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

**Seventy-Fifth Session**
**March 30, 2009**

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 8:11 a.m. on Monday, March 30, 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 Ruben J. Kihuen
Assemblyman Mark A. Manendo
Assemblyman Richard McArthur
Assemblyman Harry Mortenson
Assemblyman James Ohrenschall
Assemblywoman Bonnie Parnell

**COMMITTEE MEMBERS ABSENT**:

Assemblyman William C. Horne

**GUEST LEGISLATORS PRESENT**:

Assemblywoman Kathryn (Kathy) A. McClain, Clark County Assembly District No. 15
Assemblyman Morse Arberry, Jr., Clark County Assembly District No. 7

**STAFF MEMBERS PRESENT**:

Jennifer M. Chisel, Committee Policy Analyst
Nick Anthony, Committee Counsel
Katherine Malzahn-Bass, Committee Manager
Robert Gonzalez, Committee Secretary
Stephen Sisneros, Committee Assistant

**OTHERS PRESENT**:

John Tatro, Judge, representing The Nevada Judges of Limited Jurisdiction, Carson City, Nevada
Risa Lang, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau
Michael W. Lawson, Traffic Information Division Chief, Department of Transportation, Carson City, Nevada
Brian O'Callaghan, Detective, Las Vegas Metropolitan Police Department, Las Vegas, Nevada
Wendy Simons, Reno, Nevada, representing Board of Examiners for Long Term Care Administrator, Las Vegas, Nevada
RoseMary Womack, representing Nevada Senior Corps Association, Carson City, Nevada
P.K. O'Neill, Chief, Records and Technology Division, Department of Public Safety
Bill Bradley, representing the Nevada Justice Association, Carson City, Nevada
Jacob L. Hafter, Private Citizen, Las Vegas, Nevada
Karen D. Dennison, Reno, Nevada, representing the American Resort Development Association, Washington, D.C.
Rocky Finseth, Las Vegas, Nevada, representing the Nevada Land Title Association, Reno, Nevada

**Chairman Anderson:**

[Meeting called to order. Roll called. Chairman reminded everyone present of the Committee rules.]

Let us begin with Assembly Bill 475 so we can get Judge Tatro back to the bench.

**Assembly Bill 475: Makes various changes concerning the revision of statutes. (BDR 20-47)**

**John Tatro, Judge, representing The Nevada Judges of Limited Jurisdiction, Carson City, Nevada:**

I am the immediate past president of The Nevada Judges of Limited Jurisdiction. When I was the president, we looked at the section regarding driving while intoxicated (DUI) laws. The statute was very hard to follow. It had been amended and reamended so many times that some of the sections had five digits past the *Nevada Revised Statutes* (NRS) Chapter 484. It was difficult, for instance, for a new, or any, attorney coming in to represent a client to try to figure out just how the statute worked. We always had problems in court regarding this statute. Judges also had a tough time interpreting it. So we made it a priority to try to put the law into a chronological, sequential order. To do this, I contacted Chairman Anderson. He contacted the Legislative Counsel Bureau (LCB), and we met with them, including Risa Lang. We did not want to make any substantive changes; we just wanted to rearrange it. It was not our intent to change any part of the DUI laws, but rather we wanted to put them into an order that made them understandable and easy to follow. That is exactly what the LCB said they could do. So we formed a committee that included defense lawyers, prosecutors, Chairman Anderson, of course, judges, Ms. Lang, and several others. We had several meetings. We met with the Department of Transportation (DOT), the Department of Motor Vehicles (DMV), and the Department of Public Safety. LCB found that the whole chapter was in disarray and made it five separate sections as opposed to one big mess. The changes were made over a period of time. Now, we are very happy with the result of our cleanup. Ms. Lang can tell you about it more specifically.

**Risa Lang, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau:**

As indicated by Judge Tatro, I was asked to take a look at Chapter 484 of the NRS. Mr. Anderson was considering sponsoring some legislation that would recodify a portion of that chapter. When I looked at the chapter, I quickly realized that there was good reason it was difficult for judges and others to follow the DUI laws. The chapter currently encompasses 258 pages of the NRS. There are 100 definitions for that chapter. Because there are so many sections, it is often difficult for us to figure out where to codify things and to put them in the appropriate place. The numbering becomes unwieldy, and so things are not always placed exactly where they should be in relation to how the chapter works. The initial request was to help them reorganize the

DUI statutes. We thought it would be a worthwhile project to take on the entire chapter and break it out so that it would be easier for people to follow and easier for you, as a Legislature, to amend and change in the future. So we rearranged the chapter and went about codifying it. It is already done. We broke it into five chapters. The way that it would work, if we go forward with this project, is that the current Chapter 484 would look something like this. It would still be there with just the lead lines and the numbers and then a reference that tells you where that section was moved. It would say something like, "replaced in revision by 484A.060." There would be a reference for people, if they are still using the old numbers or are accustomed to the old numbers, to find where it has been replaced in the revision.

This bill was then brought about because of some of the concerns that were raised while we were in the codification process. After session, we take all the laws and put them into the statutes. We are the ones who number them. We give them the lead lines. As we go through that process, sometimes we find things, like in Chapter 484, where it has just gotten away from us and we need to rearrange a little bit. It is something we do on a regular basis after session. In this particular instance, when we got to the end of the project and we talked to the DMV, the DOT, and the Nevada Highway Patrol (NHP), we were surprised that some people were not very excited about the renumbering. In fact, they told us that it was going to cost them millions of dollars because they would have to reprint citations, manuals, and things of that nature. Part of the purpose of this legislation would be to alleviate some of those concerns by clarifying in the statute that the reference to the new section or the old section would have the same impact. Also, you do not need to go out and change all the signs or change the citations until you are going to do that anyway. The citations to the old numbers would still have the same meaning, in effect, as citing to the current NRS statutes. Basically, A.B. 475 does three things: first, it provides that if legislative counsel renumber anything in the NRS for any reason, the citation to the previously assigned number in a legal document, manual, sign, or other place is deemed to have the same meaning in effect as though the citation were to the new number; second, it directs the Legal Division to reorganize Chapter 484 of NRS in the next revision of the statutes—we already have authority to do that, but we wanted to put that in here in case anybody wanted to have discussion on that topic; third, to avoid excessive cost as a result of the recodification, the bill directs that the new numbers assigned during codification be used in citations, publications, and other places only as replacements become necessary. They will not need to go out and change any of those existing references. It also repeals a couple of obsolete definitions. When I went through the codification, I found a few definitions that were no longer being used anywhere in that chapter. It repeals those definitions.

**Assemblyman Manendo:**
What definitions were repealed?

**Risa Lang:**
"Central Business District" and "Curb Loading Zone."

**Assemblyman Gustavson:**
On the definitions being repealed, regarding the "Curb Loading Zone," by what is this being replaced? I have a concern with that, because I used to use those all of the time.

**Risa Lang:**
It is not being replaced, it is just not used anymore. I tried to locate where all the definitions were used so that we could move them into the different chapters. Those terms were not being used anywhere anymore; that is why they are being repealed. Whatever provision used to deal with that, it no longer exists.

**Chairman Anderson:**
This was an interesting project. I had the easy part. I called up and asked for the bill draft after talking to Judge Tatro, and said, "Judges are concerned and would like the DUI statutes to be codified in such a way that they would be able to find them easily and utilize them to enforce the rules that we ask them to do." That seemed to be reasonable to LCB, since they have to deal with the statutes every day. Ms. Lang and Ms. Chisel, several judges, and I met in one of the offices in the Supreme Court and went through everyone's concerns. Then Ms. Lang and Ms. Chisel started the arduous task of figuring out what it really meant. The work project was large and very cumbersome. People pointed out that it may cause other kinds of problems, which the traffic officers and the highway patrol were concerned about, such as issues with street signs and other related things. That was never our intent. I think what we were trying to do was to make the job easier for the judges to have all of the applicable statutes in one place. We crafted it very carefully, and I appreciate the LCB crafting this in such a way that the fiscal note, while it is still under construction, is probably entirely avoided.

The Chair is of the opinion that we can move it, but we probably do not want to sign the document right away. We may want to wait for the fiscal note before we report it to the floor.

**Michael W. Lawson, Traffic Information Division Chief, Department of Transportation, Carson City, Nevada:**
We met with Judge Tatro and Chairman Anderson last session, and our concerns have been addressed. We are not opposed to this legislation.

**Brian O'Callaghan, Detective, Las Vegas Metropolitan Police Department, Las Vegas, Nevada:**
We looked at the changes to the NRS, and we do not have any concerns.

**Chairman Anderson:**
The Chair will entertain a motion.

> ASSEMBLYMAN CARPENTER MOVED TO DO PASS ASSEMBLY BILL 475.
>
> ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.
>
> THE MOTION PASSED (ASSEMBLYMAN HORNE WAS EXCUSED).

Let us turn our attention to Assembly Bill 477.

**Assembly Bill 477: Exempts a person who works for a landlord of a dwelling unit used for a residence for older persons from an additional background check. (BDR 10-100)**

**Assemblywoman Kathryn (Kathy) A. McClain, Clark County Assembly District No. 15:**
Assembly Bill 477 came from the interim study on issues relating to senior citizens and veterans. It was one of the five bills that was approved by the committee of six, and it amends the provisions of NRS 118A to remove the duplication of background checks that was created for certain facilities with the passage of Assembly Bill No. 352 of the 74th Session. It requires that certain employees working under two different sets of circumstances had to go through two background checks. This fixes that redundancy.

**Wendy Simons, Reno, Nevada, representing Board of Examiners for Long Term Care Administrator, Las Vegas, Nevada:**
Last session, we say we were asleep at the switch when that bill came through from the provider industry that is currently regulated under NRS 449.037 as residential facilities for groups and other related nonmedical facilities, and NRS 449.176 through 449.188 were also in existence, which currently require

employees of facilities to undergo background checks through the central repository and the Federal Bureau of Investigation (FBI) for nine disqualifying crimes. We called it the sheriffs' bill when it came through last session, but we did not pay attention to it. Assembly Bill 477 is an attempt to amend that bill to remove a duplication of criminal background checks that are already in place for those specific provider types. The sheriffs departments in the northern Nevada area all indicated that they did not have the capability of implementing the 2007 bill, so there was no enforcement. To date, there is no enforcement due to the fact that the central repository is already doing the background checks under NRS 449.176 through 449.188. Only one facility in the State of Nevada, that I am aware of, is in compliance, and that is a retirement community in the north. They found it to be a duplication of criminal background checks. It may not even be that comprehensive of a criminal background check targeting specific disqualifying crimes for those that work in senior facilities. So this is basically a cleanup bill, a removal of duplication, and the residential care/assisted living industry would appreciate its serious consideration.

**Chairman Anderson:**
This is a pretty straight forward piece of legislation. No big thought process is required here.

**RoseMary Womack, representing Nevada Senior Corps Association, Carson City, Nevada:**
As an administrator, I make sure when an employee is hired in a long-term care facility, fingerprints, background check, tuberculosis test, drug test, medical examination, and reference checks cost the long-term care facility about $120.

[Spoke from prepared testimony (Exhibit C).]

**Chairman Anderson:**
Six months is a pretty short time to run through the entire legal process. There is not a chance that somebody could be charged with a crime that might fall under this category, without the knowledge of it, and then be released.

**RoseMary Womack:**
In a long-term facility, if they are working at my facility and then they go to work at Wendy's facility, Wendy is required to run another NRS Chapter 449 check. If they go from one long-term facility to another, they have to go through another fingerprint check.

**Wendy Simons:**
In addition to that, having been an administrator for 35 years, it is pretty unlikely to have an employee arrested and not know it because he will not show

up for his shift. Over the years I have had many employees. I am no longer an active administrator, but the answer to your question is that the likelihood of their committing a crime in the previous six months and administration's not knowing it is pretty remote.

**Chairman Anderson:**
Thank you very much for your testimony. Captain O'Neill, does this pose any problem for your department? According to their testimony, the only ones who seem to be doing this are the folks up in the north. Are the rest of the state facilities not utilizing background checks?

**P.K. O'Neill, Chief, Records and Technology Division, Department of Public Safety:**
By statute, all long-term care facilities are required to do background checks. To be honest, if someone has been flying under the radar and not doing them, we would not be cognizant of it.

**Chairman Anderson:**
Do you have quite a few places that are participating in the program?

**P.K. O'Neill:**
Yes, we do.

**Chairman Anderson:**
You do not think it is going to add any burden to your group?

**P.K. O'Neill:**
No, Mr. Chairman.

**Brian O'Callaghan, Detective, Las Vegas Metropolitan Police Department, Las Vegas, Nevada:**
We have concern with this because currently we do have work cards. Let us say you were laid off from one facility, something could occur within that time frame, but you still have your work card. If you go to a new job, that work card is still good without being checked. The way I understand it, this bill is removing work card requirements. The problem with NRS 449.179 is that our work cards are required to be renewed every five years. With NRS 449.179, you have one check and that is it. If you stay at that facility for 20 years, your card is still not being re-checked. That is our concern.

**Chairman Anderson:**
I think what they are trying to get at is that many of the positions at a facility are not necessarily very high paying, and the cost of getting a $75 work card

could mean that an employee is not going to get hired. They cannot come up with the additional dollars to pay for the work card, especially if they have moved from one facility to another. Similarly, once upon a time it was a requirement that every facility you worked at in the gaming industry would require a work card that showed where you worked. Somebody who was working part-time at three or four jobs ended up having an enormous part of their out-of-pocket expenses put into work cards to keep a full-time job among the three or four places they were working. It is an unusual expense, since what we are trying to do is to make sure they are not sex offenders or not taking advantage of the elderly, the people we are trying to protect. Can you see any possible way we can fix this?

**Brian O'Callaghan:**
We have not discussed it with any thoroughness. It was just brought up this morning, and we have not had an opportunity to sit down and discuss it.

I know there is a cost to this, but we are talking about the elderly. When you look at the time lapse, there is a concern. Also, there is a concern with the one check instead of every five years, like we have built into the work cards. In addition, our work cards have denial criteria. I do not have the list of criteria, but that is also important.

**Chairman Anderson:**
This has been a requirement for only two years, however, so it is not like there has been a long-standing history with it. We are concerned because we want to make sure that the folks going to work in those facilities are properly suited for the work. We do not want to hire anybody who is going to take advantage of the situation because of dementia or other medical problems of the elderly.

**Assemblyman Carpenter:**
Mr. O'Callaghan, do you require someone that is working in the gaming industry, if they change employers, to get a new background check as well?

**Brian O'Callaghan:**
That is within the gaming industry. That work card will stay with you for five years, and you can still use that work card.

**Assemblyman Carpenter:**
So then, this industry where people work for elderly, they are supposed to get a background check every time they change employers, right?

**Brian O'Callaghan:**
That is correct. The gaming commission also has a database in which they keep track of a lot of this information.

**Assemblyman Gustavson:**
I still have concerns about the extra added expense. I have a Carry and Conceal Weapon (CCW) permit, and I have to get a background check for that, subject to a five-year renewal. If I were to continue my commercial driver's license with a hazardous materials endorsement, I have to have another background check. If I wanted to work at a long-term care facility as a part-time worker, I would have to get yet another background check. A background check is a background check, and it is usually good for five years. It is an added expense. In fact, I dropped my hazardous materials endorsement from my commercial driver's license for that very reason: the added expense. I think there must be something we can do to reduce this redundancy. If you get arrested and have a record, that is going to show up somewhere. I would think that the central repository could let somebody know if there is a problem with your background check. We should be able to work this out somehow.

**Brian O'Callaghan:**
We have not been able to sit down and discuss it. It just came up this morning. These are the first conversations we have had on this topic.

**Assemblywoman Parnell:**
School teachers, as the Chairman and I are certainly aware, have one background check. Even if they change schools, or maybe even change school districts within the state, once you have that fingerprinting and background check completed, you have met the requirements for the duration of your employment. This is another example of where you do not need to repeat the process.

**Chairman Anderson:**
Mr. O'Neill, did you have some additional comments?

**P.K. O'Neill:**
Yes, Mr. Chairman. Thank you. I think I may have misunderstood your original question. I was talking about background checks for NRS Chapter 449, and I think you were talking about work cards. What I would like to offer, with Ms. Womack, Mr. Callaghan, and myself, is to do a survey, between now and April 3, 2009, of all the counties that issue work cards related to these types of facilities and see how many are issued. Over the next couple of days, we will go through this, possibly work out any disagreements, or get a better

understanding of the concerns, and report back to you on April 3, 2009, if that would be acceptable.

**Chairman Anderson:**
The sooner the better. If an employer is required to do a background check to make sure that the prospective employee was not dismissed as a result of any improprieties with the previous employer, there is no reason to assume that every employee is guilty. This is what you are doing by requiring a background check every six months. The issue of renewing a work card every five years seems to be a different question. Maybe we will look at that also.

Although I realize we are under a time crunch here, the fact is that the bill came out 20 days ago, and in this house a couple of weeks is an eternity. A lot has happened in the last two weeks. So, Mr. O'Callaghan, you had a long time to discover a concern before today. I think Ms. Womack's and Ms. Simon's point was that they missed it the first time, or else they would have brought up their concerns last session, and that would not have made you happy. Let us see if we can find some accommodation.

Is there any other testimony on A.B. 477? I will close the hearing on A.B. 477. Let me open the hearing on Assembly Bill 449.

**Assembly Bill 449: Removes the cap on the amount of the homestead exemption. (BDR 2-612)**

**Assemblyman Morse Arberry, Jr., Clark County Assembly District No. 7:**
The gentleman for whom I had prepared this bill could not be here this morning, so I had our research people put together some information for you, and I would like to highlight it for you.

Mr. Anderson and members of the Committee, I am Assemblyman Morse Arberry from Clark County Assembly District 7. I appear before you today as the sponsor of Assembly Bill 449.

[Read prepared testimony (Exhibit D).]

**Chairman Anderson:**
Mr. Arberry, you are indeed correct. In 2005, we raised the cap from $200,000 to $350,000. In 2007, we raised it from $350,000 to $550,000. Now you are asking us to remove it entirely. In each one of those sessions, and even earlier, we have been asked to remove the cap. A member of the Senate had sent us a bill several sessions ago asking for the cap to be removed.

**Assemblyman Cobb:**
This applies only to the equity that an individual has built up in his primary residence. I am not familiar with the process, but is a judgment creditor still able to go after a person's home, but has to give back that amount of equity, or does this protect the residence from any type of action whatsoever if the person has any equity in the home?

**Assemblyman Arberry:**
My understanding is that this will protect the family's equity, so they would not lose any equity in the property. I am not an attorney, so you might want to address this question to an attorney who knows the background of this topic. I will do the best I can, and if I do not know the answer, I will find out for you.

**Chairman Anderson:**
I am always concerned about this particular issue, Mr. Arberry. It gives the appearance that you could be the owner of a major piece of property and be completely safe. Some of the folks up around Lake Tahoe have houses that are worth in excess of several million dollars. I guess that is their primary residence, and they would be able to stay in that house. If someone was owed money, the owners of that property would not have to move to a lesser dwelling. Since there would be no cap at all under your bill, they would be able to stay there. I think $550,000 is substantially more than my house is worth. I am concerned that some legitimate debts could be avoided by some folks. I thought $550,000 was a large sum, but apparently some people do not think it is.

**Bill Bradley, representing the Nevada Justice Association, Carson City, Nevada:**
We also take the position expressed by the Chairman that the $550,000 exemption strikes a fair balance between judgment debtors and judgment creditors. Unfortunately, you do not get to pick who is trying to be the bad person. If somebody who has been involved in defrauding investors of millions of dollars can shelter his home with impunity in the State of Nevada, I think that sends a bad message for our state. I am thinking particularly of the Madoff scandal and other similar scandals. I do not think that any of us would feel comfortable granting immunity to individuals who are so bad in their thought process that they go out of their way to take people's money and then not be held accountable. Our organization sees this amendment as doing away with accountability in this state. For that reason, we feel compelled to oppose this bill.

Regarding Mr. Cobb's question, I can answer that. It is my understanding that the house would be sold, the equity above $550,000 would be used to pay off

the creditor, and if there is anything left, it would revert back to the homeowner.

**Chairman Anderson:**
But they would be guaranteed the $550,000, under current law?

**Bill Bradley:**
Correct.

**Chairman Anderson:**
Let us close the hearing on Assembly Bill 449 and open the hearing on Assembly Bill 452.

**Assembly Bill 452: Makes various changes to provisions relating to foreclosures of real property. (BDR 9-1111)**

**Assemblyman Morse Arberry, Jr., Clark County Assembly District No. 7:**
Good morning Mr. Chairman. The gentleman sitting next to me is Jacob L. Hafter, and he is really the sponsor of the bill. He and I met during the election and discussed some of the issues dealing with foreclosure, which I was interested in because of my business in mortgages. He proposed this information to me, and I thought it was a great idea, so we put it in the bill. He would like to present it to the Committee. He knows the inner workings and all of the language of the bill. It is my understanding that he also has some proposed amendments because the bill drafters did not complete the bill the way it was submitted to them (Exhibit E). I would like to defer to Mr. Hafter to continue the presentation of the bill.

**Jacob L. Hafter, Private Citizen, Las Vegas, Nevada:**
I am an attorney who was born and raised in Las Vegas and found myself back there practicing. I am fortunate to do so. One of the areas that my practice has evolved into, from mergers and acquisitions and transactional practice is real estate and foreclosures. I work both with investors to arbitrage on distressed debt and distressed assets, as well as with homeowners, in what has become a tangential issue therefore, to help them save their homes as a result of foreclosure. Over the past year and a half, I have been working with banks on behalf of investors to create strategic solutions for their distressed debt and distressed assets. Because of that, I have learned intimately the way banks value houses as well as distressed debts and what they are doing and not doing with them. As a result of that, friends or relatives in the community came to me to ask for assistance in helping to save their homes. A year ago, there was very little that was done besides just trying to negotiate a smooth transition in a foreclosure, per diem move foreclosure, or a short sale. Over the last year, a

phenomenon has occurred. The loan modification process has become quite popular and has gained a lot of attention. However, there are a couple of issues that are problematic. For that reason, I reached out to Assemblyman Arberry to ask for some intervention by the Legislature to try to help create some more equity in this process on behalf of those who are not well represented.

As background, I can tell you that the foreclosure process in the State of Nevada is generally taking between eight and sixteen months. I am seeing homeowners routinely stay in their houses eight to sixteen months without paying their mortgage before they are foreclosed upon. Two main problems come out of this. One, there are unintentional victims of this foreclosure. The first unintentional victim of foreclosure is the renters. Many homes in the State of Nevada are actually owned but not occupied by those owners. They are rented out. These families pay their rent every month and expect to have quiet enjoyment of the property. Unfortunately, they are becoming harassed by servicers and collection agents who are trying to collect a debt because the underlying owner, their landlord, stopped paying the mortgage. It gets even worse. I will tell you a story about a family of two parents and six children, ages 14 down to 18 months, who were awakened one morning by the constable who evicted them. This family had been paying the rent. Unfortunately, because the landlord lost the home in a foreclosure sale about three weeks prior and was bitter, this landlord, who no longer had title to that home, actually sought assistance from the justice of the peace and evicted this family for no reason other than to take some kind of revenge. I ran down to the residence to try to help. The constable did not want to hear any of it. I went to the court and spoke with the justice of the peace who signed the eviction order. She was amazed that this happened. She just assumed that, if you are going forth on eviction proceedings, you own the land. Luckily, because of what I do on the other side of the business, I knew the bank very well, and we were able to work out an agreement with the bank to allow that family to stay there for 60 days. The eviction was reversed, and that family was able to find an alternative residence.

It was quite a traumatic event that morning to be awakened by a constable and to have you and your six kids forced out in their pajamas. From my understanding, that is occurring every day. So, one of the things that this bill does is give some rights to tenants of properties that have been foreclosed on. For example, one of the provisions in this bill says that if you are a tenant, you cannot be removed without 60 days notice, to try to help those tenants find alternative housing.

Another unintended victim of this problem is the neighborhoods. Banks are not truly the best owners of real estate. They are not in the business to own real

estate; therefore, they do not have the same care and prompt duty of attention that homeowners would have. It is not a secret that banks are not paying their Home Owners Association (HOA) assessments, they are not taking care of their landscaping, they are not taking care of the properties, and they are not even paying their property taxes for the months, if not years, that they own these properties. One of the parts of this bill requires a bank or lender, who takes back a home under a foreclosure sale, to maintain the exterior of the home as appropriate.

The other problem, besides the unintended victims of foreclosure, is that foreclosures are actually avoidable. For the homeowner who does not quite understand what he has, he is trying to get the American dream. He signed a mortgage document, and he thinks, great, he has a mortgage. He gets a bill in the mail each month, and he does not really understand who is billing him, he just pays the mortgage. Most of these homeowners do not realize that the people they are paying their bills to every month are not actually the owners of that note. They are servicers. A recent discussion with the office of the president of Countrywide Financial Corporation confirmed that the company owns only about 15 percent of the mortgages that they send out invoices on every month. Eighty-five percent of the mortgages that they collect revenue for, bill for, and manage are owned by outside investors. Most of those outside investors are Wall Street investors. Estimates suggest 80 percent are tied up in these asset-backed securities that we have become so aware of recently. Because of that, these servicers have very strict guidelines on how they can manage these notes and service these notes. A lot of people do not realize that the servicers receive on average approximately $1,000 for every foreclosure that they complete. But many of the servicers receive absolutely nothing for completing a loan modification process. That is why many servicers are not willing to cooperate in a loan modification process, despite the fact that it is in the best interest of both the borrower and the owner of that note. Furthermore, a lot of these bailouts from the federal government remove incentives for the owners of these notes to work with the borrowers to keep them in their homes. This creates a dichotomy of interests and conflicts, which ultimately the borrower suffers from. As borrowers are foreclosed upon and removed from their houses, there is only so much of a rental market that can absorb the transition of homeowners to renters. So, for numerous reasons, by not trying to take some kind of action that would encourage loan modifications and create some kind of relief and a solution for these problems, the problems of foreclosure are only going to be exacerbated. The last part of this proposal, and unfortunately the part that did not make it into the original bill but has been offered as an amendment, intends to require servicers and lenders to first try to work with borrowers to avoid foreclosure.

I must say that I am not so bright that this bill is my own idea. California enacted a bill very similar to this, which was used as a model last year. In June 2008, Governor Schwarzenegger signed a bill into law that tried to do the same thing. Over the last eight months, we have been able to learn from California's mistakes. California's bill did not have enough teeth. All California's bill did was require that before notice of default was filed, the servicer had to attest that he made a good faith effort to contact the borrower to try to discuss options. Well, for a servicer who is not motivated to enter into a loan modification, it is very easy to make a good faith effort to contact a borrower and give him options, but that does not mean that a servicer will work to create a loan modification. Under this bill through the amendment, not only must a lender or servicer make a good faith effort to make contact with a borrower that may be in default on his mortgage but also he must demonstrate that he has tried to apply to the loan the criteria which President Obama and his team laid out as the federal loan modification criteria. Only if such criteria cannot be met, may they proceed with the foreclosure. At that time, once they can attest to having followed that process, a notice of default can be filed and the foreclosure can proceed. We believe that the State of Nevada will be able to follow California's lead. When California's bill was approved and enacted, it was amazing. Foreclosures virtually stopped; unfortunately, though, for only about four months. In November 2008, they started to rise again because that was the time it took for the servicers to catch up with the notice requirements. Our hope is that it will not be only a temporary cessation of foreclosures. We will be able to create a solution to the problem with this bill and transition borrowers from foreclosures into fruitful, productive loan modification agreements, allowing them to stay in their homes.

In my practice I speak with people every day who are in default and trying to save their homes. There is nothing more frustrating than working with a borrower who, because of a faulty loan product, does not understand the terms of an adjustable rate mortgage (ARM) or a negative amortization loan, where the borrower thought he was complying with his mortgage. He thought he was paying it. He thought that he was doing the right thing, but he was just paying the minimum payment, and his principal balance was actually growing. He was getting nowhere. Now he finds himself under water and going to lose his home. It is unfortunate to see the banks, that have taken the interest money on these mortgages so freely for the last three or four years and have not really provided the borrowers with any benefit, are so quick to throw these borrowers into default, foreclose upon their home, and move on with the process. We ask the Legislature to recognize this and try to work with us to create a solution for our citizens of this state.

**Chairman Anderson:**
Have you had an opportunity to see Ms. Dennison's suggested materials (Exhibit F)?

**Jacob Hafter**:
I have not seen Ms. Dennison's suggested materials. I have spoken with the gentleman on behalf of a title company, and there is some concern that he has raised on behalf of the Nevada Land Title Association as to the use of the word...

**Chairman Anderson:**
I would only note that, here in Nevada, we generally do not do the preamble material they do in California. We try to cut right to the chase. Even though it is mortgage banking law that we are dealing with, we would try to make it simple enough for anyone to understand it. We will see how our legal division deals with this issue. There is a question from Mr. Cobb.

**Assemblyman Cobb:**
In section 6 on page 5 of the bill, you describe the concept that you want the banks to be more responsible about how they are treating the properties. That was something I was very keen on because we have had other discussions on other bills about HOAs that are quite frustrated with some of these properties falling into disarray. This is a technical question, first, then a broader question, second. When it says, "purchased or acquired at a trustee sale," would that include a bank assuming the title through the foreclosure process before a sale has taken place, and therefore the bank would be on the line for all of these types of improvements you are describing here?

**Jacob Hafter:**
The way a bank takes title through a foreclosure process is that the process goes to a trustee sale. Generally, the opening bid is the amount due on the principal, plus any fees and the like. That is, on behalf of the bank, the minimum bid generally opened up at a trustee sale. Back in the days when there was equity in homes, the bank would open up with the minimum bid, and then investors or somebody who wanted to purchase that home would come in and bid above and beyond the bank's bid and purchase the property. Now, however, because most of these unpaid principal balances exceed the equity in the homes, there are no other bidders, so the bank is deemed the winner of that trustee sale and the title passes to the bank. Banks receive title through the trustee sale; it is not before the trustee sale. So, yes, they would be responsible.

**Assemblyman Cobb:**
I see, thank you for the clarification. So they are the trustee at sale and the one who would assume the property's title if there are no other bidders at the trustee sale. Until that time, they are not the actual owner of the property. The mortgagee is still on the hook at that point?

**Jacob Hafter:**
The short answer is yes. I want to clarify the fact that the banks are not the trustee. There is a third-party service that is the trustee and facilitates the trustee sale. But, yes, it is the borrower that owns the property legally all the way up through the trustee sale. At the trustee sale, title will transfer to the highest bidder, which lately is always the bank. The bank will then own it at that time. There are some issues with the banks not recording the title they receive at the trustee sale for long durations. I believe that is a matter that is being addressed by the Legislature in another bill, but technically they are the owners at that trustee sale.

**Assemblyman Cobb:**
My concern is the HOAs. You reference government entities in the bill in terms of what they can do to enforce community aesthetic rules and such. What about HOAs? Are they intended to be included in this bill since a lot of government entities do not have control over the aesthetics and such within an HOA?

**Jacob Hafter:**
We did not intend to address HOAs, because they are private organizations that would have the opportunity to deal with the banks through the private laws. The banks do take the homes subject to the covenants, conditions, and restrictions (CC&Rs) that would require them to adhere to the HOA's standard rules and regulations, upon transfer of title. We encourage HOAs to hold the banks accountable for their obligations under those CC&Rs. I have met with numerous Wall Street banks that own billions of dollars worth of inventory of real estate, and they have a laissez-faire attitude about paying their obligations, not only HOA obligations, but also property taxes. I know that most of them believe that they will just wait until they eventually sell the property, no matter how long that takes, and then, out of the sale proceeds, they will pay for any back taxes or HOA fees that may be due, even if it is a year or two year period of time during which they are not paying their due amount. I believe that is inappropriate. HOAs as well as municipalities should be taking a stronger stance to go after the banks for their obligations. The banks have the ability to pay, and they choose to stall because they know that there are no consequences.

**Assemblyman Cobb:**
Thank you. We just heard testimony that, for some reason, the HOAs did not think they had that ability. Your testimony has made things a lot clearer. Thank you.

**Assemblyman Segerblom:**
How does a deficiency judgment fit into any of this? Do you see that as an issue in your practice?

**Jacob Hafter:**
One of our strongest selling points to our potential clients is that they should be working with an attorney to mitigate their foreclosure issues. In the State of Nevada, unlike other states, there is the potential for deficiency. Understanding the law is critical, and that is why going with some of the loan-modification firms that are not licensed attorneys or do not have active attorneys working the files is very dangerous, in my opinion. We always tell our clients that if we are not successful in getting a loan modification, we will work with them to try to get an alternative, such as a short sale or a deed in lieu of foreclosure, so we can avoid the risk of a deficiency judgment. We believe that deficiency judgments are severe and that borrowers need to be informed that they are potentially liable for these judgments. One thing to note, however, is that lenders are starting to find a way around deficiency judgments because a deficiency judgment has only a six-month statute of limitations. CitiMortgage, for example, has started suing, not as a foreclosure or deficiency action, but they have started suing under a breach of contract theory under the loan agreement, which carries a six-year statute of limitations. They are getting more aggressive, not just through deficiency judgments, but through other causes of action against borrowers who have defaulted. We see that as a significant problem.

**Assemblyman Segerblom:**
One of the bills we have would eliminate deficiency judgments. Your testimony indicates you would find that a good thing, but it also sounds like we should look at trying to get around this breach of contract issue.

**Jacob Hafter:**
In reality, while deficiency judgments are of concern, banks are not organized in a way to take advantage of them. So we do not see a significant number of deficiency judgments coming up right now because there is only a six-month period to bring that action. During those six months, you have to be able to prove your damages, which means you would need to have liquidated the property and determined that deficiency amount. Sometimes it takes banks six months just to get the property registered with their asset manager, record

the trustee deed, and list it for sale. That is not occurring. Our prediction is that, without action by the Legislature, we are going to see an increased number of actions for deficiency as banks start to become a little more efficient in the way that they are managing their rising inventory of Real Estate Owned (REO).

**Assemblyman Carpenter:**
I see on page 5, line 11 of the bill, where it says, "contract with a foreclosure consultant or any other person." Then you went on to say that sometimes these people are not very efficient. I do not understand why you would want to contact the people if they are not very efficient and do not offer the right kind of advice.

**Jacob Hafter:**
The term "foreclosure consultant" is a recognized credential under the NRS. It is somebody who will intervene in the process after a notice of default has been filed. I have had conversations with the Commissioner of Mortgage Lending about this issue. I feel strongly that no one should be working to modify a loan or mortgage except a licensed attorney. After all, what you are doing is amending a contract on behalf of a third party. Negotiation of contracts is the practice of law. I have had discussions with the state bar regarding this topic as well. However, out of respect for the existing NRS and our laws, we did put that in there. I am not trying to put forth legislation that is overly narrow, simply saying that they have to work only with attorneys, although that would be my preference.

**Assemblyman Carpenter:**
Would it be agreeable to say instead, "any other person or an attorney"? Would you have a problem with that?

**Jacob Hafter:**
No, sir.

**Assemblyman Gustavson:**
Reading through this bill earlier, I saw on page 8, lines 32-34, it states that "a separate notice must be written in plain English and be provided in other languages upon request and include, without limitation, a statement informing the tenant or subtenant," et cetera. Obviously, there are hundreds of different languages out there. We issue notices in English. We may not have any idea what language the tenant may speak. If I were a tenant, and I did not speak English, and I receive a notice on my door or in the mail, and I cannot read English, who is going to request that this notice be given in another language?

**Jacob Hafter:**
In discussion with some of my colleagues, we identified this issue as well. It is a balancing test. A number of the tenants that we see who have been evicted unknowingly, without any true notice, are predominately Spanish speaking minorities. Let me back up a moment and say that the first requirement is critical. The notices need to be written in plain English. I cannot tell you how often I am confused after reading some of these notices. As an attorney who has years of transactional practice doing sophisticated mergers and acquisitions, if I am confused, the layperson is probably extremely confused. The first issue is to create a notice in real, plain English language so somebody can understand what is going on and that in and of itself, is a value. Because it says that they could request other languages, there would be a phone number somewhere on the sheet that could be called. I could tell you, in speaking with a number of lenders and calling these servicers, generally they are pretty good about identifying that English is not your only language when you call. There are alternative phone numbers for different languages to call. I would not recommend limiting that. If someone gets this notice, calls the mortgage company, and does not speak English, then the servicer should be able to find a translation service that could translate a plain English, one-page statement into another language. Translation services are pretty easy to find right now, and that is the least we can do to try to help save somebody who has been doing everything that they are supposed to do: renting their house, paying their rent.

**Assemblyman Gustavson:**
Thank you. I was just curious, not just for this particular bill, but regarding any notice being issued to someone who does not speak English.

**Assemblyman Hambrick:**
Your explanation about non-English speaking individuals begs the question. If they are keeping up with their obligations, and they get the materials in English, then to call someone for additional help—I am getting lost here. If they have the ability to keep up and read the documents to ask for help, should they then not be able to continue to ask for help in English, with minimal assistance? I am trying to avoid having the system used by individuals.

**Jacob Hafter:**
I want to clarify that we are talking about notice to renters, tenants in common. They are not the landlord. They are not the person who has a direct obligation to the mortgage company. These are people who are renting a house, and they have no idea that, even though they are paying their rent every month, their rent is not being applied to the mortgage. All of a sudden, they find out that their landlord stopped paying their mortgage eight months ago. The landlord has been taking that money and doing God knows what with it, and the renters

are now going to be kicked out of their home. So, I think a little bit of courtesy to try to help these people is warranted. I also think that a phone number on the bottom that says "Questions? Contact us at" a given phone number would probably be something that, even if the tenant does not speak English, he would recognize as the number he can call to get more information. Maybe he does not understand what the rest of the document says, but he calls the company that is trying to do the foreclosure in order to get some assistance. It follows along with another provision in this bill, for example, where, if he is a tenant in common, not the borrower, and a foreclosure sale does occur, that bank or lending institution would not be able to evict him without 60 days notice. It is just trying to create some fairness.

**Chairman Anderson:**
Are there any further questions for our witnesses? Thank you for coming. Ms. Dennison, good morning.

**Karen D. Dennison, Reno, Nevada, representing the American Resort Development Association, Washington, D.C.:**
The American Resort Development Association is the national association for the time-share industry. Time-share units are residential property, and this amendment (Exhibit F) was discussed by Tom Clark of our office with Mr. Arberry on March 27, 2009. We are trying to not cast too wide a net. We do not believe our amendment affects any of the stated purposes of the bill, as Mr. Hafter has recounted them to you, helping home owners keep their homes, protecting tenants who are, in many cases, unaware of a foreclosure going on, or protecting neighborhoods which suffer from blight due to foreclosed properties. Time-share projects are generally very well maintained, and this amendment has nothing to do with the maintenance or tenant-notice aspects of the bill. I would turn your attention to section 2, subsection 7, which states that this section applies only to residential property that is owner-occupied. It would seem that sections 3, 4, and 5 also should apply only to owner-occupied property. All of those sections refer back to section 2, and if this was not the intent in the drafting of this bill, we would be willing to work, as we have with other bills having to do with foreclosures, to otherwise limit these notice provisions. Time-share foreclosures are very expensive due to the publication costs. They can run up to $500 per interval week, which, times 51, can be very expensive for a time-share developer who carries the paper on a time-share. I do not think that any of this, with the housing-counseling agencies or any of the specific and special additional notice provisions, was intended to apply to the time-share, whether it is a time-share week, or a fractional, where an owner might own a quarter-share. Our amendment is simply intended to limit those provisions to what I believe was the intent of the bill, which is owner-occupied, primary residence housing.

**Assemblyman Cobb:**
That brings up a good point. In section 12, subsection 2, a provision which has not been discussed that much, talks about the non-owner tenant occupying a property for 60 days. There is no provision in here that requires that they actually pay rent during those 60 days in order to continue to occupy the home. As we all know, it takes a long time to get a home prepared to either re-rent or to sell. Would that not be onerous? You may not be representing individuals who rent out residential properties, but just from your experience in the market, would that not seem onerous to allow someone who is not paying rent to stay in a residence for 60 days?

**Karen D. Dennison:**
I am not sure if the question was directed at me or not, because I am not necessarily a proponent of the bill. Maybe Mr. Hafter would be able to answer it better. I have to agree that when one is staying in a home, one should pay rent.

**Jacob Hafter:**
Numerous banks, when offered rent by tenants who now find themselves in a bank-owned home, are not set up to process rent. I agree with you that most, if not all, tenants should be paying rent during those 60 days. But, I think that is an issue that needs to be addressed between the owner of the property, which in this case would be the bank, and the tenant. Most of these companies, when they have been offered rent, do not take rent during this period. Most of these companies do not even process these homes within the 60-day period. Generally, our discussions with numerous servicers indicate that they even believe a 60-day period is a fair and reasonable transition period. Most of these servicers will not only allow tenants to stay in the house for 60 days, but they will actually give them cash for keys. They will give them anywhere from $1,000 to $2,500 to move out in a timely manner to assist with moving costs, so that way the banks get the property in a clean, presentable manner and they do not have to go through the expense of the eviction process. A lot of those issues, like cash for keys, rental during that time period, and the like, were not addressed by the bill. All we are trying to do is put a floor in here that says that a tenant will not be kicked out within 60 days.

**Assemblyman Cobb:**
I understand how you are trying to differentiate between what would be written into the law and actual practice, but we have to deal with what is written in the law. This simply states that a person has the right to stay in that home for 60 days, and it includes after power of sale, so it might be a third party that is not privy to the original contract and, therefore, they cannot enter the premises that they purchased. Maybe I am reading too much into your response. It

sounds like you would, in consultation with the bill's sponsor, be amenable to an amendment saying that if rent is demanded, it must be paid at that time.

**Jacob Hafter:**
Absolutely, and I think it would be fair and reasonable for the tenant to be obligated, if requested, to pay rent for that period. I would just ask that the rent be on the same terms as the tenant was paying before. We do not want to see a 100 or 250 percent rise in rent for those 60 days.

**Chairman Anderson:**
Mr. Hafter, is Ms. Dennison's amendment acceptable?

**Jacob Hafter:**
I believe that the amendment is acceptable.

**Assemblywoman Parnell:**
Last week, we passed Assembly Bill 189 out of this Committee with language about tenants and evicting tenants and how long they can stay in the property. Would someone look these two bills over to make sure that we are not overlapping?

**Chairman Anderson:**
The legal division does that as part of the regular procedure. We usually get notification from the legal division if there is such a conflict.

**Nick Anthony, Committee Counsel:**
Yes, that is correct. The Legal Division will issue a conflict notice if two bills happen to pass out of the House that are in conflict with each other.

**Chairman Anderson:**
I think Ms. Parnell's question was more of a warning to the Committee that there may be two potential pieces of legislation that we should look at simultaneously if we were to process them. For those of you with afternoon committee meetings, particularly ones that deal with foreclosure legislation, take care not to inadvertently undo legislation in either committee.

Mr. Hafter, I am a bit concerned about two issues. As I look in the amendment, I see all of these references to telephone numbers. An option that may be available to borrowers to get information or help is a toll-free telephone number to be made available by the Department of Housing and Urban Development (HUD). The State of Nevada may not be operating such programs, unlike the State of California. This looks like it has been picked up from California's legislation. I also noticed that there are sunset clauses for various

parts of the bill, as included here in section (c) on the last page. It says that it remains in effect until January 1, 2013. Is there something you have in mind here that we need to explore, or is this just an automatic sunset that sometimes happens in California legislation?

**Jacob Hafter:**
With respect to the first part, the telephone number I believe you are referring to is on the second page of the amendment (Exhibit E) in (a) (2). All I am seeing is that the borrower is provided with a toll-free number set forth by HUD. Is that what you are referring to?

**Chairman Anderson:**
I see the one in (f) that is on the third page. I was more concerned about the one in (C) on the back page that states, "A toll-free number for borrowers who wish to discuss options for avoiding foreclosure with their mortgagee, beneficiary, or authorized agent." It says, "Options that may be available," at the top of the page under (A).

**Jacob Hafter:**
It goes back to the last line on the previous page where it is simply suggesting that mortgagees, beneficiaries, or authorized agents may have posted certain information on their Internet websites. I believe at the current time, because of some of the federal initiatives, all of the current mortgage servicers and lenders already do that: that number is already provided through federal resources. That infrastructure is already set up.

With respect to the sunset provision, I have to note, in a truly capitalistic society, some may say this is overreaching. The government should not be involved in private contracts between two individuals, and, if somebody signed a mortgage document, they should be obligated to live by its consequences, even if that includes foreclosure or the like. However, I think that everybody would agree that these are some special, uncertain times related to the mortgage industry. A lot of it was due as a result of these adjustable rate mortgages (ARMs) and hybrid mortgage products that we saw initiated from the years 2002 through 2007. Most of them, if not all, are deemed to expire or the five-year provisions would come up by 2013. I believe the reason for the sunset provision in here is to suggest that, during this time when there are a large number of individuals with these bad mortgages, it would give those people an opportunity to use some of the resources that this bill provides, without a "cram down" on mortgage companies and servicers in perpetuity.

**Rocky Finseth, Las Vegas, Nevada, representing the Nevada Land Title Association, Reno, Nevada:**
The Association is neutral on A.B. 452. We did, however, speak with Mr. Hafter and the bill sponsor about the role the trustee plays in a foreclosure sale as a neutral third party. In some of the provisions, particularly section 2, page 2, line 14, and again in line 21, the role that the beneficiary or the trustee is to play in informing the grantor is perhaps more the appropriate role solely of the beneficiary, not the trustee. The issue is whether trustees have standing to pursue some of what is contemplated in section 2.

**Assemblyman Segerblom:**
When you say that the trustee does not have much of a role here, do you disagree with that, Mr. Hafter?

**Jacob Hafter:**
We have had a conversation about this, and the proposed wording that has been suggested is to replace "trustee" with "beneficiary of the deed of trust or his representative." I think that gets to the point. Obviously, a trustee is there to follow a protocol and a procedure and ensure that the process works as it is set forth. If the underlying beneficiary is held responsible to abide by the provisions of the bill, the trustee would obviously be working together with them under law to ensure that it is done. We are perfectly fine with removing "trustee" and keeping the onus on the beneficiary or the like.

**Assemblyman Segerblom:**
Which means the bank, correct?

**Jacob Hafter:**
Yes, and/or the servicer.

**Chairman Anderson:**
Mr. Hafter, would you have some time to work with our bill drafters? I presume you are from southern Nevada. If we could see in a mock-up fashion what the final bill is going to look like, I think that might bring a certain comfort level to the Committee. I think it is an important piece of the foreclosure puzzle. I do not want to speak for the rest of the Committee because I am trying to get a feeling from all of them if there is an appetite for us to move with the bill or not.

I will close the hearing on A.B. 452.

I have a note here about A.B. 477, that they have found a particular solution that they wish to share with the Committee. Let me open the hearing again on A.B. 477.

**Rosemary Womack, representing Nevada Senior Corps Association, Carson City, Nevada:**
I have met with Mr. O'Neill and Mr. O'Callaghan, and I will let Mr. O'Callaghan explain our agreement.

**Brian O'Callaghan, Detective, Las Vegas Metropolitan Police Department, Las Vegas, Nevada:**
On these work cards, there are a couple of issues. You do get the work card, but what happens is that their investigation is almost the same as our investigation. You would be doubling your investigations. You can eliminate the work card issue on this because even after six months, they go to the next job, and they are going to have to go through the same investigation again. It is also subject to renewal after five years. It is just an overlap.

Our issue with the work card has to do with apartment complexes. Senior apartment complexes do not go through these types of background checks. That is why the work card is very important to them.

**Chairman Anderson:**
So the net outcome is that the bill is agreeable to you?

**Brian O'Callaghan:**
Yes, Mr. Chairman.

**Chairman Anderson:**
On further review of the bill, the Las Vegas Metropolitan Police Department believes that they would be able to carry out their functions and responsibilities, as currently outlined in statute, without interference, and this would probably alleviate extra work that is not necessary for them to carry out their functions, roles, and responsibilities. Thank you very much for clarifying the record.

There is no one to testify in opposition to the bill. We now have approval from the law enforcement agencies.

The Chair will entertain a motion.

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS ASSEMBLY BILL 477.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMAN HORNE WAS EXCUSED).

Is there anything else to come before the Committee? [No response.]

[Meeting adjourned at 10:13 a.m.]

RESPECTFULLY SUBMITTED:

Robert Gonzalez
Committee Secretary

RESPECTFULLY SUBMITTED:

Julie Kellen
Editing Secretary

APPROVED BY:

Assemblyman Bernie Anderson, Chairman

DATE:

## EXHIBITS

**Committee Name: Committee on Judiciary**

**Date: March 30, 2009 Time of Meeting: 8:11 a.m.**

| Bill | Exhibit | Witness / Agency | Description |
|---|---|---|---|
| | A | | Agenda. |
| | B | | Attendance Roster. |
| A.B. 477 | C | RoseMary Womack | Written testimony. |
| A.B. 449 | D | Assemblyman Morse Arberry, Jr. | Written introduction to A.B. 449. |
| A.B. 452 | E | Jacob L. Hafter | Proposed Amendment to A.B. 452. |
| A.B. 452 | F | Karen D. Dennison | Proposed Amendments to A.B. 452. |