

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-fourth Session
May 2, 2007**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 9 a.m. on Wednesday, May 2, 2007, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

GUEST LEGISLATORS PRESENT:

Assemblyman John Oceguera, Assembly District No. 16

STAFF MEMBERS PRESENT:

Linda J. Eissmann, Committee Policy Analyst
Kelly E. Lee, Principal Deputy Legislative counsel
Brad Wilkinson, Chief Deputy Legislative Counsel
Barbara Moss, Committee Secretary

OTHERS PRESENT:

Nicolas Anthony, City of Reno
Rob Joiner, City of Sparks
Raymond J. Flynn, Las Vegas Metropolitan Police Department; Nevada Sheriffs'
and Chiefs' Association
Jason M. Frierson, Clark County Public Defender's Office

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Cotter C. Conway, Washoe County Public Defender
R. Ben Graham, Nevada District Attorneys Association
K. Neena Laxalt, Nevada League of Cities and Municipalities
George Ross, Philip Morris USA Incorporated, Altria Group, Incorporated
Robert David Fisher, Nevada Broadcasters Association
Terry Lesney, Captain, Las Vegas Metropolitan Police Department
Victoria D. Riley, Nevada Trial Lawyers Association
Kimberly Surratt, Nevada Trial Lawyers Association
David Stone, Nevada Association Services, Incorporated

CHAIR AMODEI:

The work session is opened on Assembly Bill (A.B.) 20.

ASSEMBLY BILL 20 (1st Reprint): Revises the provisions pertaining to travel costs that jurors are entitled to receive. (BDR 1-323)

SENATOR HORSFORD MOVED TO DO PASS A.B. 20.

SENATOR MCGINNESS SECONDED THE MOTION.

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

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CHAIR AMODEI:

The hearing is opened on A.B. 14.

ASSEMBLY BILL 14 (1st Reprint): Makes various changes to provisions concerning graffiti and other damage to property. (BDR 15-387)

ASSEMBLYMAN JOHN OCEGUERA (Assembly District No. 16):
I will read my prepared testimony ([Exhibit C](#)).

CHAIR AMODEI:

Page 3, section 2, subsection 2, paragraph (c) of A.B. 14 says: "Public transportation vehicle" means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

Was there any discussion about vehicles that haul goods rather than people? I have observed trains covered with so much graffiti that a locomotive is unidentifiable.

ASSEMBLYMAN OCEGUERA:

I do not recall any discussion regarding that issue, but it is a good point.

NICOLAS ANTHONY (City of Reno):

Graffiti is the No. 1 issue for the Reno City Council. I provided a handout with statistics for your review ([Exhibit D](#)). Graffiti is a major blight on the community, and it was the Council's intent to apprehend and punish taggers with a mandatory fine and driver's license suspension.

Present today are two members of the graffiti abatement team from the Reno Police Department who deal with the problem on a daily basis. They work around the clock with three trucks and patrol nonstop in the Reno area.

ROB JOINER (City of Sparks):

Graffiti is the top issue of the Sparks City Council; it is the top issue in the opinion survey put out regularly throughout the community; and it is the top issue that comes to us through constituent complaints.

We worked with Assemblyman Ocegura, the public defender and the other bill sponsors to create this collaborative legislation. Although we originally requested community service and higher fines, which would go to the graffiti award fund and abatement, A.B. 14 is comprehensive and collaborative.

We provided the Committee with information on the City of Sparks Graffiti Removal and Identification Program and the cost spent on public property, which is well over \$1 million ([Exhibit E](#)).

RAYMOND J. FLYNN (Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association):

I echo the comments of the two previous speakers. Assembly Bill 14 is a collaborative bill, and we are happy with it. Probation does not seem to be working under the current system. An increase in fine, the effect on driver's licenses and the mandatory ten days in county or city jail can be easily handled. Last year, the Las Vegas Metropolitan Police Department (METRO) made

approximately 500 arrests; 271 arrests would have been under the felony statute.

SENATOR CARE:

Page 2, section 2, subsection 1 of A.B. 14 says, "Any person who carries on his person and in plain view" I do not know how big a graffiti implement might be, but this language suggests it is all right to carry it if the implement is concealed and just not in plain view. How do you interpret that language and how would it apply?

MR. FLYNN:

Normally, in a patrol setting, if an officer driving on an overpass observes a person loitering with a can or broad-tip marker in their hand, there is reasonable suspicion to stop them. During the investigative field interview, further probable cause would be developed and an arrest made. If the graffiti implement is concealed, the officer would not know about it. If an officer spots a person, makes eye contact and the person tries to conceal the implement but the officer has seen it out in the open, an arrest can be made.

SENATOR CARE:

Let us suppose a person has the implement and it is concealed, but the person is doing something with drugs. The person is stopped, searched and the graffiti implement is discovered. Is there a statute that governs a case in which a person possesses a concealed graffiti implement?

MR. FLYNN:

I am unaware of any such statute. People who commit graffiti loiter and wait for a good time to spot. They get up on overpasses and wait for a lull in traffic because they do not want to get hit by cars traveling beneath the overpass if they fall. They wait with their implements for the perfect opportunity to spot, and the act of spotting is quick. Waiting for the opportunity and having the implement in their hand provides law enforcement a chance to intercede and take enforcement action.

CHAIR AMODEI:

Let us suppose I am loitering around an overpass, an officer stops me for another reason, discovers a paint can in my pocket and determines I am not representing "Mark's Painting Service." I would think possession of the can would be enough evidence for arrest.

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MR. FLYNN:

With all due respect, A.B. 14 was a collaborative bill.

ASSEMBLYMAN OCEGUERA:

That part of the negotiation happened with the Clark County Public Defender's Office along the line of intent.

JASON M. FRIERSON (Clark County Public Defender's Office):

The plain-view provision was originally intended to avoid a situation where people are stopped for that reason and that reason alone. The public defenders were jointly involved with this as a compromise to come up with something practical. The language, at some point, included "under circumstances with intent to place graffiti."

CHAIR AMODEI:

I understand; however, I cannot enunciate probable cause unless there is a reason for stopping a person and patting him down. Whether or not the graffiti implement is in plain view does not get rid of that. If I can enunciate probable cause and it turns out the person is carrying paint cans, is the fact they were not in plain view mean there is no element of the crime?

MR. FRIERSON:

The way it is written, plain view would be a required element. That particular language was not a point of contention. With or without that language, there still must be probable cause.

COTTER C. CONWAY (Washoe County Public Defender):

Mr. Frierson and I proposed the intent element. The language "in plain view" was there from the beginning or proposed from the law enforcement side. That particular issue was not discussed to any length, although it is a good point.

R. BEN GRAHAM (Nevada District Attorneys Association):

Your question was, if a person was stopped for something other than graffiti and graffiti implements were subsequently discovered, would it prevent prosecution under this statute? We did not discuss that particular issue. I do not know whether that issue should fall under this bill, but the public defender would not argue against it.

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CHAIR AMODEI:

How about this scenario: I am standing next to fresh and dripping paint, but the paint cans are in my pocket and not in plain view. I assume that would be probable cause.

MR. GRAHAM:

We will take this under discussion and perhaps we can create something that will cover the obvious flaw in this legislation.

CHAIR AMODEI:

I would not call it an obvious flaw. Assemblyman Ocegueda, have you any objection to looking at that issue as well as adding the property element to public transportation to broaden it in the other areas?

ASSEMBLYMAN OCEGUERA:

No objection, although in your scenario, the perpetrator could still be apprehended on the graffiti part, just not the implement part.

CHAIR AMODEI:

Are you comfortable with the Committee creating an amendment in those areas?

ASSEMBLYMAN OCEGUERA:

Yes.

CHAIR AMODEI:

Mr. Wilkinson, please create an amendment and submit it to Assemblyman Ocegueda, Mr. Graham and Mr. Frierson; with their approval, return it to the Committee for a formal work session under matters previously considered. Are there any objections from the Committee in regard to this? None are noted.

K. NEENA LAXALT (Nevada League of Cities and Municipalities):

We support A.B. 14. I suggest in section 2, subsection 1, lines 3 and 4 of A.B. 14, after the second "person" word, removing the language "and in plain view to the public" would take care of the issue and still have intent.

CHAIR AMODEI:

Thank you for the suggestion.

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GEORGE ROSS (Philip Morris USA Incorporated, Altria Group, Incorporated):
I am not a law enforcement official, defense attorney or prosecutor and cannot comment on the details or implementation of the bill, but the Las Vegas Chamber of Commerce is very much in favor, conceptually, of the bill's intent. It sends a good message, especially in the small retail business environment.

CHAIR AMODEI:

The hearing is closed on A.B. 14. The Chair would accept a motion to amend and do pass A.B. 14 with the amendment to delete the words "and in plain view of the public" on page 2, lines 3 and 4 and after the word "persons," add the words "or property" on page 3, line 20.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 14.

SENATOR MCGINNESS SECONDED THE MOTION.

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

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CHAIR AMODEI:

The hearing is opened on A.B. 344.

ASSEMBLY BILL 344 (1st Reprint): Makes various changes relating to the
Statewide Alert System for the Safe Return of Abducted Children.
(BDR 15-1276)

ASSEMBLYMAN OCEGUERA:

I will read my prepared testimony ([Exhibit F](#)).

ROBERT DAVID FISHER (Nevada Broadcasters Association):

I am the Chair of the Nevada AMBER Alert Review Committee and the state coordinator for AMBER Alert. Over the past six months, the AMBER Alert Review Committee spent considerable time creating legislation to raise the penalty for AMBER Alert hoax. When local law enforcement determines criteria for an AMBER Alert has been met, the following things happen: television and radio are interrupted, law enforcement is marshaled, the National Center for

Missing and Exploited Children is brought in, and the public is made aware because they are the eyes and ears of the AMBER Alert. It is a massive undertaking, particularly in these days of technology, because there are so many secondary partners, including cell phones. Therefore, the Committee voted unanimously to request the penalty be raised.

Captain Terry Lesney, who sits on the AMBER Alert Review Committee, has been involved from the beginning with AMBER Alert and will answer questions dealing specifically with the hoax aspect of the legislation.

Based upon the Committee's work over the past four years, it was decided to request a permanent seat on the Committee for the Nevada Department of Transportation, the Children's Advocate from the Office of the Attorney General and an individual appointed by the Governor.

The AMBER Alert is carried over the Emergency Alert System of Nevada's television and radio stations and is the voice of the Office of Homeland Security. We do not want the Emergency Alert System to become like the car alarm syndrome in which people hear it and pay no attention.

TERRY LESNEY (Captain, Las Vegas Metropolitan Police Department):

The METRO supports A.B. 344. The AMBER Alert system is one of the most valuable tools of law enforcement. In a couple hours, an entire community, state, region or nation can be mobilized to help locate an endangered child. That mobilization costs thousands of dollars because it involves law enforcement, the U.S. Department of Transportation and private businesses that assist in getting the word out with flyers, posters, mobile billboards, marquees and local media. The amount of dollars expended interrupting broadcasting to assist in locating a child is the reason to ensure each AMBER Alert is legitimate. The AMBER Alert is only used when we know for sure a child is in danger and needs to be recovered immediately. We want to inform the public that when they see the AMBER Alert on a billboard or marquee, it means mobilization and action must be taken.

CHAIR AMODEI:

The hearing is closed on A.B. 344. The work session is reopened on A.B. 52, Assemblyman John C. Carpenter's bill, which is similar to Senate Bill (S.B.) 202, Senator Maurice Washington's bill.

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ASSEMBLY BILL 52 (1st Reprint): Makes various changes relating to domestic relations. (BDR 11-421)

SENATE BILL 202 (1st Reprint): Makes various changes relating to domestic relations. (BDR 11-215)

CHAIR AMODEI:

Ms. Riley, please express your concern regarding the difference between S.B. 202 and A.B. 52.

VICTORIA D. RILEY (Nevada Trial Lawyers Association):

An amendment initially referred to by Assemblyman Carpenter that came out of A.B. 125, which linked domestic violence and alimony, has been dropped. I believe A.B. 52 and S.B. 202 are parallel.

SENATOR WASHINGTON:

You had concerns with language I provided to put into Assemblyman Carpenter's bill which listed the congruency of the relationship of the grandparent to their offspring's children.

MS. RILEY:

I defer to Kimberly Surratt.

KIMBERLY SURRATT (Nevada Trial Lawyers Association):

The statute already had a provision for third degree of consanguinity. Assembly Bill 52 added a section for grandparents just before the third degree of consanguinity, but it did not make sense because grandparents fall into third degree of consanguinity.

CHAIR AMODEI:

Assembly Bill 52 will be rolled over to the next work session. Please continue to work with it in regard to proposed amendments and the opposition in order to be up to speed when it is considered again.

The work session is closed on A.B. 52 and opened on A.B. 77.

ASSEMBLY BILL 77 (1st Reprint): Makes various changes concerning the competency of defendants. (BDR 14-801)

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CHAIR AMODEI:

What is the pleasure of the Committee on A.B. 77?

SENATOR MCGINNESS MOVED TO DO PASS A.B. 77.

SENATOR HORSFORD SECONDED THE MOTION.

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

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CHAIR AMODEI:

The work session is opened on A.B. 90.

ASSEMBLY BILL 90 (1st Reprint): Creates the crime of paternity fraud.
(BDR 15-147)

CHAIR AMODEI:

There was no opposition to A.B. 90. Discussion regarding whether it should be a gross misdemeanor was the only issue. What is the pleasure of the Committee? Senator Horsford moved to amend and do pass with the amendment being to change misdemeanor to gross misdemeanor.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 90.

SENATOR WIENER SECONDED THE MOTION.

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

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CHAIR AMODEI:

The work session is opened on A.B. 92.

ASSEMBLY BILL 92: Revises provisions governing genetic marker testing of certain convicted persons. (BDR 14-805)

SENATOR HORSFORD:

I have a concern with requiring deoxyribonucleic acid (DNA) testing for a Category E felony. Category E felonies are often not in prison and the process is overly burdensome.

CHAIR AMODEI:

The bill, as proposed, says any felony; your amendment is to exclude Category E felonies.

SENATOR HORSFORD:

That is correct. I also support the amendments proposed by the American Civil Liberties Union (ACLU).

SENATOR MCGINNESS:

With all due respect to my colleague, we do not throw away fingerprints when a person comes into the system and DNA appears to be the new fingerprint. I have concerns about removing any genetic material if a person is not convicted.

SENATOR HORSFORD:

Is that the conceptual amendment offered by the ACLU?

CHAIR AMODEI:

I am not opposed to giving more thought to those amendments. Unless there is other discussion, when A.B. 92 is called up again, I assume Senator Horsford will move to amend and do pass with the Category E felony exclusion. I encourage Committee members to talk to proponents in terms of the value of excluding or including Category E felonies and once in the system, keeping it in the system.

The work session is closed on A.B. 92 and opened on A.B. 112.

ASSEMBLY BILL 112: Makes various changes to provisions governing protective orders. (BDR 3-48)

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SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 112.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:
The work session is opened on A.B. 117.

ASSEMBLY BILL 117 (1st Reprint): Revises provisions relating to the exclusion
of certain persons from divorce proceedings. (BDR 11-217)

SENATOR MCGINNESS:
Does this mean either party, husband or wife, can ask to close the proceeding?

CHAIR AMODEI:
Assemblyman John Carpenter testified regarding people being present to show
moral support. How would the bill deal with witnesses?

Ms. Surratt:
A separate statute regards exclusion of witnesses. They have to be excluded
until they testify, at which time they can return to the courtroom unless
excluded through discussion of the judge.

SENATOR MCGINNESS MOVED TO DO PASS A.B. 117.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:
The work session is opened on A.B. 127.

ASSEMBLY BILL 127: Revises provisions relating to interception of wire communications. (BDR 15-1049)

I had a discussion with Assemblywoman Debbie Smith yesterday indicating A.B. 127 was put on work session quickly because people were in and out of the hearing testifying on other things. I told her the Committee had thoughts on the bill, and it would not be called up for a motion at this time; I thought it helpful if the Committee narrowed issues for discussion at the next work session.

I indicated testimony was compelling regarding abusers; some Committee members expressed interest in stopping the abuse and punishing those who continue it. Concerns were expressed about the evidentiary value of unprofessional recordings, the need for voice prints and so forth. The Committee is interested in doing something in this area.

The Committee offered three things to consider: one, informing the debt collector he is being recorded; two, evidentiary value; three, something regarding the licensing area. Does the Committee have any more thoughts as to the most effective way to get at people who break the rules?

I encourage the Committee to visit with Assemblywoman Smith regarding potential licensing issues, disclosure of recording and evidentiary value.

A letter was submitted from Wanda Borges, President, Commercial Law League of America, in opposition to A.B. 127 ([Exhibit G](#)).

SENATOR WASHINGTON:

How would the concept of providing notice work? Is the collection agency notified that if they continue to persist in this manner, the next call is recorded?

CHAIR AMODEI:

You have to indicate at the beginning of the call it is being recorded. The problem with the whole recording aspect is from an evidentiary standpoint. When you go into court, questions will be asked such as: How do you know who you were talking to? How do you validate the voice? This brings you back to the issue of whether abuse took place and what is the best way of getting at the abuse? That was the sum and substance of Assemblywoman Smith's discussion with me.

DAVID STONE (Nevada Association Services, Incorporated):

You acknowledged abuses were few and far between. Before the Fair Debt Collection Practices Act was enacted in the late 1970s, there was quite a bit of collector abuse. The Act was enacted and the abuse in collections plummeted, as evidenced in the Federal Trade Commission report I addressed a few days ago. There are protections already, which means getting a consumer lawyer who will work free and file a lawsuit against the collection agency. We cannot legislate elimination of abuse in any industry. Abuse happens despite the laws. I submit protections are already in place for consumers in this regard.

CHAIR AMODEI:

I appreciate your comments. Maybe it cannot be legislated, but we have a record before us which has instances of continuing abuses, albeit on a small case. It is our obligation in the context of 120 days to see if there is a reasonable way to deal with it. It may not be unannounced recording of bill collectors, but if there is another way that makes sense to four members on this Committee, they will evaluate it. If it gets to the Assembly Floor and 11 people agree with it, they will also evaluate it. This is not a process of absolutes. If you have any suggestions short of leave it the way it is or the announced recording aspect, please provide them to Committee members or staff.

MR. STONE:

I will do that. Thank you.

SENATOR MCGINNESS:

The focus today is on bill collectors, but we can talk about telemarketers of all stripes, political parties and stalkers. Perhaps, we should announce we are recording a call to anyone who calls on the telephone; we could eliminate bottlenecks in the courts and court orders by letting everybody record telephone calls.

CHAIR AMODEI:

That is something to think about.

The work session is closed on A.B. 127 and opened on A.B. 137.

ASSEMBLY BILL 137: Revises provisions concerning acts of terrorism. (BDR 15-934)

SENATOR NOLAN:

I spoke with the sponsor of the bill and we discussed the ultimate response that could happen with a hoax substance threat. In the event of a real effort to interrupt commerce or harass a business with a package that brings police response, the hazardous material (hazmat) team and spraying people off in the parking lot, I agree with making it a Category B felony. On the other hand, there are incidences in which a person jokingly, stupidly, half wittingly, but without malice, sends a package that might create a response.

I recall a classic example in which somebody mixed Clorox and ammonia in a closed bathroom in an attempt to create a stink bomb, not knowing it would create mustard gas. The first two secretaries who entered the bathroom lost consciousness, which created a full hazmat response to the scene. If A.B. 137 were enacted, the person, who had no idea what would happen, would be charged with a felony—perhaps, rightfully so.

There needs to be a level of intent and malice to impose this legislation. Maybe it should be subject to the type of response and damages incurred by the victims versus something that was a stupid hoax with no criminal act intended.

SENATOR CARE:

The focus of the bill is the crime of delivering any hoax substance with intent. The hoax substance need not even be discovered. Obviously, it would be discovered at one point because there would be prosecution or arrest. It could be discovered a year later. None of these things have to happen. A person does not have to cause any mental anguish or civil unrest; he just must have the intent to do that when he delivers a so-called hoax substance. That is the focus of the crime. A prankster would not be implicated in this. The question is whether it deserves to be a Category B felony because there may be a resulting event. The legislation says if it is delivery with intent.

CHAIR AMODEI:

How do you deal with it? Is it a measured response? Is it changing it from a Category B felony?

SENATOR CARE:

The intent of A.B. 137 is to discourage delivery with intent on the theory it may be received by the end person and cause damage the perpetrator intended to

effect. I suppose it is worthy of a felony, but I am not sure it would be a Category B. A different statute might govern altogether.

CHAIR AMODEI:

How can you deliver a hoax substance with intent to injure? I can see doing it to intimidate, alarm and cause mental anguish, but if it is a hoax substance, how can it injure? Senator Care and I will discuss this with the Majority Leader out of the public purview.

The work session is closed on A.B. 137 and opened on A.B. 299.

ASSEMBLY BILL 299: Makes various changes to provisions concerning youth shelters. (BDR 20-785)

CHAIR AMODEI:

Mr. Wilkinson, did you talk to Assemblyman Marcus Conklin about an amendment?

BRAD WILKINSON (Chief Deputy Legislative Counsel):

Yes, the result is on page 27 of the work session document ([Exhibit H](#), original is on file in the Research Library).

CHAIR AMODEI:

Senator McGinness, you had a concern about how attempts to notify would be handled and whether this is reasonable and bona fide. Does that provide comfort?

SENATOR MCGINNESS:

It gives me a little more comfort. It seemed they considered every homeless person a throwaway; I wanted to make sure to address those who were not. This will do it.

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SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 299.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:
The hearing is opened on A.B. 306.

ASSEMBLY BILL 306: Makes various changes to provisions concerning technological crimes. (BDR 14-78)

SENATOR WIENER MOVED TO DO PASS A.B. 306.

SENATOR MCGINNESS SECONDED THE MOTION.

SENATOR CARE:
I will abstain on the vote for A.B. 306 because I want to examine it further. As the proponent pointed out, similar language already exists for other crimes, although A.B. 306 adds some preponderance of evidence language regarding the hearing.

CHAIR AMODEI:
Senator Wiener, have you any objection to rolling A.B. 306 to the next work session to allow Senator Care's review?

SENATOR WIENER:
I withdraw the motion on A.B. 306.

SENATOR MCGINNESS:
I withdraw the second on A.B. 306.

CHAIR AMODEI:
The work session is closed on A.B. 306 and opened on A.B. 307.

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ASSEMBLY BILL 307 (1st Reprint): Prohibits the use of certain lasers and other light sources to interfere with the operation of an aircraft. (BDR 15-1181)

SENATOR HORSFORD MOVED TO DO PASS A.B. 307.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NOLAN VOTED NO.)

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CHAIR AMODEI:
The hearing is opened on A.B. 359.

ASSEMBLY BILL 359: Revises provisions governing certain statutory liens. (BDR 9-1011)

CHAIR AMODEI:
Assembly Bill 359 is the lien claimant for trust funds and so forth. The court case was removed to federal court with testimony from the Office of the Attorney General and the Southwest Regional Council of Carpenters. My purpose for putting the bill on work session so quickly after the hearing was to ascertain whether there was any more information Committee members would require or any other thoughts staff could explore at this time.

There being no response, I encourage the Committee to ask questions of proponents and opponents regarding the bill as proposed and the amendment proposed by Steve Holloway, Associated General Contractors. Therefore, A.B. 359 will be rolled to the next work session.

The work session is closed on A.B. 359 and opened on A.B. 364.

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

SENATOR HORSFORD MOVED TO DO PASS A.B. 364.

THE MOTION FAILED FOR LACK OF A SECOND.

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CHAIR AMODEI:

Assembly Bill 364 will be put on the next work session for a second call up.

The hearing is closed on A.B. 364 and opened on A.B. 483.

ASSEMBLY BILL 483: Revises provisions concerning the enforcement of judgments. (BDR 2-1408)

CHAIR AMODEI:

Assembly Bill 483 is referred to in the industry as the wild card exemption for enforcing judgments of \$1,000 and the proceeds of an earned tax credit. There are no proposed amendments. There is opposition to creating the wild card exemption.

The hearing is closed on A.B. 483 and opened on Assembly Joint Resolution (A.J.R.) 5.

ASSEMBLY JOINT RESOLUTION 5: Proposes to amend the Nevada Constitution to authorize the Legislature to provide for a statewide lottery for textbooks, computers and other educational media for classrooms. (BDR C-921)

CHAIR AMODEI:

What is the pleasure of the Committee on A.J.R. 5? There being no response, the hearing is closed on A.J.R. 5.

SENATOR CARE:

I have reconsidered A.B. 306 and am ready to vote if someone wants to renew a motion.

SENATOR WIENER MOVED TO DO PASS A.B. 306.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR CARE:

I am prepared to make a motion on A.B. 483.

SENATOR CARE MOVED TO DO PASS A.B. 483.

THE MOTION FAILED FOR LACK OF A SECOND.

CHAIR AMODEI:

Assembly Bill 483 will be put on the next work session for a second call. The hearing is closed on A.B. 483.

CHAIR AMODEI:

Assembly Joint Resolution 5 has been called up for the third time in work session; therefore, it is not my intent to put it on the next work session unless a majority of the Committee requests it.

There being no further business to come before the Committee, the hearing is adjourned at 10:15 a.m.

RESPECTFULLY SUBMITTED:

Barbara Moss,
Committee Secretary

APPROVED BY:

Senator Mark E. Amodei, Chair

DATE: _____