assemblyman Marcus Conklin
Assemblywoman Susan Gerhardt
Assemblyman Ed Goedhart
Assemblyman Garn Mabey
Assemblyman Mark Manendo
Assemblyman John Oceguera
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom

COMMITTEE MEMBERS ABSENT:

Assemblyman William Horne, ViceChairman (Excused)
Assemblyman Harry Mortenson (Excused)

STAFF MEMBERS PRESENT:

Jennifer M. Chisel, Committee Policy Analyst
Risa Lang, Committee Counsel
Janie Novi, Committee Secretary
Matt Mowbray, Committee Assistant

OTHERS PRESENT:

Rich Myers, Nevada Justice Association, Las Vegas
Bill Bradley, Nevada Justice Association, Reno
Barry Smith, Executive Director, Nevada Press Association, Inc., Carson City
Joseph Turco, American Civil Liberties Union of Nevada, Las Vegas
Ron Titus, Director and State Court Administrator, Administrative Office of the Courts, Carson City
Ben Graham, representing Nevada District Attorneys Association
Kristin L. Erickson, Chief Deputy District Attorney, Washoe County
Jason Frierson, Office of the Public Defender, Clark County

Chairman Anderson:

[Meeting called to order. Roll was called.]

I will now let my former Vice Chair Assemblyman Manendo take over while I present Assembly Bill 519.

Assemblyman Manendo:
I will now open the hearing on A.B. 519.

Assembly Bill 519: Enacts provisions concerning the sealing of certain court documents. (BDR 1-1404)

Assemblyman Bernard Anderson, Assembly District No. 31:
Assembly Bill 519 is an issue of public safety and access to information. The measure does the following three essential things: It prohibits the district court from sealing a judicial public record unless certain circumstances exist; it

requires the district court to hold a hearing before judicial public records may be sealed; and it provides for the judicial public records to be unsealed once the reason to seal those records no longer exists. To seal a judicial public record, the court must find three essential factors. First, the information about a public hazard will not be concealed unless sealing the record is in the public's best interest and serious damage to public interest will result if the information is released. Secondly, sealing is the only way to avoid prejudice that the information will create. Finally, sealing will protect the public interest from a perceived danger, and sealing is reasonably necessary.

I want to point out that the judicial public record discussion does not include records that are confidential for some other reason. This means that the records that are confidential will remain confidential even if some other record in the case cannot be sealed. This is not a new issue. The practice of sealing court records was recently highlighted in a five-day series of news articles in the *Las Vegas Review Journal*. According to that investigation, at least 115 civil cases have been completely sealed in Clark County District Court since the year 2000. Sealing court records can hide threats to public safety. If the public was aware of certain dangers, lives could be saved. For example, there was a law suit about defective tires that was filed against Firestone Tire Company. The records were sealed until a Houston television station discovered the trend. The *Las Vegas Review Journal* also noted that many of the sealed lawsuits involved influential people such as doctors, real estate developers, politicians, casinos and their executives, lawyers, and judges.

In 1991, legislation was introduced to essentially prevent product liability lawsuits from being sealed—so-called "sunshine in litigation." Unfortunately, there was successful effort to kill the legislation that year and the following years. Nevada is not the only state that has recognized this issue. The language in this bill was based on an Indiana law. Additionally, Florida and Washington have similar statutes. The Nevada Supreme Court decision in the *Whitehead v. Judicial Discipline Commission* [111.Nev. 70, 893 P.2d 866 (1995)] fostered the idea that judges can seal entire cases without public explanation. This legislation seeks to limit the amount of court records that are sealed. It also requires a legitimate purpose before a court record is sealed and requires the court to disclose the purpose to the public.

There are legitimate reasons that court documents should be sealed. There is also a great danger to the public interest, and that is why we need to have a frank discussion about the reasons for this piece of legislation.

Assemblyman Manendo:
I will call up Mr. Myer or Mr. Bradley, or they could come up together.

Rich Myers, Nevada Justice Association, Las Vegas:
Mr. Anderson referred to a bill some years ago called "sunshine in litigation." I was a principal proponent of that legislation. There are many parallels between that piece of legislation and the one pending before this Committee. I represent the Nevada Justice Association, formerly known as the Nevada Trial Lawyers Association. Both of these pieces of legislation deal with public hazard—a condition that exists in our community that is a danger to our citizens. Those who advance those types of public hazards have a vested interest in concealing them from the public. Those of us who represent the individuals who are wrongly injured or killed at such establishments or by such conditions have a strong sense of public duty to expose them. Very often our efforts are thwarted. Sunshine in litigation would have rendered void the secrecy agreements between the parties at the end of a lawsuit. When the plaintiff and the defendant settle, a condition of the settlement required by the defendant is that the plaintiff enter into a contractual agreement that he is forbidden under penalty of liquidated damages from ever discussing that public hazard. I thought that was very wrong back in the time of sunshine in litigation, and I think that it is very wrong now. I remember a committee hearing on the sunshine in litigation bill. This bill having to do with public hazard generally prohibits the sealing of court records that would otherwise disclose to the public information about public hazards. I think it is a vital interest of members of the community to be able to know what is out there.

A recent example in my practice was about a year ago. An attorney in Las Vegas named Larry Davidson had, over the period of a year and a half, settled cases without his clients' knowledge. He then forged their signatures on the settlement papers, took the money, and ran. He literally stole over a million dollars from his clients. When it was discovered, he went on the run and then spent six months in a federal prison in Arizona for forging a judge's signature. When he was indicted for stealing from his clients, he failed to show up for trial, and now has a federal warrant out for his arrest. In the case that I became involved in, Larry Davidson has stolen a significant sum of money from a settlement. The plaintiff never knew about it, and their signatures were forged on the settlement papers, as was the signature of the notary public. I asked the court to set aside that settlement and basically put the plaintiffs back in court. The defendant, whom I believe maintains a public hazard in Las Vegas, opposed it. Recently, we have had evidentiary hearings and the defense lawyer stood up and asked that the whole proceeding be sealed. They did that because they did not want the public to know, read about, or hear the nature of this public hazard, and they certainly did not want the public to know that they had paid a settlement to a lawyer who had stolen from his clients. The court refused to do that, so it is a matter of public record. If the court had sealed that record, then the public would never know what that was all about.

I earnestly solicit your approval of this bill. I would say that there is one caveat that ought to be considered and that is the separation of powers between the Legislative Branch and the Judicial Branch. I am not aware of the court's position on this matter, but their input should certainly be considered.

Bill Bradley, Nevada Justice Association, Reno:
I want to reiterate Mr. Myers' comments as well as give you an idea of where this situation arises. Typically in litigation involving drugs, birth control devices, or cases where there are a lot of documents produced by manufacturers, this issue comes up, whether it was the Ford Pinto or the Copper 7 IUD (intrauterine device). Significant documents exist that if made public would better inform the public about these issues. If an attorney gets involved in one of those matters and seeks to get those documents, we are immediately confronted with a request from the other side that we keep the documents confidential. We then go to court and ask whether or not the judge agrees. Many times attorneys are not willing to fight that fight and just agree in order to avoid the expense of fighting the good fight. Once we get those documents, we can use them in our case. However, one of the conditions placed on our client as a term of settlement is that if the client will accept a sum of money, we must return those documents. The client is in a difficult situation—he has been harmed, injured, and is unable to work. The financial pressures on him are too strong and he does not have any choice but to agree. Consequently, those documents that would be important in the public eye remain sealed and unavailable.

This particular bill strikes a very good balance between the Judicial and Legislative Branches. We still have our good judges sitting as the gatekeepers listening to the arguments on both sides before a document and a court resolution is declared public or private. Our organization strongly endorses this bill and appreciates this Committee sponsoring it. It strikes a good balance between the public's need to know and the importance of certain documents remaining confidential.

Assemblyman Carpenter:
I understand what you are trying to do but on page 2, section (e), it says, "Substantial probability that sealing a judicial public record will be effective in protecting the public interest against the perceived danger." I do not understand that.

Bill Bradley:
I believe that particular provision is there for a reason. We have all seen in the past two years that our government is involved in litigation. As a result of that litigation, there are allegations that disclosure of certain information contained in law suits may jeopardize national security. There is a particular case going on in

Nevada right now where that seems to be a concern. If that particular civil lawsuit was wide open, it could pose a legitimate threat to national security. That is something that should not be made public. Under that kind of circumstance, there could be a hearing where all interested parties can present their arguments to the judge as to whether or not the information should be sealed to protect the public interest. At that point, the government could argue effectively to the judge that there is a national interest, and we would like to seal that.

Assemblyman Carpenter:
It seems to me that if you are holding a public hearing, and the public is invited, the public is going to know about it anyway. How are you going to protect the public if there is a danger and you seal it?

Risa Lang, Committee Counsel:
These are the circumstances under which the court could seal a record. Under this statute, without these findings the records could not be sealed.

Bill Bradley:
Mr. Carpenter, I always respect your interpretation of the language because generally you are right on. Under the scenario we described, there would be an understanding at the hearing that until the arguments were made there would be some sort of a gag order issued until the judge had the appropriate information in front of him to make that decision. The hearing could go forward and the arguments could be made without threat of it becoming public at that point. Once the arguments were made, a sound decision by the judge could be made as to whether or not the documents meet the particular language requirements in order to cause a seal.

Assemblyman Carpenter:
That is not what the bill says. It says, "Shall allow the parties and members of public to present evidence and submit written briefs." It seems like that is in open court.

Bill Bradley:
Not necessarily. There are many court hearings that can be conducted but subject to a gag order. Everybody in the courtroom is subject to that gag order. It is only until that finding is made that either the information becomes public or remains confidential.

Assemblyman Carpenter:
I am on your side, but this does not do that.

Assemblyman Cobb:
I somewhat want to echo the comments of Mr. Carpenter. I agree with the intent, but I have some severe concerns. My main concern is about judicial economy. We hear time and time again how our courts are overworked and we need more judges. In my experience, it is very important that the judge be able to exercise the discretion to agree to seal a settlement if it is reached between two private parties. In essence it is a private contract. We have to balance that with public interest. I agree that when you are talking about something that is a public hazard, there needs to be sunshine and available to the public. My concern is that under Section 1, subsection 1, you have six requirements that must all be met before a judge may use his discretion to seal a simple settlement. One of those requirements deals with national security. If I have a private defamation suit, I am never going to have that sealed because I am never going to have a national security issue. Section 1, subsection 1, paragraph (c) is more extreme: dissemination of that information contained will create a serious and imminent danger. Every time you want a private settlement between two parties in a civil suit you must have serious and imminent danger for the judge to use discretion. That is a bit extreme.

Bill Bradley:
I spent a lot of time thinking about that exact issue because many times the parties agree to a confidential settlement. That type of settlement is not even overseen by the judge. For example, we have a lawsuit going, there are pleas entered, the complaint is filed, then the answer is filed. Other than motion practice, our discovery documents are not filed, so there are not any of the critical discovery documents unless we have had to file motions to compel, et cetera. If that is the case, then there would be a motion by one side to seal that part of those documents if they meet these exceptions in the statute. What the attorneys are really concerned about in private party settlements is creating bad press for the defense because they settled, and then throwing out a large settlement number into the public. Unfortunately, there are people who use the newspaper to market their skills as lawyers and talk about significant settlements. Consequently, many defense counsels want to put in the settlement agreement that the terms and conditions of the settlement shall remain confidential. I do not necessarily think that will interfere with this. We are not talking about the terms or the amount of the settlement, because that really never shows up in the courthouse file unless it involves a minor. I had the same concerns, but after looking at this, I am not sure that those confidential settlement numbers are as adversely impacted by this bill as exhibits attached to motions that do give rise to the concern of public hazard.

Assemblyman Cobb:
That is my concern. You do have motion practice, and sometimes you do go to trial and it settles in the middle of trial. I am not disagreeing with you. I do not think that we should seal cases at the drop of a hat, especially when you are dealing with a public hazard. The concern here is that you are saying all criteria must be met even if they go to trial and you have a public record. Maybe the judges would like to use their discretion to seal and that is never going to happen with all of these criteria. You are never going to have national security and a serious and imminent danger situation just in the average civil lawsuit that we see in the Second Judicial District. Do you think it would be better to have an "or" with those to provide a little discretion for the judge?

Bill Bradley:
I would have to think about that, but that may be an appropriate correction to address your concerns.

Assemblyman Cobb:
Having been in that situation in so many cases, sometimes I do not want to add to a judge's caseload because we did not think this all the way through.

Bill Bradley:
Once the decision to go to trial is made, the documents start coming in, and the testimony starts coming from that witness stand—the toothpaste is out of the tube and it is not going back in. That is a process that the parties have to go through before they make the decision to start up Monday morning.

Assemblyman Cobb:
If you put an "or" in there, a judge could use that discretion in certain circumstances.

Assemblyman Carpenter:
It also seems that there should be something included in regard to national security. That is a different situation than the Ford Pinto. The Ford Pinto information needed to be out there. My daughter had a Ford Pinto and I needed to know if it was going to blow up. That is a different deal than national security.

Bill Bradley:
I certainly understand.

Assemblyman Manendo:
We also have Mr. Smith from the Nevada Press Association.

Barry Smith, Executive Director, Nevada Press Association, Inc., Carson City:
I have submitted testimony, but most has been covered already (Exhibit C).

This is consistent with some of the other bills and testimony I have submitted this session as far as setting the default as open and then setting the circumstances under which records should or may be closed. I am in support of this bill very much, and it is consistent with the law and what we are trying to do elsewhere.

In listening to the testimony so far, there is an example from Washington where the *Seattle Times* did a similar investigation as the *Review Journal*. A man committing a financial scam had been able to go from state to state having court records sealed for virtually no reason. He would perpetuate the scam by getting sued, losing the case, having it sealed, taking his losses, going to the next state, and having no record behind him. I just wanted to add another example of the things that take place besides the usual medical and public safety issues.

Assemblyman Manendo:
Mr. Anderson, would you like to have the article (Exhibit D) as well as his testimony submitted into the record?

Chairman Anderson:
I would like any documents submitted put into the record.

Joseph Turco, American Civil Liberties Union of Nevada, LasVegas:
Barry Smith is right. A few times in the past weeks, I sat next to him and we advocated for bills that open up government and place sunshine on the processes. This one is no different. We support any bill that would expose public hazards. I was concerned, as a former plaintiff's lawyer, about settlements. This might be a disincentive to defendants to settle. We support the bill and wish it the best of luck.

Chairman Anderson:
The courts have some concern about the current procedure for the sealing of court documents. Nevada needs to take some steps in the right direction here because there have been issues with the sealing of court documents in the last century. We need to address this issue in the Legislature, so that the courts and the public understand that we are concerned about it. The recent articles in the *Las Vegas Review Journal* about this have demonstrated such a need. As representatives of the public, I feel this is our obligation.

Assemblyman Segerblom:
In response to Mr. Cobb's question, I do not see that these things in Section 1 are unreasonable. The criteria are all compatible and meeting each of these would not be difficult. It is important for the court to meet all of the criteria to seal a case. The idea here is that we do not want to seal the case.

Chairman Anderson:
I thought the bill drafter did a great job given the limited amount of information that we were able to supply. A few states that have had a longer litigation in this area are what we are looking to adopt. I do not think that we are reinventing the wheel.

Assemblywoman Gerhardt:
Is this going to affect criminal proceedings or messy divorces where people may be saying awful things about each other?

Chairman Anderson:
In the first instance, it is possible but not probable. In the second, regarding messy divorces, it could happen but I believe that the judge would still have the discretion. It is described in paragraph (d). Paragrah (d) states, "There is no other reasonable method or avoiding prejudicial effect created or dissemination of the information." Depending upon (d), it is possible for the judge to utilize that. You would have to ask one of the legal minds. I know that school records are taken care of.

Risa Lang:
The way that it is currently drafted, it does not seem to be limited specifically to the civil situations. If you look at the definition of public record, it may come up more often. We do have other statutes addressing sealing of records. There is one that regards closed hearings for domestic cases. This would not change that. Those would still stand on their own. There are other statutes in the *Nevada Revised Statutes* (NRS) concerning sealing of criminal records which would not be affected either.

Chairman Anderson:
We can clarify that if it needs to be done.

Ron Titus, Director and State Court Administrator, Administrative Office of the Courts, Carson City:
I am here today to provide you with information on what action the court is taking concerning this issue. The court has considered creating a commission to address this issue since the publication of the news articles. They issued a press release on Wednesday (Exhibit E). They are creating a commission on the

preservation, access and sealing of court records. That commission will be chaired by Second District Court Judge Brent Adams, and Justice Hardesty will be the Supreme Court's liaison with that commission.

Ben Graham, representing Nevada District Attorneys Association:
I have a little bit more of a comfort level knowing that if there were any unintended consequences dealing with the sealing of criminal records, it could be clarified. This is a good piece of legislation, but as you know, we seal about 2,000 criminal records a year. We want to make sure that it does get clarified.

Assemblyman Manendo:
I will close the hearing on A.B. 519, and hand the chair back over to Chairman Anderson.

Chairman Anderson:
I remain hopeful that we will move on with this legislation. I will talk to Legal to make sure that we clarify the criminal records and divorce issues. I will also talk to Mr. Cobb to see if his comfort level can be reached, as well as answer Mr. Carpenter's questions regarding national security.

We will now move on to the work session document (Exhibit F). There are only ten in the document today. First, we will look at Assembly Bill 4, Dr. Mabey's bill dealing with a Good Samaritan.

Assembly Bill 4: Revises provisions providing immunity from civil liability for certain medical facilities and certain medical professionals who render certain emergency care. (BDR 3-450)

Jennifer Chisel, Committee Policy Analyst:
Assembly Bill 4 was presented by Dr. Mabey on February 14. This bill eliminates the requirement that damages must be related to or caused by a lack of prenatal care in order for emergency obstetrical care to be immune from civil liability. The handout (Exhibit G) has some additional explanatory remarks regarding the amendment that is in the work session document (Exhibit F).

Discussions during the hearing indicated that civil immunity should only be for emergency gratuitous care provided in good faith. The bill as written did not seem to accomplish that. The attached mock-up which begins at page 2 of the work session document makes a couple of changes. First, on page 2 of the mock-up, at lines 39 and 40, emergency obstetrical care is added to the existing provision that provides civil immunity for emergency gratuitous care provided in good faith. The remaining changes create a new section within Chapter 41 of

NRS to include the provisions regarding emergency medical care for compensation. This is to distinguish that from emergency medical care that is provided gratuitously, which is under the Good Samaritan law. It looks like a lot of changes, but really it is just rearranging some of the statutes for clarification.

Assemblyman Mabey:
It has been a long two months, and I appreciate the opportunity to work with Mr. Bradley. As Ms. Chisel mentioned, when this law was changed in 1995, it left out the part where gratuitous care could be administered and receive protection. The problem was certain facilities still wanted to charge and receive the gratuitous care if the cause of the patient's problem was because of the lack of prenatal care. With Mr. Bradley's guidance, we have changed the sections, and now I believe this accomplishes exactly what I wanted to do.

Bill Bradley:
I appreciate Dr. Mabey's good faith and honest efforts to accomplish something that was overlooked. Historically, the part of the bill that we were dealing with was Mr. Carpenter's "Rule of Drop-in Delivery Bill" that originated in 1995. Through that effort there was a mix-up, under our Good Samaritan law, of cases where services were provided gratuitously and in good faith, as well as other cases where people are still being compensated. However, for other public policy reasons, there was some limited immunity extended. This gave us the opportunity to accomplish Dr. Mabey's fair goal of encouraging obstetricians to respond to emergencies and provide care considering the example that he gave during his original testimony. It also gave us the opportunity to separate out the provisions that were originally put under the Good Samaritan statute that did not need to be there, but still needed to be under Chapter 41 of NRS. We have worked very hard on this bill, and I believe that we have accomplished the goal without giving up the rights of legitimately injured people, while still encouraging obstetricians and other people to provide emergency services when necessary. Dr. Mabey has been very involved in crafting a very important statement for the Floor. We are in support of this bill.

Assemblyman Oceguera:
I actually agree with adding the emergency obstetrical care to page 2, lines 39 and 40. I wish I had seen Section 1 prior to just now. I am reading that and thinking back to my full-time job, and I run into many situations where people say that they are a doctor or a nurse and sometimes are not. Also, an emergency situation is probably better handled by a paramedic in the field who does it every day. If I was to go on a car accident, and Dr. Mabey came and said, "I am a doctor what can I do." I think to myself, he is an obstetrician and gynecologist. Certainly, he has been to medical school, but I deal with these emergency situations every day. When we get to the hospital and transfer that

care, I am comfortable. However, when a doctor or nurse comes to the scene of an emergency, I get concerned.

Bill Bradley:
Those two sections which are now moving out of the Good Samaritan statute actually arose out of a concern three sessions ago. Rural emergency departments that had antiquated communication devices were concerned about being held responsible when transmissions between poor old radios did not work very well. I am not particularly wild about this section either. It can be interpreted a lot further than what the intent was when we first passed it two or three sessions ago. I would love to go into this with you, Mr. Oceguera, but I do not want to get in the way of Dr. Mabey's intent.

Assemblyman Oceguera:
I understand what Dr. Mabey is trying to do, and I support that. It does cause me some concern though.

Jennifer Chisel:
Actually, this is not new language. It is in existing statute at this point. It was just being moved, which is why it looks like new language.

Chairman Anderson:
Mr. Oceguera, if you like, we can see the existing statute and how it is operating. We can put it off until later in the week to reach a comfort level.

Assemblyman Oceguera:
That helps, but I would like to see it in totality.

Chairman Anderson:
We will let Mr. Oceguera review what the existing statute is and how that language is being transported. We will try to get it on again soon.

Assemblyman Mabey:
That would be fine with me. I agree with Mr. Oceguera. In an emergency situation, I would let the emergency people work; however, for obstetrical care, I would challenge him. I cannot receive immunity for rendering emergency care. To my understanding, this does not change anything that is currently going on except for physicians that render emergency obstetrical care will receive immunity.

Assemblyman Oceguera:
I just need a day.

Chairman Anderson:
We are going to give Mr. Oceguera the chance to review. Let us move on to Assembly Bill 15.

Assembly Bill 15: Enacts the Uniform Child Abduction Prevention Act. (BDR 11-732)

Jennifer Chisel:
The next bill in the packet is A.B. 15 which enacts the Uniform Child Abduction Prevention Act. It was presented by Mr. Horne on February 13. Sue Meuschke of the Nevada Network Against Domestic Violence (NNADV) voiced concerns that this Act may be detrimental to a spouse who is trying to flee a domestic violence situation and takes the children. Testimony indicated that the domestic violence situation is addressed in the commentary language in the act; however, such language is not typically added to statute in Nevada. To address these concerns, the attached amendment provides that if the court finds the situation to be related to domestic violence, an order to prevent abduction shall not be issued (Exhibit F).

Chairman Anderson:
Mr. Horne is not here to defend his bill or the amendment. He has worked substantially on it, and I believe that the NNADV has worked with him in crafting this conceptual idea.

> ASSEMBLYMAN CARPENTER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 15.
>
> ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

Assemblyman Cobb:
In the amendment to Section 19 where it says "mental harm," is that a common phrase we use in statute? Is it easily defined?

Risa Lang, Committee Council:
This particular provision is intended to address the concern that if there is a victim fleeing domestic violence, he does not get wrapped up in this particular legislation. I can look and see if we use that term connected to other domestic violence statutes.

Chairman Anderson:
We are dealing with this in a conceptual way, and we will see what the bill drafters come up with relative to the actual language. Mr. Cobb, I do think your

concerns are legitimate. I am confused as to which three parts we are talking about replacing.

Risa Lang:
It is not replacing. It would be a new subsection 3 that would go on page 6 after subsection 2. This Section 19 discusses the factors that need to be present in order to issue one of these orders, and the subsection 3 being proposed would provide that if the court found that it was a case of abuse, they would not issue the order. We do use the term "mental harm" in various places in statutes especially in cases of child abuse and neglect, and abuse of older and vulnerable people.

Assemblyman Segerblom:
Sometimes these uniform acts have to be adopted similarly for all states or the provisions cannot be enforced across state lines. I want to make sure that this does not prevent us from enforcing our law and having another state enforce our law or vice versa.

Chairman Anderson:
The Uniform Commission would like us to comply with their suggestions, but each state has the ability to tailor the acts to fit the needs of their particular state. This is modeled after the Uniform Act, but we can bring it into consideration with the items that concern us, such as the domestic violence and the suggestion by Mr. Horne. I do not think we are going to stray from the intent, but we are going to make sure that we are all comfortable with it.

> THE MOTION PASSED UNANIMOUSLY. (ASSEMBLYMEN HORNE AND MORTENSON WERE ABSENT FOR THE VOTE.)

Mr. Horne will take care of it on the Floor, and Mr. Ohrenschall will be his backup. Next we have Assembly Bill 58.

Assembly Bill 58: Revises provisions governing murder of the first degree. (BDR 15-935)

Jennifer Chisel, Committee Policy Analyst:
Our next bill is Assembly Bill 58, which was presented by Mr. Oceguera on March 1. This bill adds child neglect and abuse as well as neglect of older or vulnerable persons to the first degree murder statute. Mr. Horne and other members voiced concern about adding a negligent standard to the first degree murder statute. All Committee members should have received supplemental information regarding first degree murder laws in other states. Based on those concerns, I have put together a conceptual amendment in the work session

document (Exhibit F). This amendment would delete "neglect" and leave "the abuse of a child, older or vulnerable person" within the first degree murder statute. "Child abuse" was already included, so it would just add "abuse of older or vulnerable person." As a result, the definition of "child neglect" at the back of the bill would not be necessary.

Assemblyman Oceguera:
I think this will meet the needs of my intent. In response to the questions about neglect cases being raised a level, I think this will work.

Assemblyman Cobb:
I remember when we were discussing this issue my recommendation was to change it to intentional neglect. This would make it an intent crime. Are we saying that child abuse would cover the concept of intentionally neglecting someone, like the people in Carson City who locked the kids in a bathroom and neglected them for years?

Chairman Anderson:
Ms. Erickson, does the existing statute cover intentional neglect? If we put in the word "intentional," would that raise another bar for us to pass?

Kristin L. Erickson, Chief Deputy District Attorney, Washoe County:
It is somewhat of a difficult question for me to answer right now because I do not have the statute in front of me. Intentional neglect is a difficult concept. Neglect by its very definition is in conflict with intent. In the situation that Mr. Cobb mentioned, I believe that there would be definite argument that it would fall under child abuse in addition to neglect.

Assemblyman Cobb:
As long as we think that such a situation would fall under the concept of child abuse, I am fine.

> ASSEMBLYMAN CONKLIN MOVED TO AMEND AND DO PASS ASSEMBLY BILL 58.
>
> ASSEMBLYMAN COBB SECONDED THE MOTION.
>
> MOTION PASSED UNANIMOUSLY. (ASSEMBLYMEN HORNE AND MORTENSON WERE ABSENT FOR THE VOTE.)

Chairman Anderson:
Mr. Oceguera, I assume that you will present your bill on the Floor, and Ms. Gerhardt will play second. Now we will go to Assembly Bill 63.

Assembly Bill 63: Revises provisions governing the additional penalty for the use of certain weapons in the commission of crime. (BDR 15-151)

Jennifer Chisel, Committee Policy Analyst:
Assembly Bill 63 came out of the Interim Study on Sentencing Pardons, Parole and Probation. It was presented by Mr. Horne on March 9. Assembly Bill 63 revises the weapon penalty enhancement to a minimum of one year and a maximum of ten years instead of doubling the prison term for the underlying crime. At page 2 of the work session document, you will see an amendment provided during the hearing by Jason Frierson with the Clark County Public Defender's office (Exhibit F). This amendment proposed that the sentence not exceed the term of imprisonment prescribed by statute. The amendment further proposed a change to the definition of deadly weapon. There is an additional amendment provided behind that one. It is a mock-up with a different change to the definition of deadly weapon. On the last page of that particular mock-up, it proposes to delete the functional test which determines whether a weapon, device, instrument, material, or substance constitutes a deadly weapon.

Chairman Anderson:
I think that this solution came about as a result of a Supreme Court decision several years ago. It has now proven to be somewhat difficult to deal with. I am of the opinion that we should take Amendment 2 which will put us back to the standard that a deadly weapon is a gun, a knife, and those inherently dangerous weapons. That way we take out pavement, spoons, shoe strings, and all of the other things that could potentially kill a person. This should clear up part of the enhancements that are being used each time somebody is killed. This is not what it was originally intended for. We had the assurance that it would not be used in that fashion, but it has been.

Assemblyman Carpenter:
Are you talking about the first amendment?

Chairman Anderson:
No, it would be the second. The second amendment amends the definition of a deadly weapon as in the mock-up, deleting lines 12 through 15 on the second page. The amendment deletes the functional test for determining whether a weapon, device, instrument, material, or substance is a deadly weapon. We are essentially deleting Section (b), so that Mr. Frierson's amendment would not be needed. Is this correct Ms. Chisel?

Jennifer Chisel:
Actually, Mr. Chairman, let me make a clarification. The "or" is for the definition of "deadly weapon." What I failed to include was the first part of

Mr. Frierson's proposed amendment. That would add to the language. It could be not less than one year and not more than ten years, and then you could add to that as Mr. Frierson suggests, not exceeding the terms of imprisonment prescribed by the statute for the underlying crime. That is another possibility and that would not be part of the "or."

Chairman Anderson:
I understand the part about not exceeding the term of the underlying crime. I also see in Section 1 we changed the language from "not to exceed the term of imprisonment prescribed by statute for the crime" to "not less than one year and maximum term of not more than 10 years." Would we be holding that language?

Jennifer Chisel:
You could hold that language in there and add the additional phrase, "not to exceed the term of imprisonment prescribed by statute."

Chairman Anderson:
Then we would further amend the mock-up to add the line "not to exceed the term of imprisonment prescribed by the statute." That is from Mr. Frierson's document.

Jennifer Chisel:
In the mock-up, that would begin at line 9, page 1.

Chairman Anderson:
We would leave that to Legal.

Assemblyman Segerblom:
It sounds like it would still be possible. For example, with robbery, the judge could give you a sentence of 5 years and the additional sentence could be up to 10 years because the term for robbery can go up to 15 years.

Chairman Anderson:
Is your concern Mr. Frierson's suggestion? Mr. Frierson's intent is that if the judge prescribed five years for the underlying crime, then the most that could be prescribed for the enhancement is five years. It would not be the full extent of his sentencing ability. Is that your concern?

Assemblyman Segerblom:
That is my concern.

Chairman Anderson:
Mr. Frierson, what is your intent here? Is it to give the judge the option of having the full range of the sentence for the underlying crime? We need to be very specific.

Jason Frierson, Office of the Public Defender, Clark County:
My intent is that the enhancement not exceed the term imposed for the underlying crime.

Chairman Anderson:
Not by the term of imprisonment prescribed by the statute of the crime, but by the term of imprisonment as set by the basic crime?

Jason Frierson:
That would be exactly my intent.

Chairman Anderson:
If we were to move with this, is there a phrase that we can use to clarify our intent. We want the enhancement sentence to not exceed the sentence for the underlying crime.

Risa Lang:
Initially, I thought the enhancement could not exceed whatever the penalty authorized for the underlying crime would be. Instead, you are saying that it should not exceed the actual penalty imposed by the court. Before, you just got an additional term equal to the one prescribed by statute; this would say it is 1 to 10 year sentence. If the penalty for underlying crime maximum is 1 to 5, the additional penalty could not be more than 1 to 5 either.

Jason Frierson:
The concern is if the enhancement has a sentencing range of 1 to 10 years and the person is given a sentence of 12 to 48 years for the underlying crime, the enhancement should be no more than the 1 to 4 years that was actually imposed. Even though the range would still be 1 to 10, we want to avoid the enhancement sentence being more than the sentence of the actual crime which was committed.

Chairman Anderson:
You are trying to prevent a longer factor for the underlying crime rather than the original offense.

Jason Frierson:
That is correct.

Risa Lang:
I can come up with some language for that.

Assemblyman Cobb:
I wanted to express my opposition to Amendment 2. I think that items that are not used in the ordinary manner of their design or construction can still cause substantial bodily harm. For instance, if someone were to take a person's head and start slamming it against a car door because they did not have a bat that does not mean that they were not trying to cause substantial bodily harm. They should still qualify for the enhancement.

Chairman Anderson:
That has always been one of the great discussions. Unfortunately, the net outcome has been the misuse of this statute to include everything under the sun.

Assemblyman Oceguera:
I agree with Mr. Cobb. I do not believe that the misuse has actually been shown. In my mind, if somebody has died, then someone should be punished. I just do not believe in the concept of this bill. I will be voting no on the bill.

Chairman Anderson:
I hope that Mr. Oceguera gets to serve on the next select committee that deals with the problems in the court system. We will put this in the next work session.

Assemblyman Oceguera:
I have a comfort level on A.B. 4, Dr. Mabey's bill. I want to make sure the floor statement narrows it to this specific instance and emergency situations.

Chairman Anderson:
Dr. Mabey is working on his own floor statement, but we will ask Ms. Chisel to participate so that we all get the same thing. Clearly, Mr. Oceguera's questions have been partially answered and hopefully the floor statement will clarify further. Dr. Mabey will share his intent with Ms. Chisel so that all are satisfied.

Assemblyman Mabey:
I would be happy to work on a floor statement that will be appropriate and acceptable to the majority leader, Mr. Bradley, the Chairman, and myself. I think that would be appropriate. I do not want this to be overly broad. I want the bill to do what it is meant to do and not overreach.

Chairman Anderson:
We are trying to keep the floor statements short. We need to keep the editorializing to a minimum.

Ms. Chisel, will you take us through the amendments for A.B. 4 so that we all understand, and then I will accept a motion.

Jennifer Chisel:
The essential amendment in this bill is that it clarifies that emergency obstetrical care which is provided gratuitously and in good faith would qualify for the Good Samaritan immunity from civil liability. The other amendments in this bill are merely rearranging existing provisions that are in statute and put them into a different section of Chapter 41 of NRS. This is done in order to distinguish emergency care that is provided for compensation versus emergency care that is provided gratuitously.

Chairman Anderson:
Usually, Mr. Horne or I take care of the amendments on the Floor. We may want to clarify this basic issue in the amending statements.

> ASSEMBLYMAN CARPENTER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 4.
>
> ASSEMBLYWOMAN ALLEN SECONDED THE MOTION.
>
> MOTION PASSED UNANIMOUSLY. (ASSEMBLYMEN HORNE, MANENDO AND MORTENSON WERE ABSENT FOR THE VOTE.)

Dr. Mabey will present this bill on the Floor, and I will play back-up.

Assembly Bill 107: Revises the provisions governing the possession of weapons at certain locations. (BDR 15-764)

Jennifer Chisel:
Assembly Bill 107 was heard on February 28. It is sponsored by Assemblyman Atkinson. It was primarily presented by Mike Mieras with the Washoe County School District. The bill proposes to prohibit dangerous knives from appearing on school grounds. An amendment was presented by Mr. Mieras which added to the list of prohibited weapons. That amendment starts at page 2 of the work session document (Exhibit F). The weapons that he specifically wanted to add were swords, axes, hatchets, machetes, or other dangerous weapons. During the hearing there was concern about "dangerous weapon" versus "deadly weapon." There is an indication that deadly weapon is

a defined term, however it may turn out to not be that way. There may still need to be some work in that area in terms of defining the terms. I think that the Legal Division is capable of clarifying that. The third amendment is in the work session document and was presented by Dr. Craig Kadlub. That amendment provides an exception for employees or students who need to use knives as part of the job or curriculum. This would cover, for example, culinary students or similar programs.

Chairman Anderson:
What is the pleasure of the Committee?

Assemblyman Oceguera:
In our last discussion, Mr. Carpenter suggested we also include an amendment making it only for students or for people of a certain age.

Assemblyman Carpenter:
My concern is in the way that it is written. Is it any school, or any building controlled by the school? I think this would affect, for example, the National Finals Rodeo, and those things held on campuses at community colleges and other colleges. Can it be confined somewhere to just the students who are attending schools? I do not know how they will enforce this. They would have to put up metal detectors in order to catch every grandpa who is coming through with a knife. I think we should come up with an amendment that would make it apply only to the students attending that school.

Chairman Anderson:
I was not here for the presentation of this piece of legislation, so I am at a slight disadvantage in the current argument. In the past, we have had various problems with this issue. I think that Mr. Atkinson is trying to solve the issue of the inability of school districts to charge for criminal actions when a kid has a knife and is using it at school.

Assemblywoman Allen:
My sentiments are similar to Mr. Carpenter's. Specifically, I do not believe that the amendments go far enough to clarify that the bill only applies to students and to our K—12 schools. That is where I would like to see this go, and if it does not, I will probably have to vote no.

Chairman Anderson:
It is not an issue that we have to deal with today. I wanted to see what the sentiment of the Committee was. There have been several issues that have been brought forth. Mr. Carpenter and I are both familiar with the questions and concerns of the schools because it pops up nearly every session. You

would be surprised at the weapons that come into schools. We can try to work with the bill, or we can put it off.

Assemblyman Oceguera:
I argued in favor of the bill and I have been against this bill in the past. To get to some comfort level, I would agree to it if we could make it limited to students.

Chairman Anderson:
Ms. Lang, do you think that we could craft the language in such a way that it applies to the students who come onto campus carrying weapons greater than two inches? We will add swords, axes, machetes, and other dangerous weapons. We will turn the term "dangerous weapon" to "deadly weapon." Also, we will look at the concerns of Mr. Kadlub and make sure that if there are classes that need knives, such as auto shop, culinary, sewing, and art, it can happen. Can we draft some language to take care of all of that?

Risa Lang:
The only thing that I would note is that this section currently says that a person shall not carry or possess while on the property of the Nevada System of Higher Education (NSHE) or private or public schools. If you are going to carve out a niche for activities sponsored by a public or private school, it does not apply. The addition of the activities does not apply to the higher education anyway. If we are going to limit it to pupils, I suppose we could state that in a separate place. The question then is whether these additions would apply to all situations or just in this limited situation. I am assuming that it would apply to all of them.

Chairman Anderson:
You are of the opinion that the statement about the NSHE does not include the university system or community college campuses?

Risa Lang:
I am referring to the addition of the language of an activity sponsored by a private or public school. It did not include the NSHE. I am looking at the existing bill, and it seems to be expanding the places where you cannot possess these dangerous weapons to include any time there is an activity sponsored by a private or public school. It was just limited to the private or public schools, not to an activity by the NSHE.

Chairman Anderson:
So, we would amend the language of the NSHE out of the bill, so that it only includes a private or a public school?

Risa Lang:
I do not think so, Mr. Anderson. The existing language says that you cannot possess these weapons on a campus, including the NSHE, but the additional language of the activities was just for the private or public schools.

Chairman Anderson:
The concerns that were raised by Ms. Allen and others are relevant. What happens if there is an outside group that comes in and utilizes the facility of a public or private school? Are they or are they not subject to the rule?

Risa Lang:
It would be an activity sponsored by the private or public school. If it is not being sponsored by them, I do not think that it would be covered.

Chairman Anderson:
If there is a high school rodeo group and their event is being held at a public school or community college, would they be precluded from having a roper's knife or whatever they needed?

Risa Lang:
Under the existing law, if it is on the property of a private or public school, they would already be prohibited from doing that.

Assemblyman Carpenter:
I think that when we add the dangerous knife of two inches or more that would apply to any of these activities that are carried out on the community colleges or the universities or the high schools.

Risa Lang:
The list of prohibited weapons goes to both the higher education and private and public schools systems. We certainly could carve out an exception for those places where it is part of the school activity or something along those lines.

Chairman Anderson:
If there is a school-sponsored event and a knife is part of the materials needed to carry out the educational program or of that particular group, what would happen? For example, if you are teaching a furrier course at the school and you want to make sure that the horse shearer has all the things that he needs, a draw knife is an essential part of that class. This person would not be affected

if we adopted the amendment as suggested by Dr. Kadlub. If you come to an event and you happen to have a knife with you because you are in rodeo or some other equestrian event which requires that of you, would you be stuck if the event was held on a college property?

Risa Lang:
If we adopt the amendment, it would take an exception for enrollment in a curriculum that requires the use of a knife or something along those lines; as long as it was part of the curriculum, it would be okay. It does add "dangerous knife" to the list of weapons that would be prohibited to be carried on the grounds of the NSHE.

Assemblyman Carpenter:
If we could get an amendment so that it just applied to the students in K—12, that would satisfy my concerns. That is where most of the problem is. I understand where that prohibition would be logical. On our community college campus, they have all kinds of events that people may come to with knives. They do not read the laws or know anything about them. In K—12, it makes sense.

Risa Lang:
So the K—12 limitation would only be for the activities? With the existing law, it applies to anyone who goes on the school campuses for both higher education and K—12 schools. If you wanted to take that language out and say that at an activity sponsored by a private or public school, pupils cannot have these types of weapons, we could do that too.

Chairman Anderson:
Ms. Chisel, let us put this to another work session. We want it to be very clear that we are talking about students enrolled at school who have a dangerous weapon. If we need to further clarify so that we are including axes, hatchets, machetes, swords and other deadly weapons, we also may need to clarify that this applies to the K—12 grades, and does not include knives and other things that are used for instruction for certain classes.

Ms. Chisel, we will put that one off. Let us try Assembly Bill 190.

Assembly Bill 190: Makes various changes to provisions governing criminal procedure. (BDR 14-655)

Jennifer Chisel:
A.B. 190 was presented by the Administrative Office of the Courts on March 14. The measure requires the court to prepare an order when a surety is

exonerated. It requires district attorneys to report murder and voluntary manslaughter statistics to the Attorney General's office rather than to the Supreme Court. It also repeals the requirement that the Supreme Court report such statistics to the Legislative Council Bureau (LCB). There are no amendments to this measure (Exhibit F).

Chairman Anderson:
Does anybody feel strongly about this piece of legislation?

Jennifer Chisel:
Maybe we should hold off on this bill so that I may make sure that there is not an amendment that I have missed.

Chairman Anderson:
I was under the impression that there had been an agreement reached that the Criminal History Repository was going to be doing this. Is this the one?

Jennifer Chisel:
No, that was a different one that we heard. I will look at this again.

Assemblyman Ohrenschall:
I noted that on page 2, line 22, my colleague from Elko had a concern about the definition of "undertaking." I was wondering if we had an answer to that?

Jennifer Chisel:
We did receive an answer from the Administrative Office of the Courts on that. The "undertaking" does not mean a gravedigger.

Assemblyman Ohrenschall:
Do we know what it does mean?

Jennifer Chisel:
The response from the court states that an undertaking is the promise or assurance that is made with the bond.

Assemblyman Conklin:
That answers all of my questions.

ASSEMBLYMAN CONKLIN MOVED TO DO PASS ASSEMBLY BILL 190.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY. (ASSEMBLYMEN HORNE AND MORTENSON WERE ABSENT FOR THE VOTE.)

Chairman Anderson:
Ms. Allen will defend this bill on the Floor. We will now move to Assembly Bill 230.

Assembly Bill 230: Revises certain provisions relating to the jurisdiction of justice courts. (BDR 1-519)

Jennifer Chisel:
The Committee heard A.B. 230 on March 13. It was presented by the Department of Agriculture. The measure provides extended jurisdiction to the justice courts when an arrest is made by a field agent or inspector of the Department of Agriculture. During the hearing, the Department indicated a desire to withdraw the bill, but has since reconsidered. There are no amendments proposed and no opposing testimony (Exhibit F).

Chairman Anderson:
I did not entertain a motion at the time because I thought that they raised a very legitimate concern relative to what happens in the agricultural area. County lines are often disputed. This would give the Department the opportunity to make sure that proceedings are not moved around. I think there is a need for this legislation.

Assemblyman Carpenter:
What happens if they arrest somebody in Eureka County, and then take them to the Elko justice court? I think that would be a concern. In most cases where it might be a fairly serious situation, those people would want to be tried in the justice court in their own county. It is a little different than the highway patrol. They could arrest somebody and take the person to a different justice court. There is a difference between that and a serious situation where they arrest somebody for stealing a cow.

Chairman Anderson:
I do not want to go through the whole discovery question of the bill. The problem really exists in another county and the person is only allowed to appear in one county. The Department does run into these problems.

Jennifer Chisel:
The next bill in your packet is Assembly Bill 307.

Assembly Bill 307: Prohibits the use of certain lasers and other light sources to interfere with the operation of an aircraft. (BDR 15-1181)

This bill was presented by Assemblyman Claborn on March 26. The bill creates either a misdemeanor crime or a category E felony for the use of lasers to interfere with the operation of aircraft. After the hearing, an amendment was submitted by Bob Roshak on behalf of the Las Vegas Metropolitan Police Department (Exhibit F). The amendment adds damage to equipment used to operate the aircraft to the category E felony crime. During the hearing, there was no opposition to this bill.

The category E felony was already listed in the bill if the violation results in injury to any person on the aircraft or damage. The amendment adds the provision that if there is damage to the aircraft or any equipment, it would also fall under that category E felony. The misdemeanor is if the violation does not result in injury or damage.

Assemblywoman Gerhardt:
Was there any discussion about the category of felony?

Chairman Anderson:
Are you uncomfortable with the piece of legislation?

Assemblywoman Gerhardt:
No, I just wanted to be respectful of Mr. Horne's concerns that were raised at the hearing because he is absent today.

Chairman Anderson:
Could you restate the concerns?

Assemblywoman Gerhardt:
I was asking for clarification because I believe that Mr. Horne was concerned that the category of felony was too high.

Jennifer Chisel:
I am not entirely clear on that issue. I know that Mr. Horne did have concerns about federal law covering this. That seemed to be his main concern. Some information was provided to him.

Risa Lang:
I am not sure what Mr. Horne's concerns were. I did provide him with a copy of the federal law that he was referring to. My understanding is that he seemed comfortable with this.

ASSEMBLYMAN OCEGUERA MOVED TO AMEND AND DO PASS ASSEMBLY BILL 307.
ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY. (ASSEMBLYMEN HORNE AND MORTENSON WERE ABSENT FOR THE VOTE.)

Chairman Anderson:
Mr. Cobb will be the back up for Mr. Claborn for the floor presentation. We will now try Assembly Bill 359.

Assembly Bill 359: Revises provisions governing certain statutory liens. (BDR 9-1011)

Jennifer Chisel:
Assembly Bill 359 was presented by Assemblywoman Pierce on March 29. This bill deals with the statutes regarding mechanics and materialmen liens that a laborer can attach to real property if he is not fully compensated for work done. Assembly Bill 359 provides a laborer the ability to file a lien to recover fringe benefits received by an express trust fund which is part of a laborer's compensation package. There were no amendments to this bill (Exhibit F).

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS ASSEMBLY BILL 359.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Assemblyman Carpenter:
When they file the lien for their wages, would they file this at the same time?

Chairman Anderson:
That is my understanding.

MOTION PASSED UNANIMOUSLY. (ASSEMBLYMEN HORNE AND MORTENSON WERE ABSENT FOR THE VOTE.)

Mr. Conklin will play backup for Ms. Pierce on the Floor. Now we will look at Assembly Bill 520.

Assembly Bill 520: Makes various changes concerning paternity and child support. (BDR 38-1401)

Jennifer Chisel:
The Committee heard Assembly Bill 520 on Wednesday of this week. It was presented by Bob Teuton and Nancy Ford. Assembly Bill 520 addresses two essential issues in child support enforcement cases. First, it requires a parent responsible for paying child support to enter into a program to help break some barriers to employment such as drug use. Second, it requires a responsible parent to meet with the enforcing authority before a hearing is held on certain enforcement procedures such as suspension of driver's license or a professional license. During the hearing, Mr. Teuton offered some amendments to the language, and I have set those out on the work session document (Exhibit F). These are conceptual only. The intent of those amendments is to reduce the time for meeting with the enforcement authority and filing for the hearing. It is a matter of trying to reduce the time to get those issues resolved instead of having two 20-day time periods; it would reduce it to one 20-day time period.

> ASSEMBLYMAN CARPENTER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 520.
>
> ASSEMBLYMAN CONKLIN SECONDED THE MOTION.
>
> MOTION PASSED UNANIMOUSLY. (ASSEMBLYMEN HORNE AND MORTENSON WERE ABSENT FOR THE VOTE.)

Chairman Anderson:
Assemblywoman Gerhardt will take care of this bill on the Floor.

Jennifer Chisel:
There was one other bill that we passed out of Committee earlier this week that was not assigned a floor statement. This was Assembly Bill 498, a paternity bill.

Chairman Anderson:
Dr. Mabey will take this bill to the Floor.

Meeting adjourned [at 10:45 a.m.].

RESPECTFULLY SUBMITTED:

_____
Janie Novi
Committee Secretary

APPROVED BY:

_____
Assemblyman Bernie Anderson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: April 6, 2007 **Time of Meeting: 7:30 a.m.**

Bill	Exhibit	Witness / Agency	Description
	A	Committee on Judiciary	Agenda
	B	Committee on Judiciary	Attendance Roster
A.B. 519	C	Barry Smith, Nevada Press Association	Testimony
A.B. 519	D	Barry Smith, Nevada Press Association	Reviewjournal.com article
A.B. 519	E	Ron Titus, Administrative Office of the Courts	Press Release from the Supreme Court of Nevada
	F	Jennifer Chisel, Committee Policy Analyst	Work Session Document
A.B. 4	G	Jennifer Chisel, Committee Policy Analyst	Supplemental Handout.