

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-fourth Session  
April 4, 2007**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 9:08 a.m. on Wednesday, April 4, 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

**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:**

Lewis Shupe  
Gina Anderson

CHAIR AMODEI:

The hearing is opened on Senate Bill (S.B.) 148.

**SENATE BILL 148:** Revising certain provisions of the Uniform Principal and Income Act (1997) governing disbursements made from principal and income. (BDR 13-903)

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LEWIS SHUPE:

I will read my prepared testimony in favor of S.B. 148 ([Exhibit C](#)) and submit a proposal for a modified trustee fee system ([Exhibit D](#)).

SENATOR CARE:

The statute you want to amend is part of the Uniform Principal and Income Act enacted in the 2001 Legislative Session. I introduced the legislation and very few people testified on the bill. Are you familiar with a uniform act or from whence it comes? It is a group of approximately 300 lawyers, judges, legislators, practitioners and law professors who take two years to create a uniform act. The idea is to come up with uniformity across state lines in the world of commerce. The Uniform Commercial Code is probably the best example. The act that you want to amend came out of this two-year process.

Normally, the National Conference of Commissioners on Uniform State Laws (NCCUSL) is reluctant to amend an existing statute because it tends to take away some of the uniformity. I presented S.B. 148 to NCCUSL headquarters in Chicago and it was submitted to the drafting committee. I will read their reply.

There are cases where, because the trustee compensation split is 50-50, the income beneficiary, often the surviving spouse, gets very little income when paying the trustee if investments are substantially down. On the other hand, I believe most Uniform Principal and Income Act states have the 50-50 rule, so it could be difficult for multistate trust banks to deal with nonuniformity issues in Nevada. While it would be great to keep this uniform, if a compelling argument is made for the bill, I would not ask you not to fight it unless you feel strongly about it.

The drafting committee gave me a lot of discretion. You testified once in Las Vegas and today in Carson City. I do not want you, a private citizen, to walk out of this building thinking private citizens cannot come before their elected officials and have some influence. Therefore, I will support S.B. 148 with another amendment. You will have to go before the Assembly as well. We will talk further about your bill. Is that agreeable to you?

MR. SHUPE:

I am agreeable and will be here to further discuss the matter.

CHAIR AMODEI:

The hearing is closed on S.B. 148, and opened on the Work Session ([Exhibit E](#), original is on file in the Research Library). The first items to be addressed are S.B. 67 and S.B. 71.

**SENATE BILL 67**: Provides for the establishment of a registry of putative fathers for purposes of facilitating the termination of parental rights and the adoption of certain children. (BDR 11-478)

**SENATE BILL 71**: Enacts the Uniform Parentage Act. (BDR 11-719)

SENATOR CARE:

These two bills were heard the same day. The first was S.B. 67, Senator Hardy's bill creating the putative father registry, which was all it did; and the second was S.B. 71, the Uniform Parentage Act, which also contained a scheme for the creation of a putative father registry. I spoke with Senator Hardy and he agreed that the putative father registry contained in S.B. 71 was better than that contained in S.B. 67. I asked him if he would agree to take the putative father registry portion from S.B. 71, which has a fee provision of two-thirds required, and create a new S.B. 67 with the putative father registry provisions only from S.B. 71. Thus, S.B. 71 would stand alone as another bill with no fee requirement and all the remaining provisions of the Uniform Parentage Act. Senator Hardy agreed. Therefore, the proposed amendments to S.B. 67 are actually amendments to S.B. 71 in the putative father registry provision.

I reviewed the proposed amendments to S.B. 67 with staff to take the putative father registry provisions of S.B. 71 which will become the new S.B. 67. I reviewed the proposed amendments with the individuals at NCCUSL headquarters in Chicago, and they were agreeable to some but not others.

BRAD WILKINSON (Chief Deputy Legislative Counsel):

Senator Care, you indicated the proposed amendments—offered by Justin C. Jones, regarding section 51 of S.B. 71 on page 4 of [Exhibit E](#), and the Department of Health and Human Services, Division of Welfare and Supportive Services, Child Support Enforcement Program, regarding section 53 of S.B. 71 on page 8 of [Exhibit E](#)—were agreeable.

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SENATOR CARE:  
We would not revisit the bill drafted in 2001.

MR. WILKINSON:  
That is my understanding.

SENATOR CARE:  
I would suggest amend and do pass S.B. 71, the amendment being to gut S.B. 67 as a whole and substitute it with section 53 through section 60 of S.B. 71 with the amendments on pages 4 and 8 of [Exhibit E](#).

SENATOR WIENER:  
Since Senate Bill 71 is the Uniform Parentage Act, will section 53 through section 60 of S.B. 71 remain?

SENATOR CARE:  
No, they will not.

SENATOR WIENER:  
They are actually being lifted out of S.B. 71 as a replacement for the current text in S.B. 67.

SENATOR CARE:  
That is correct. Section 53 through section 60 of S.B. 71 is the putative father registry. The way the bill is drafted, if someone wants to access the registry, the language says, "The Division may charge a reasonable fee." This has been interpreted as requiring a two-thirds vote because it is a fee increase. I revealed to the Committee earlier that there were indications the Governor would veto the bill with that language. Therefore, the language of two-thirds stands in S.B. 67 alone, and S.B. 71 remains alone with no fee language.

SENATOR CARE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 67.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR CARE:

The proposed amendment to S.B. 71 would delete section 50 through section 63, which would now be in S.B. 67, and adopt the language contained in the memorandum from Eric Fish from NCCUSL on page 15 of [Exhibit E](#). Mr. Fish addresses section 35 and section 77 of S.B. 71, which is upon review of additional amendments proposed by the Department of Health and Human Services, Division of Welfare and Supportive Services, Child Support Enforcement Program, on pages 19 and 21 of [Exhibit E](#). It is compromising language, and the proposed amendments were not rejected out of hand.

SENATOR CARE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 71.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:

The hearing is opened on S.B. 131.

**SENATE BILL 131**: Makes various changes regarding certain court fees charged and collected by county clerks. (BDR 2-385)

MR. WILKINSON:

The Chair spoke to me about addressing the issue of some fees contained in S.B. 131. We looked into the issue of whether it was the same concern relating to administrative assessments and the nexus between the offense and the administrative assessment, and whether the analysis would apply to the provisions of this bill as it pertained to fees. We do not believe that same constitutional concern would exist here. Even if it did, the fees are substantially related to the purposes for which they are charged.

CHAIR AMODEI:

Is the marriage license fee left at \$6 in the proposed amendment?

MR. WILKINSON:

Yes, that is correct.

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CHAIR AMODEI:

There is amendatory language from Guy Louis Rocha, State Archivist and Acting Administrator, Division of State Library and Archives, Department of Cultural Affairs on page 25 of [Exhibit E](#). There were concerns regarding the building of databases to avoid building a myriad of different databases which were not interconnected. Language is needed to aid communication between the different entities.

SENATOR MCGINNESS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 131.

SENATOR WIENER SECONDED THE MOTION

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:

The hearing is opened on S.B. 132.

**SENATE BILL 132**: Makes various changes concerning the liability of trailbuilding organizations and landowners, lessees and occupants of land to persons using premises for recreational activities. (BDR 3-212)

LINDA J. EISSMANN (Committee Policy Analyst):

Senate Bill 132 concerns trailbuilding from the Tahoe-Pyramid Bikeway ([Exhibit E](#)). There is an amendment from Debbie Shosteck, Legal Counsel for the Tahoe-Pyramid Bikeway, which has been revised several times.

CHAIR AMODEI:

The hearing is closed on S.B. 132, and continued on S.B. 148.

**SENATE BILL 148**: Revising certain provisions of the Uniform Principal and Income Act (1997) governing disbursements made from principal and income. (BDR 13-903)

SENATOR CARE:

This is a Committee bill, and I made my comments following Mr. Shupe's testimony. There is a proposed amendment to the bill from Keith Lee on

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page 28 in [Exhibit E](#), which is a red line version. Mr. Lee, not realizing this would amend a uniform act, saw the bill, submitted an amendment and the client testified. I sent the proposed amendment to NCCUSL headquarters in Chicago where it was reviewed by the drafting committee, which conversed with Mr. Lee's client. The red line version on pages 29 and 30 of [Exhibit E](#) are the changes made by the drafting committee, and NCCUSL is comfortable with the amended proposed amendment.

SENATOR WIENER:

Based upon Mr. Shupe's testimony, what impact would this amendment have on his request?

SENATOR CARE:

The amendments are from different sections of *Nevada Revised Statute* (NRS) 164 and would have no impact upon Mr. Shupe's part of the bill.

SENATOR WIENER:

How would we support this amendment and also support what Mr. Shupe brought to the Committee?

SENATOR CARE:

The amendment would be to amend and do pass S.B. 148, the amendment being what is contained on pages 29 and 30 of [Exhibit C](#). It would include Mr. Shupe's bill; however, the language would not be impacted to any measurable extent with the proposed amendment. They are independent.

SENATOR NOLAN MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 148.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:

The hearing is opened on S.B. 155.

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**SENATE BILL 155**: Makes various changes to provisions pertaining to the prosecution of identity theft. (BDR 14-1008)

MR. WILKINSON:

During the hearing, concern was expressed regarding the language in section 1 of S.B. 155, which would grant postal inspectors powers of arrest such as given a state peace officer (Exhibit E, page 31). We subsequently received communication from the American Civil Liberties Union indicating their concern about the use of the term reasonable cause. After reviewing those issues, we see no problem with the bill as currently drafted. The terms reasonable cause and probable cause are, in fact, used interchangeably by many courts. The U.S. Supreme Court has said the standard is fine and has been the existing standard used in Nevada for many years. The language in section 1 of S.B. 155 is patterned after the language under which Nevada and federal peace officers currently operate. We have concluded the standard is fine and constitutional as is.

SENATOR NOLAN MOVED TO DO PASS S.B. 155.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CARE, HORSFORD AND WIENER VOTED NO.)

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CHAIR AMODEI:

Senator Care will present S.B. 67, S.B. 71 and S.B. 148 on the Senate Floor. The hearing is opened on S.B. 174.

**SENATE BILL 174**: Provides that an expression of apology or regret made by or on behalf of a provider of health care is inadmissible in any civil or administrative proceeding brought against the provider of health care based upon alleged professional negligence. (BDR 4-794)

CHAIR AMODEI:

There was an amendment to remove the word "fault" from line 8, page 2 of S.B. 174 (Exhibit E, page 32).



SENATOR NOLAN MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 174.

SENATOR MCGINNESS SECONDED THE MOTION.

SENATOR WASHINGTON:

How does removing the word "fault" impact S.B. 174?

SENATOR CARE:

Testimony on S.B. 174 indicated an apology has never been admissible as an admission against party interest. In regard to the word "fault," a doctor could say, "I am sorry, it was my fault," which would not be admissible. Liability would have to be established by other means. That is the tricky thing about the word "fault." Although there was testimony that "fault" is in the same genre as sympathy or remorse, in my opinion, it makes a lot of difference and is admission against party interest.

CHAIR AMODEI:

In the list of words used in S.B. 174, "fault" is a term of art legally, where the others fall into the realm of expressing remorse and the interpersonal communication aspect which was the aim of the bill, whereas "fault" is probably closer to a term of art in terms of liability, which was not the aim of the bill.

THE MOTION CARRIED. (SENATORS CARE, HORSFORD AND WIENER  
VOTED NO.)

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CHAIR AMODEI:

The hearing is opened on S.B. 202.

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

MR. WILKINSON:

There is a proposed amendment on page 34 of Exhibit E, which provides that instead of the Administrative Office of the Courts (AOC) reporting the information, the Central Repository for Nevada Records of Criminal History,

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Department of Public Safety would collect data regarding protective orders for domestic violence and submit the report to the Legislature. It replaces the role of the AOC with the Central Repository.

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 202.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:

The hearing is opened on S.B. 204.

**SENATE BILL 204**: Revises provisions governing the granting of the right to visit a child to grandparents and great-grandparents of the child. (BDR 11-806)

SENATOR WASHINGTON:

After hearing extensive testimony by proponents and opponents of S.B. 204 and considering the Nevada Supreme Court case, we were advised to delete sections of the bill and add the parental status of a grandparent raising a child ([Exhibit E](#), pages 43-48). After placing the amendment in the bill, I received additional information from proponents. At the pleasure of the Chair, we would like to study this information and return to the Committee. The amendment should address the concerns of individuals currently raising their grandchildren; however, it may not address proponents' concerns. The amendment came from a grandparent whose child is on drugs, accused of child abuse and neglect, and is raising her grandchildren.

CHAIR AMODEI:

Is there any objection to having a mock-up of Senator Washington's proposed amendment?

SENATOR CARE:

I understand the amendment and recall Douglas Crawford's testimony. I would like to review his testimony and other documents submitted along the same line. There are situations in which a grandparent is raising a grandchild and the

child's parent wants to take the child back. A provision is needed to consider the circumstance in which a grandparent is identified in a child's mind as his or her parent.

SENATOR WASHINGTON:

The amendment is fashioned after Douglas Crawford's suggestion in the letter he sent the Committee. Legal counsel reworded it to fit within the confines of section 3 of S.B. 204.

CHAIR AMODEI:

Are there any objections to moving S.B. 204 to the next work session? If not, S.B. 204 will be moved to the next work session for purposes of evaluating the amendment. The hearing is closed on S.B. 204 and opened on S.B. 216.

**SENATE BILL 216**: Allows certain convicted persons to make a monetary donation to a charitable organization in lieu of performing community service. (BDR 14-929)

CHAIR AMODEI:

A judge from Mesquite testified on S.B. 216 seeking a tool to utilize in circumstances where community service is part of a sentence and the person sentenced is either physically or geographically incapable of being in the area to perform the service. There was a concern by Jay D. Dilworth, Municipal Judge, Department 1, City of Reno, and others regarding discretion, funding, what charity is chosen, how much the service is worth and so forth.

I requested the staff to draft an amendment stating the funds go to the General Fund and are used to defray the cost of criminal justice in that jurisdiction. The amount of wages, theoretically per hour, would be tied to the statewide mean. The information is on page 49 of Exhibit E in the last paragraph of the amendment. It was my attempt to address the concerns; however, it returns to the question of whether this is a tool judges should have when community service is probably not going to take place.

SENATOR MCGINNESS:

An amendment to delete section 5 of S.B. 216 was provided by Randy Robison, representing the City of Mesquite.

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CHAIR AMODEI:

There being no further comments from the Committee, the hearing is closed on S.B. 216 and opened on S.B. 217.

**SENATE BILL 217**: Revises the provisions governing deeds of trust and the sale of real property after default. (BDR 9-742)

MR. WILKINSON:

There was a communication from Jim Kiernan, Northern Nevada Title Company, expressing concerns about S.B. 217. I sent a return communication requesting a proposed amendment. Mr. Kiernan does not like the process of nonjudicial foreclosure in general and believes it deprives people of due process. I sensed from his answer that he would prefer the bill not be processed rather than attempting to amend it.

SENATOR CARE:

I had a discussion with the realtors. In paragraph (c), subsection 5, section 1 of S.B. 217, 30 days is replaced with 15 days ([Exhibit E](#), page 56). It should be 15 days because sometimes, I do not receive comments until after my bill has been heard, even though it has been noticed. It happens a lot in the real world. Realtors would be agreeable to leaving 15 days, as opposed to 5 days, in the bill.

CHAIR AMODEI:

What is the pleasure of the Committee on S.B. 217? There being no comments from the Committee, the hearing is closed on S.B. 217 and opened on S.B. 232.

**SENATE BILL 232**: Makes various changes to the provisions governing sex offenders. (BDR 14-17)

CHAIR AMODEI:

There are a great many issues in S.B. 232. I would like to identify some of the high points in order to move them off the table and return at the next work session to deal with the remainder.

MS. EISSMANN:

Page 57 of [Exhibit E](#) contains bulleted issues that are the basic components of S.B. 232. The first has to do with pleas, particularly negotiation on a sex offense charge; second is community safe zones; third is electronic monitoring;

fourth is lifetime supervision; and fifth is minimum years served before parole, which is increased in the bill.

Page 58 of [Exhibit E](#) is a summary of the testimony from the day S.B. 232 was heard. Senator Dina Titus indicated amendments may be necessary and discussed four specific areas she hoped would be addressed and included in the final bill. The areas were creation of community safe zones; reporting and registration requirements for lifetime supervision; some means of keeping predators off the streets longer, which means to increase minimum sentences; and monitoring and tracking predators once they are released.

There was no opposition to the spirit of the bill, but there was supportive and opposing testimony to specific provisions. The areas of opposition are listed as a, b and c in the middle of page 58 of [Exhibit E](#): (a) The constitutionality of forcing a sex offender to move from or sell his home if he already lives within what would become a community safe zone under this bill. (b) Allowing a district attorney discretion when negotiating a plea. Testimony indicated it necessary in some cases, but taking away discretion was a concern. (c) Increases in the minimum time served. It was noted repeat offenders are sentenced to life in prison under current law and the State Board of Parole Commissioners, Division of Parole and Probation, Department of Public Safety, has some discretion when a convicted sex offender comes up for parole; therefore, the increases may not be necessary.

Areas of specific agreement were: (a) Clarification that the measure pertains to Tier 3 offenders, which was an amendment specifically mentioned by Senator Washington; (b) Creation of community safe zones, although there were still some questions remaining about the size of the zones and the constitutional rights of the offenders living within them; (c) Electronic monitoring programs were discussed with little detail. Representatives from the Division of Parole and Probation are present and will testify at the pleasure of the Committee; (d) Elimination of the plea provisions of the bill. There was only testimony in opposition.

Pleas were not included among the issues Senator Titus hoped would be in her bill; therefore, an area of agreement could be elimination of the pleas.

Page 59 of [Exhibit E](#) contains three proposed amendments. The first, on page 60 of [Exhibit E](#), was from Kimberly McDonald, City of North Las Vegas,

which was to increase the safe zone currently listed at 500 feet to 1,000 feet. This is referred to as the loitering safe zone. It is not the zone the offender may live within but the zone within which they can loiter or move about.

Senator Washington suggested clarification that the bill applies only to Tier 3 offenders. Senator Barbara K. Cegavske suggested including language, similar to a law in Arizona, which would require convicted sex offenders to register identifying information used online, as well as the service provider where that identifying information is used, to better monitor their online activity. Any change to that information would have to be reported within 72 hours. There was no further detail.

Staff was asked to provide a list of offenses subject to lifetime supervision in statute. Page 61 of [Exhibit E](#) shows the offenses already listed in statute.

CHAIR AMODEI:

Are there any thoughts on changing the existing status quo with respect to plea bargaining? For purposes of the next work session, the plea bargaining issue should be included in the proposed amendment.

What are the thoughts of the Committee on Tier 3 offenders? Committee consensus is Tier 3 offenders should remain the same in the bill.

The safe zone issue will be a value judgment on size and how close it should be to an offender's residence.

Are there any issues regarding the proposal for electronic monitoring? Committee consensus is electronic monitoring should remain in the bill.

Are there any questions or comments on the reporting requirements as proposed? Committee consensus is to leave the reporting requirements in the bill.

Does the Committee have any thoughts on monitoring, tracking or keeping predators off the streets longer?

SENATOR CARE:

I received two proposed amendments on S.B. 232, one from Stop, LLC ([Exhibit F](#)) and the other from the Office of the Clark County Public Defender ([Exhibit G](#)).

SENATOR MCGINNESS:

Community safe zones would help parks which have been left out of the current language of the bill. I support community safe zones.

SENATOR CARE:

We are all striving for the same thing; however, I wonder how 2,000 feet would play out in rural Nevada. Litigation in the state of Georgia went before a federal judge who examined a similar statute. The reality is offenders have to live someplace, and we must consider the practical effect. In essence, would we be creating enclaves? Obviously, nobody is sympathetic to the offenders, but we need to know the effect of this legislation.

GINA ANDERSON:

I live in a community wherein eight to ten child predators and rapists reside, most are Tier 1 and Tier 2 offenders. We have no knowledge of them, they are not watched on a daily basis and they are allowed to do whatever they want to do. Senate Bill 232 does nothing to help stop child molesters from living next door to our children. The primary use of our neighborhood is to raise our families. These offenders are often placed in family neighborhoods. If it is not a dog house or a shack, it is considered a suitable location.

This bill does not limit child predator communities being formed in the middle of our community. These offenders should be placed in adult communities. Having two hours to report transmitter malfunction, and making it a misdemeanor instead of a felony if an offender defaces the transmitter, is generous to a person proven to be a danger.

I am a mother and a grandmother who home schools my children who are at home on the block every day. We would like to have a community-safe neighborhood. Is that possible, or are we asking for something we will never achieve?

CHAIR AMODEI:

The Committee will choose a community safe zone number between 500 feet and 2,000 feet in the next work session on April 10.

MS. ANDERSON:

How is that going to help us if we do not have a park or school within 2,000 feet? Does that mean we can have a child molester every 500 feet in our family community?

CHAIR AMODEI:

Our staff has attempted to contact you with respect to specific personal questions. I recommend the next time you are contacted, call them back to discuss these issues. If you want to submit an amendment that says within 500 feet of a fire hydrant, street light or whatever, you are welcome to do so.

SENATOR HORSFORD:

Ms. Anderson is my constituent. This is one of several bills being considered to address issues dealing with sex offenders. There is another bill that will address the licensing of facilities that house sex offenders at all levels. Please contact my office to get information on the other bills. Some of the concerns you are raising about Tier 1 and Tier 2 offenders and whether there is public notification will be addressed in other measures.

CHAIR AMODEI:

The hearing is closed on S.B. 232 and opened on S.B. 237.

**SENATE BILL 237**: Revises certain provisions governing permits to carry concealed firearms. (BDR 15-47)

MS. EISSMANN:

Senate Bill 237 has to do with reciprocity for permits to carry concealed firearms. There was an amendment from Frank Adams, Nevada Sheriffs' and Chiefs' Association, found on page 63 of [Exhibit E](#). He suggests an amendment that would require a person with a permit from another state to reapply in Nevada if he becomes a resident of the state. It would require a state to have a 24-hour, 7-day database of valid permit holders available through a law enforcement telecommunication system to qualify for inclusion in the list of approved reciprocal states. Therefore, for Nevada to consider another state reciprocal, the other state would have to have the 24-hour database.



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It would also allow the Nevada Sheriffs' and Chiefs' Association to concur in the list of the reciprocal states and restore the required photograph on the permit, which was stricken in the bill but is currently contained on the permit requirement.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 237.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:  
The hearing is opened on S.B. 242.

**SENATE BILL 242**: Enacts the Model Registered Agents Act. (BDR 7-460)

SENATOR CARE:  
This is the Model Registered Agents Act that had no opposition. There were three amendments from the Office of the Secretary of State with which NCCUSL and I agree ([Exhibit E](#), pages 66-67). One of the amendments deals with the filing fee. This bill will have the two-thirds requirement; however, traditionally, the Secretary of State charges filing fees.

SENATOR CARE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 242.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:  
The hearing is opened on S.B. 243.

**SENATE BILL 243**: Requires an affidavit and a report in an action against certain design professionals involving nonresidential construction. (BDR 2-695)

Ms. EISSMANN:

This is the bill that has to do with design professionals ([Exhibit E](#), page 68). Existing law has some requirements regarding civil actions against design professionals for residential defects. This would basically mimic those requirements for actions against design professionals involving nonresidential construction. There was testimony in favor and opposed. The proponents said the language mirrors the requirements already in statute and would streamline cases and alleviate delays. Opponents argued the opposite—it would make cases more difficult to settle by creating additional delays in the process and increase costs for commercial construction. No amendments were suggested.

SENATOR WASHINGTON MOVED TO DO PASS S.B. 243.

SENATOR NOLAN SECONDED THE MOTION.

CHAIR AMODEI:

There are disclosures on file with the Director of the Legislative Counsel Bureau for Senator Care and myself as incorporated in the minutes of this meeting.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:

The hearing is opened on S.B. 294

**SENATE BILL 294**: Repeals the provision concerning mandatory detention of a child who commits certain acts pertaining to domestic violence. (BDR 5-958)

Ms. EISSMANN:

This bill has to do with a 12-hour mandatory hold for a child who commits battery that constitutes domestic violence or who violates a protection order. The bill would basically repeal the 12-hour mandatory hold requirement. Proponents explained the bill would allow courts to respond specifically on a case-by-case basis, including cases where mandatory detention may not be

necessary. Opponents noted the legislation, originally enacted in 1999 as requested by the Las Vegas Metropolitan Police Department, cites the need to detain an abusive child and not send him home to a parent who might have been the victim of that abuse.

Senator Wiener suggested creating an amendment that would allow for the court's discretion while including the 12-hour hold. Legal counsel has worked with various parties, and there is a proposed amendment to the bill on page 70 in [Exhibit E](#).

MR. WILKINSON:

There is a mock-up of the proposed amendment. Rather than repealing NRS 62C.020, it would provide specific exceptions under which the 12-hour hold would not apply. Those exceptions would be: the child did not otherwise meet the criteria for secure detention and respite care or other out-of-home alternative; secure detention is available and an out-of-home alternative to secured detention is not necessary to protect the victim for injury; or family services are available to maintain the child in the home, and the parents of the child agree to receive those family services and allow the child to return to the home. I understand the interested parties agreed to the proposed mock-up amendment.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 294.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:

The hearing is opened on S.B. 303 ([Exhibit E](#), page 72).

**SENATE BILL 303**: Amends the Charter of the City of North Las Vegas concerning the qualifications of municipal judges. (BDR S-80)

SENATOR HORSFORD MOVED TO DO PASS S.B. 303.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR AMODEI:

Senator Horsford will present S.B. 303 on the Senate Floor.

The hearing is opened on S.B. 438.

**SENATE BILL 438**: Authorizes a board of county commissioners to contract with a private entity for the detention of prisoners. (BDR 16-1354)

SENATOR WASHINGTON MOVED TO DO PASS S.B. 438.

SENATOR NOLAN SECONDED THE MOTION.

MR. WILKINSON:

Senate Bill 438 is in skeleton form ([Exhibit E](#), page 73). If the desire is to move forward, we would have to add additional provisions to clarify existing laws that pertain to prisoners, jails and jailers. There are many provisions in the NRS that apply only to public facilities. If there were private contracted facilities in which people were held, we would need to amend various provisions to take account of the fact the new things exist.

CHAIR AMODEI:

In that event, would the bill need an amendment?

MR. WILKINSON:

Yes, it would need an amendment.

SENATOR WASHINGTON:

I withdraw the motion on S.B. 438.

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SENATOR NOLAN:

I withdraw the second on S.B. 438.

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS AS  
AMENDED S.B. 438.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HORSFORD AND WIENER VOTED  
NO.)

\* \* \* \* \*

CHAIR AMODEI:

There being no further business to come before the Committee, the hearing is  
adjourned at 10:24 a.m.

RESPECTFULLY SUBMITTED:

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Barbara Moss,  
Committee Secretary

APPROVED BY:

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Senator Mark E. Amodei, Chair

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