MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Seventy-Fifth Session
February 18, 2009

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 8:10 a.m. on Wednesday, February 18, 2009, 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/75th2009/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
Assemblyman Tick Segerblom, Vice Chair
Assemblyman John C. Carpenter
Assemblyman Ty Cobb
Assemblywoman Marilyn Dondero Loop
Assemblyman Don Gustavson
Assemblyman John Hambrick
Assemblyman William C. Horne
Assemblyman Ruben J. Kihuen
Assemblyman Mark A. Manendo
Assemblyman Richard McArthur
Assemblyman Harry Mortenson
Assemblyman James Ohrenschall
Assemblywoman Bonnie Parnell

GUEST LEGISLATORS PRESENT:

Assemblyman Lynn Stewart, Clark County Assembly District No. 22
Assemblywoman Heidi Gansert, Washoe County Assembly District No. 25

STAFF MEMBERS PRESENT:

Jennifer M. Chisel, Committee Policy Analyst
Nick Anthony, Committee Counsel
Katherine Malzahn-Bass, Committee Manager
Emilie Reafs, Committee Secretary
Nichole Bailey, Committee Assistant

OTHERS PRESENT:

Tim Tetz, Executive Director, Nevada Office of Veterans Services, Reno, Nevada
John Hefner, J3 Sergeant Major, Nevada National Guard, Carson City, Nevada
Victor Moss, Commander, American Legion, Post 149, Las Vegas, Nevada
Michael Dakduk, UNLV Student Veterans Organization, Las Vegas, Nevada
Jack Mallory, Director of Government Affairs, International Union of Painters and Allied Trades, District Council 15, Henderson, Nevada
Richard "Skip" Daly, Business Manager, Laborers, Hod Carriers, Cement Workers and Miners, Local Union 169, Reno, Nevada
Allen Lichtenstein, American Civil Liberties Union of Nevada, Las Vegas, Nevada
Wes Henderson, Government Affairs Coordinator, Nevada Association of Counties, Carson City, Nevada
Doug Johnson, Commissioner, Douglas County, Nevada Association of Counties, Minden, Nevada
John Berkich, Assistant County Manager, Washoe County, Nevada Association of Counties, Reno, Nevada
John McCormick, Rural Courts Coordinator, Nevada Supreme Court, Administrative Office of the Courts, Carson City, Nevada
Jeff Wells, Assistant County Manager, Clark County, Las Vegas, Nevada
Renee Romero, Director, Forensic Science Division, Washoe County Sheriff's Office, Reno, Nevada

Chairman Anderson:
[Roll call, opening remarks.] We will start with Assembly Bill 1.

Assembly Bill 1: Prohibits certain demonstrations at a funeral, memorial service or ceremony. (BDR 15-150)

Assemblyman Lynn Stewart, Clark County Assembly District No. 22:
I would like to introduce the veterans who came with me today. Please stand. [Applause.]

Chairman Anderson:
Thank you for your service. We can never say thank you enough for the fact that we stand on free soil.

Assemblyman Stewart:
Assembly Bill 1 is a measure to ensure Nevada's fallen soldiers and heroes have the sacred and solemn burial they deserve. This is a rerun of a bill from last session. We are trying to overcome the controversy from last time. Assembly Bill 1 seeks to restrict protest and outburst within a cemetery or area surrounding the burial of fallen troops or law enforcement officers, so that family and friends may pay their respects to their lost loved ones in peace and without the additional emotional pain of confrontation and conflict. These individuals have served their country and fellow citizens with honor and dignity. It is important for us to provide them with the dignified burial they have earned. Additionally, the families of these brave individuals deserve to have a peaceful period to reflect, mourn, and say good-bye to their loved ones.

I believe the changes we have made in A.B. 1 address the concerns the groups and individuals had with the previous bill. This measure does not prevent gatherings or protests but simply calls for them to be a respectful distance from the funeral activities. We have incorporated items in this draft that the American Civil Liberties Union (ACLU) raised last session, and I hope we will be able to get their support this time.

We are not seeking to stifle anyone from speaking his mind. We simply want to underscore that there is a proper time and place for political protest, and the gravesite of a fallen soldier is no such place.

We have provided you with an amendment to the bill (Exhibit C). Mr. Tetz will go over the changes we have made to try to alleviate some of the concerns of various groups and individuals.

Chairman Anderson:
I would point people to the mock-up of the bill rather than the one that is available downstairs. The amendment mock-up is not yet available electronically.

Tim Tetz, Executive Director, Nevada Office of Veterans Services, Reno, Nevada:

I was in this seat two years ago when you considered Assembly Bill No. 159 of the 74th Session. Assembly Bill No. 159 was an equally simple bill which intended to make funerals a sacred, private, and dignified occasion and A.B. 1 continues this intent.

As I looked back at my notes and the testimony, there were a number of concerns expressed by Assembly Judiciary and others. Some of the questions raised by Chairman Anderson were: "How do you know if a group is showing respect? Are you going to leave that in the hands of the law enforcement officers?" Who makes the determination as to what is respectful?" Assemblyman Horne and others said demonstrations in support would not be a violation, so it appears that the law is being applied to some and not others. Assemblyman Carpenter noted that there was a federal law and other state laws that we should refer to and model after, since a lot of these laws have been tested in court. We tried to answer these questions through this amendment.

The Chairman sagely advised that the bill should be carefully crafted so as not to pick and choose sides. Even the ACLU, who helped us carefully draft an amendment, said the intent should be aimed at those who disrupt, but that judgment should not be left in the hands of law enforcement. We took all of that feedback and prepared the amendment before you today.

Shortly thereafter, I attended the funeral for Army Staff Sergeant Sean Gaul in Reno. His memorial service was at the church at Bishop Manogue High School. I quickly realized, as I drove down Virginia Street, that no matter how we wrote this legislation, and no matter how it was crafted, there will always be an opportunity for those who want to protest to get their message out.

When we look at the case law decided on this bill and other laws passed in other states, the underlying view is that everyone needs to have the right to freedom of speech and expression, but it cannot be crammed down someone else's throat. It was an eye-opening experience to realize that, no matter how we would have written the bill last session, there would be the opportunity for people to protest, and they did protest at Sergeant Gaul's memorial service.

The Legislative Counsel staff and Legal Division did a great job of looking at the case law, and comparing those court cases, and reviewing the laws of the 40 states that have this legislation and the federal government's legislation. What they determined was that there are four general rules. First, the law must make a reasonable restriction on the time and place of speech. Second, the

statute must be content neutral—it cannot say that one version of speech is fair and another is not. Third, the statute must protect the privacy of the funeral attendees and protect from disruption of the events associated with the funeral. Finally, the statute must leave open alternative channels of communication through which protestors can deliver their message.

Other state legislatures have come to their senses and passed these bills, and organizations, many of which the veterans and others find despicable, continue to have the opportunity to use their First Amendment rights.

Yesterday, Westboro Baptist Church, one of the biggest groups associated with these protests had three news releases. One is that they are going to picket the funeral of Marvin Renslow, the pilot of the plane that crashed in Buffalo. They are continuing to push for picketing funerals of troops. I mention this because this is not just a military issue. It is also a civilian issue, and each one of us needs to support the bill.

What we have done in the bill and the amendment is to say, "Let us make sure this bill meets the court's standards and upholds them." I come here today to say that we have proposed an amendment that is neutral because we are not regulating who is right or wrong, we are not asking law enforcement officers to determine who to ticket and not, and we are not adopting this legislation because we disagree with the protestors' message. Rather, we want to restrict all demonstrations, regardless of the viewpoint or language used, because we want to protect the underlying freedom of speech. The purpose of this bill is to protect our citizens from disruption of burial services.

I want to point out what has changed with the amendment. In section 1, subsection 1, lines three through five are demonstrating that a person shall not intend—so we are clearly stating intent—"to impede, disrupt, disturb or interfere with a funeral or memorial service, or engage in a demonstration." Many of you came to us last session and asked how it protects a procession or two funeral services within 300 feet of each other. We cannot fully protect two memorial services, and we have to give the opportunity for someone to use their freedom of speech, but if they "intend" to "impede, disrupt, or disturb" that is unconscionable and the law should be enforced. We are limiting the period to 60 minutes before and after the ceremony. That is not too much to ask. We are limiting the perimeter to 300 feet. Both of these restrictions have held up in court. The offense is a misdemeanor, and the bill clearly states what is and what is not a demonstration.

We learned our lesson in 2007 and took the feedback from your Committee and many others. We attempted, in this bill, to put forth the intent and will of

many, yet not abridge the freedom of speech. I think we have done that. The Office of Veterans Services, the Governor's Office, and the veterans' communities at large support this bill, and I hope you will too.

Assemblyman Segerblom:
You said that there was one of these demonstrations at the service you went to at Bishop Manogue? I am not familiar with them. What was the demonstration about?

Tim Tetz:
Usually, there are a few people protesting the war. In this case, the Westboro Baptist Church went after homosexuality: that it is not banned. It was political in their eyes. When it gets out that they are there, citizens and Patriot Guard Riders rally and put up a counterdemonstration. So, at that service, and many others, there are two sides.

Assemblyman Segerblom:
Are these protests intending to impede, disrupt, or disturb the funeral? It sounds like they are more interested in getting their message about homosexuality out there.

Tim Tetz:
No sir, they do not intend to impede or disrupt. In fact, because of legislation passed nationwide, when in a state with such laws, their news releases state that their message is to be preached in a respectful, lawful proximity to the memorial. They do realize there is a time and place for their demonstrations and that there are limitations. We are not trying to say that they cannot have their say; we just want it stated that there is an appropriate time and place.

Assemblyman Segerblom:
With the language referring to intent, this law might not even apply to them.

Tim Tetz:
As long as they do not intend to impede or disrupt, they have the right to freedom of speech.

Assemblyman Horne:
You recall my objections from last session; they are still not relieved. While I appreciate the effort you have put forth, I have a problem with the time restrictions of 60 minutes before and after the memorial service. If protestors wish to exercise their freedom of speech, the point is to get their message across to any media who may be there and to the participants in the ceremony.

How are they able to exercise the right to free speech if they have to stop an hour before anyone arrives and they cannot do anything until an hour after everyone leaves? Are they really exercising their free speech if they are picketing to an empty room?

Also, if people are lining or surrounding the cemetery with favorable signs, that is "not disturbing," but if the signs are not in support, it will be "disturbing." So, the bill still targets specific speech. These are the problems I have with the bill. I agree that our veterans should have a solemn, peaceful funeral, but I also believe that our First Amendment right, what our soldiers are protecting, is more important. The reason the United States is so great is because we can make speech that no one agrees with and not worry about being carted off to jail and charged with a crime.

We can say, "I cannot believe these people are doing this; it is disgusting, but thank God I live in a country that allows it." So, I do not think the problems I had last session have been resolved.

Tim Tetz:
You are correct; often there is no one there 60 minutes before or after a ceremony. Therefore, there is no one to impede or disrupt. But no matter when, we should work towards no impediment or disruption.

Assemblyman Stewart:
The 60 minutes before and after is important: family and friends often gather before the actual service, and the widow or children often linger after to bid farewell. The demonstrators can still be there outside of the 300-foot perimeter, and the message will be heard. The press will cover the event when there are protests, and it would be on the news. So, I do not think it is restricting their right to speak or protest. We are just asking that the demonstration be at a respectful distance, so that the families can have a solemn and sacred farewell.

Assemblyman Carpenter:
Have the courts ruled that 60 minutes before and after the service is a reasonable restriction?

Tim Tetz:
The courts have ruled, on a number of occasions, that the 300-foot buffer zone and the 60 minute restriction before and after are reasonable. They support the 60 minute restriction because it is a reasonable amount of time and a limited duration. They support the 300-foot buffer zone per the Ohio decision, since

the mourners could not easily avoid unwanted protests without forgoing the funeral.

Chairman Anderson:
The media would probably not even be at these funerals if it were not for the protestors. The funerals would not have the attention of the greater community without the protestors.

My concern is about other kinds of protests or events along a funeral route. The Mater Dolorosa [Our Lady of Sorrows] Cemetery is just north of the University of Nevada, Reno. If a student protest were going on adjacent to the college, how would it be handled? There is no intent. How would there be an assurance that the protest would not be stopped 60 minutes before the funeral? Are we relying upon the police to use their discretion, or would it be the responsibility of the person in charge of putting on the memorial service to determine intent? Is the protection only at the church and at the grave site, not at the procession?

Tim Tetz:
I think you have pegged it correctly: the issue is no intent to impede. So, if there is an event on North McCarran Boulevard unaffiliated with the memorial service, that event would not be halted since it is not intended to impede. That is the beauty of the careful crafting that the staff has done. The bill clearly says that if there is no intent, we do not need to concern ourselves with it.

Chairman Anderson:
Who makes the determination of intent? It would be after the fact, but if the protest is stopped, the net effect is that the speech has been stopped.

Assemblyman Stewart:
The language of the bill says during the funeral and within 300 feet. So, if the protestors were closer than 300 feet from the funeral and protesting, I would think that the intent would be to disrupt the funeral. That would be the determination. The content of the protest would also help law enforcement have a clear idea of whether or not the protest was within the parameters of this bill.

Chairman Anderson:
Who will identify to law enforcement that they feel impeded or disturbed? Would it be the funeral director? The police are generally present whenever there is a group greater than 20 or 30 or the group seems disruptive already. But if the police are already there, what then?

Assemblyman Stewart:
Funeral directors and clergymen are going to be reasonable and will not try to cause problems. I have conducted several funerals myself; I would not exacerbate a problem. I think we can rely on the good judgment of the funeral director or minister not to overstep their bounds. Since it is a solemn occasion, they are going to try to solve problems, not create them.

Assemblywoman Parnell:
I look at things differently. I drew a circle. If you are 300 feet outside the circle, you have every right that you normally have. Another way to look at it is: there are protests in front of this building but not in this building. I do not see this bill as denying anyone the right to do anything. I think it is giving parameters.

Assemblyman Stewart:
That is an excellent observation.

John Hefner, J3 Sergeant Major, Nevada National Guard, Carson City, Nevada:
In my role in the Nevada National Guard, I served as the Casualty Assistance Officer for a family whose son was killed in Iraq. His name was Sergeant Timothy Smith. He lived in South Lake Tahoe.

I would like to relate the experience I had with his family. I spent more than 20 days with his family. When we were planning the funeral and procession, I had to disclose that they may have protestors. It was a large distraction for the family's mourning. The family asked me: "Who is going to be there? What are they going to do? Are they going to do something to stop the procession or get into the church? Are they going to talk to the media and discredit my son?" No family needs these things. They need to focus on their grieving, and to have this worry is a distraction for them.

More than 1,200 people came out for Sergeant Smith's funeral. The Patriot Guard Riders came out to support. But during the procession, I could tell the family was worried because they kept asking: "Do you see anything? Do you see anyone protesting?"

This bill would help ease that worry and put it outside families' minds. It is not cut-and-dried. Someone will have to make the determination whether a protest is disruptive. If someone stands in front of the hearse to stop it, that is clearly a disruption. If someone comes into the church and wants to speak his mind, he should not be able to do that without the family's permission. But without some type of legislation like this bill, a protestor will have that right. The bill will help protect the family's rights.

The 60 minutes before and after the ceremony is the time for the honor guard to set up and breakdown and for the funeral director and others to do what they need to do for the ceremony. In conclusion, this is important to service members, and I would appreciate your support.

Assemblyman Horne:
Are you committed to the 300-foot restriction? As Assemblywoman Parnell noted, we have protestors in front of the building. While I do not know distances well, I do not think they are 300 feet from the building. While I agree that people should not be able to speak at someone's funeral and be in close proximity, there is a federal district court case that has enjoined, particularly, a 300-foot restriction. So, the law is unsettled at this time. I am curious if you were aware of that case, from Kentucky, which states that 300 feet is too much. Another case, in the Eighth Circuit Court of Appeals, enjoined, for other reasons, this type of restriction.

Assemblyman Stewart:
We based the 300 feet on other court cases. I would be willing to negotiate 10 or 15 feet, but I do not think I would be willing to get much closer. You can still see and hear at 300 feet.

Assemblywoman Dondero Loop:
Could the bill be amended to say a certain number of feet or "off the property, whichever is greater"? Galena High School comes to mind. It has a huge front yard. The protest might be more than 300 feet away, and the people would still be on the property. So, could the bill be amended to say: 100, 200, or however many feet and off the property?

Assemblyman Stewart:
We would be willing to consider it, but the Legal Division has gone over this bill, thoroughly, and I respect their work and opinions.

Victor Moss, Commander, American Legion, Post 149, Las Vegas, Nevada:
Since September 11, 2001, we have lost 62 Nevadans. When these protests started in 2005, the American Legion, like most people, was repulsed. Assemblyman Segerblom asked what these protests are, so I want to explain it so the Committee knows.

They protest with signs and banners. They shout things like: "Thank God for dead soldiers," "God hates fags," "God hates America," and "Thank God for IEDs,"—those are improvised explosive devices. Imagine if it was your child being buried and they yelled at you: "Thank God your son is dead." It is despicable. I understand the idea of rights. I have served my country and am

still serving my country. The old saying is, "Your rights end where my nose begins," and it should be the same for a grieving mother's ears. She should not have to hear those things.

The American Legion, with the help of the Nevada Patriot Guard, go out to create a barrier so the families do not have to see these people. Someone asked, "Who decides if the intent is there?" Right now, we decide. We are the ones out there, on our motorcycles and in our cars, providing barriers. In a sense, it is vigilante justice because we are making determinations and taking matters into our own hands. This is because we do not have the law to back up the efforts we make. We cannot get police support because there are no procession laws.

We have to restrain ourselves from overstepping, but if we had the law on our side, we could then make determinations. We would be able to say, "You are out of line, move away."

Michael Dakduk, UNLV Student Veterans Organization, Las Vegas, Nevada:
I do not want to have to look into a mother's or father's eyes, with this going on in the background, while their son or daughter is being laid to rest after honorably serving their country. I worry about the loved ones. These protestors are demonstrating against public policy and warfare, but a memorial ceremony is neither the right place nor time to demonstrate.

Chairman Anderson:
Let us turn to those who have indicated that they are opposed to the bill.

Jack Mallory, Director of Government Affairs, International Union of Painters and Allied Trades, District Council 15, Henderson, Nevada:
I appreciate that Assemblyman Stewart and veterans' groups have been working on amendments to try to clarify the intent of the bill. I do think it is deplorable that we are discussing this issue, as the actions of other individuals have prompted this bill. I am a veteran myself, and I support the veterans' position on this bill.

There are problems with the distance issue. It is subjective. An example of that is the Palm Mortuary on Main Street in Las Vegas. There is no 300-foot clearance from that location. That distance requirement would put you way down the street at the Floormaster or into another intersection.

There are issues with public conveyance. I expect most of the Committee is familiar with the Venetian case several years ago. It was determined that even

though the Venetian physically owns the sidewalk, it was a public conveyance, and First Amendment activities could occur on that conveyance.

There are potential conflicts with Section 7 of the National Labor Relations Act, which allows workers to participate in protected, concerted activities. If a mortuary were having an expansion and contractors were paying below-area standards, workers would have the right, under the National Labor Relations Act and the First Amendment, to protest.

Another problem is interpreting intent. I have had experience with several law enforcement organizations in my line of work. When we engage in First Amendment activities, the intent is subject to broad interpretation by the officer on the scene. While we have had a great relationship with the law enforcement organizations in southern Nevada and have clear understandings with those organizations as to their interpretation of the law, the officer on the street does not always have that same interpretation. I do not know if it is an issue with training or just an individual making his own determination. The subjective standard inserted in this bill has the potential of infringement of individuals' rights.

Assemblyman Carpenter:
Explain to me, how, if you were picketing in regard to a fair labor practice dispute, and there was a memorial service or a funeral going on, that interferes with your right to picket? You would have to be impeding, disrupting, or disturbing that ceremony.

Jack Mallory:
There are potential issues with the subjective interpretation of intent by the individual who would be enforcing the provisions of the statute on the scene. There are existing laws on the books that relate to impeding traffic. There is a statute that prohibits picketing more than two persons abreast. We have been told numerous times by law enforcement agencies that we are not to stop the flow of traffic into or out of a parking lot. We have been instructed not to block the sidewalk.

I am not saying that I support disruptive activity or behavior at a memorial service, whether it is for a member of the general public or for a veteran. What I am saying is that I see problems with this legislation as it relates to and interfaces with other laws of our nation and our state.

Assemblyman Hambrick:
On the occasions that your group meets, are these done spontaneously, or is there normally some type of planning and logistical support when they notify people?

Jack Mallory:
There are various planning and notification steps that we go through as an organization, and it depends on the type of activity in which we are going to engage. Typically, if we are engaging in area standards activities, we do not notify public agencies nor do we notify the owner of the property at which we are protesting. It would undermine our ability to engage in that activity.

When we believe there is going to be an issue, we communicate that to local law enforcement, particularly their public relations individual or their organized labor detail.

Assemblyman Hambrick:
It then seems that you have diffused your own situation. You would ultimately let someone know, even if at the last minute, and the local law enforcement or funeral director would have prior knowledge. So, I think your testimony is hitting on a hollow bell.

Jack Mallory:
We do not always notify individuals when we are engaging in activities. There are times when that would undermine our activity. This goes to something larger than a memorial service. It goes to infringing upon rights that are guaranteed by federal law. It could be expanded in future legislation to include those other areas. That is the primary purpose for my being here today. The concerns are more global than a specific issue.

Richard "Skip" Daly, Business Manager, Laborers, Hod Carriers, Cement Workers and Miners, Local Union 169, Reno, Nevada:
I, too, support service members and people that have pledged to serve the country and defend the Constitution. People have the right to freedom of association and the right to peaceable assembly. Some of the things mentioned that people disliked and found offensive were not necessarily illegal. Standing in front of a hearse in the middle of the road or placing flyers on cars without permission are illegal activities. There are other avenues to address those concerns.

When we are engaged in labor activities, the people that are the subject of the picket have to be there in order for us to engage in our activities. If they are not there, we cannot do it. This is a similar type of situation. I also find the

things people have described here offensive, but there are ethnic groups, minorities, and other people that have had to put up with offensive speech for their entire lives. Someone has to defend the right of the speakers to have their venue.

It is public policy that protestors are not allowed inside this building, but if those same people want to set up a peaceful display inside, they can do that. There is language, here, that may carry over into the things that are of concern to us. I think the bill has missed the mark. Time, place, and manner can be regulated for signs and various things. Section 1, subsection 3(b) states, "Any oration, speech, use of any equipment or device for sound amplification or other similar conduct that is not part of a funeral or memorial service." This means that if I am part of the funeral or memorial service I have greater rights than someone who is not. It says the same thing with the flag: they can put up their flag for their service, but I could not put up mine. It is the same thing with public conveyance that Mr. Mallory talked about. If there is a bell ringer in front of a Raley's, if I do not like the message, then I, too, can be in front of a Raley's. The store has to allow or get rid of both, but they cannot eliminate one and not the other. That is a violation of the law.

Allen Lichtenstein, American Civil Liberties Union of Nevada, Las Vegas, Nevada:
The reason we are neutral on this bill is we believe the intent of the bill, which is presumably to stop disruption and interference with funerals, for everyone, is a laudable one, but the particular language put forth has a lot of problems. Most of the problems have been addressed in earlier testimony.

We have introduced a proposed amendment to the bill (Exhibit D).

Chairman Anderson:
I have something from Ms. Lee Rowland, ACLU of Nevada. I presume it has been shared with the author of the bill. [Assemblyman Stewart indicated yes.]

Assemblyman Stewart, did you see that before you arrived here in the Committee meeting today, or was this the first time you have seen it?

Assemblyman Stewart:
Mr. Lichtenstein, is this the exact same amendment you submitted two years ago?

Chairman Anderson:
I believe this is different. It is a letter with an attached amendment dated February 18th, addressed to me and members of the Assembly Judiciary

Committee, "re: Opposition and Proposed Amendment to A.B. 1." There was an earlier email to me on Tuesday, so I presume Ms. Rowland spoke to you at some point prior to this occasion.

Assemblyman Stewart:
I spoke to Ms. Rowland on the phone this morning. If this is similar to the amendment submitted last session, I do have it.

Allen Lichtenstein:
It is exactly the same as last session. No one questions the government's ability and propriety to stop people from disrupting or impeding a funeral. There may be some questions about what that entails; I think that is part of the confusion.

The question is really what does "impeding" mean? Standing in front of a hearse, going into a church and disrupting the service, or going onto the grounds of a cemetery: those are pretty easy questions. The more difficult question would be a picketer who is not trying to disrupt. Defining disruption as the content on a placard or handbill is a clearly content-based regulation because someone is saying that this message is disruptive and this one is not.

It has been pointed out that there have been court cases on similar bills across the country. It is not just in the federal district courts, but also in the federal courts of appeals, where the decisions are mixed. My guess is that the language of this particular bill would not meet any of those standards.

The question was asked, "Does this cover processions?" The plain language says it would, so a procession down Virginia or any other street would be limited in terms of who could be standing on the sidewalk, even quietly, with a placard. This is not just about veterans. At the funeral of a perpetrator of a crime, the victim of the crime would also be prohibited from having a sign saying, "This person killed my father."

What we have tried to do in our proposal is focus on "impeding" and "disrupting," while allowing for free speech in a public forum, on the streets and sidewalks, that does not impede. What we mean by "impede" is not necessarily that it hurts the feelings of people who see something they do not like, but it must really keep the funeral from proceeding as planned. Is this a great compromise? I am not sure that the First Amendment allows anything less. Otherwise, there is the situation where certain content is acceptable within the 300-foot range and some that is not.

This bill does not just limit the protesting to funerals and burials but to ceremonies and memorial services. There are memorial services every year on Memorial Day, July Fourth, and Veterans' Day. Under the plain language of this bill, protests on those occasions would also be covered.

I think the intent is one we should aspire to, but the language needs to be changed to focus on actual disruption and impediment and to avoid the realm of favored and unfavored content. While we may have those feelings, the law cannot make those kinds of distinctions.

Chairman Anderson:
Mr. Anthony is the legal drafter and represents the Legal Division. When legislation is drafted, we take into consideration the models that have been court tested. There was a question about some of the issues having been court tested. Mr. Anthony, could you please reexamine the bill and make sure we are on solid legal ground.

Nick Anthony, Committee Counsel:
I am not sure that Mr. Lichtenstein saw the proposed amendment, which was drafted as a mock-up. It sounds like he might have been speaking to the original bill. Our counsel did look at a number of court decisions in drafting the mock-up, including those from federal district court decisions in Georgia and Ohio.

Allen Lichtenstein:
I have the amendment and was referring to the language in it regarding the intent to impede. The mock-up still has those particular problems.

Assemblyman Hambrick:
In the second paragraph of the ACLU letter (Exhibit D), it refers to "near a public Memorial Day parade." I see nothing in the bill before us about that. The intent is a "funeral or memorial service," not a Memorial Day parade.

Allen Lichtenstein:
The bill says "memorial service" and "ceremony." Those terms are not defined in any clear way. A Memorial Day parade is a ceremony that could come within the ambit of this bill.

Chairman Anderson:
I will close the hearing on A.B. 1. [Recess 9:30 a.m., reconvene 9:40 a.m.] I will open the hearing on Assembly Bill 45.

Assembly Bill 45: Requires the State Public Defender to provide defense services to indigent persons in counties without county public defender offices and to fully fund such services. (BDR 20-457)

Wes Henderson, Government Affairs Coordinator, Nevada Association of Counties, Carson City, Nevada:
[Read from prepared testimony (Exhibit E).]

Chairman Anderson:
We had a short presentation from Justice Michael Cherry of the Nevada Supreme Court about the study to which you refer and the ongoing work of indigent defense. We have only started to explore the parameters of the whole question.

The state, like the counties, is facing very difficult fiscal times, and we are all keenly aware of the dollar costs associated with operations of any kind of governmental entity, at whatever level. I think we need to keep that in mind.

This is a policy question, so we will deal with the policy aspect of the bill and let Ways and Means deal with the fiscal note. Like the district attorney, the public defender is an elected position in the county. Everyone is innocent until proven guilty. As a result of *Gideon v. Wainwright,* 372 U.S. 335 (1963), every defendant is entitled to counsel.

Tell me how to differentiate between the district attorney, who defends the people of the county from wrongdoers, and the office of public defender, who is responsible for protecting the people from unjust prosecution.

Wes Henderson:
The differentiation is that it is not constitutionally mandated to prosecute anyone, but it is constitutionally mandated that defense counsel be provided. Prosecutors have some latitude as to whom they may bring charges against.

Chairman Anderson:
The members of this Committee promised to defend the *Constitution*, and, in fact, every elected official takes essentially the same oath. We all have the basic responsibility to protect the law of the land, the *United States Constitution*. The delivery of public defender services has been broken up among the thousands of governments that exist around the country. The question is if this service is better provided at the state or the local level.

Doug Johnson, Commissioner, Douglas County, Nevada Association of Counties, Minden, Nevada:
The entire Douglas County board unanimously supported this bill, and the legislative committee for the Nevada Association of Counties (NACO) has given its full support. To answer the question of whether this service is better provided by the state or the county is why we are in front of you today. We do not have all of the answers. Given the financial times we are in, we are all looking for solutions. This bill says we want the state to fund everything. This bill does not affect every county the same. That is the problem because we all serve the same constituents. I do not have a good answer.

Assemblyman Horne:
I know this bill was brought by NACO. Were Clark County and Washoe County represented? One of the things the bill seems to do is repeal the responsibility of Clark and Washoe Counties to provide a public defender's office. Is this correct? If so, is it your representation today that the county could no longer provide indigent defense under this bill?

John Berkich, Assistant County Manager, Washoe County, Nevada Association of Counties, Reno, Nevada:
The bill allows flexibility for the counties. Should they choose to change from the current county system, it gives the counties the option to use the State Public Defender's office to provide indigent defense. The bill only creates that option. I assure you that Washoe County has no intention, at this point, of making any changes to our indigent defense system. Our concern is the ever-increasing cost.

Chairman Anderson:
Is there any other explanation of the bill you want to get on the record? The materials in Mr. Henderson's exhibit (Exhibit E) are the same as the ones presented by Justice Cherry.

John Berkich:
I am also a member of the Nevada Supreme Court's Indigent Defense Commission, and I am here to testify in support of A.B. 45.

Throughout the Supreme Court's proceedings on this matter, Washoe County has played an active role with the Indigent Defense Commission and the Supreme Court. We joined Clark County in issuing a minority report to the commission's final report to the Supreme Court, issued in November 2007.

Following the issuance of the court's initial order, under the administrative docket number (ADKT No.) 411, in January 2008, I prepared a report for our

Washoe County Board of County Commissioners, in February 2008. It included a fiscal note estimating the impact of the Supreme Court's order on our criminal justice system to be in excess of $10 million, this fiscal year, over the existing cost of $11 million for indigent defense in Washoe County.

Since the issuance of the original order, there have been several subsequent hearings and orders. Washoe County has testified at all of the court's hearings, and we have filed five letters outlining the fiscal plight of the county and added financial burden—created by the implementation of performance standards and, eventually, the possible caseload limits—contemplated in the order by the Supreme Court.

To date, Washoe County has cut its General Fund budget approximately $63 million in the last three years, and we are projecting the need to cut an additional $40 million in Fiscal Year 2010. By way of context with this $100 million budget reduction, we estimate the court's order will add $10 million of cost in our criminal justice system.

Under this order, the counties find themselves effectively in the middle between the court's order—setting performance standards for attorneys providing indigent counsel and possible caseload limits—and the Legislature, because the Legislature controls the counties' ability to produce funding. The order exacerbates the unfunded mandate for indigent defense placed on the counties back in 1969.

Following my report to the county commission in February 2008, I also made a presentation to the NACO Board. As a result of that presentation, the NACO Board voted unanimously to oppose the order. Later, the board decided to file a bill draft request (BDR), which is now the bill before you today.

Attached to the court's order of March 21, 2008, a letter was prepared by David Carroll of the National Legal Aid & Defender Association (NLADA) (Exhibit F). I would like to quote from that letter: "Nevada's rural counties cannot implement ADKT No. 411 at all without causing severe financial strains at the local level." He further notes:

> One of the critical but often overlooked aspects of the United States Supreme Court's landmark ruling in *Gideon v. Wainwright* is that the Sixth Amendment's guarantee of counsel was 'made obligatory upon the States by the Fourteenth Amendment'—not upon county or local governments... [I]t is also the case that the failure of the counties to meet constitutional muster regarding the

> right to counsel does not absolve state government of its original responsibility to assure its proper provision.

In a letter to the Supreme Court, dated September 2, 2008, five agencies, including NLADA, submitted a white paper entitled *The Delegation of Indigent Defense Duties to the Counties* (included in Exhibit E). This states, again, that:

> Under the Sixth Amendment, the State has the obligation to provide counsel to all those facing criminal charges which could result in a deprivation of liberty, who cannot afford to hire an attorney. While the state can delegate this obligation to the counties, it retains an obligation to monitor the counties and ensure the obligation is met in a constitutionally sufficient manner. When it is not, the state is responsible for stepping in and rectifying the deprivation.

With the court's most recent order in this matter, the performance standards for attorneys are set to become effective April 1, 2009, at which time counties will begin to experience the impacts on workloads which are, as of yet, undefined. Clearly, the court contemplated that these new performance standards would and will have operational impacts, since the original order requires the public defenders in Washoe and Clark Counties to advise the county commissioners "when they are unavailable to accept further appointments"—talking about the public defenders in Washoe and Clark Counties—"based on ethical considerations relating to their ability to comply with the performance standards." In other words, when these offices are overwhelmed by trying to comply with these new performance standards, they are ordered to advise the county commission.

The counties will begin to experience the impacts on their caseloads in the next 30 to 60 days. Also, Washoe and Clark Counties are to complete a weighted-caseload study in the public defender's offices, at NACO's request. We requested the court to allow us to conduct these studies rather than simply adopting the standards that the court was contemplating, set in 1973. The study should be completed and filed with the court on May 15, 2009.

We support A.B. 45 because it allows the counties to choose their own delivery system for indigent defense representation, so the State Public Defender can be an optional service provider should a county not be able, or choose not, to establish its own public defender's office. Most importantly, this bill recognizes that the provision of indigent defense is, constitutionally, the obligation of the state and requires the state to pay for all indigent defense costs, statewide.

I presented this yesterday to the Washoe County Board of County Commissioners, and they, too, fully support this bill.

Assemblyman Carpenter:
You mentioned a figure of $10 million. Is that for the number of attorneys needed to be hired to meet these standards?

John Berkich:
Almost 60 percent of that number will be new staff in the public defender and the alternate public defender offices. The fiscal note that those offices did for me shows that there would be an additional 45 people necessary to comply with the court's new standards.

Assemblyman Carpenter:
How many do you have now?

John Berkich:
I believe we have approximately 60 people in both offices.

Assemblyman Carpenter:
When I was a county commissioner, the State Public Defender started to offer service to Elko County. We could not get service from them, so Elko County established its own public defender's office. I am afraid that if we go only to the State Public Defender, the rural counties will still be short of service. It is one of my concerns. As far as I know, the system is working well the way it is, now, but if we try to go statewide, there will be problems.

Chairman Anderson:
Going back to what Assemblyman Carpenter was asking, of the 60 people in the public defender's office, how many are attorneys versus support staff?

John Berkich:
The gross number includes the support staff, as well. When both the offices (public defender and the alternate public defender) are considered, we may have about 40 attorneys. I stand to be corrected.

Chairman Anderson:
So, we are talking about possibly 40 attorneys between the regular public defenders that are hired and the alternates that are hired. Then, occasionally the court will appoint someone to the position, and he is paid an hourly fee, which comes out of the county's pocket, not the state's.

John Berkich:
There are three levels of public defense in Washoe County: (1) the public defender's office; (2) if there is a conflict, the case will bounce to the alternate public defender's office; and (3) if there is still a conflict, it will pass to the group of private attorneys to whom you are referring. Currently, we spend about $1.5 million to $2 million per year on that third tier. For the three levels, in total, we will be spending in excess of $11 million this year.

Chairman Anderson:
The current system is working. The problem is the potential that the Nevada State Supreme Court's recommendation for standards would add an additional financial burden that would be difficult to meet. Is that correct?

John Berkich:
Yes, we are looking at a $100 million deficit, and this order would add another $10 million in costs. We are perplexed as to where to find the money. This bill recognizes the argument that this is primarily a state requirement under the *Constitution*. We are here in support of that idea.

Chairman Anderson:
I appreciate that you would like the state to pick up the bill.

Assemblyman Horne:
I think you have just covered it. The counties can choose to keep the county public defender, but then bill the state. If the counties choose not to keep their public defenders, they want the state to cover the expense. Either way, the counties do not want to pay anymore.

Assemblyman Segerblom:
Did this issue come up during the discussion of the public defender's role in the state? I am surprised that the Supreme Court would issue something with this large of a mandate without allowing county input.

Chairman Anderson:
The presentation made by Justice Cherry indicated, and I expect that Mr. McCormick from the Administrative Office of the Courts will agree, that the discovery of the fiscal impact on the counties was the reason for the delay in implementation. The Court realized that the rural counties had not been properly consulted.

John Berkich:
Since the fall of 2007, we have informed the court as to the potential impacts on the counties, particularly Washoe County. At the request of the court, we

filed a detailed report, which we presented to our commission in February. So, we have been on record for the last year or two that this has and will have a substantial financial impact on all of the counties.

Doug Johnson:
[To Assemblyman Carpenter] There is 100 percent support for this bill from the NACO Board, which includes Mr. Ellison from Elko County.

John McCormick, Rural Courts Coordinator, Nevada Supreme Court, Administrative Office of the Courts, Carson City, Nevada:
I have been the primary staff for the Indigent Defense Commission. I am not here on behalf of the Supreme Court today because the rural subcommittee's recommendations, as well as other issues, are currently under consideration by the court. Therefore, the court does not have a position at this time. Another order is anticipated soon.

I am here on behalf of John Lambrose, Assistant Federal Public Defender, and Judge Dan Papez, Seventh Judicial District Court, the co-chairmen of the reconstituted Indigent Defense Commission's Rural Subcommittee. This subcommittee made five key recommendations. Foremost is that the State of Nevada provide full and complete funding for indigent defense services. The subcommittee also recommended that the counties be free to choose their own indigent defense delivery system, so long as the system complies with the performance standards set by the court, as well as any contemplated caseload standards, and is subject to independent oversight.

Representatives of the Nevada Association of Counties are a key part of the rural subcommittee, and the co-chairmen of the rural subcommittee wish to express their support for the fundamental concepts of A.B. 45: full funding for indigent defense, in accordance with *Gideon v. Wainwright,* by the state and county choice in selecting a model of indigent defense delivery that best suits the unique needs of each county. I can provide some background on the Indigent Defense Commission and the work, thereof, if anyone has any questions.

Assemblyman Carpenter:
Do you have any figure for what the total cost will be for the state to take over this function?

John McCormick:
The last figure I was able to compile was approximately $46 million. I know that from my conversations with the state public defender and various other

entities, the cost has probably gone up. I do not know that we can accurately estimate a total cost based on the performance standards.

Chairman Anderson:
I would think it would be higher considering that Mr. Berkich has already indicated a $10 million cost in Washoe County and we will hear from Clark County later. I expect the total cost will be two or three times that given the size of the population in that county.

John McCormick:
My number does not anticipate the total cost if A.B. 45 were to be passed and the performance standards went into effect. The $46 million is the best current cost estimate. Performance standards would almost double Washoe County's cost, so you could estimate anywhere between $50 million and $100 million.

Jeff Wells, Assistant County Manager, Clark County, Las Vegas, Nevada:
From a policy point of view, I do not think there is any question that *Gideon v. Wainwright* makes it clear that public defense is the state's responsibility. From that straightforward proposition, Clark County is in support of this measure. We are also in support of this measure from the point of view that we would really like to see a well-run, truly-statewide, state public defender system. As Justice Cherry said to you last week, Clark County would not disband our own system. We currently have a public defender's office, a special public defender's office, and an office of appointed counsel to take cases when there are conflicts. We would like to be able to use a state public defender's office within Clark County to work with our office of appointed counsel in the last round of conflict situations. It would not replace the existing system.

You are also correct on the dollar amounts. We currently spend in Clark County about $33 million a year on public defense for all three offices. That is more than some states spend on their whole public defense system.

Chairman Anderson:
I am curious about how this would really work. Do you anticipate that, in Clark County, the state would have attorneys and support staff necessary to act as a fallback for the third level of defense? Would they just sit around waiting for a case?

Jeff Wells:
Our third level right now is fairly significant. It consists of about 35 track attorneys, private law firms and attorneys that we hire on a monthly stipend, and hourly attorneys on top of that, particularly if it is a Supreme Court Rule (SCR) 250 [death penalty] case, a complicated sexual assault case, and any

case that goes to trial, which are always hourly. Our goal would be to utilize the state public defender system in place of some of those hourly appointments when we get to that third tier of conflict. They would not be sitting around; we spend probably $8 million a year just in our office of appointed counsel between the track attorneys and the hourly attorneys.

Chairman Anderson:
If this bill were to move forward, do you perceive that the county would be providing the physical staff or would the state also need to provide the building, secretarial staff, et cetera?

Jeff Wells:
We would still have the public defender's office, our special public defender's office, and our office of appointed counsel. We would just be using the state public defender as an additional conflict counsel. I do not see this as reducing anything we have on our current budget. It would pick up any increase we might have by virtue of the performance standards and any additional SCR 250 cases.

Chairman Anderson:
So, you perceive the need for this piece of legislation if the performance standards suggested by the Supreme Court and Justice Cherry were to be implemented.

Jeff Wells:
Those performance standards have already been adopted by the Court, so we know it will move forward. We are in the middle of a weighted-case study by the Spangenberg Group, and we are waiting for the results to see what additional staffing or resources we may have to obtain.

Assemblyman Segerblom:
Have you discussed this concept with Mr. Kohn [Clark County Public Defender]?

Jeff Wells:
Absolutely, he also participates on the Indigent Defense Commission, and we have discussed it there. For Clark County, as Justice Cherry indicated in his presentation, this was the general idea of how the State Public Defender's office would be utilized in Clark County: simply as alternate counsel in case of

Allen Lichtenstein, American Civil Liberties Union of Nevada, Las Vegas, Nevada:
We are neutral on this bill. We have heard a lot about the Indigent Defense Commission, of which we were part, and the performance standards and

caseload studies that are still coming. This particular discussion of who is going to be paying for what is a bit premature until there are answers to the questions about what are the caseload numbers and how are those performance standards going to be implemented. Based on the Constitutional mandate, those questions need to be answered, first, and who is going to pay for it should come afterward.

Chairman Anderson:
[Asked the representative from the Nevada State Public Defender's Office if she wanted to go on record. Diane Crow indicated no.] I will close the hearing on A.B. 45 and open the hearing on Assembly Bill 105.

Assembly Bill 105: Makes various changes concerning genetic marker testing of certain criminal defendants. (BDR 14-51)

Assemblywoman Heidi Gansert, Washoe County Assembly District No. 25:
I have Renee Romero with me today. She runs the deoxyribonucleic acid (DNA) lab in northern Nevada. I want to take a moment to thank her for her work during the Brianna Denison case. There were thousands and thousands of DNA samples backlogged, but they were able to manage the backlog in an expeditious manner. As a result of this case, I went to the Washoe County Sheriff's Department to see if there was anything the Legislature needed to do to make the DNA system work better. This bill did originally have a fiscal note, but it has been removed.

The bill does three things. Section one requires someone convicted of a felony to submit a DNA sample. Now, a court order is required, and the sample is not necessarily being taken. The bill would make the process automatic. The second point is in section 2, subsection 5. When the county was trying to take care of the backlog for the Brianna Denison case, there were a lot of financial contributions from the community, but there was no place to put them. They were placed in the Washoe County Honorary Deputy Sheriff's Association Fund, in a separate account, so the county made do. The bill creates an account with the Board of County Commissioners so they can accept grants and donations. The third point is in section 2, subsection 6, which allows the lab to use money from the fund for genetic marker testing to cover their expenses, including the cost of contracted services.

I learned this morning that there is an issue with section 1, subsection 5 of the bill: the biological specimen must not be obtained from a defendant who has previously submitted a specimen. It is difficult to determine who has and has not submitted a sample, so I have submitted an amendment (Exhibit G) to delete that portion of the bill.

Assemblyman Horne:
Were court orders being requested and not being granted, or were people not complying with the order once it was issued?

Renee Romero, Director, Forensic Science Division, Washoe County Sheriff's Office, Reno, Nevada:
I do not know exactly where the system is breaking down, but what happened in the past is that an order was not issued for each convicted offender. At the Department of Corrections, when the samples are to be collected from all felons, they verify that there is an order for each one. The order is not always there. The intent of the law was to collect samples from all convicted felons.

In 2008, Washoe County expected to receive 4,500 convicted-felon samples and only received 2,900. On a monthly basis, we receive about 240 samples, and we expect to receive about 375 samples. Something is missing: we are not getting everything we should be getting.

Assemblyman Horne:
If I understand correctly, all convicted felons are supposed to submit a DNA sample, you did not get the number you anticipated, so you assume that you did not get the numbers you anticipated because there were no court orders. Could it be that part of the numbers are those who have already given samples? Do we have an accurate idea of numbers of people who have already given samples? I am concerned that, because there seems to be a glitch in the system regarding court orders, we are going to solve the problem by getting rid of the court orders. Can we fix the glitch?

Renee Romero:
I believe there are some court orders missing. I do have an accounting for you of how many samples we received as duplicates or we expected to receive but did not receive because of a missing order. I can say that there were some samples we expected to receive and did not because they did not have a court order.

Chairman Anderson:
Do you think it is because the court does not know that it has this additional responsibility? Or do you think the court is trying to avoid duplicate samples?

Renee Romero:
When the samples come in, we determine if they are duplicates. If so, we do not test them.

Chairman Anderson:
I, like Ms. Gansert, participated in the Brianna Denison fund-raising event. We were distressed by the lack of ability of the two labs in the state to process samples, but we recognize it is not unusual for Nevada, or any state, to have a big backlog.

Assemblyman Segerblom:
Do you want to delete all of section 1, subsection 5, or just the red part?

Renee Romero:
I feel the amendment is necessary because we do not have a system in which we can comply with the wording of the present statute regarding not collecting duplicate samples. The samples are collected at the Department of Corrections or at Parole and Probation, and there is not a live list of who has and has not been collected. Both of the laboratories attempt to provide a list to these agencies on a monthly basis, but it is not a real-time list, and the central repository is not an up-to-date list, either.

Assemblyman Segerblom:
So you want to eliminate all of section 1, subsection 5?

Renee Romero:
Yes.

Chairman Anderson:
This amendment has not yet been run by our legal staff?

Assemblywoman Gansert:
Ms. Romero did state that after they have the sample, it can be checked for duplicates. The issue is whether or not the court orders the sample, because they do not have a live list. It would be great if Legal would go over the amendment.

Chairman Anderson:
The two things you hope to accomplish with the bill are to: one, eliminate the necessity for a court order to get a sample and two, create the opportunity to pick up dollars. The bill also changes the fact that under current legislation funding would go toward equipment; under this bill you would be able to expand the availability of those dollars for personnel and other costs, such as overtime. Is that what you are hoping for?

Renee Romero:
That is correct.

Chairman Anderson:
Capital expenditures are fairly well understood, it is the personnel costs that always raise concerns.

Assemblywoman Gansert:
What I observed during the Brianna Denison case is that the state labs ended up contracting out quite a few of the samples. I want to enable the state labs to contract out. I know that there are always concerns about personnel, but I am not sure that the money is intended to provide for ongoing personnel. It is important for the labs to have the flexibility to cover the costs associated with processing samples.

Chairman Anderson:
We want to thank the Washoe County lab for its hard work on the Brianna Denison case and on other cases that get less notoriety. This is one of the two state labs, so most of the northern counties rely on this lab.

Anyone else want to speak about A.B. 105? Opposition or neutral? [There were none.] I will close the hearing on A.B. 105.

We are adjourned [at 10:51 a.m.].

RESPECTFULLY SUBMITTED:

_____
Emilie Reafs
Committee Secretary

APPROVED BY:

_____
Assemblyman Bernie Anderson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: February 18, 2009 Time of Meeting: 8:10 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 1	C	Assemblyman Stewart	Proposed Amendment
A.B. 1	D	Allen Lichtenstein, American Civil Liberties Union of Nevada	Letter, Proposed Amendment
A.B. 45	E	Wes Henderson, Nevada Association of Counties	Prepared Testimony, attachments
A.B. 45	F	Jon Berkich, Assistant County Manager, Washoe County; Nevada Association of Counties	Letter by National Legal Aid & Defender Association
A.B. 105	G	Assemblywoman Gansert	Proposed Amendment