

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

**Seventy-Sixth Session
March 11, 2011**

The Committee on Judiciary was called to order by Chairman William C. Horne at 9:23 a.m. on Friday, March 11, 2011, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman William C. Horne, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Steven Brooks
Assemblyman Richard Carrillo
Assemblyman Richard (Skip) Daly
Assemblywoman Olivia Diaz
Assemblywoman Marilyn Dondero Loop
Assemblyman Jason Frierson
Assemblyman Scott Hammond
Assemblyman Ira Hansen
Assemblyman Kelly Kite
Assemblyman Richard McArthur
Assemblyman Tick Segerblom
Assemblyman Mark Sherwood

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Nick Anthony, Committee Counsel
Karyn Werner, Committee Secretary
Michael Smith, Committee Assistant

OTHERS PRESENT:

John McCormick, Rural Courts Coordinator, Administrative Office of
the Courts
Jay Logue, Chief, Capitol Police, Department of Public Safety
Connie S. Bisbee, Chairman, Board of Parole Commissioners,
Department of Public Safety

Chairman Horne:

We have seven bills on the work session document. As a reminder, there is no testimony during a work session. There may be times when we ask for clarification of a particular issue. This is not an opportunity to reargue your case.

We will begin with Assembly Bill 56.

Assembly Bill 56: Grants subpoena power to the Attorney General, acting through the Medicaid Fraud Control Unit, to obtain certain documents, records or materials. (BDR 18-119)

Dave Ziegler, Committee Policy Analyst:

Assembly Bill 56 was sponsored by this Committee on behalf of the Attorney General. Mr. Munro and Mr. Benson presented the bill on February 23, 2011. This bill authorizes the Attorney General, through the Medicaid Fraud Control Unit, to conduct any investigation or prosecution authorized under the federal Medicaid Act and, if the Attorney General has reasonable cause, to subpoena documents, materials, and records. It makes failure to comply with the subpoena a misdemeanor.

[Continued to read from the work session document ([Exhibit C](#)) and explained where the document could be found.]

Chairman Horne:

There is a proposed amendment that was sent over by Brett Kandt, Special Deputy Attorney General.

Are there any questions on the amendment to Assembly Bill 56?

Assemblyman Segerblom:

I support this bill. It is important that they have every tool they can to fight Medicaid fraud, and particularly if they have to limit it to civil cases. It is a good bill.

Assemblyman Frierson:

I concur. I intend to support the bill with the amendment. I believe it adequately provides the state with the resources it needs to do the job. It was pointed out to me, while doing research and discussing this measure, that the people participating in this program volunteered to participate. They do not have to participate. To some extent, since they are participating voluntarily, they should be willing to give this information in the assistance of an investigation. I intend to support the bill with the amendment.

Assemblyman Sherwood:

I concur. After speaking with the Assistant Attorney General, you are opting into this program and you should be willing to submit to this if you are getting money from the state. I am in favor of this with the amendment.

Assemblyman Brooks:

I also want to state that I am in favor of this bill, particularly with the amendment. I hope that we can move forward with this. It does give the state the ability to do what it needs to do, particularly the Assistant Attorney General. I had a follow-up meeting with him and clarified things, so I am happy with it.

Chairman Horne:

Are there any more statements or questions? Seeing none, I will entertain a motion.

ASSEMBLYMAN FRIERSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 56.

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will give the floor assignment to Mr. Frierson.

Dave Ziegler, Committee Policy Analyst:

The next bill is Assembly Bill 83.

Assembly Bill 83: Revises the statute of limitations for crimes relating to identity theft. (BDR 14-536)

This bill was sponsored by Assemblyman Ocegüera. It was presented on March 2, 2011, by the Speaker, who was assisted by various persons, including Sergeant Aguillard of the Las Vegas Metropolitan Police Department. This bill would extend the statute of limitations for an identity theft felony against a victim who was under 18 years of age at the time the offense was committed.

[Continued to read from the work session document ([Exhibit D](#)).]

I would point out that the language "or reasonably should have discovered" appears elsewhere in *Nevada Revised Statutes* (NRS) 171.095, which is the same section that this bill amends.

Chairman Horne:

Are there any questions on Assembly Bill 83 or its proposed amendment? I see none, so I will entertain a motion.

ASSEMBLYMAN BROOKS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 83.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mr. Hansen will have the floor assignment.

The next bill is Assembly Bill 121.

Assembly Bill 121: Revises certain provisions relating to the security of court facilities. (BDR 1-653)

Dave Ziegler, Committee Policy Analyst:

The bill was sponsored by this Committee. On February 24, 2011, Mr. Graham and Mr. McCormick from the courts, and Chief Justice Douglas presented the bill. This measure would require the court administrator to examine the physical security of all courts, make recommendations, and implement security measures at the direction of the Chief Justice of the Nevada Supreme Court.

[Continued to read from the work session document ([Exhibit E](#)).]

I would add that the description that I read, which is the bill as it was introduced, is substantially changed with the amendments.

Chairman Horne:

I think it would be prudent to have Mr. McCormick come forward and walk the Committee through your proposed amendment.

John McCormick, Rural Courts Coordinator, Administrative Office of the Courts:

The most recent amendment that was provided to the Committee is attached to your document and I will run through it now.

In section 1, the amendment would remove the requirement that the Administrative Office of the Courts audit all court facilities in the state for security. That is due to the fact that it is not possible with our current resources. There were also concerns from the counties that we addressed by removing that provision.

Section 2 of the amendment, on page 2, removes the entire section from the original bill and replaces it with section 2.5. That section allows the Supreme Court to appoint persons to carry out necessary police duties to maintain the security of the justices and their employees. That is authorizing language that would conceptually be in Chapter 2 of the *Nevada Revised Statutes* (NRS). This was worked out with the Nevada Sheriffs' and Chiefs' Association, et al. This would also change the existing statutory language in NRS Chapter 2 regarding bailiffs at the Nevada Supreme Court. The language that exists in NRS Chapter 2 is antiquated and allows a law clerk to be appointed bailiff of the Supreme Court, or would allow the Supreme Court to require the sheriff of Carson City to provide services as a bailiff for a sum of \$50 per month. That is old language that we are striking. It now allows the Supreme Court to appoint police officers as the bailiff. The intent of that part was to clean up the existing statutory language.

Section 3 contemplates removing the bailiff and the security officers of the Supreme Court. There was some concern regarding the terminology of security officers and whether it included private security personnel who are appointed. It removes the designation of Category II peace officer.

Section 3.5, which you will find on page 4, makes the police officers appointed by the Supreme Court Category I peace officers. This was another provision that was worked out with law enforcement.

Section 5 does not substantially change from the first amendment that was presented. Section 5, subsection 3, allows Capitol Police, who can currently provide security for the Supreme Court, to go off campus with the justices when they travel around the state. It also clarifies that no money may be spent from the Buildings and Grounds funds unless money is appropriated for such a purpose. We felt the need to include that language to ensure it is not too restrictive.

Section 6 was reworked and allows the Supreme Court to contract for security services at any building owned, leased, or occupied by the Supreme Court or its employees. This would, theoretically, be a private security contractor. Subsection 2 would require that the private security contractor be supervised by a peace officer engaged in the provision of police services for the Supreme Court, and designated by the Chief Justice. It would ensure that a certified peace officer would be supervising or observing any private security contractor.

Section 7 is a new section that has been added to clarify that this bill is primarily enabling language and that nothing in the bill would abrogate the provisions of NRS 331.070 or NRS 480.140, which are the two statutes that cover the Capitol Police providing security for state buildings, and Buildings and Grounds providing services for state buildings.

Chairman Horne:

Thank you, Mr. McCormick. In section 3.5, where the Capitol Police would become Category I peace officers, is there additional training for that? I know they do not go through Peace Officers' Standards and Training (POST), but I do not know whether there is additional training.

John McCormick:

This was not intended to automatically classify Capitol Police officers as Category I. This would be anyone that the Supreme Court newly appoints as a peace officer. I am not knowledgeable enough about the difference between Category I and Category II. I would have to ask someone to clarify that.

Jay Logue, Chief, Capitol Police, Department of Public Safety:

Per current NRS, the Capitol Police are categorized as Category II officers. For approximately 15 years, all of our Capitol Police officers have been trained as Category I, and maintain Category I training. This would not change. There is approximately a 280-hour difference in training between the two categories.

Chairman Horne:

Are they currently trained at that level anyway?

Jay Logue:

Yes, sir, for the last 12 to 15 years.

Chairman Horne:

Are there any questions?

Assemblyman Daly:

I have a question on section 3.5 of the amendment. It says whoever they appoint is going to have the powers of a Category II peace officer. On the amendment, it says, ". . . shall have the powers of a peace officer pursuant to NRS 289.460" Is there also another statute that needs to be cited since it says they have the power, but nothing about the actual training they have to meet? I am not sure that we have gotten there.

John McCormick:

The statute that it is citing, NRS 289.460, is the statute that covers Category I officers. There may be some language changes necessary to ensure they are properly trained to meet that threshold.

Assemblyman Daly:

The language says the Chief Justice has the power to appoint and the officers have the defined powers. Although you have a statute that says this is the authority they have, where is the part that says the person you appoint must be qualified? Does the appointee have the proper training? I do not think you have hit that point yet.

John McCormick:

I understand that concern. If that is an issue, we should provide clarifying language in that section to ensure those who are being granted the powers have met the training threshold.

Chairman Horne:

Mr. Anthony can look into that.

Assemblyman Hansen:

This is a procedural question. When there is an amendment like this, is there a review of potential fiscal impact?

Chairman Horne:

If there is a fiscal impact, Ways and Means would hear it. I do not know whether this bill has one. Mr. Ziegler, is there a fiscal note attached?

Dave Ziegler:

I would have to check to see whether there was a fiscal note originally attached to the bill. As to the amendments, fiscal notes are not prepared on amendments unless requested by the Speaker.

Chairman Horne:

Are there any questions? Seeing none, I will entertain a motion.

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 121.

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

Assemblyman Daly:

Will this include the clarification that we were just talking about?

Chairman Horne:

Yes. The appointees have to be trained; they cannot take just anyone off the street and make them a Category I peace officer.

Assemblyman McArthur:

That was my question.

THE MOTION PASSED UNANIMOUSLY.

Chairman Horne:

Mr. Daly will have the floor assignment on A.B. 121.

Next is Assembly Bill 136.

Assembly Bill 136: Revises provisions governing credits for offenders sentenced for certain crimes. (BDR 16-634)

Dave Ziegler, Committee Policy Analyst:

The next bill in the work session document ([Exhibit F](#)) is Assembly Bill 136. This bill was introduced by this Committee on behalf of the Advisory Commission on the Administration of Justice. On March 2, 2011, Ms. Jones from the Clark County Public Defender's Office and Mr. Johnson from the Washoe County Public Defender's Office led off the testimony.

This bill would allow credits earned by category B felony offenders (other than offenders convicted of a crime involving the use of force or violence, a sexual offense, or felony driving under the influence) to apply to the offenders' eligibility for parole. The credits must be deducted from the minimum term until the offender becomes eligible for parole, and must be deducted from the maximum term.

[Continued to read from work session document ([Exhibit F](#)).]

Chairman Horne:

In reviewing this, I do not have an issue with the effective date being changed per the suggestion of Deputy Director Mohlenkamp of the Department of Corrections. However, on the Nevada District Attorneys Association's amendment on section 1, subsection 8, paragraph (b), "Any crime involving a deadly weapon," that would include certain category C and category D felonies that currently are included in the credits (510 credits) established in Assembly Bill No. 510 of the 74th Session. Is that correct?

Nick Anthony, Committee Counsel:

That is correct. As written, the credits would not apply to any crime involving a deadly weapon.

Chairman Horne:

That would take us backwards. The purpose of the bill is not to decrease persons eligible for the 510 credits, but to increase them. We need to look at that language. I do not have a problem with the habitual criminal language. The deadly weapon language encompasses people who are currently getting the credits. It is already covered in paragraph (a) which states, "Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim." I think you already get deadly weapon conduct in that paragraph.

Assemblyman Ohrenschall:

I have been looking over this amendment as well, and when I think about the purpose of this bill, I think it is the most efficient and judicious use of our prisons' resources. I would like to propose that we accept Ms. Erickson's amendment except for paragraph (b).

Assemblyman Hammond:

I want clarification when it talks about habitual criminals. I understand, according to NRS 207.010 and NRS 207.014, a habitual criminal in this case is someone who has been convicted two times. Is that the language that we are including in there? If so, I am okay with this.

Assemblyman Hansen:

As I recall, in the testimony, they suggested that if we allowed this to apply retroactively, about 300 people will potentially come up for release. I have a problem with that. Has there been an amendment proposed to eliminate the retroactive status of this bill? The problem I have is you release 300 people early. We had testimony earlier that about 20 percent of those will return through recidivism. This means we are essentially releasing 60 felons back on the streets that otherwise would be kept in prison longer. We will be responsible for their committing crimes. I do not know whether anyone has addressed that at all.

Chairman Horne:

From what I recall, that was the estimate of the number of inmates who would become eligible to be heard by the Parole Board. That does not mean 300 inmates will be released. There must be an opportunity to be heard, which would come sooner. Ms. Bisbee and her commission will make determinations that are currently in practice on whether that person would be granted parole or would get a "dump" to serve additional time before they are eligible to be heard again. Is that correct?

Connie S. Bisbee, Chairman, Board of Parole Commissioners, Department of Public Safety:

Dr. Reed and I had a discussion this morning. The number that I gave you that would become immediately eligible under A.B. 136 was 518, and apparently someone has left because it is 517 today. Statistically speaking, out of those 517 inmates, if the current grant rate remains standard for that group also, it would mean approximately 300 to 325. You are correct. Because a hearing is held based on each particular inmate, parole may not be granted since we have the option. Statistically, it is between 300 and 325, but that does not mean they have to be granted. We refer to this as a "denial."

Assemblyman Hansen:

Assuming these 300 inmates are released, how much shorter will this make their sentences? If we let them out, should they have stayed another year, or what percentage of their sentence is actually being reduced?

Connie S. Bisbee:

Let me use this example, which is broad. You have a category B crime that is sentenced to a two to ten year sentence. Currently, they are getting the 510 credit off the back of the sentence, and if they do everything right, they do not lose time because they are not working or for behavioral issues. That two to ten is actually a two to four and nine months based on the current standards. What you are doing with A.B. 136 is reducing the two years to as

little as one year before they come up for parole consideration. You have changed that 2 to 10 to a 1 to 4.9 and at the one-year period, the Board would determine whether to send them out. You are reducing the front end to about 12 months versus 24 months. At the most, in that scenario, you are giving them the opportunity for 12 months longer on supervision.

Assemblyman Hansen:

So, an average of one year.

Connie S. Bisbee:

If they are granted parole at that particular time.

Chairman Horne:

I do not know what the average length of time is on a category B conviction time. Is that a two to ten? Also, on a category B felony, what is the likelihood of being granted parole the first time up?

Connie S. Bisbee:

I would be guessing if I answer that. I cannot tell you off the top of my head. Overall, in the most recent quarter of fiscal year 2011, the grant rate is 63 percent, and that includes A through E. I can make an educated guess that, as the crime severity category goes up, the grant rate goes down.

Chairman Horne:

Mr. Anthony, do you have an idea what the sentence is for category B felonies?

Nick Anthony:

One to twenty.

Chairman Horne:

Category B felonies range from 1 year to 20 years. Are there any more questions?

Assemblyman Sherwood:

The reason we are entertaining this bill is not to correct the overzealous sentencing on the front end. It is to give the Parole Board discretion. This is not a mandate; you cannot appeal if you are denied. We are not forcing anything. It is for the discretion of the Parole Board since we know people are given reasonable sentences on the front end. That was one of the things that came up.

Connie S. Bisbee:

You are absolutely right. Nothing I have heard on A.B. 136 was to say that there had been any injustices. It is to give the Parole Board the opportunity at an earlier date to determine whether this person is a reasonable candidate to put out.

Chairman Horne:

Are there any other questions? I will entertain a motion.

Assemblyman Frierson:

I move to amend and do pass with both amendments minus paragraph (b) of the District Attorneys' amendment regarding the deadly weapons.

ASSEMBLYMAN FRIERSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 136.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Assemblyman McArthur:

I am uncomfortable with this bill. It looks like we are letting an awful lot of people out. I do not know how I am going to vote yet, but I want to get on the record that I am uncomfortable with it. I will probably vote yes though.

Assemblyman Hansen:

Unless we remove the retroactive aspect of it, I am going to have to vote no.

THE MOTION PASSED. (ASSEMBLYMEN HANSEN AND KITE
VOTED NO.)

Chairman Horne:

Mr. Frierson will handle this on the floor.

The next bill, please.

Assembly Bill 142: Makes various changes governing crimes against property.
(BDR 15-599)

Dave Ziegler, Committee Policy Analyst:

The next bill is Assembly Bill 142, which has to do with property crimes. It was sponsored by Vice Chairman Ohrenschall, who presented the bill on February 28. It changes the break points or thresholds—expressed in terms of the amount of money or value misappropriated, stolen, or taken—between lesser and greater property crimes

[Continued to read the work session document on A.B. 142 ([Exhibit G](#)).]

On the day of the hearing, the sponsor proposed some amendments and, at this time, the sponsor has recommended an amendment that would raise the \$250 threshold amount to \$650 rather than \$450 at each place where it appears in the bill.

Assemblyman Ohrenschall:

The original bill was a product of the Advisory Commission on the Administration of Justice. When we looked at the value, we took into account the fact that the last change happened 22 years ago in 1989. The Legislature changed the former felony threshold amount from \$100 to \$250. Prior to that, it had not changed for 40 years. We were trying to bring us in line with inflation and our surrounding states. Even at \$650, we will still have the lowest felony threshold level of any of the states surrounding us. Utah is at \$1,500; Idaho is at \$1,000. The motive in doing this is the wise use of our prosecutorial, judicial, and prison resources.

Chairman Horne:

There is some concern on seeking to do \$900.

Assemblyman Ohrenschall:

We looked at inflation and took the original value, brought it up to 2011 dollars, and it would have been \$925. However, there was some concern. During the hearing, we also talked about indexing the amount so that future Legislatures would not have to change it. There was some concern about that, so we took it off the table. It is a good bill now.

Assemblyman Segerblom:

I will support it, but I would like to go up to at least \$1,000. If you look at the consequences of a felony and the impact on someone's life, and look at the people on Wall Street who are stealing billions of dollars and getting convicted of a felony, treating \$1,000 in the same way in Nevada is outrageous. I will support the bill.

Chairman Horne:

In my opinion, \$1,000 would be overreaching, and there were concerns about shoplifting rings being aware of the rates that we set. I think \$1,000 would be too high. I am comfortable with the \$650.

Assemblyman Frierson:

I agree with the \$1,000 being quite a leap. I cannot recall whether it was discussed today, but some of our surrounding states have higher thresholds, and I always believe when we are spending more resources than other states in our region, we are putting ourselves in a financial disadvantage in a way that is not at the level where we would be protecting the public. I think \$1,000 is too big a jump from \$250, but I am in favor of doing something that better reflects our surrounding states. I will support the proposed amendment.

Assemblyman Hansen:

I agree with the Chairman that \$1,000 is overlooking misdemeanor citations. They are minor, but there is still a six-month window in which the judge can throw them in jail. While that is rarely exercised, it is still an opportunity, if it is severe enough, to punish shoplifters who are getting under that window. We should leave this up to the judges. I would support the \$650, but would have no problem with it going higher.

Chairman Horne:

Are there any other questions or comments?

Assemblyman McArthur:

I have a problem with the \$650. Again, I will support the bill but, we are letting a lot of people off to do a lot of stealing to get up to \$650.

Chairman Horne:

Then you think it is too high?

Assemblyman McArthur:

Yes, sir. That is my problem.

Chairman Horne:

Are there any other questions or concerns? Then I will entertain a motion.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 142.

ASSEMBLYMAN BROOKS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The next bill is Assembly Bill 143.

Assembly Bill 143: Revises certain provisions concerning permits to carry concealed firearms. (BDR 15-118)

Dave Ziegler, Committee Policy Analyst:

The next bill is Assembly Bill 143, which was sponsored by Assemblyman Bobzien. He presented it on February 28, 2011, with a constituent, Johann Sprenger, and some others. Assembly Bill 143 allows a person to demonstrate competence with, and obtain a concealed firearms permit for, semiautomatic firearms, rather than one or more specific semiautomatic firearms, and changes the information on the permit application form accordingly.

[Continued to read from work session document ([Exhibit H](#)).]

Assemblyman Daly:

As a cosponsor on the bill who has spoken with all of the parties, I have been informed that the amendment is not necessary, and I agree. People are going to abide by and follow subpoenas, if they get them, which is not easy. If it is justified, they will get the subpoena and the information. I would be happy to make a motion when the time comes.

Chairman Horne:

I do not see anything in this that needs a subpoena, or anything that precludes anyone from seeing the records.

Assemblyman Frierson:

I agree. I support the bill, and I have never heard that the information in response to a subpoena was precluded. I think that was a concern expressed at the hearing by Ms. Rasmussen, but I think it sounds clear. The court releasing this information in response to a subpoena is not precluded. I do not think it is needed in the bill, so I support the bill without the amendment.

Assemblyman Kite:

I am going to support the bill, but I do not think it goes far enough. If you have gone through training, the background check, and everything that is required to get a concealed carry weapon permit (CCW), I do not see why you need one for a pistol, a single-six, and one for a semiautomatic. If you have a concealed weapons permit, it should cover everything, but I will support the bill.

Assemblyman Hansen:

As a concealed carry weapon permit holder, I have made it public, so I do not have a problem with that being public knowledge. However, as the Chairman

pointed out in the hearing, it should be up to each individual to allow that information to be public. I agree with my colleague from Sparks that the amendment is unnecessary, and I will be happy to second Mr. Daly's motion to have this passed without the amendment.

Assemblyman Brooks:

I have a similar concern about the amendment. I do not think it is necessary for this particular bill. I will support passage of this bill without the amendment as well.

Chairman Horne:

Are there any other questions or concerns? Mr. Daly, I will entertain that motion now.

ASSEMBLYMAN DALY MOVED TO DO PASS
ASSEMBLY BILL 143.

ASSEMBLYMAN HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

It is Assemblyman Bobzien's bill, so he will handle it on the floor, but Mr. Daly can back him up if he is not present.

We are to our last bill of the morning, Assembly Bill 147.

Assembly Bill 147: Revises provisions relating to the termination of parental rights. (BDR 11-116)

Dave Ziegler, Committee Policy Analyst:

This is sponsored by Assemblywoman Mastroluca, who presented this bill on March 3, 2011, with Mr. Sasser from Washoe Legal Services and Legal Aid Center of Southern Nevada. Assembly Bill 147 relates to domestic relations and the termination of parental rights.

[Continued to read from work session document ([Exhibit I](#)).]

Because of the Nevada Electronic Legislative Information System (NELIS) and the time of day these amendments came in, I need to explain that there are actually two amendments. They are both from Assemblywoman Mastroluca. The first one is in your system; then another came in from Clark County with amendments to the amendment. You want the second one, the one that includes the amendments from Clark County. On a colored copy, the changes

appear in red. We have checked with Assemblywoman Mastroluca and that is her preference. I am sorry for the confusion.

Chairman Horne:

I am looking and do not see it on NELIS.

[There was discussion on where to find the bill and amendment.]

Dave Ziegler:

The top of the page should say, "Proposed Amendment by Clark County to the Proposed Amendment to Assembly Bill 147 by Assemblywoman Mastroluca." There is a paragraph entitled "Purpose" and under that is another paragraph starting with the words "Clark County proposes to amend" If you have that one, it is the operative amendment at this time.

Assemblyman Hammond:

I want to go on record as saying that I like the bill and I support it. I am glad that the second amendment takes off the age limit. It is not the fault of these young children that they have parents who sometimes are abusive or have had their rights terminated. The parents may have inherited some money or property from their parents and the grandparents hope that their inheritance would continue to go down the familial line. It is necessary that those children receive this even if they reach the age of 19 or beyond. I support the language as written.

I am not completely comfortable with the adoption part. I am not sure they should be cut off just because they were adopted. I like it the way it is now.

Assemblyman Ohrenschall:

I am in complete agreement with my colleague from Indian Springs. If a parent does not want to leave anything to a natural child, whether they have lost parental rights or not, it is easy enough to make a will. It is easy to disinherit a child. If you do not have a will, you assume that they want the child to inherit. I am a little troubled by the adoption part, but I support the County's amendment.

Assemblyman Hansen:

Does this only apply in a probate situation? If there is a will, would this have any impact? In a situation where the natural parent dies and his estate ends up in probate, would it apply?

Chairman Horne:

We have Legal here to answer that.

Nick Anthony:
That is correct.

Assemblyman Segerblom:

That also applies to Social Security benefits. In the case where a child is under 18, and the natural parent dies, the child would be entitled to get Social Security until he turns 18. That is one of the purposes of this bill.

Assemblyman Hansen:

We never had a discussion on paragraph (b). Why did that even come into play? Clark County wants it removed, but why was it brought in in the first place? Why do we cap it off at 18, or 19 if they are going to school?

Chairman Horne:

I think that was my fault. I had asked a question as to when we would do this. We were talking about kids being able to inherit, and I asked whether this included the person who is 30 years old and falls into that category. Clearly, you are outside of that zone, which was to protect the kids in the system. That is why that was proposed.

Assemblyman Hansen:

So, Clark County is essentially saying there should not be an 18 year old cap if you are a natural child. It does not matter whether you are 50 when your folks die. Do you still have an opportunity to claim their estate in probate?

Assemblyman Frierson:

In my discussions, taking off the cap would allow someone who has gone through the system, and reached 18, to still inherit if there is any money.

Assemblyman Hansen:

Does Assemblywoman Mastroluca have an issue with the proposed amendment by Clark County?

Dave Ziegler:
No.

Assemblyman Brooks:

I am in favor of the bill with Clark County's proposed amendment to Mrs. Mastroluca's amendment. It makes sense and it protects the child's opportunity to receive something beyond the age of 18.

Chairman Horne:

Are there any more comments, questions, or concerns? Then I will entertain a motion.

Assemblyman Ohrenscha11:

I move that we amend and do pass with Clark County's amendment to Assemblywoman Mastroluca's amendment.

ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 147.

ASSEMBLYMAN HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mrs. Mastroluca will handle this on the floor, but Mr. Hammond can back her up if she is unable to be there or do so. Mr. Hansen will also back up the Speaker if he does not defend Assembly Bill 83 on the floor. Mr. Ohrenscha11 will handle Assembly Bill 142.

That was a good work session everyone. One moment before we adjourn. We have one piece of housekeeping to do. I want to create a subcommittee for homeowners' associations' bills. I have a number of requests to be in this, so Vice Chairman Ohrenscha11 is going to be chairing that subcommittee and Mr. McArthur and Mr. Carrillo will be the other two members. Currently, there are three bills dealing with this subject matter, Assembly Bill 85, Assembly Bill 236, and Assembly Bill 246.

For the new members, Mr. Ohrenscha11 will schedule a hearing for those bills and any other bills that are sent to the subcommittee. They will have a hearing like any other committee. Testimony will be heard, then they will come back to the whole Committee with their recommendations. We will then decide to move at that time.

Assemblyman Brooks:

I would like to be on that subcommittee as well. I did not know you were deciding that, and would love to be part of that committee.

Chairman Horne:

A subcommittee is only three members. The reason is to keep it small, concise, and manageable. I apologize. I received emails from other persons asking to be on it as well.

Are there any questions? Is there any other business before the Committee? I see none, so we are adjourned [at 10:29 a.m.].

RESPECTFULLY SUBMITTED:

Karyn Werner
Committee Secretary

APPROVED BY:

Assemblyman William C. Horne, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: March 11, 2011

Time of Meeting: 9:23 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 56	C	Dave Ziegler	Work session document.
A.B. 83	D	Dave Ziegler	Work session document.
A.B. 121	E	Dave Ziegler	Work session document.
A.B. 136	F	Dave Ziegler	Work session document.
A.B. 142	G	Dave Ziegler	Work session document.
A.B. 143	H	Dave Ziegler	Work session document.
A.B. 147	I	Dave Ziegler	Work session document.