

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

**Seventy-Sixth Session
April 26, 2011**

The Committee on Judiciary was called to order by Chairman William C. Horne at 9:09 a.m. on Tuesday, April 26, 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:

Senator Don Gustavson, Washoe Senatorial District No. 2

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

James Jackson, representing the Consumer Data Industry Association

Chairman Horne:

[Roll was called. The Chairman reminded Committee members, witnesses, and members of the audience to silence computers and cell phones.]

Today is a work session day. As a reminder, work sessions are not going to be opportunities for new testimony. We may call persons up to the witness table for clarification on a measure. Other than that, it is for the Committee to work and decide whether we are going to process a piece of legislation. We have four bills on the work session document today. We will go in order and get started with Senate Bill 45.

Senate Bill 45: Revises provisions conferring the powers of a peace officer upon certain personnel of the Department of Public Safety. (BDR 23-463)

Dave Ziegler, Committee Analyst:

The first bill is S.B. 45. It was sponsored by the Senate Committee on Legislative Operations and Elections on behalf of the Department of Public Safety. It was heard on April 20, 2011, in this Committee.

[Read work session document ([Exhibit C](#)).]

There are no amendments.

Chairman Horne:

I believe Mr. Ohrenschall chaired this bill.

Assemblyman Ohrenschall:

I do not recall any opposition at the hearing on this bill. It seemed very straightforward. If you are willing to accept a motion, I am willing to offer one.

Chairman Horne:

Are there any questions or concerns on S.B. 45? I see none. I will entertain a motion.

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS
SENATE BILL 45.

ASSEMBLYMAN HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will give this bill to Mr. McArthur to handle on the floor.

The next bill up is Senate Bill 94 (1st Reprint).

Senate Bill 94 (1st Reprint): Provides for the realignment of certain judicial districts. (BDR 1-758)

Dave Ziegler, Committee Analyst:

Senate Bill 94 (1st Reprint) was sponsored by Senator McGinness, and heard in this Committee on April 20, 2011.

[Read work session document ([Exhibit D](#)).]

There are no amendments.

Chairman Horne:

Mr. Ohrenschall, will you please share the rationale for doing this.

Assemblyman Ohrenschall:

I had the pleasure of chairing the Judiciary Committee on that day. There was testimony from Senator McGinness and from members of the judiciary in his district. They testified that, if this bill passes and we have this realignment of the judicial districts, it will be easier on the judges. They will not have to travel as much. According to them, it will be easier on the litigants because their cases will be processed more quickly. There will also be safety advantages since some of the courthouses that they will be able to use have better security than other courthouses out in rural Nevada. Again, there was no testimony in opposition.

Chairman Horne:

Are there any questions or concerns on S.B. 94 (R1)? I see none.

Assemblyman Ohrenschall:

This bill might bring an end to our circuit-riding judges but, according to them, it will make things more convenient and make access to justice easier.

Chairman Horne:

For those in the rural areas, but we will still be clogged up in Clark County.

Assemblyman Ohrenschall:

This bill will not help us in Clark County.

Assemblyman Daly:

I was just mentioning that I believe they said it would save them money as well because there would not be travel expenses and days and time lost. There would be more time in court for the judges without their having to travel.

Chairman Horne:

I will entertain a motion.

ASSEMBLYMAN FRIERSON MOVED TO DO PASS SENATE BILL 94 (1ST REPRINT).

ASSEMBLYMAN HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will give this bill to Mr. Daly.

The next bill up is Senate Bill 186 (1st Reprint).

Senate Bill 186 (1st Reprint): **Revises provisions relating to records.**
(BDR 2-185)

Dave Ziegler, Committee Analyst:

Senate Bill 186 (1st Reprint) was sponsored by Senator McGinness and heard in this Committee on April 20, 2011.

[Read work session document ([Exhibit E](#)).]

There were no amendments on the day of the hearing.

Chairman Horne:

Are there any questions, concerns, or comments on S.B. 186 (R1)?

Assemblyman Ohrenschall:

Again, I had the pleasure of chairing the Judiciary Committee on that day. There was no testimony in opposition. Replacing the full driver's license number with the last four digits gives people more protection. I like that measure. I think the additional requirements for the letters and other filings provide more security.

Chairman Horne:

Are there any other comments or questions on S.B. 186 (R1)? I will entertain a motion.

ASSEMBLYWOMAN DIAZ MOVED TO DO PASS SENATE BILL 186 (1ST REPRINT).

ASSEMBLYMAN HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mr. Hammond will handle this on the floor.

The last bill is Senate Bill 282.

Senate Bill 282: Prohibits the intentional public posting or displaying of the social security number of another person. (BDR 15-792)

Dave Ziegler, Committee Analyst:

Senate Bill 282 was sponsored by Senator Gustavson and heard in this Committee on April 20, 2011.

[Read work session document ([Exhibit F](#)).]

My recollection from the day of the hearing is that this was a friendly amendment.

Chairman Horne:

Mr. Jackson is in Las Vegas and is available for any clarification that we might need.

Assemblyman Frierson:

I have two comments. First, looking at the amendment, we might be missing a transition from the introductory paragraph to section 1, subsection 1, paragraph (a). That is probably a drafting issue.

My concern from reading the bill is that I assume the intention is not to worry about everyone's individual mail. The way the bill reads, if I sent my brother some paperwork and happened to write his Social Security number in there asking him if that was his number, that would technically violate the statute and be a misdemeanor. That is a concern and I want to ensure that is not the intent of the bill. I would like some clarification whether this would violate the statute. I just happen to be sending paperwork involving my father's estate back and forth to my brother and, oftentimes, we must write down our family members' Social Security numbers for each other. That is not publishing on the back of a postcard or on the Internet, but it seems to me that it might be a technical violation. I want to get some clarification to ensure that is not the goal or intent of the language.

Assemblywoman Dondero Loop:

I would like the same clarification. When I sent my check to the Internal Revenue Service, the instructions said to print my Social Security number on my check. Where do we agree with the federal government?

Chairman Horne:

We have James Jackson in Las Vegas, but I believe you can publicly post your own Social Security number.

James Jackson, representing the Consumer Data Industry Association:

In my discussions with Senator Gustavson, it was not the intent that an individual providing his Social Security number to another would not be covered by this. As I understand the intent, and as Senator Gustavson testified at the hearing on April 20, 2011, the intent of this bill was to protect persons from identity theft and from those who willfully and intentionally post someone's Social Security number with the intention of causing him harm. In Mr. Frierson's example, that is obviously not intended to do any harm. It is intended to communicate with someone who does not mind that happening. Again, the intention is to protect from the willful and intentional public posting of someone's Social Security number for the purpose of either obtaining credit or goods and services.

Chairman Horne:

What is the purpose for the bill? What was the rationale? What problems are we seeing with the posting of Social Security numbers?

Senator Don Gustavson, Washoe Senatorial District No. 2:

First of all, it says to willfully and intentionally publicize someone's Social Security number. It has nothing to do with the examples that were given. Those would not be considered a public display. If someone requests your Social Security number, and you give it to them, that is not publicly displaying it. Something being displayed publicly would be sending something out on a mail piece.

What happened to me during one of my election cycles was that my expense forms from the Legislative Counsel Bureau (LCB) were collected, copied, and mailed out, which exposed my name, address, Social Security number, signature, and everything else on those forms. They were publicly displayed. That is what brought this bill forward.

Chairman Horne:

Something from LCB?

Senator Gustavson:

No, LCB did not send it out. My expense forms were requested by someone and that person sent them out. He made up a mail piece showing all of that information and sent it out to approximately 10,000 people. I am sure it was not done with any criminal intent, but with all of the identity theft going on, this could have been picked up by anyone.

Chairman Horne:

But your expense report was provided by LCB?

Senator Gustavson:

Yes, it was provided by LCB. Since that time the process has been changed and if someone requests your form, they do not get it. They cross off your Social Security number. At that time, it was not. That is why we brought the bill forward, to make sure this information is not made public. Anyone could have taken this information and used it for identity theft. I want to see that this does not happen to anyone else for any reason.

Assemblyman Brooks:

When I read this bill, I thought about a situation in which I worked on a campaign and the individual from the opposing party went down to justice court and procured some personal identification on the individual that I was helping. He did not post his Social Security number, but posted his child's Social Security number on poster boards and posted them all around town. In light of the need to protect people's identification, I think this is a good idea. Identity theft is happening and it could happen to any one of us during a campaign cycle.

Assemblyman Frierson:

I want to point out the language that is concerning me. In my field, I know how people can get prosecuted for things that were not necessarily the bill's intention. Section 1, subsection 1, paragraph (d)—and presumably (a) through (f) are examples of publicly displaying—says, "Print an individual's social security number on any materials that are mailed to the individual" This goes back to my example of sending my family paperwork that I have written their Social Security numbers on. I know that is not the intention, and I wholeheartedly support the notion of preventing Social Security numbers from being printed improperly. I want to make sure we do not accidentally include people who are not intended to be included. That is the language that I was looking at that concerns me. It would make me more comfortable if we put on the record that that was not the intent of the bill, and that may be enough in legislative intent to make it clear what we are trying to do here. I want to put on the record my concern about the specific language that could be misapplied as submitted.

Senator Gustavson:

That is definitely not the intent of the bill. This is part of the amendment that was submitted by Mr. Jackson and, at first read, it looked fine to me, but I can see where you might have a concern. It is definitely not the intent of the bill to have someone convicted for posting a Social Security number unless it was done intentionally to make it available for identity theft.

Assemblywoman Dondero Loop:

Paragraph (f) of subsection 1 in section 1 says, "This section does not apply to documents that are recorded or required to be open to the public pursuant to state law." Would not that mean that when we file expense reports, et cetera, as public officials that it would not prevent that?

Senator Gustavson:

I believe that was in there so that most of the information that is recorded now is redacted. Mr. Jackson may be able to reply on what the intent was in that section.

James Jackson:

That was only to capture those documents, or those things, that are required by state law to have a Social Security number for purposes of being recorded or filed. If there are other state laws that allow for the redaction of that, then that personal identifying information would not have to be produced. That was our intent. We are not trying to create a situation where someone has to publish his Social Security number against his will, only if state law requires it. If there is a state law that allows for the redaction or exclusion of that, which I understand we have in Nevada, we would be fine.

Chairman Horne:

Are there any other questions or concerns with S.B. 282? I see none. What is the appetite of the Committee? I have a motion by Mr. Hansen to do pass as amended.

ASSEMBLYMAN HANSEN MOVED TO AMEND AND DO PASS
SENATE BILL 282.

ASSEMBLYMAN HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will give this to Mr. Hansen to present on the floor.

That concludes our work session for this morning. Ladies and gentlemen, you heard on the floor that the pace is going to pick up. Yesterday, we picked up 17 or so Senate bills that will be processed. We will have less time to hear those bills than we had to hear the Assembly bills. We will be moving at a much more rapid pace in the coming days to get the Senate bills processed. A lot of that will be on me. I will be shutting down long commentaries and preambles before questions, et cetera, so we can keep things moving.

Assemblyman Sherwood:

This is the last day to get anything that came from this Committee onto the floor. Is that right?

Chairman Horne:

By tonight we are going to have two floor sessions again. If we do not process them by tonight, they will be dead.

Is there any other business to come before this Committee? We are adjourned [at 9:38 a.m.].

RESPECTFULLY SUBMITTED:

Karyn Werner
Committee Secretary

APPROVED BY:

Assemblyman William C. Horne, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: April 26, 2011

Time of Meeting: 9:09 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 45	C	Dave Ziegler	Work session document
S.B. 94 (R1)	D	Dave Ziegler	Work session document
S.B. 186 (R1)	E	Dave Ziegler	Work session document
S.B. 282	F	Dave Ziegler	Work session document