

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

**Seventy-Seventh Session
April 18, 2013**

The Committee on Judiciary was called to order by Chairman Jason Frierson at 9:03 a.m. on Thursday, April 18, 2013, 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 nelis.leg.state.nv.us/77th2013. 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 Jason Frierson, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Richard Carrillo
Assemblywoman Lesley E. Cohen
Assemblywoman Olivia Diaz
Assemblywoman Marilyn Dondero Loop
Assemblyman Wesley Duncan
Assemblywoman Michele Fiore
Assemblyman Ira Hansen
Assemblyman Andrew Martin
Assemblywoman Ellen B. Spiegel
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Senator Mark Manendo, Clark County Senatorial District No. 21

STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Thelma Reindollar, Committee Secretary
Colter Thomas, Committee Assistant

OTHERS PRESENT:

George Flint, representing Chapel of the Bells, Reno; Reno Wedding Chapel Alliance
Margaret Flint, representing Chapel of the Bells, Reno; Arch of Reno Chapel; Silver Bells Wedding Chapel, Reno
Kathleen Marino, representing Arch of Reno Wedding Chapel
John Pappageorge, representing Nevada Association of County Clerks and County Election Officials
Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office
Steven Johnson, Criminalist, Forensic Science Division, Washoe County Sheriff's Office
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Kristin Erickson, Chief Deputy District Attorney, Washoe County District Attorney

Chairman Frierson:

[The roll was called. Committee protocol and rules were explained.] I will open the hearing on Senate Bill 77 and invite Mr. Manendo to introduce his bill.

Senate Bill 77: Revises provisions governing the issuance of marriage licenses. (BDR 11-683)

Senator Mark Manendo, Clark County Senatorial District No. 21:

Thank you, Mr. Chairman and members of the Committee. Senate Bill 77 removes the prospective expiration for provisions related to the issuance of marriage licenses by certain commercial wedding chapels that were passed in the 76th Legislative Session. During the 2011 Session, the Legislature enacted Senate Bill No. 381 of the 76th Session, which revised the method by which certain counties issued marriage licenses. In a county with at least

100,000 residents but fewer than 700,000 residents—currently Washoe County—in which a commercial wedding chapel has been in business for five years or more, the bill requires the county commission either to ensure that the marriage license bureau be open daily from 8 a.m. to midnight, including holidays, or that it provide for a program in which a chapel that has been in business for five years or more may issue marriage licenses when the marriage license bureau is closed.

In counties with populations under 100,000, currently all counties other than Clark and Washoe, the bill allows the board of county commissioners to establish such a program but does not require it to do so. Senate Bill No. 381 of the 76th Session required a chapel that is authorized to issue marriage licenses to file a registration form and a \$50,000 performance bond with the county clerk for any marriage license application requiring the signature of a parent or guardian and to comply with the same statutory requirements as the county clerk. [Senator Manendo continued to read from [Exhibit C.](#)]

Senate Bill No. 381 of the 76th Session makes permanent the authority for the county offices to deviate from the required hours of operation if approved by the respective boards of county commissioners. The measure was effective June 13, 2011, and will expire on June 30, 2013, thus the need for S.B. 77.

I appreciate the Chairman allowing me to make some opening remarks and give a little bit of background. I have folks who will be able to give you more history. If they could proceed, I would appreciate that.

Chairman Frierson:

Thank you Senator, and please do proceed. I recall this last session and it sounds like it has worked out. I am looking forward to hearing it.

George Flint, representing Chapel of the Bells, Reno; Reno Wedding Chapel Alliance:

Good morning, Mr. Chairman. To my left is my daughter Margaret, whom you all know. We also have a representative owner of one of the other wedding chapels who will speak briefly. Mr. Chairman, I respectfully request that you allow me about two minutes to deviate from the bill.

Chairman Frierson:

Yes, please proceed.

George Flint:

It was a half century ago that I was having coffee in Reno one morning. I was reading the *Reno State Journal* in which an article stated that anybody who

owned a wedding chapel in this state, even if they were approved by the district court to perform marriages, could not marry in their own wedding chapel but would have to hire an outside officiant or clergyman.

Within about 15 minutes, this young 30-year-old kid was on his way to Carson City, not knowing exactly where he was going, what he would say, or who he should talk to. We were still in the old building then. I walked in and immediately saw a security area and, I asked who I should talk to about this. I was introduced to a young Reno attorney named Clint Wooster, whose father is the namesake of Wooster High School. I explained to Assemblyman Wooster why this bill would put this wedding chapel, which my family had started within the previous year, out of business. In those days, we charged about \$21 per wedding, and in the event of illness, we could hire an officiant for about \$8. It did not leave a whole lot to live on. We lived in the back of the chapel in those days.

I explained as best I could to the Chairman what the problem was and how it would just absolutely put us out of business. He said to me, "Mr. Flint, if you will hang in here until about 2:30 p.m., I will bring this committee back into session and please tell them what you just told me." He brought the committee together and he introduced me. He said, "Mr. Flint is going to explain to you why the bill we had passed probably would not be conducive to the survival of that business." I did the best this young 30-year-old kid knew how to do, scared to death having never appeared before a group like this before. I had hardly finished when a lady from Clark County who was very outspoken asked for the attention of the chairman. She said, "Mr. Chairman, would you accept a motion to rescind the action whereby we passed this bill out yesterday and give Mr. Flint some security that his little business can, in fact, survive?" The Chairman accepted the motion; it passed unanimously and that bill became history.

Fifty years later, I am still coming back to this same exact Committee, although the faces are different. I would also like to say that the day that happened, I told myself that I better get involved in the process if I planned on surviving in this industry. I am proud of the fact that 50 years later, I have a daughter who is going to take over for me very soon because at almost 80 years old, I am not going to be around a whole lot longer. I owe an apology to one of you, and you know who you are. You have encouraged me to come see you just to chat. I just have not had the ability or the strength to come visit you, so forgive me.

Thank you, Mr. Chairman, for allowing me those personal remarks. I would like my daughter Margaret to take the matter from here, and I will do my best, although sometimes it is difficult, to be quiet.

Chairman Frierson:

Thank you, Mr. Flint.

Margaret Flint, representing Chapel of the Bells, Reno; Arch of Reno Chapel; Silver Bells Wedding Chapel, Reno:

I am going to run through a little bit of history so you have an idea of what happened and what brought us to where we are today. In order to do this, I need to take you back to the 26th Special Session. During that session, Assembly Bill No. 2 of the 26th Special Session was introduced, which allowed counties to deviate from certain county hours. Of course, it affected the marriage license bureaus in Washoe and Clark Counties, which statutorily have been open from 8 a.m. until midnight for 50 years. We knew the result of that would not be an issue in Clark County because they are a different animal than what we are dealing with in the north. In Clark County, they are still issuing somewhere in the area of 90,000 marriage licenses annually. In 2012, we just barely issued 8,000 marriage licenses in Washoe County ([Exhibit D](#)).

As a result of that bill passing in 2010, we were invited by the Washoe County Clerk to participate with the Washoe County Commission in some discussions on what type of hours we should discuss as far as deviation. When we got there, nothing happened other than the County Clerk submitted her budget for that quarter and it was accepted by the Commission. We were all left standing there, and there was nothing we could do about it. As a result of that, in June 2010 they started closing the Marriage License Bureau at 8 p.m., Monday through Thursday.

The beginning of June is our prime summer tourist season. June is the bridal month. We tried discussing this with the Commission, and they were not amiable to us about it. Also, they were only open from 10 a.m. until 6 p.m. on Sundays. They closed on certain holidays such as Thanksgiving and Christmas. On dates such as 10-10-10, we had to go before the Commission and ask for some extended hours. Although not receptive to it, they did allow us that. That particular Thanksgiving, they were completely closed, but we opened our businesses anyway. We had a few couples who actually came in around noon who did not have marriage licenses, and we could not do anything for them. I had one couple who said they could be in Las Vegas in eight hours, so they drove there because the Marriage License Bureau was open in Las Vegas.

Let me also touch on the fact that people can get married 24/7 in Lake Tahoe, California. They can issue what they call a confidential marriage license right there at the wedding chapel on the California side. All that is required is that both parties are over 18 years old and have valid photo identification. I also

submitted a flyer ([Exhibit E](#)), which shows information on the Chapel of the Bells at Lake Tahoe which we are not affiliated with. You can see they are open 24/7 and also what is required to get married there. So if they do not get married in Reno and if we do not take care of them in Washoe County, they are going to go somewhere else and spend their money. Let me also establish with you the fact that after crunching numbers, at minimum, 65 percent of these weddings are tourist weddings. These are people who spend money in our hotels and restaurants and are part of the whole trickle-down effect on our tourism in Washoe County, so it does have a real negative impact on us.

What this bill does is assure us, especially in this decline, that if the county finds the need to revisit this and finds it is not cost-effective for them to maintain the 8 a.m. until midnight hours, the vehicle is in place in statute for them to come back and work with us. We have tried very hard to put the safeguards in there that we feel are necessary as far as the bond. There are misdemeanor offenses. You have to be a business that has been established for a minimum of five years so you are not dealing with any transient-type businesses.

We are a unique industry in that we are completely dependent on the availability of the office of the Marriage License Bureau. Marriage licenses are our ability to do business, and without that we are out of business.

I am available for any questions you may have. I think I have covered everything that I need to.

Assemblywoman Spiegel:

Ms. Flint, do you have access to data showing the effect of the California confidential marriage license on the businesses in Lake Tahoe on the California side?

George Flint:

It was not too many years ago that Carson City had seven wedding chapels. When the confidential marriage license program became popular in California, seven to ten wedding chapels opened in South Lake Tahoe. There are no more wedding chapels in Carson City, and there have not been for many years. I am told that half of the couples who get licenses in California are getting confidential marriage licenses. It is simply a marriage license that was created over a hundred years ago—during colonial times almost—to seal the record as to when and where the wedding took place to cover concerns about illegitimate babies born before a marriage. Someone discovered that marriage licenses could be sold by any notary public rather than going to a county courthouse. The confidential marriage license business in California has flourished and it has

had a huge negative impact in the north, particularly here in Carson City. It has not affected Clark County very much because people still love to come to Clark County.

Chairman Frierson:

Are there any other questions from the Committee? Mr. Flint, could you address the heart of the opposition last time and why that turned out not to be an issue?

Margaret Flint:

Much of the opposition in the last session came from the county clerks. Let me establish the fact again that this does not include Clark County. This is basically a Washoe County issue. The opposition of the clerks is the handling of the personal information. Per federal law, we do require identification on all business, recreational, professional, and marriage licenses, so we ask for social security numbers. We would need to safeguard that personal information, of course. Let me point out the fact that a marriage license is not the only license where a social security number is required. Fishing licenses require your social security number, and you can purchase a fishing license at almost any convenience store, Walmart, or Raley's. Those places require people to handle that personal information, so I believe businesses that are bonded protect us. A wedding chapel would have to be in business for at least five years to not be considered a fly-by-night type of business.

There are only four freestanding wedding chapels left in Washoe County. There are some resorts that we do not consider the same competition. Between two freestanding wedding chapels, one owned by my family and the other by a lady who will be speaking shortly, we maintain 50 percent to 60 percent of the weekly licenses issued in Washoe County. We are only looking at four wedding chapels that would qualify to participate in this program if the County decides it wants to do this. It is not something it has to do. Also in the bill, we would not just be issuing licenses to our particular businesses. If a couple is being married at the Peppermill or at one of the resorts, they can bring the couple to us, and we will issue the license right there.

Assemblywoman Dondero Loop:

We have been down this road before and have had lots of discussions, but I just cannot let it go that we are comparing fishing licenses and marriage licenses. I do not think we can equate those things, even though I know you are trying to equate social security numbers. When you get a marriage certificate, you are entering into a legal document that is much more important and severe than a fishing license.

Margaret Flint:

I understand your concern with that, and I am not establishing the fact that the fishing license is a frivolous document. All I am doing is establishing the fact that the handling of the personal information is the same.

Assemblywoman Diaz:

How many commercial wedding chapels have the ability to issue the marriage licenses in lieu of the county clerks?

Margaret Flint:

Assemblywoman Diaz, there are only four freestanding wedding chapels in Washoe County that would qualify for this program if they choose to participate.

Assemblywoman Diaz:

How many currently do it that you know of?

Margaret Flint:

There are none. At this point, the County has never chosen to allow us to participate in this program. All this does is put that vehicle in place so if the County again decides it is not cost-effective, it can implement this program. Using a weekly printout from the County Clerk's office, I crunched some numbers and broke that down into marriage licenses that were issued after 4 p.m. I eliminated Fridays and Saturdays, even though it would not be something we really want to do. Those are the busiest times as are the number days such as 10-10-10 or on Valentine's Day. That would not be feasible for us. The Clerk's office issued somewhere in the area of 1,285 marriage licenses from 4 p.m. to midnight, and that is probably not cost-effective for the County. The marriage license fee is \$60, and the County receives \$21 from every marriage license issued. The state's General Fund gets \$4, \$10 goes to the County Recorder's office for the filing of the document, and \$25 goes to the Aid for Victims of Domestic Violence.

Assemblyman Ohrenschall:

My question has to do with the wedding chapels at Lake Tahoe. You said that people can drive across the state line and get a marriage license at a California wedding chapel. Do you think we are losing a lot of the Lake Tahoe weddings to California because of this discrepancy?

Margaret Flint:

I am not sure I understand what you are asking me.

Assemblyman Ohrenschall:

Are our wedding chapels at a disadvantage to the California chapels because of their ability and flexibility?

George Flint:

Before the Lake Tahoe chapels came into vogue about 25 years ago, Douglas County also had a big wedding industry with a second location at South Lake Tahoe. In those days, Douglas County was selling about 10,000 licenses. There is just no question that you can go to any wedding chapel in California, have your marriage license from the chapel in five minutes, and be married immediately. This has not only destroyed the seven wedding chapels that existed in Carson City, but the last time I looked, it had pretty well eroded about 90 percent of Douglas County's weddings, too. We do not get near the number of couples that used to drive from Lake Tahoe to Reno because the California chapels and their 24-hour availability of issuing licenses has caused a dramatic negative effect on our industry in the north. You must also realize that it is a long way to any California chapels from Las Vegas. There are not any on the border near Jean, Nevada, for example. I think the first wedding chapel in California is in Victorville. Nothing can compete with the beauty, the vision, and excitement of Las Vegas. It has not been a problem in the south; it never has been.

In northern Nevada, we are down 70 percent from where we were 30 years ago in marriage license sales. The sadness of that, and candidly what grieves me, is the fact that there is very little vision of any change except from this Committee to help us. I do not see much assistance coming from county or city government. I think they are kind of naïve to the whole thing. Finally, if you look at gaming revenues and general revenues associated with tourism, the marriage license sales decline is a wonderful mirror and barometer of all of northern Nevada's tourism business. The difference in gaming taxes between Clark and Washoe Counties is 20 to 1 now. What we are experiencing is typical of what has happened, and part of it may even be associated with the Indian casinos in California. The bottom line is we still have four viable chapels in Reno, and we need to keep those four chapels viable.

Mr. Hansen asked me earlier how it had worked out with us selling licenses. We have never sold a license yet because the county moved from the courthouse to a less costly location. They testified in the other house that they had saved \$150,000 with the move and apparently are happy to continue to stay open rather than give us that opportunity. There are other states, such as Florida and Hawaii, where you do not have to go to the county courthouse to get your marriage license. Also, the city of Winnemucca in Humboldt County has allowed their single wedding chapel to sell licenses now for 25 years.

Assemblyman Ohrenschall:

Have there been any problems in the 25 years that Humboldt County has allowed that wedding chapel to issue licenses?

George Flint:

Humboldt County started a program about 25 years ago because it is not prohibitive in the statute. Long before this bill was ever drafted, the County decided it would be nice to let the Winnemucca Flower Shop and Wedding Chapel issue licenses whenever it is closed on holidays, evenings, and weekends. Humboldt County has done it successfully for all that time. I know Ms. Dondero Loop's concerns and they are natural. There just has never been a problem either in Winnemucca in Humboldt County or in El Dorado County, California, with the chapel there.

Assemblywoman Fiore:

I actually think Mr. Ohrenschall answered my question. I thought we did a sunset last session, and there were literally no problems.

Chairman Frierson:

Are there any questions from the Committee? Seeing none, thank you very much.

Senator Manendo:

Mr. Chairman, a couple of weekends ago I stayed here in Carson City and decided to catch up on some work. I started in the morning, and about 12 hours later, I looked at the clock and it was nine something at night and I said, "I just have to get out of here." I wanted to take a drive, so I called Ms. Flint and asked if she was working that night; she said yes. She asked where I was, and I said I was at the office and needed to get out. She asked me to come visit her, so I did. I like visiting their chapel; it is always nice to play tourist and just look. While I was there, a young couple came in near closing time. I witnessed their wedding and took a couple of pictures, which I sent to them. They appreciated that because they did not have a lot of money. Ms. Flint's folks whisked them in time to be able to get the license, and by the time they got back, it was very close to closing time. They were determined to get married that night. Afterward we talked a little bit, and I asked them what they would have done if the Marriage License Bureau had been closed and they hadn't been able to get their license. They said they would have gone to California and gotten married there. So I am glad the Marriage License Bureau was open, and the chapel was able to marry this wonderful couple. But if the Marriage License Bureau had not been open, this bill would have given the chapel the opportunity to issue that license, and the couple would have spent their money in Nevada and not California. Thank you, Mr. Chairman.

Chairman Frierson:

Thank you, Senator. I will now invite those in Carson City and in Las Vegas wishing to provide testimony in support of S.B. 77 to come forward.

Kathleen Marino, representing Arch of Reno Wedding Chapel:

I was here during the last session to help get this bill passed. Obviously, we have not had a chance to test it, but I think it has been very beneficial to have that safety net there for us. There is always that possibility in the future. We faced it in the past, and our business declined significantly during that time. We need to protect the ability to get licenses and have them available. If it is not cost-effective for the County to do it, then we are willing to take on the responsibility. Thank you.

Chairman Frierson:

Thank you. Are there any questions from the Committee? Seeing none, I will now invite those wishing to offer testimony in opposition to S.B. 77 to come forward, either in Carson City or in Las Vegas. [There was no one.] Is there anyone here or in Las Vegas wishing to offer testimony in a neutral position?

John Pappageorge, representing Nevada Association of County Clerks and County Election Officials:

Our position is neutral. We are in agreement with the proponents of the bill. [See ([Exhibit F](#)) and ([Exhibit G](#)).]

Chairman Frierson:

Thank you, Mr. Pappageorge. Are there any questions from the Committee? [There were none.] Seeing no one in Las Vegas and as there was no opposition, Senator Manendo, do you have any closing remarks? [There were none.] With that, I will close the hearing on S.B. 77 and now open the hearing on Senate Bill 175.

Senate Bill 175: Revises provisions relating to testing to determine the concentration of alcohol in a person's breath. (BDR 43-184)

Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office:

Thank you, Mr. Chairman and members of the Committee. I am here to present Senate Bill 175. With me at the table is Steven Johnson, who is a criminal and forensic analyst of alcohol for the Washoe County Sheriff's Office crime lab. You should have written testimony from John Johansen ([Exhibit H](#)), who is the chairman of the Committee on Testing for Intoxication for the state of Nevada. He is unable to be here today, so I am presenting this bill on his behalf. With

Mr. Johnson here and with Mr. Johansen's written testimony, any technical questions you may have should be answered.

The purpose of this bill is to bring the language in the *Nevada Revised Statutes* (NRS) up to current technology with regard to testing for intoxication. I will briefly go over the bill itself as well as summarize Mr. Johansen's written testimony. When someone is arrested for driving under the influence (DUI), they get a breath test; if the test result is found to be over the legal limit, the person is booked into jail. The forensic analyst for alcohol prepares an aqueous solution to verify the calibration of the breath-test device to make sure it is within appropriate standards set by the Committee on Testing for Intoxication and NRS 484C.190.

These forensic analysts inspect the breath-test machines in the state to make sure they are functioning correctly. They go to court and testify that they prepared the aqueous solution and completed an affidavit and declaration. If we go to new technology that uses gas, we cannot prepare the gas. We have to buy the gas, and the court requires that we bring someone in to testify that they prepared that gas. If we buy the gas from the East to get the best price on the gas, we would have to fly that person here for every DUI case and have him testify under oath that he prepared the gas. The language we are proposing in S.B. 175 simply allows for the forensic analysts already here to take the gas, certify that it is appropriate for use in the calibration of the device, and then they can testify locally rather than bringing somebody in who actually prepared that gas solution. [Mr. Spratley continued to read from [Exhibit H](#)].

Assemblyman Wheeler:

Lieutenant Spratley, what you are wanting to do here seems pretty straightforward. Is this done in other jurisdictions as well?

Eric Spratley:

I will let Mr. Johnson answer that question.

Steven Johnson, Criminalist, Forensic Science Division, Washoe County Sheriff's Office:

These newer instruments are being used in other states, and they are using dry gas standards with them. I have spoken with the head scientists in the breath program in the state of Montana, and they have a procedure that is very similar to what is being proposed here. They use the gas standard to verify the calibration of the instrument. They verify that standard first, and then they write a certificate of declaration stating they verified it.

Eric Spratley:

I want to add that we have received a very expensive grant to purchase these machines. We want to be able to use these machines and provide them throughout the state. I am happy to answer any other questions.

Assemblyman Martin:

I am curious about the accuracy of the rate of the new machines versus what is currently being used.

Steven Johnson:

The new instruments are just as accurate and in some ways more accurate than the current instruments we are using. What is currently being used in Nevada is the Intoxilyzer-5000, which has been in service for over 20 years. Some of these machines are between 10 and 20 years old. These newer instruments use the same infrared technology, but it is done in a different manner that allows it to be more specific to ethanol.

Assemblywoman Spiegel:

In Mr. Johansen's written testimony ([Exhibit H](#)), he said that the affidavits provided by the out-of-state technicians would not be accepted by our courts and that the cost of having them come in to testify would be the responsibility of the prosecuting attorney's agency. Do you know why our courts have not accepted these forms and how much we have spent bringing in technicians to testify?

Steven Johnson:

Currently, the forensic analyst of alcohol at the laboratory prepares the solution. We write a declaration or affidavit stating the concentration of the solution, and that it is used to accurately check the instrument. When we go out and calibrate an instrument, we also prepare declarations stating that the instrument was calibrated appropriately. During a DUI trial, they can subpoena the forensic analyst of alcohol to testify to both the calibration of the device and the solution.

What would happen with the gas is a technician would have to prepare the declaration. For that testimony, the court would be responsible for bringing in the technician to testify in a DUI trial to the accuracy of the gas that was prepared. The forensic analyst of alcohol is also going to be subpoenaed to testify in that case as to the calibration of the device. What this bill does is allow the forensic analyst of alcohol to verify that gas so the court can just subpoena the forensic analyst of alcohol to both testify to the calibration of the device and to the accuracy of the gas standard itself.

Eric Spratley:

To further answer your question, that is currently not happening because we are not bringing in technicians from out of state because we prepare the liquid solution here. If we want to use the new technology, then we have to purchase the gas. So it is not happening now, but the court needs a live body there to testify to the declaration and calibration of the machine.

Chairman Frierson:

We went straight into questions. Did you have other introductory comments?

Steven Johnson:

No, I think Lieutenant Spratley covered it very well. The new technology utilizes the gas standard. Moving forward with breath testing, we do need to have the availability to use the gas standard for evidentiary tests. This proposed language change would allow us to do that.

Chairman Frierson:

Are there any other questions from the Committee?

Assemblyman Ohrenschall:

Have you seen many trials or other hearings where the defense has tried to force the expert to come out to testify to the calibration?

Steven Johnson:

There are many times that I personally have to testify in cases because the defense requests my presence there, and this is in preparation for the aqueous solution. The gas standard would be the same.

Assemblyman Ohrenschall:

If S.B. 175 passes into statute, would your presence not be required anymore?

Steven Johnson:

My presence would still be requested because I verify the gas standard and because I also calibrated the device. My presence would be required for both purposes. What would not be required is any out-of-state technician having to come to Nevada to testify; we would eliminate that need.

Assemblyman Ohrenschall:

In your experience, have you seen many trials where an out-of-state technician is brought in? I imagine most of these cases plea; they do not go to trial.

Steven Johnson:

It has never occurred because we have not had the need for an out-of-state technician to prepare anything that would require them to testify. Because the forensic analyst of alcohol does prepare what is currently being used, our testimony is required quite often.

Assemblyman Ohrenschall:

This bill would just make sure that an out-of-state technician would not need to come in.

Steven Johnson:

That is correct.

Chairman Frierson:

Are there any other questions from the Committee?

Assemblywoman Diaz:

Is there a significant cost savings?

Eric Spratley:

There currently would be no cost savings. We would avoid a future cost impact. Absent S.B. 175, moving forward the court would require the person who prepared the gas solution to be present in a DUI trial. Senate Bill 175 says that we do not care about the person who made the solution—that when it gets here, our forensic analyst of alcohol can declare the gas is appropriate for calibrating the machine and verifying its calibration. We only want the end person present. It would avoid us having to bring someone in from out of state for every DUI trial.

Chairman Frierson:

Are there any other questions from the Committee? Seeing none, I would now invite those wishing to offer testimony in support of S.B. 175 to come forward both here in Carson City and in Las Vegas.

**Chuck Callaway, Police Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

We are in support of S.B. 175.

Kristin Erickson, Chief Deputy District Attorney, Washoe County District Attorney:

We are in support of this bill as it will enable us to use this technology. Without this bill, we frankly could not afford to use the new technology. We would be forced to use the old Intoxilyzer-5000. This is a very important piece of legislation that will enable us to move forward and successfully prosecute DUI cases. Thank you.

Chairman Frierson:

Are there any questions from the Committee?

Assemblywoman Spiegel:

Ms. Erickson, do you know how much the grants are that will cover the cost of the new equipment?

Kristin Erickson:

I believe the grants are coming through the Washoe County Sheriff's Office, which oversees the Washoe County crime lab. I do not know the answer to that question.

Chairman Frierson:

Are there any other questions from the Committee? Seeing none, I now invite those wishing to offer testimony in opposition to S.B. 175 to come forward here in Carson City and in Las Vegas. [There was no one.] Is there anyone wishing to offer testimony in a neutral position? Seeing none, I will now close the hearing on S.B. 175. I will briefly open it up for any public comments. Seeing none, today's meeting of the Assembly Judiciary Committee is now adjourned [at 9:55 a.m.]. Thank you.

RESPECTFULLY SUBMITTED:

Thelma Reindollar
Committee Secretary

APPROVED BY:

Assemblyman Jason Frierson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: April 18, 2013

Time of Meeting: 9:03 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 77	C	Senator Mark Manendo	Bill History
S.B. 77	D	Margaret Flint, representing Chapel of the Bells, Reno; Arch of Reno Chapel; Silver Bells Wedding Chapel, Reno	Wedding Chapel Flyer 1: Marriage License Issuance Washoe County
S.B. 77	E	Margaret Flint, representing Chapel of the Bells, Reno; Arch of Reno Chapel; Silver Bells Wedding Chapel, Reno	Wedding Chapel Flyer 2: California Confidential Marriage License
S.B. 77	F	John Pappageorge, representing Nevada Association of County Clerks and County Election Officials	Washoe County Clerks
S.B. 77	G	John Pappageorge, representing Nevada Association of County Clerks and County Election Officials	Clark County Clerks
S.B. 175	H	Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office	Testimony on behalf of John Johansen