MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Seventy-fifth Session
May 6, 2009

The Senate Committee on Judiciary was called to order by Chair Terry Care at 8:25 a.m. on Wednesday, May 6, 2009, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Terry Care, Chair
Senator Valerie Wiener, Vice Chair
Senator David R. Parks
Senator Allison Copening
Senator Mike McGinness
Senator Maurice E. Washington
Senator Mark E. Amodei

GUEST LEGISLATORS PRESENT:

Assemblyman Bernie Anderson, Assembly District No. 31
Assemblyman John C. Carpenter, Assembly District No. 33
Assemblyman William Horne, Assembly District No. 34
Assemblyman Richard McArthur, Assembly District No. 4
Assemblyman Harvey J. Munford, Assembly District No. 6

STAFF MEMBERS PRESENT:

Nick Anthony, Deputy Legislative Counsel
Linda J. Eissmann, Committee Policy Analyst
Bradley A. Wilkinson, Chief Deputy Legislative Counsel
Judith Anker-Nissen, Committee Secretary

OTHERS PRESENT:

Gail J. Anderson, Administrator, Real Estate Division, Department of Business and Industry

Barry Smith, Executive Director, Nevada Press Association, Inc.
Bill Uffelman, President and CEO, Nevada Bankers Association
Randy Robison, Nevada Credit Union League
John Radocha
Michael Buckley, Chair, Commission for Common-Interest Communities and Condominium Hotels, Real Estate Division, Department of Business and Industry
Florence Jones
Ben Graham, Administrative Office of the Courts
Connie S. Bisbee, M.S., Chair, State Board of Parole Commissioners
Teresa Werner
Lee Rowland, American Civil Liberties Union of Nevada
Patricia Hines
Lucy Flores, External Affairs and Development Specialist, Office of the Vice President for Diversity and Inclusion, University of Nevada, Las Vegas
Katie Monroe, Executive Director, Rocky Mountain Innocence Center
Sam Bateman, Nevada District Attorneys Association
Jason Frierson, Office of the Public Defender, Clark County
Orrin Johnson, Office of the Public Defender, Washoe County
Tonja Brown, Advocate for the Innocent
Ron Titus, Director and State Court Administrator, Administrative Office of the Courts
Tray Abney, Director, Government Relations, Reno-Sparks Chamber of Commerce
Mark Woods, Deputy Chief, Northern Command, Division of Parole and Probation, Department of Public Safety

CHAIR CARE:
I will open the hearing on Assembly Bill (A.B.) 207.

ASSEMBLY BILL 207 (1st Reprint): Makes various changes concerning common-interest communities. (BDR 10-694)

ASSEMBLYMAN JOHN C. CARPENTER (Assembly District No. 33):
I am here to introduce A.B. 207, which makes a number of changes to the requirements pertaining to common-interest communities. Section 1 exempts a rural agricultural, residential common-interest community from paying the $3 fee as required pursuant to chapter 116.31155 of the *Nevada Revised Statutes* (NRS) regarding the Office of the Ombudsman.

The Spring Creek Association was exempt from this fee for many years. During the 2005 Legislative Session, the law was changed. Spring Creek Association requests the $3 fee be eliminated.

The next change requested in A.B. 207 is to NRS 116.31083. The requirements of this section are expensive to comply with. The cost of mailing a notice to each property owner would be over $2,500 in postage alone. Spring Creek Association does comply with the Open Meeting Law, is more economical and resident friendly. George Taylor of the Attorney General's Office requested I clarify the status to reflect that a rural agricultural residential common-interest community was a public body in reference to the ability of the Attorney General to enforce the Open Meeting Law. This change is found on page 7, section 2, subsection 3, paragraph (b), lines 10 through 12. Nevada Revised Statute 116.31152 speaks to reserve studies. Spring Creek Association has no problem in complying with this section. However, small associations in rural Nevada in those counties with a population under 45,000 have a difficult time complying because of the cost of hiring a reserve study specialist. Often, the only common element the small communities have is a road with two or three culverts.

The amendment provides a small association use an engineer or contractor to do a specific reserve study. I have a friendly amendment (Exhibit C), which I delivered to the Committee yesterday. This friendly amendment has been proposed by Gail Anderson of the Real Estate Division of the Department of Business and Industry. It provides if one of these associations did want to use the service of the Office of the Ombudsman, they would have to pay the fee.

CHAIR CARE:
Thank you, Mr. Carpenter. Ms. Eissmann or Mr. Wilkinson, can you tell us what has happened with Senator Dean A. Rhoads' bill?

LINDA J. EISSMANN (Committee Policy Analyst):
Mr. Chair, I looked that up this morning. It was heard in Assembly Committee on Judiciary on April 17, but no action has been taken.

CHAIR CARE:
That bill contains what is section 1 of this bill. I do not recall if it had the language in section 2, which would be consistent with what is contained in section 1. Mr. Carpenter, from the Real Estate Division standpoint, if such a

rural association wanted to be a member, it could be a member for purposes of Office of the Ombudsman's purview?

ASSEMBLYMAN CARPENTER:
That is true. If they wanted to use the services of the Office of the Ombudsman, they would have to pay the fee.

GAIL J. ANDERSON (Administrator, Real Estate Division, Department of Business and Industry):
I appreciate Assemblyman Carpenter's willingness to accept the friendly amendment from the Real Estate Division (Exhibit D). Rural residential communities have utilized the services of the program of the Office of the Ombudsman. There are seven registered and of those seven, three have utilized their services. It could be clarified they could pay the fees and remain active in the program should they choose. I also wanted to set forth on the record if they do not pay the fees and are not utilizing the services of the Office of the Ombudsman, they still have the Alternative Dispute Resolution Program under NRS 38 which is facilitated by the Office of the Ombudsman. They pay a separate filing fee and could utilize those services, which do not preclude them.

I also wanted to put on the record,

> that if an association is exempt, that they would not be able to utilize the services. If they contact us or file an affidavit and we look up and find that they're exempt from registration by their choice, then we would decline to allow them to go through the process of conferencing and investigation.

CHAIR CARE:
Anyone have any questions for Ms. Anderson?

BARRY SMITH (Executive Director, Nevada Press Association, Inc.):
I am here to support the clarification that places these small communities under the Open Meeting Law.

CHAIR CARE:
As I recall, Assemblyman Carpenter, the testimony was confused as to what happened in the last minutes of the last Session. These associations were thrown within the shadow of the Office of the Ombudsman when that was not intended. It was the other issue making it a public body.

ASSEMBLYMAN CARPENTER:
I do not know what happened, but I missed where they were required to pay the fee and so did Senator Rhoads. We did not know it until after the Session was over. That is why we are back to ask they not have to pay the fee. Spring Creek Association has not used the Office of the Ombudsman. When they are under the Open Meeting Law, they operate quite well, as well as the county commissioners and the city council. They agree they need to comply with the Open Meeting Law and do.

SENATOR WIENER:
Was the provision for 20 or fewer units also in Senator Rhoads' bill as part of the definition of communities that wanted to reach 20 or fewer units?

ASSEMBLYMAN CARPENTER:
The only thing in Senator Rhoads' bill is where they ask the fee not be paid.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 207.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR AMODEI ABSTAINED FROM THE VOTE.)

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CHAIR CARE:
I will open the hearing on A.B. 361.

ASSEMBLY BILL 361 (1st Reprint): Makes changes relating to common-interest communities. (BDR 10-940)

ASSEMBLYMAN RICHARD MCARTHUR (Assembly District No. 4):
Assembly Bill 361 is another homeowners' association (HOA) bill. It is about foreclosed or vacant property in common-interest communities. The intent of this bill is to do two things. It is to get the lending institutions and HOAs together early on in the foreclosure process of the vacancy situation and have the lending institutions provide contact information to the HOAs, their addresses and telephone numbers, and the departments that handle residential mortgages.

The second thing this bill does is assure the HOAs can maintain the exterior of the foreclosed or vacant properties without liability for trespass. Those are the two main points of the bill. If you like, Mr. Chair, we can open the bill and I can go through the pertinent paragraphs and answer any questions.

CHAIR CARE:
Yes. Generally, not dwelling on the specifics too much, just a general idea of how the bill would work.

ASSEMBLYMAN MCARTHUR:
Page 2, section 1, subsection 1, sets out that lending institutions need to contact the HOAs. Subsection 2 says once the default process is started, which leads to the foreclosure, the unit owner has been notified, they have had a chance for a hearing to fix any problems and nothing has been done, then the association can enter the grounds, whether vacant or not, and maintain the exterior. It also says the HOA can maintain it but does not have to if they do not have the money or for some reason they cannot.

Section 1, subsection 2, paragraph (a), line 21 goes through the things you should do in maintaining the exterior—landscaping, standing water, health and safety issues. The intent of the bill is to maintain the exterior. This is not a green light for HOAs to put in new landscaping, $1,000 palm trees, etc. It is just to maintain it.

Section 1, subsection 3 is the same as subsection 2 except for vacant property where someone has walked away. On page 3, section 1, subsection 7, two points are set out in statutes in another place but pertinent to this bill. That is why it is here. It states if you buy a home in a foreclosure process, you have to maintain the exterior of the home. People seem to think if you buy something in foreclosure, you do not have to abide by the governing documents. The other point is the units cannot be removed from the HOA. People also thought if you buy a home in foreclosure, you do not have to be part of the HOA.

Section 1, subsection 8 says the association can enter the grounds and is not liable for trespass. Section 1, subsection 9, gives the definition of the word “vacant.” We make a distinction between someone who has walked away from the unit and someone who does not live there, but it is a second home and they have paid their dues, their assessments are up and the exterior is maintained.

CHAIR CARE:
The language may already exist in other provisions of NRS, but page 2, section 1, subsection 2, paragraph (b), subparagraph (3), lines 31 and 32 say "Results in blighting or deterioration of the unit or surrounding area." When we get into case law of eminent domain that causes this, is there a particular statute that tells us what "blight or deterioration" means? It is subjective to some degree.

ASSEMBLYMAN MCARTHUR:
The exact wording was taken out of a bill used in North Las Vegas. I do not know if we have it in statute, but some of that wording was taken out of a bill that used it for quite awhile, and it seemed to work for them.

CHAIR CARE:
In the same section, subparagraph 4 says "adversely affects the use and enjoyment of nearby units." That could be a guy next door who says, I am losing sleep because I do not like the way the place looks next door.

ASSEMBLYMAN MCARTHUR:
Though subjective that wording was left in to cover any problems that may come up.

CHAIR CARE:
On page 3, section 1, subsection 9, line 31, is the definition of "vacant." This may exist elsewhere, but one of the components of that is "which appears unoccupied." People go on vacation, you know it is unoccupied.

ASSEMBLYMAN MCARTHUR:
That is why we have the definition. If someone has walked away from the unit or owns it as a second home and it appears unoccupied, it covers both cases. Paragraph (b) on line 33 further clarifies that. It does not include something that looks like it is unoccupied, which may be a second home.

CHAIR CARE:
On page 6, section 3, subsection 2, subparagraph (c), the lien language focuses on single-family detached dwellings.

ASSEMBLYMAN MCARTHUR:
That was changed in the amendment. I am not sure why, when the wording is technical. An HOA can include high-rise condominiums. If you go to common-interest communities, it refers to the single-family detached dwellings. That was probably added to coincide with the wording on page 1 where my original bill had HOAs, and they changed to common-interest communities. Those are common-interest communities; that is why the wording was changed.

CHAIR CARE:
We had A.B. 204, and I am looking at a note indicating the amendment was added to avoid conflict with federal laws. I recall some connection to the Federal National Mortgage Association (Fannie Mae).

ASSEMBLY BILL 204 (1st Reprint): Revises provisions relating to common-interest communities. (BDR 10-920)

ASSEMBLYMAN MCARTHUR:
There were some Fannie Mae and lookback problems when you went further than the six-month lookback. That was part of complying with those laws.

SENATOR WIENER:
Mr. Chair, to respond to your question about subjective determination, on page 2, line 33, "adversely affects the use and enjoyment." An abandoned or vacant property does not always have to be sight, it could be odor or something deteriorating on the premises which would ... you might not see it, but you can smell its presence.

Assemblyman McArthur, on page 3, section 1, subsection 9, paragraph (c), it says "has failed to pay assessments for more than 30 days." When does the clock start ticking on the 30 days? Is it on the date due or within a 10-day grace period?

ASSEMBLYMAN MCARTHUR:
I would assume right at the beginning when it is due.

SENATOR PARKS:
I also saw 30 days and thought it seemed a fairly short period of time. A 60-day period would be more appropriate.

ASSEMBLYMAN MCARTHUR:
I agree with you, but that 30 days was not in my original bill. I would be happy to make it 60 days.

SENATOR PARKS:
Mr. Chair, I would say if we are looking at an amendment, we may want to address that.

CHAIR CARE:
That is fine. Thank you, Senator Parks. Any additional questions?

BILL UFFELMAN (President and CEO, Nevada Bankers Association):
I am in support of the bill. In the fall, Assemblyman McArthur and I talked about the problem. I suggested the lender has no right of entry until after the foreclosure sale, at which time the lender, for better or worse, winds up being the winner. I suggested this remedy was perhaps the way to deal with these things. As he has noted, we do not want to view this as a license for the association to make it the most pristine house on the block.

The questions you had regarding what is blight or deterioration were good ones. I suspect when you see it, you will know it. Over the weekend, there was a story in the paper that relates to the concept of affecting the enjoyment. A colony of bees had moved onto a property. The next-door neighbor was allergic to bee stings, and the roses in her yard drew the bees. The neighbors, out of their own pockets, had the bees removed. Those situations hopefully will be remedied under this bill. Some members asked why we have to notify them that we have filed the notice of default with the election to sell when it is a public document. I have suggested they might want to go along to get along. There are technical issues, but everybody is going to have to roll with this to make it work.

You are correct in the reference to the single-family designation. If you are in a condominium, their obligation includes the maintenance of the exterior and the common grounds. All those things are supposed to be recovered from their fees, whereas this special assessment is relative to the single-family homes and would carry into the foreclosure and be an obligation to be paid, unlike A.B. 204, the extension and lookback. Extending the 30 days to 60 days makes sense.

RANDY ROBISON (Nevada Credit Union League):
We signed in opposed, but are in complete support of the bill. Assemblyman McArthur did meet with our group before the Session and talked about how to get a situation where lending institutions and HOAs were talking about the issue much sooner in the process. However, many of the Committee members have already spoken to some of our concerns with the way the bill has been crafted?

Our issue is not with maintenance, maintaining a property, the landscaping, that type of thing. It is to the HOA's benefit as well as to the eventual owner to have that done in terms of market value and appraisal. That is not our issue. We are concerned it is crafted too broadly, particularly when we are talking about who bears the responsibility for cost recovery and those issues. A few points other Committee members have spoken to in section 1, subsection 2, paragraph (b), subparagraphs (3) and (4), lines 31 through 33, are subjective, although we understand what they are trying to get at. That might be too broad for our comfort.

CHAIR CARE:
The testimony was this language may already exist elsewhere in statute or local ordinance in North Las Vegas.

ASSEMBLYMAN MCARTHUR:
Yes. That is what I remember. I am not sure that is in our statute.

CHAIR CARE:
Since Senator Parks proposed an amendment, rather than doing anything today, this goes on work session—if we can verify the language is elsewhere in law.

MR. ROBISON:
One of our other considerations is further clarifying the limit to the application of the authority the HOA has to maintain. Perhaps that might be done by a high-dollar cap on allowable expenditures. Another way to do that may be to require documentation that shows when the costs were incurred and what they were incurred for, so when you present an order for payment, the payee has a record of those expenses.

On page 3, section 1, subsection 9, is the definition of "vacant." We were concerned about the broadness and subjectivity of the definition in terms of

subsection 9, paragraph (a), "Which appears unoccupied." We also had the 30-day concern on paragraph (c). I will use a personal example. When I come to the Legislative Session, I bring my family with me, shut down the house, turn off the lights, and we are gone for four and one-half to five months. The way we are situated in our HOA, we have one neighbor. The other side is open space all around us. At night, if you are driving by on a regular basis, it could appear the house is vacant. However, we go home a few times a Session to pull weeds. We are paid up on our assessments, but there seems to be some wiggle room that may be tightened up.

Those are our concerns. We support the concept of the bill. Assembly members have mentioned the air play between this and A.B. 204. I apologize and thank Assemblyman McArthur; he did meet with us before this Session. We spent time with him last week on some of our concerns. Comments he made in his testimony helped in terms of clarifying the intent. We did want to get on the record with those further concerns.

CHAIR CARE:
You had the same discussion on the Assembly side?

MR. ROBISON:
Unfortunately, we did not. We came to this party a little late, and I will take full responsibility for not getting over to the other side.

CHAIR CARE:
You are here representing the Nevada Credit Union League, and I do not think of credit unions as home lenders or getting in the business of refinancing homes. What is the role of credit unions when it comes to HOAs and foreclosure?

MR. ROBISON:
A significant portion of our portfolios do home mortgages. With all of the mortgage and foreclosure discussions occurring the last several months, our position is we did not do some of the risky, questionable lending on the front end because our structure does not allow us to in terms of risk or portfolio assets. Our problem as the economy has further deteriorated is many members are now losing their jobs and having difficulty paying their mortgage. In credit union land, if you miss your mortgage payment, the first time you miss it you are likely to get a call from a kind customer service representative at one of our institutions who says, hey, we see you missed your payment, is everything

okay, is there something we can do to help, has your situation changed? If so, come in and talk about it—as opposed to other institutions that may take three months before it is even flagged, and then there is another lag time to address the situation.

We do not have a problem with the intent of the bill, as we typically do that already. We know much sooner than most when one of our members is in what is going to be financial trouble. If they have to walk away from a home and we go through the foreclosure process, we already go in and start to maintain the property and the landscape. We do not like to be in the lawn-cutting business, but we figure out a way to get it done.

To answer your question, Mr. Chair, there is limited application and impact to credit unions because of our size and structure. Sometimes, that is more magnified than in other, larger financial institutions.

SENATOR WASHINGTON:
You mentioned one of your concerns about the bill is either hard-copy documentation of the cost incurred or a cap. Which would your association prefer?

MR. ROBISON:
As the League was looking at the bill, the hard-dollar cap was what they saw first. As they discussed it more, it became clear that may not work in all situations because different HOAs have varied levels of assessments and requirements in the covenants, conditions and restrictions (CC&Rs). An alternative or perhaps a conjunctive measure would be reporting when that order for costs is presented. You could sit down and have a discussion about what was done to the lawn that died. Some of this other stuff may have been beyond the scope of what we were talking about.

SENATOR WASHINGTON:
Would you want that documentation of incurred costs before the services are rendered or after?

MR. ROBISON:
We are talking in terms of after the order is issued because we do not want to limit the association in maintaining the minimums according to the CC&Rs. But

trying to balance the interests of maintaining versus getting beyond the scope of minimum maintenance may help us trim some of that cost.

ASSEMBLYMAN MCARTHUR:
I will say that we are both the same on the intent of this bill to just maintain, not add anything on. The whole idea of this bill is to make sure we get the HOAs, the lending institutions and real estate people comfortable. It looks like most of our interests are covered, but if there is something they would like to see tightened up, I would be happy to do so if we amend it anyway.

CHAIR CARE:
Mr. Robison, if you have anything, please share it with Assemblyman McArthur.

SENATOR COPENING:
Assemblyman McArthur, regarding subsection 9 where you talk about the vacancy, is there a period when somebody walks away in which the HOA could enter the property, but the banking institution will not have known that person has walked away yet?

ASSEMBLYMAN MCARTHUR:
Usually the HOAs are the first to know if somebody has just walked away. They know that their assessments and dues have not been paid and the place is deteriorating. It may have been deteriorating several months before they walked away. The problem has always been the lending institutions do not know about it, and there has been no way for them to get together. Hopefully, this way the HOAs and lending institutions will get together and talk about it, even though the lending institutions have not started paperwork for the default process.

SENATOR COPENING:
If an HOA enters the home, perhaps because of a broken window and they need to enter the premises, or they need to deal with the landscape, who assumes liability should something happen to that property? For example, a fire starts in the house or a sprinkler system breaks. Who actually has the liability for that home during that time?

ASSEMBLYMAN MCARTHUR:
The unit owner still owns the property. All this bill does is let the HOAs go on the property and maintain the property. If there is some major damage, someone

still owns it. But the whole problem is they walk away, you cannot find them and the lending institutions may not be aware of it.

SENATOR COPENING:
If an injury happens on that premises, even though that person has walked away and the HOA has chosen to go onto that property, it is still the responsibility of the owner of that home, even though they did not give permission?

ASSEMBLYMAN MCARTHUR:
That is my understanding. They can go on the property to maintain it, not for anything else.

MR. UFFELMAN:
Normally, an insurance clause in your mortgage says you will maintain an insurance policy as the owner of the property. If you defaulted on the loan and defaulted on your insurance payments too, the mortgage company has a right to purchase insurance to insure the property even though they have not gone into default during the 90-day period. There is a presumption that somebody related to the property is maintaining insurance. Whether that is 912 percent of the time, we cannot guarantee that, but the property insurance requirement is built into a mortgage.

CHAIR CARE:
Let us go to Las Vegas. Mr. Radocha, you had wanted to say a few words about A.B. 361, and Mr. Buckley, you will follow Mr. Radocha.

JOHN RADOCHA:
I am a homeowner. I know you have heard enough about good and bad boards, and the most precious commodity of the homeowner is his home, but I want to reference page 3, section 2, subsection 1, paragraph (a) and line 42. I believe this has taken the homeowner's bill of rights from him. It is like giving these guys a blank check on a board. Yes, they let you speak at a board meeting if you have an association meeting, but it is like a kangaroo court. I have seen people speak and I have seen people going through papers not even paying attention. I would like to know if that provision could be stricken from this bill because it gives them the right to do whatever they want. Where do we get the vote? This is what is bothering me. It does not say put it on a ballot.

The association CC&Rs say there will be no campers or trailers seen above the walls. A guy comes in, he gets on the board and the next thing you know there are campers and trailers above the walls. There is a rule no diesel trucks, and all of a sudden a guy comes in, he gets on the board, and the next thing you know there it is, and they say, oh no, that has been changed, that has been amended.

We the people do not have a say. Everything is up to the board, and if they can get enough people at a meeting to go along with them, they say it passes. A lot of the time the president will say, I am in favor of this, anybody else? The board puts up their hands and, by golly, it passes. I do not think that is fair. I would like for homeowners to have more voting power. This bill says do any and all of the following: adopt and amend bylaws, rules and regulations. I think this should be stricken.

CHAIR CARE:
We had about a half dozen common-interest communities (CIC) or HOA bills, and we have an equal amount coming over from the Assembly. The passage you have cited in NRS 116.3102 is existing law; it is in here because it has to be. The proposal is to change a subsection to that section but not that particular language. I need you to understand that.

Your proposal would be, if the Committee had appetite, to strike from the statutes a provision you have cited, "adopt and amend bylaws, rules and regulations." Is that correct?

MR. RADOCHA:
That is correct. You could leave it in, but you need to give homeowners a provision to vote. Some boards take advantage of this. That is a big loophole. I cited some examples. Another example is they want to change something. The board people will knock on doors and say, we want you to do this, and if you do not do it, four or five days later you get a letter that says you have some three-inch weeds or you have a grease spot on your driveway. They can come up with any thing they want and you are powerless. Let the people vote on what they want to do. That is all I want to see.

CHAIR CARE:
Thank you. I am sorry you did not get to testify on A.B. 207.

MR. RADOCHA:
May I ask a question on A.B. 207? Is some of this stuff going to come up later?

CHAIR CARE:
There are other bills coming. Whatever Website you are consulting, keep watching; there will be others.

Mr. Buckley, you have heard the proposed amendment from Senator Parks as to the person holding the security interest providing the association—it would be 60 days as opposed to 30 days—and then the comments from Mr. Robison. You probably had prepared testimony, but you may want to comment anyway.

MICHAEL BUCKLEY (Chair, Commission for Common-Interest Communities and Condominium Hotels, Real Estate Division, Department of Business and Industry):
I have worked with Assemblyman McArthur on the language in the bill and did not have any prepared testimony, but I would make four points for the benefit of the Committee.

The first thing is—if you look at page 2, section 1, subsection 2, paragraph (b), line 25 and then subparagraph (4), line 32—to notice the word "and." All four of those things have to be present. It is not if you are blighted or if you adversely affect, it is all of those things. That is the way the bill is written.

You will also see on page 3, subsection 9, paragraph (b), line 35 the word "and." It is not only that it is unoccupied, but it is not maintained and the assessments are not paid. So it is all three of those things. That may address some concerns of the Senators and the people who spoke.

The other thing is in reference to Mr. Robison's concerns. The association would use the standards in the community to maintain the property. It would naturally defer to whatever standards, so it would not be something out of the ordinary. If it was provided, it would be in accordance with the standards. That is what the association would do anyway.

As far as records and what money is spent, the association has to maintain records of what it spends. Under NRS 116.31175 and NRS 116.31177, unit owners are entitled to look at those records. Concerns about seeing how much the association spends are already built into NRS 116.

For an explanation on page 6, section 3, subsection 2, paragraph (c), line 7 with regard to single-family detached dwelling, yes, the issue was that Fannie Mae and Federal Home Mortgage Corporation (Freddie Mac) guidelines prohibit a superpriority lien from going beyond six months. The thought was that a single-family detached home would not be a condominium. But A.B. 204 was changed to refer to the federal regulations instead. That would be a good change in section 1, subsection 6.

Lastly, this is more a question for perhaps Assemblyman McArthur. The intent in section 1, subsection 7 is even though people may say because you acquire property at a foreclosure sale, you take free and clear of the governing documents, that is not the case. Once the property is sold to an owner, the unit is subject to the governing documents until the governing documents are amended, the community terminated or whatever. Subsection 7 creates a problem because in one sense it states what is in the law, but then it says the person would maintain the unit in accordance with the governing documents. There are many other obligations under the governing documents. The question is whether the intent of subsection 7 was to state what is already the case—which probably makes it unnecessary—or to create a statutory duty, which would be a reason to keep it in and probably change it. The person is bound by the governing documents, and it cannot be removed except in accordance with the governing documents.

I suppose a related issue is the bill states the association has a lien. The question arises what is the remedy for that lien? Is it just a lien that the association would sue on, or is it something that could be foreclosed as an assessment lien? The beginning of the bill references following a procedure for fines and providing that an association cannot foreclose for a fine but can foreclose on an assessment. There should be some clarity in the bill as what is the remedy for the lien, whether it can be included as an assessment to be foreclosed or exactly what would happen.

Those were my comments. I passed some technical comments on to Assemblyman McArthur and the bill drafter.

CHAIR CARE:
You are working with Assemblyman McArthur, and we are not going to put this bill on for work session until next week. I note the amendment that came out of the Assembly made six changes. This is a work in progress; we want to get it

right. Mr. Buckley, if you continue discussions with Assemblyman McArthur, then we can get something for the work session detailing the concerns and possible resolutions.

MR. BUCKLEY:
Happy to do so.

ASSEMBLYMAN MCARTHUR:
Yes. I deferred a lot to Mr. Buckley in his technical changes. The changes we made before is clarifying language, and he made the bill technically and legally stronger.

FLORENCE JONES:
I wear many hats in this situation. I am on a board of directors in Utah, and my primary home is in two homeowners' associations in Las Vegas. I would like to thank the Senator from my district, Allison Copening. I appreciate the work you and Assemblyman McArthur are doing. Both of you represent the area of my primary home in Sun City Summerlin.

To the gentleman who is concerned about having homeowner rights, the bylaws and the CC&Rs give us an annual meeting where homeowners have a great deal to say. The board of directors meeting is for business. In the one I sit on, homeowners may submit in writing whatever they may want to have addressed and be given a time through this venue under the Open Meeting Law statute. However, at the homeowners' annual meeting, the homeowners have a time to transact the business of the homeowners' association. He needs to look back to his bylaws and find out when his annual meeting is, gather his neighbors together and get whatever he wants accomplished done.

The bill as it stands is a work in progress, and I concur with the 60-day amendment that Senator Parks has suggested. I am concerned that formal mail needs to be directed to the homeowner, such as a certified registered letter with a return receipt, so there has been proper notice by the association and we do not have people taking over.

I get to my primary residence once every six months, but I have a lighting system that comes on at dusk and goes off at dawn. My courtyard is covered with sprinklers and I have people who do my landscaping. I could see where this might be misused if there are not some tight controls.

There will be a workshop next. I want to relate to this Committee that one of the realtors who I participate with on my other board has asked me to put on the record that there is some issue going on right now with foreclosures in the Las Vegas area where we have attorneys who have created their own collection agencies. They are picking up the ball from the HOA and running with it. When a home is put on the block for foreclosure, in addition to assessments, huge fees running $5,000 to $10,000 are now added to the price of the foreclosed home the realtors are dealing with. They are trying to get people into these homes or back onto the market and homes that are a blight back into use. There is a great deal of concern among the realtors of the Las Vegas area. I do not know if this is going on in other areas. I am thankful we are having the workshop because I have alerted the folks in Las Vegas who are concerned. They are in the process of e-mailing Assemblyman McArthur.

This is a great step in getting the language and protection for our neighborhoods in this time of people being forced to move on. But those of us who are left behind want to be sure our absence is not misunderstood. Even though our bills are paid, we might not be there for long periods of time. Assemblyman McArthur spoke to that clearly; some of us have more than one residence in this wonderful time of retirement.

CHAIR CARE:
I remind everyone this is Assemblyman McArthur's bill and will remain so. We will close the hearing on A.B. 361.

Earlier, when Senators Copening, McGinness and I met as a Subcommittee, we asked Chair Dennis Neilander of the State Gaming Control Board about the amendment from the Assembly for Senate Bill (S.B.) 83.

SENATE BILL 83 (2nd Reprint): Makes various changes relating to the regulation of gaming. (BDR 41-311)

The three of us meeting as a Subcommittee recommended we concur with the Assembly amendment. The amendment was in section 19 of the bill: They had added the language in the bill saying an heir to an interest regulated by the Gaming authorities would have one year to submit the application for compliance to get a license. The Probate Section of the Nevada State Bar was concerned that under certain circumstances, one year may not be sufficient, so

the amendment is to add the language "or within such later period as the Chairman of the Board determines in his sole and absolute discretion."

Based on his comments this morning, it is our recommendation that we concur.

SENATOR WIENER MOVED TO CONCUR WITH ASSEMBLY AMENDMENT NO. 572 TO S.B. 83.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

CHAIR CARE:
I will open the hearing on A.B. 117.

ASSEMBLY BILL 117 (1st Reprint): Makes various changes relating to parole hearings. (BDR 16-630)

BEN GRAHAM (Administrative Office of the Courts):
I am here as a supporter of many items from the Advisory Commission on the Administration of Justice Study. One of the important items the committees have worked on over the years is to try to eliminate the bureaucratic red tape that delays sensible actions. Assembly Bill 117 is an effort to address some of those. I have the privilege to be with the Director of the Board who is the expert on this.

The important thing we want to do is make sure everyone knows nobody is being left out of the loop. There will still be notices to the police, victims, if there are victims, and to the rest of the law enforcement community.

Many of these people awaiting release—for lack of better terms we call them victimless crimes—are in for narcotics and other violations. This is an effort to expedite the release of these folks, not only to benefit those who are eligible for parole but for a significant economic benefit to the State.

CHAIR CARE:
How does this bill mirror the bill we heard earlier? There was some concern, as I recall, that an expedited hearing might require additional work.

MR. GRAHAM:
I believe that was the State Board of Parole Commissioners. I am not certain.

CONNIE S. BISBEE, M.S. (Chair, State Board of Parole Commissioners):
You can see in A.B. 117 that three sections have been deleted. They were great ideas, but they had a fiscal impact, so we pulled them. What you are left with is the request to make two changes.

Under section 4, subsection 9, the Board and Commission ask that the State Board of Parole Commissioners grant parole without a meeting pursuant to NRS 213.133. What is imperative about this is the word "grant." In example, throughout the years, the Department of Corrections or the Pardons Board has asked the Parole Board to look at a particular group of people to see if they could be expedited out of the criminal justice system.

The way it currently reads, we cannot do that without all of the noticing normally required of a hearing, which means if we notice that we are going to see these 200 people and not consider 100 of them, we would not be complying with the law. This allows us to grant people without all of the same noticing that would normally happen. The folks who would not qualify at any point under this are those who have victims or those who require a major panel of the Board to see. As Mr. Graham said, these are folks who, for whatever reason, may be eligible to go out on parole. They are not a risk; they committed low-level crimes. There is no victim involved, and it would allow the Board to say these are good candidates, we have put all of the tools toward them and we want to grant them. It does expedite the process of getting them out of the Department of Corrections.

Along the same lines in section 5, subsection 8, beginning on line 28, we are asking that a singular member of the board, or a person who has been designated as a case hearing representative, may also review qualified candidates and make a recommendation to the full Board. This provision would not include those who meet the three-panel crimes—those are sex offenders, habitual criminals and those who have life sentences. They would never come under this provision. These would have to be seen by a full panel of the Board.

What this does is allow for those low-level folks as long as there is nobody objecting. There is not a victim to notify; law enforcement has no objection to us considering them without a formal hearing and releasing them. This expedites those folks who are low-risk out of the system quicker than doing it in the traditional, full-blown noticing and formal-hearing manner.

SENATOR WIENER:
The notice provision on page 4, section 5, subsection 8, paragraph (d), lines 38 through 41, is to law enforcement and if there has been no objection, a 30-day notice period. I am big on when things start and how long they run. In that 30-day notice period, does that time frame start upon your sending out a notice or upon an anticipated receipt of notice? It could be a small window and somebody might say, wait a minute, I have something to add and the person does not make the 30-day window. When does it start and stop?

MS. BISBEE:
Several weeks in advance, before they are put on an agenda, an eligibility list goes out to all law enforcement. That is when the time date starts. A perfect example is when the Department of Corrections converted their program, there were some burps in it. We would hear from a victim who was never notified who should have been notified. A hearing has been held, the person has been granted and they are going to head out the door in four weeks. The victim calls and says, wait a minute, I was not properly noticed, I did not get enough time, and I would like to have input. We stop the release at that point and reconvene with a hearing. The same thing would happen if you had a party who had an objection or concern and for whatever the reason the noticing did not go properly. We would handle it in that same way. The noticing has not seemed to be a problem with the eligibility lists because we do have a lot of response from law enforcement. In seven years, I can only recall one time where law enforcement said, wait, we wanted to make comment and did not have the opportunity. That is what we did; we held the release until a formal hearing could be held.

SENATOR WIENER:
What we are looking at is an expedited efficiency with all criteria met. Is this a practice that is being instituted or has been instituted in other states? Do we have a track record on the success? Are these communities that have had no problem with this? Do we have any history?

MS. BISBEE:
I could not answer specifically to that. We are one of the few states that sees everybody 100 percent in person. Texas is a perfect example. With the Country's largest population of inmates, they never see the inmates unless there is some specific reason that a commissioner or member of the board wants to see them. In the past when we saw them in absentia, we did a study. It did not change the grant rate; we did not seem to have a major problem with that.

SENATOR COPENING:
Ms. Bisbee, can you run me through the noticing process? Who do you notice and how do you notice?

MS. BISBEE:
The eligibility list comes out about six weeks in advance. The list is like one of those old wide computer sheets and may be as many as 20 pages. The list, with entries listed by county, is sent to all of the law enforcement agencies in the State for review. Then, they are able to respond.

The same procedure is followed for somebody who wishes to be told of any action coming up with a particular inmate. As a citizen, you could contact the Board and say you want to know when an inmate comes up for hearings and be noticed. Typically, that is about 30 days in advance and sent directly to your home address. By law, victims are notified long before this, but they have to be notified at least five days prior to a hearing. I would be guessing as to the other agencies the list goes to, but I know it goes to all law enforcement.

SENATOR WIENER:
Does law enforcement include the prosecuting attorney's office and public defender if that is appropriate?

MS. BISBEE:
It does.

MR. GRAHAM:
Some of the larger district attorneys' offices, and I assume the smaller, too, have a deputy, generally a senior deputy, who is assigned to review those coming up for consideration. It is a major operation. Very seldom does the office weigh in. Over the years, we have made sure the victims are notified. Clark, Washoe, and even some of the rural counties have victim-witness centers. We

have people who deal with victims. We have expanded letting victims know when somebody is going to get out of prison, when an appeal is being heard in the Nevada Supreme Court and when that decision comes out. A high percentage of people we are dealing with are not robbery or sexual assault victims. We are talking about 100 to 200 notices every month or so, but they mostly relate to victimless crimes where you do not have a sexual assault, robbery or battery with a deadly weapon victim.

SENATOR PARKS:
I see that sections 1, 2 and 3 were deleted by amendment. In looking at the amendment, these sections were deleted from statute. I am trying to clarify if they were deleted from the bill but not from statute. Am I correct?

MS. BISBEE:
Yes. They were suggestions out of the Advisory Commission on some other process issues, but when it came down to it, the one alone cost as much as $250,000 a year. We can get along without it.

SENATOR PARKS:
Thank you. I know we put a lot of effort two years ago into these sections, so that is my concern. They do stay as they are?

MS. BISBEE:
They stay as they are. Actually, they are working very well.

CHAIR CARE:
No more questions of this panel. I will close the hearing on A.B. 117 and open the hearing on A.B. 481.

ASSEMBLY BILL 481 (1st Reprint): Revises provisions relating to certain crimes involving firearms, ammunition or explosives. (BDR 15-1155)

ASSEMBLYMAN BERNIE ANDERSON (Assembly District No. 31):
I will read from my testimony (Exhibit E).

SENATOR WIENER:
The bill does not have an effective date. If we close this gap, reconstruct where we have something effective, does this have retroactive applications?

CHAIR CARE:
Ex post facto usually does not apply to criminal aspects.

ASSEMBLYMAN ANDERSON:
Senator Wiener, it is like in my classroom. When I make a rule, I cannot penalize the kid for chewing gum yesterday if it was not a rule today, but I can penalize him tomorrow.

NICK ANTHONY (Deputy Legislative Counsel):
I have nothing further to add. The Chair did an excellent job. I can answer any technical questions the Committee may have.

CHAIR CARE:
This bill is a necessity. The Nevada Supreme Court does not always say this, but this may be a case with the implication that they are inviting the Legislature to come up with a definition, and that is why we have this.

MR. ANTHONY:
Yes. That is the case. If the Legislature chooses to act, they can clarify the definition of "fugitive from justice." To add for the record, this definition was closely modeled after federal law, so we think it is fairly tight.

SENATOR WIENER MOVED TO DO PASS A.B. 481.

SENATOR COPENING SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

CHAIR CARE:
I will reopen the hearing on A.B. 117. Mr. Graham made mention of an amendment proposed by Assemblyman Harvey Munford (Exhibit F), containing provisions from A.B. 424. Assemblyman Munford is not here, but somebody may wish to address this. I do not want to get into stories about somebody should have been granted parole and was not. I agree with Senator Wiener, she used the word "efficiency." This bill is entitled to bring expedited efficiency to the system. That is the intent. Anybody is free to testify.

ASSEMBLY BILL 424: Makes various changes to provisions concerning parole. (BDR 16-1037)

SENATOR MCGINNESS:
Has the fiscal note been removed with the removal of those other sections?

CHAIR CARE:
That was the testimony, three deletions, which obviated the fiscal note.

TERESA WERNER:
You have my handout (Exhibit G) so I will not belabor. My biggest concern is low-risk offenders. I get a lot of feedback from inmates who are repeatedly denied parole even though they are low-risk offenders based on their original crimes.

I have heartburn about "low-level crimes." Low-level crimes have the highest recidivism rate and are never victimless. Would you want a drug offender living next door to you? I personally would not sleep well or enjoy my home if I knew a "meth head" or a low-level repeat offender criminal was living next door.

My point is, these low-level offenders are usually drug users or thieves and tend to have other associations with these types of people who visit their homes. As a homeowner, I believe it is a cancer to our society to dismiss these as victimless crimes or low-level crimes.

I want to point out again that I strongly feel this bill should encourage the Parole Board to grant parole to low-level offenders, regardless of their crime. They have been eligible for parole, as per the judge's sentence, and if they have earned a low-risk offense rating, they have earned it.

In my handout, Exhibit G, almost half of the people on this list, and these are just the people I know about, and probably hundreds more are going to consecutive sentences. They are not getting out. Granting them parole does not mean they are leaving prison. My concern is, in the case of Mr. Stockmeier, when you are denied five times even though you are a low-risk offender, one tends to think that no matter what I do, I am never going to get out of prison. Ninety-five percent of these people get out of prison. As a member of society, I do not want somebody getting out of prison with an attitude that no matter what I do, it is not going to matter. I want somebody getting out of

prison who says, if I do well, I am going to be okay and rewarded. I would like to encourage the Parole Board in any way and, if possible, grant parole to low-risk offenders.

CHAIR CARE:
You are offering proposed amendments? Are we to take your handouts, Exhibit G, as proposed amendments to the bill?

MS. WERNER:
Yes.

CHAIR CARE:
Did you discuss it with the proponents of the bill?

MS. WERNER:
No. I did not. I did not get a chance to.

CHAIR CARE:
You are free to do that. We have 27 days to go. You may want to discuss it with Mr. Graham and Ms. Bisbee. But we will go ahead and put it in the binder for the work session we will have on the bill.

MS. WERNER:
Wonderful.

CHAIR CARE:
Questions from the Committee?

LEE ROWLAND (American Civil Liberties Union of Nevada):
The bill is a great one. We are here in full support. It finds the creative solution between increasing efficiency without reducing due-process protections for those involved in the parole system. From our point of view at the American Civil Liberties Union (ACLU), that is a win-win situation because we are processing people faster. We are allowing the Parole Board to do its job more efficiently. We are also not reducing the protections wherein Nevada has chosen to give people the right to attend those hearings, which is the right policy choice. This bill strikes that delicate balance without creating those complications.

MS. JONES:
I am here in support of A.B. 117 with amendments. I would first like to speak to the one proposed by Assemblyman Munford Exhibit F. I am not going to read it, but I do want to point to the explanation on the fourth line, "unless they have exhibited that they are a threat to society." I call your attention to the highlighted additional information that Assemblyman Munford and I have discussed on pages 2 and 3, that under section 7, and on the next page, where it is time to clarify and put an objective state to that term "threat to society." I see Category C, D and E folks—even though held by the Department of Corrections (DOC) as minimum security prisoners that the DOC says are not a threat to society—are coming to the Parole Board. Some of them are two and four years under minimum security with the Department of Corrections, and now they are stamped by the Parole Board as a threat to society and denied parole. They are low-level Category C, D and E. I want to be clear this does not affect my family at all. We do not fall in this category and never will. I am speaking to this because I am a taxpayer and a concerned citizen of the State.

CHAIR CARE:
The bill was A.B. 424. I imagine this bill is here because that bill died in some fashion on the Assembly side.

MS. JONES:
Yes. It did.

CHAIR CARE:
There would be a reason for that. I do not want to review and rehash the work of the Assembly, but I am willing to let Assemblyman Munford explain this. If you can address the bill itself, please do.

MS. JONES:
The caveat to society is we will revisit it because that is used by the Parole Board to maintain folks in prison up to the expiration of their sentence rather than being paroled on a 12-month parole tag. I have spoken to this many times. It is the only sensible way to release these high recidivism-rate people.

The additional proposed amendment deals with work presented previously. I am not positive it only speaks to A.B. 117. I have submitted it in writing, so I just ask that if there is a workshop, it is reviewed. Senator Parks is familiar with this work and may answer any questions that might come up in the Committee.

SENATOR WIENER:
I have heard reference to workshop, and what we are talking about is a work session, which is different than the concept of a workshop. When we go to work session, we do not generally take witnesses; we process the information that has been presented, as it is being presented here today. Then, when we go into work session, we are prepared to vote. If we are not, then we move it to the next session. I do not want to mislead that it would be full-blown and everybody comes to the table because that is not what we do in work session.

MS. JONES:
Thank you, Senator Wiener, for that clarification. I would ask that the work proposed through Assemblyman Munford be considered by the Committee as you are reviewing all presented to you.

CHAIR CARE:
Assemblyman Munford is present. I know this is short notice, but we are looking at A.B. 117. As a member of the Legislature, we extend to you the courtesy of your thoughts that apparently did not go that far on the bill you had on the Assembly side. Was it for A.B. 424?

ASSEMBLYMAN HARVEY J. MUNFORD (Assembly District No. 6):
Yes. It was A.B. 424. I want to add some amendments. It was primarily focusing on the Parole Board being more efficient and conscious of low-level crimes when they came up for hearing. It seems as though they have not placed much concern in terms of giving them the opportunity to be released. They tend to not look at when the crime was committed, the age the inmates were at the time and the nature of their crimes. Some of the low-level crimes should be given more consideration as to the nature of the crimes and the chance of recidivism.

Sometimes the Board has a tendency to be more hesitant and not take into account the inmates' records while incarcerated, and often they have good records and did things that were expected to make them eligible. The Board tends to overlook those things.

We need to watch the Parole Boards in their judgment and consideration of cases. They should concentrate more, as my bill indicated, on Category A and B crimes, not so much the lower-level Category C, D, E and F crimes. They tend to spend more time with those than they do with the more severe crimes.

CHAIR CARE:
We do not have the benefit of all of the testimony in the Assembly Committee on the bill. We will put your language in the binder for work session. I cannot guarantee you anything is going to happen. It is a bill requested by the Assembly Committee on Corrections, Parole, and Probation and comes out of the interim study.

ASSEMBLYMAN MUNFORD:
Before I came into the room, I overheard someone testify who made some good points. They would be concerned about an offender living next door, and they also felt if offenders are constantly turned down or revoked at their hearing and not getting the chance to get paroled, they develop a certain attitude.

CHAIR CARE:
I think it was Ms. Werner. We have her handout, Exhibit G.

SENATOR WIENER:
I am seeing it would require mandatory release for the Category C, D or E. One of the issues raised earlier was concurrent and consecutive. Let us say the person was sentenced based on minimum sentence guidelines under the truth in sentencing, convicted for four consecutive Category D offenses. With a mandatory release after the first, how do you envision the other three—not concurrent but consecutive?

ASSEMBLYMAN MUNFORD:
You mean they have to serve the other three still remaining? That is a tough question.

SENATOR WIENER:
The concurrent is easy but the consecutive ...

ASSEMBLYMAN MUNFORD:
The concurrent is easy. If they are paroled on one, then they have two more left. That is difficult and depends on the nature of the two left.

SENATOR WIENER:
But that is not here. I do not know the logistics of a mandatory release based on minimum sentence requirement if it is consecutive.

ASSEMBLYMAN MUNFORD:
I do not know whether you can revert back to the decision in the case, what the judge determined, what sentence should have been rendered.

SENATOR WIENER:
That gives discretion back to the Parole Board.

ASSEMBLYMAN MUNFORD:
Sometimes, the Parole Board has a tendency to retry a case, and they are not supposed to retry a case. They are to look at the record of the inmate in terms of his incarceration period—his behavior, attitude and accomplishments—that leads up to eligibility for parole. They should look more at that.

SENATOR WIENER:
You said to go back to the record. If the court said four consecutives, that would have been the judicial point. Maybe counsel can help us determine how this would be.

ASSEMBLYMAN MUNFORD:
I know how they should be judged and how they should be looked at, and those are the remaining two charges.

SENATOR WIENER:
But we elect those judges to make those decisions. I am just curious because there is a big difference between the two.

ASSEMBLYMAN MUNFORD:
Yes, there is.

CHAIR CARE:
The bill A.B. 117 makes various changes relating to parole hearings. I allowed Mr. Munford to come in and explain his amendment, which contains provisions from A.B. 424. He has done that. I do not have any additional questions. We are going to have a hearing on A.B. 117; I do not need any additional testimony on A.B. 424. We will include your amendment in the binder.

ASSEMBLYMAN MUNFORD:
Even when my bill was presented previously, it did not get the consideration or merit deserved. I appreciate your giving me this opportunity to consider these amendments.

PATRICIA HINES:
I find it difficult to be here today. I have not seen Assemblyman Munford's or Florence Jones's amendments. I do not feel I can speak to it. I have a list of amendments I would like to hand in for A.B. 117 (Exhibit H) consideration at the work session.

I also have a handout (Exhibit I) from a father of a gentleman who talks about something that I am concerned about. As I look through what Assemblyman Munford and Ms. Jones put through, most of their proposed amendment comes from two things in Legislative Counsel Bureau File No. RO18-08, effective June 16, 2008. Not many of you know what RO18-08 was, the big problem that it was and the problem it has made for families, inmates and staff.

Rocky Sandlin did a good job on RO18-08 so you would understand it, Exhibit I. He is asking you to repeal a part of the *Nevada Administrative Code*.

CHAIR CARE:
We will close the hearing on A.B. 117. We will take that up sometime next week. I will open the hearing on A.B. 179.

ASSEMBLY BILL 179 (1st Reprint): Revises provisions governing postconviction genetic marker analysis. (BDR 14-869)

ASSEMBLYMAN WILLIAM HORNE (Assembly District No. 34):
I will read from my testimony (Exhibit J).

Ms. Munroe or Ms. Flores is going to show a brief video (Exhibit K, original is on file in the Research Library) on exactly what the Innocence Project does and persons who have been exonerated through this testing. I ask for this Committee's indulgence and will be more than happy to answer any questions.

LUCY FLORES (External Affairs and Development Specialist, Office of the Vice President for Diversity and Inclusion, University of Nevada, Las Vegas):
As Assemblyman Horne said, it is profile of exonerees. Unfortunately, we were not able to have any exonerees present with us.

In addition to all of the other interests that surround wrongful convictions, this is just one of the victims in a wrongful-conviction setting, the person who is wrongfully convicted. In addition to the video, we included a publication *200 Exonerated* (Exhibit L, original is on file in the Research Library). I urge the Committee to look at it. It is comprised of brief profiles of the first 200 DNA exonerations that highlight the human factor and the fact that this is only one victim in a complex situation. Katie Monroe can go through the mechanics of the bill and more on exonerations.

CHAIR CARE:
That is fine. Ms. Munroe, when I read the bill, one of the things that occurred to me is that it is not uncommon for prisoners to file appeal after appeal, etc. When I read this, I was thinking we may see petition after petition. The court has a lot of discretion because Assemblyman Horne strikes the language "shall" from law so it is completely discretionary by the court. The court could look at it, say it is not interested and that is it, end of discussion.

KATIE MONROE (Executive Director, Rocky Mountain Innocence Center):
I will address that. Rocky Mountain Innocence Center is the regional Innocence Project which covers the states of Nevada, Utah and Wyoming. You were just introduced to three exonerees from Texas in the video. There are now 238 exonerees, innocent people in prison who were exonerated by DNA evidence; the 238th exoneration was just this week. These 238 prisoners spent an average of 12 years in prison each, some as many as 38, some fewer than 12 but collectively almost 3,000 years in prison.

The DNA evidence has been critical in establishing that our criminal justice system can make mistakes and sometimes send an innocent person to prison while the actual perpetrator remains on the street to commit more crimes.

Important to the discussion is that postconviction DNA testing is not only important to innocent people in prison, it is also important to the rest of us. It is important to crime victims who clearly deserve that the criminal justice system

gets it right. It is important to law enforcement officials who want to do the best job they can, and it is important to taxpayers because there is a huge downside of imprisoning the wrong person. No one wins when an innocent person goes to prison. The crime victim has been deprived of both closure and justice, and the law enforcement officials have failed to get the true perpetrator off the streets. The public's faith in our criminal justice system is weakened, and the taxpayers are burdened with prosecuting and imprisoning the wrong person.

Sixty Minutes just covered the story of two people we had hoped to have here today who can tell this story much better than I, Jennifer Thompson Cannino and Ronald Cotton of North Carolina. Jennifer Thompson Cannino is a rape victim from North Carolina. She was brutally and tragically raped while she was a college student. Through the course of her rape she made it her goal to survive the ordeal and memorize the face of her attacker. Nonetheless, she sadly ended up identifying the wrong person. Ronald Cotton, who was an innocent young man in the community, was identified by Jennifer and went to prison. Jennifer's actual perpetrator, Bobby Pool, went on to rape other women in Jennifer's apartment complex and the community. Only 11 years later, Ronald was able to get access to DNA testing and prove his innocence. That testing also proved Bobby Pool was, in fact, the rapist. Mr. Cotton and Ms. Cannino now present on this issue. They just published a book together, and if you ever have an opportunity to learn their story, I would encourage that. It really underscores the importance of postconviction DNA testing for crime victims as well, as long as we are talking about a credible claim of innocence.

The Rocky Mountain Innocence Center has a strict screening process. We get approximately 200 requests for help each year. Of those 200 requests, there is a thorough vetting process by which we ultimately choose about 10 or maybe 15 of those cases to investigate. We start from scratch and do a thorough investigation to see whether mistakes were made at any place in the process and where there is a credible and provable claim of innocence. Only in those cases would we petition a court for DNA testing, or go back to court for any other reason. We ultimately end up helping two or three of those 200 that initially come to us for help.

Partly in answer to your question, Mr. Chair, a vetting process happens on the front end of these cases. Secondly, this is always very important to note, DNA is biological evidence available for DNA testing but actually available in fewer

than 10 percent of all criminal cases. That is because most criminal cases do not involve a crime where biological evidence, like blood, saliva or semen is left at the crime scene. In about 50 percent of the cases, the evidence is not collected or preserved and therefore not available say 5, 10 or 15 years later to be tested. In the world of criminal convictions, you are looking at a minority of cases eligible for DNA testing.

The third part is that with all DNA testing, including the DNA testing statutes like the bill you have before you today, measures are in place to weed out frivolous claims of innocence or frivolous requests for testing. I want to talk about those. Assembly Bill 179 provides an opportunity for prisoners in Nevada with claims of innocence to ask for DNA testing. If the results of that testing are exculpatory, then they make a motion for a new trial, so it is actually a two-step process. The third step would be a new trial in which DNA evidence is available to the jury, unlike the first time around. It is limited to Category A and B felonies, not all criminal convictions. It requires the prisoner make allegations as to the evidence they want to have tested, the type of testing they want to have done and how they see that testing would actually corroborate their innocence.

The courts have full discretion to dismiss a petition if they see the petition is meritless; they also have the discretion to appoint counsel in cases that have merit. This is something we worked on with Mr. Bateman and others. It was not in the original bill, but both Utah and Wyoming have these components to discourage guilty prisoners from seeking DNA testing. This is in paragraphs 9 and 13: if the results come back inculpatory and the DNA testing results show the prisoner made a false claim and was guilty, then those results are given to the Parole Board. The results are available, and if the prisoner were to go forward with any other appeals, this would certainly harm the basis for those appeals. The prisoner bears the costs in the event the results implicate him. That is something we stress with our clients. No matter what work we have put into the investigation, we say, if we ask for testing, you need to understand that if these tests implicate you, it will harm you in going forward in all aspects of your case.

Finally, another important piece of this bill is it requires victim notification; the original bill did not. That was something we thought important because we work closely with crime victims. This process is important to them. They need to be involved, and we are sensitive to that.

CHAIR CARE:
Ms. Monroe, as you envision it, does the prisoner know there is a type of genetic marker analysis that was not available at the time? They have a library, but I am thinking about the availability of information they need in order to put together a petition.

MS. MONROE:
Whether the prisoner would have access to this information is something that comes up a lot. In cases we investigate, we often locate the physical evidence and determine if it can be tested and the inmate understands the testing that needs to be done. You are right, a prisoner might seek testing without the assistance of an investigator and attorney. That is why they have to allege they believe, to the best of their knowledge, the state still possesses the evidence and this type of testing can be done. Lack of knowledge does not preclude them from making the request.

SENATOR WIENER:
On the victim notification, from your experience in other locations, what kind of reaction do you get? Do you get feedback, or what kind of response do you get from victims upon notification of this request for the petition?

MS. MONROE:
We always request that the district attorney's office reach out to the victim. We find, unless we have a relationship with victims separately, the notification should come from the district attorney's office. However, I can speak to a couple of direct experiences with crime victims. We have DNA testing happening in a case in Las Vegas that we were able to secure outside the course of the statute, although that was difficult. The case involved a murder. The victim's family's reaction was: if the evidence exists and it can be tested and put this question to rest, then by all means, let us test.

Clearly, this is a difficult thing to ask of crime victims. It breaks my heart. It is the most troublesome part of my work, asking them to revisit it. But in a case where the physical evidence still exists, is testable and can put to rest this question, it is as important for them as it is for the prisoner claiming innocence. If the crime victims we work with in our Innocence Project were here today, they would tell you how important it was for them to know the wrong person was in prison.

In 50 percent of the 238 exonerations, we have identified the actual perpetrator. The same biological evidence that exonerated the innocent prisoner was put in a database to find the perpetrator. If that can be done in the end, what is delivered to the crime victim is a true service.

SENATOR WIENER:
Earlier, you stated you give notice to those who seek the petition for testing that if it is inculpatory, the offender pays and the evidence goes on the record. Given that, of those who have requested testing and notification, do you have a sense of how many have withdrawn their request?

MS. MONROE:
I do not. I can answer this. It is a separate question but may get to what you are asking. The National Innocence Project, which exclusively does DNA testing, has a different standard than we do. Their standard is if the evidence exists and is testable, they ask for the testing without any independent background investigation of their own. But their experience has been that for 50 percent of the people who ask for DNA testing, the results implicate them. I know that at the Rocky Mountain Innocence Center, we have had one case out of seven in which that has happened, and that person was mentally challenged. It was clear he had no understanding of involvement in a crime. The tests results implicated him, but when we spoke with him about it, he honestly believed he would be exculpated and wanted to go forward with the testing.

When we talk about this, we feel it is a win-win situation for the State and puts the answer to rest. If the test results come back inculpatory in a case where we believe a prisoner is innocent, that is not good news. But, it does give the question of guilt scientific finality. The victim has that closure as well, whatever the results.

CHAIR CARE:
You have somebody in prison convicted of a Category A felony, his matter is on appeal, meanwhile the court allows this test. The Nevada Supreme Court finds incompetent counsel or something, so the appeal is successful. There could be a second trial, but now we have genetic marker that indicates he is not innocent. Can that be admitted to trial?

MS. MONROE:
Yes. It could be admitted to trial.

CHAIR CARE:
Thank you. Any other questions from the panel?

SENATOR PARKS:
What is the cost for a genetic marker analysis in general terms?

MS. MONROE:
The average cost on one rape kit for a straightforward DNA test from a rape crime is approximately $875. On average, there tends to be more than one test is run, and we find the average test per case is about $2,000. There is information about that in the packet (Exhibit M) we gave to you. We can provide more in anticipation of the Assembly hearing. The Crime Laboratories in both Washoe and Clark Counties requested the National Innocence Project give them those numbers, producing a memorandum with those numbers and where those numbers come from. There are more elaborate types of DNA testing. If you are not testing fluids but bones or teeth using mitochondrial testing techniques, those tend to run approximately $10,000. That is not common, but it could be requested. Neither of the Nevada State Crime Laboratories has the ability to do mitochondrial; their testing is limited to biological fluids, so that kind of testing would have to go to a private laboratory.

It is important to mention in terms of numbers of petitions across the Country, that no state has experienced a flood of petitions. That is usually the question. South Carolina just passed a postconviction DNA testing. We now have 44 states with a postconviction DNA testing statute. The question is not do we provide the testing, it is how many requests are made.

In our neighboring states, Utah passed its statute in 2002, and we have had seven requests for DNA testing since 2002. Those are done in the State Crime Laboratory. In Wyoming, a DNA testing statute passed last year, and there have not been any requests yet. In Arizona, there have been just fewer than 25 since 2000. California has a huge population, more than 170,000 in prison. At one point in the first year, they had about 20 requests for testing per month, but now they have 1 or 2 per month, 12 to 15 per year. We do not anticipate that Nevada would experience anything different than other states. That information is also in the packet, Exhibit M. We are always available, as I am sure Mr. Bateman and others who have helped with the crafting of this bill, to provide more information or answer questions.

CHAIR CARE:
Assemblyman Horne and Senator Parks, the question as to the cost: there was a fiscal note on this, and I do not know if that applies only to the original bill or the bill as amended, but it was from the Department of Corrections.

ASSEMBLYMAN HORNE:
Yes. I have $234,060 for fiscal year (FY) 2010-2011, and $468,124 would affect future biennia. I did ask if there was a revised note since then, and there has not been. The Assembly Ways and Means Committee chose not to take this up.

MS. MONROE:
This fiscal note is based on a cost of $11,000 per case. That typically is far more than we see as the cost of these cases. And it is based on 20 requests per year, which, given the experience of the neighboring states, I do not imagine we will be facing.

There is a memorandum that speaks to the experience of other states, which we can make available to you if that would help.

SENATOR PARKS:
If I am reading this bill correctly, it is saying a petitioner must meet certain requirements in order to be eligible for having this test done. I presume the test would be done at the cost to the State. What if a person strongly felt they were innocent and if they had their DNA tested, they could use that in a petition they bring themselves—in other words, they pay the whole cost. Does this bill prohibit them from doing the test, since at this point they would be incarcerated and it would require the Department of Corrections to permit them to have such a test done?

MS. MONROE:
It certainly does not prohibit them. There is not a statute that permits DNA testing in the State of Nevada absent the limited statute that applies to prisoners on death row. The postconviction world is such that it is difficult to get back into court on a claim of innocence. Typically, after you have pleaded guilty and been convicted at trial, the question of guilt or innocence is over. You may bring direct appeals where you address limited issues with the way things played out at trial. Then under the habeas corpus appeal, which is more of a civil rights case, the first question would be whether they could get access to

the physical evidence. The physical evidence is usually still in the possession of the State, and you have no right to it. I guess you could petition the court, try to get the district attorney's office to agree to send the evidence to a private laboratory, but then the question would be how would you get back into court? The only avenue would be the statute that permits a motion for new trial based on new evidence, but that has a two-year time limit strictly construed by the courts in Nevada. It is unlikely that you could even get those results back into court.

This bill provides that framework. You would get the testing done, the results would come back, and then you would make the motion for a new trial. The two-year time limit would not apply because the new evidence is the result of the new testing. There would not be a mechanism by which they could get that evidence back into court unless they were still working within that two-year time limit.

CHAIR CARE:
Assemblyman Horne, that is close to a proposed amendment from Assemblyman Munford (Exhibit N). Have you had a chance to look at it?

ASSEMBLYMAN HORNE:
I have not—there is a proposed amendment to this bill?

CHAIR CARE:
Yes. We were given a handout. It is for your bill.

ASSEMBLYMAN HORNE:
I do not have a problem with prisoners paying for their own testing. The question that arises is how, if the petition has been denied, does that prisoner force the authorities to give this material up for the testing?

CHAIR CARE:
We will defer to you, if you want to think about it.

ASSEMBLYMAN HORNE:
I will ask Ms. Monroe.

MS. MONROE:
Mr. Chair, we certainly would support this amendment, Exhibit N, but we need to ensure the language was such that the person could then go back to court and ask for a new trial. The second part of the process then needs to apply as well so the amendment ensures the person gets access to the evidence in the State's possession. Then they could make a motion for a new trial based on the result of testing they paid for themselves. I had not thought about how this would fit in with the mechanics of the bill, but we would not oppose prisoners seeking testing at their own expense.

CHAIR CARE:
You may want to get with Assemblyman Horne and craft the language to do that so you have those reassurances.

MS. MONROE:
Okay.

CHAIR CARE:
We will put this on for a work session.

SAM BATEMAN (Nevada District Attorneys Association):
We are in support of this bill. We worked with Assemblyman Horne and various parties, and we are in agreement with all of the language. I am available for any questions.

MS. ROWLAND:
I would like to add a hear, hear. I was also handed this proposed amendment, Exhibit N. We would certainly support it. I am heartened that the Innocence Project is willing to work with Assemblyman Horne to find some language. It is responsive to Senator Park's concern, which is a good one. Frankly, there may be instances where people are convinced of their innocence, and if they are willing to foot the bill, it does not increase the fiscal cost but provides more opportunity to get at that truth.

With respect to the procedure, it seems to me if somebody did get a positive test, it would be evidence of innocence that might open a statute of limitations for the purposes of a habeas corpus claim as would inserting this language. I am glad they will work on incorporating more appropriate language, but even this would give folks an opportunity.

From a civil liberties point of view, imprisoning the right people is the key to making sure our criminal justice system is indeed just. This is a great bill; we again thank the sponsor.

JASON FRIERSON (Office of the Public Defender, Clark County):
We support the bill.

CHAIR CARE:
You heard the amendment, the concept?

MR. FRIERSON:
We did, and we agree.

ORRIN JOHNSON (Office of the Public Defender, Washoe County):
Me, too.

TONJA BROWN (Advocate for the Innocent):
This was my idea, my amendment to this bill in the event the court denies the petitioner the genetic marker analysis. The petitioner may go forward with the testing without the court's permission by bearing the cost.

I may have a possible solution to the discussion on how the inmate would know what evidence is available. I suggest another amendment to this wherein the petitioner who requests DNA testing submit a letter in writing to the head of the evidence room in which the evidence is stored. Whether it is the courthouse or wherever it may be, ask for a copy of the index tracking sheet, chain of custody records and everything admitted into evidence during the trial. The petitioner will then have an idea as to what is available for DNA testing, and he can start from there. He must submit the request in writing to the district attorney, the court and the supervisor of the evidence room to notify them he intends to ask for DNA testing, and he is sending a letter of preservation in order to do this. At the same time, the petitioner should ask for copies of the evidence sheet, the exhibit sheets admitted into evidence and the index tracking cards to show where the evidence has gone since trial, not before but after. That should be included in this amendment

CHAIR CARE:
You will want to bring that up with Assemblyman Horne because he is the sponsor. We are going to defer to him. It is his bill, and his name is on the bill.

MS. BROWN:
On A.B. 117 which is closed …

CHAIR CARE:
We are not going to get into that.

MS. BROWN:
I realize that. Something in A.B. 117 should be rolled over into the work session for "the 118," which deals with the parole on innocence.

ASSEMBLY BILL 118: Revises provisions governing associations of self-insured employers. (BDR 53-695)

CHAIR CARE:
Because this is Assemblyman Horne's bill, you have to bring it up with him.

MS. BROWN:
Okay. I am speaking from personal experience. I have a loved one who was wrongfully convicted nearly 21 years ago. Prior to trial, we were told to have DNA testing conducted. It never got done. We have gone through the court system and been denied DNA testing. Now there seems to be problems, but that is beside the point.

Your documentary is wonderful. Wrongful convictions are happening on misidentification. In our instance, the victim positively identified him from a tainted photo lineup. This photo lineup can be found in exhibits through the Advisory Commission hearings of June 6, 2008, in which you will see the photo lineup. I have shown that photo lineup to 141 individuals who have positively identified this person without any knowledge of what he or the suspect looks like. We are still fighting his conviction, and this is one of the main reasons we need the DNA testing. It applies to everyone who maintains their innocence. A court can deny you, and they should not be able to. Let them pay for it at their own expense.

MS. JONES:
I want to support this bill. It is a marvelous piece of legislation. I am concerned that it not be limited to the courts and that the inmate may have the DNA testing done at his own expense whether or not the court approves it.

CHAIR CARE:
I will close the hearing on A.B. 179 and open the hearing on A.B. 271.

ASSEMBLY BILL 271 (1st Reprint): Makes various changes relating to the collection of fines, administrative assessments, fees and restitution owed by certain convicted persons. (BDR 14-903)

MR. GRAHAM:
We are dealing with a bill out of the Advisory Commission Study that showed tens of millions of dollars owed over the years, much of which could be collected for restitution, analysis fees and defense attorney fees. We discovered there is no coordinated effort to collect and work on this process.

Assembly Bill 271 is not an effort to take away from any entity that successfully collects fees but an effort by the Advisory Commission on behalf of the courts to help coordinate a collection process. We view this as enabling rather than anything that may start up immediately because of fiscal concerns. There is a discussion about administrative probation; when a person is off probation, the concept would be that a person who is capable of paying or had discussed paying would hear from either the Administrative Office of the Courts collection group or another collection effort. Ron Titus, Director of the Administrative Office of the Courts, is the numbers person. I am presenting the concept. I would coordinate and pull things together. Mr. Titus can present his view on this legislation.

RON TITUS (Director and State Court Administrator, Administrative Office of the Courts):
The intent of A.B. 271 is to provide broad authority and responsibility to the Administrative Office of the Courts to ensure collection of assessed fines, fees and restitution in the district courts for individuals convicted of gross misdemeanors and felonies.

The intent is to coordinate the various entities now collecting these fines—the district courts, occasionally the counties, the Department of Public Safety, Department of Corrections, and Parole and Probation—and make sure nothing falls through the cracks. The NRS does not assign responsibility for collection of any of these fines or fees except for restitution. Restitution is the only one that is assigned—to the Division of Parole and Probation.

The intent of the bill is to use existing collection efforts, not to replicate or replace those efforts in place. Parole and Probation has a large effort in collecting fines and fees.

This came to our attention last fall when Washoe County did an audit on the Second Judicial District and found $26 million in uncollected fines and fees not including restitution spread among the Public Defender, chemical analysis and DNA. We did a quick scan in Clark County, and the number is approximately $60 million, also not including restitution. Significant fines and fees should be collected. That is the purpose of the bill—to collect those fines and fees.

We plan on working with the State Controller who has great collection efforts in place. If the people can pay, we would like them to pay. If they cannot, then those debts should be written off. Business has a procedure for writing off bad debts; the courts do not. There are bad debts we are never going to collect.

SENATOR WIENER:
On page 5 of the bill under section 2, subsection 3, lines 27 through 31 provide the court can set a fixed time and if it is paid prior to that time certain, then you can proceed to dismiss it. What happens in between, from paying early or within the time frame and the bad debt, where you write it off? Is there an option to extend the time? In that fixed time, do you not want to give it another shot under certain circumstances?

MR. TITUS:
The intent is that it can be stopped early in any time period probationers pay the fine.

SENATOR WIENER:
This section says you can stop it early. But say within that fixed time you want to extend it. There is a provision to stop it if they pay early. There is no provision that under certain circumstances you would want to extend fixed time.

MR. TITUS:
I do not believe there is one. The intent is this follows a probation period of three, four or five years that extends for additional time set by the court. If we cannot collect it within that time, then the intent is to write it off.

SENATOR MCGINNESS:
Mr. Titus, on page 5, section 2, subsection 2, lines 22 to 23 say "During the period of administrative probation, the Office of Court Administrator shall supervise the person ... ." This like a court probation thing, so why is there no fiscal note?

MR. TITUS:
We have submitted a fiscal note, but we do not have it at this point. The supervision would entail checking with the person and verifying whether he can pay.

SENATOR MCGINNESS:
It is going to take some face time with that person.

MR. TITUS:
Correct.

SENATOR MCGINNESS:
This bill was introduced on March 9; in two months, we have not had a fiscal note yet?

MR. TITUS:
We submitted a fiscal note prior to it coming out of the Assembly side, and I do not know what the holdup is.

CHAIR CARE:
That being the case, I do not want the Committee to act on the bill until we know the fiscal impact. Everybody knows we are running out of time here—it is not your fault.

TRAY ABNEY (Director, Government Relations, Reno-Sparks Chamber of Commerce):
Prior to this Session, the Chamber released a list of long-term spending reforms that we think the Legislature needs to undertake. There has been a lot of publicity on the Public Employees' Retirement System, Public Employees' Benefits Program and the Spending and Government Efficiency (SAGE) Commission, but one of the things on that list we released is enhanced collection of uncollected fees and fines. We think this bill does that, and we support the concept behind it.

CHAIR CARE:
Thank you. Of course, that gets into collectability too. I can tell you from experience.

MR. FRIERSON:
We want to go on record in support of the bill.

CHAIR CARE:
Thank you.

MARK WOODS (Deputy Chief, Northern Command, Division of Parole and Probation, Department of Public Safety):
One of the problems the Division has with this is—we support the concept wholeheartedly—we are the ones who collect restitution. Right now, our system cannot talk to any other system regarding the monies. We can tell you what we collect and how much is owed, but we cannot talk to another system. In our current budget, we have only enough programming dollars for the next two years and cannot add anything new.

SENATOR WIENER:
Is restitution first? And then would there be a priority in repayment?

MR. WOODS:
We collect fines, fees and restitution while parolees are under our supervision. Restitution—making the victim whole—is our No. 1 priority.

SENATOR WIENER:
Is that statutorily defined?

MR. WOODS:
No. That is Division.

SENATOR WIENER:
That is policy.

CHAIR CARE:
You have a fiscal note on A.B. 271 (Exhibit O), $263,000 for FY 2009 -2010, $264,000 for FY 2010-2011, and then future biennia, zero? We do not know? Okay.

I will close the hearing on A.B. 271. Mr. Graham, regarding A.B. 117, you might be wondering how a bill that passed 41 to 0 could run into what it did this morning. I suggest you talk to Assemblyman Munford. We are not going to revisit or reopen the hearing on A.B. 424, but he has offered an amendment. As a member of the Legislature, he is welcome to do that.

Committee members, you should have the matrix (Exhibit P) Senator Amodei requested regarding where we are with all of the CIC and HOA bills. That came up in the hearing on A.B. 204.

The Committee is adjourned at 11:06 a.m.

RESPECTFULLY SUBMITTED:

_____
Judith Anker-Nissen,
Committee Secretary

APPROVED BY:

_____
Senator Terry Care, Chair

DATE: _____