

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Seventh Session
May 13, 2013**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 9:25 a.m. on Monday, May 13, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 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 Tick Segerblom, Chair
Senator Ruben J. Kihuen, Vice Chair
Senator Aaron D. Ford
Senator Justin C. Jones
Senator Greg Brower
Senator Scott Hammond
Senator Mark Hutchison

GUEST LEGISLATORS PRESENT:

Assemblywoman Michele Fiore, Assembly District No. 4

STAFF MEMBERS PRESENT:

Mindy Martini, Policy Analyst
Nick Anthony, Counsel
Ilena Madraso, Committee Secretary

OTHERS PRESENT:

Nicole Lamboley, Chief Deputy, Office of the Secretary of State

Chair Segerblom:

I will open the work session for the Senate Judiciary Committee, and we will begin by hearing Assembly Bill (A.B.) 248.

Senate Committee on Judiciary
May 13, 2013
Page 2

ASSEMBLY BILL 248 (1st Reprint): Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice. (BDR 14-616)

Mindy Martini (Policy Analyst):

I have prepared a work session document concerning this bill ([Exhibit C](#)).

SENATOR JONES MOVED TO DO PASS A.B. 248.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

We will now hear A.B. 110.

ASSEMBLY BILL 110 (1st Reprint): Revises provisions concerning canines and breed discrimination. (BDR 15-567)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit D](#)).

Senator Hutchison:

For me, this issue was a question of whether to leave it to the cities or counties to create ordinances. I am not opposed to the legislation, and I understand its purpose and rationale. After doing some research, I have found that many other states leave this problem to the local authorities. Senator Scott Hammond has also done some research, and we have had discussion regarding this. I am willing to support this bill.

Senator Ford:

I do not recall any county coming in opposition to this bill, right?

Chair Segerblom:

Right.

Senate Committee on Judiciary
May 13, 2013
Page 3

Senator Hutchison:

I have heard little opposition on this. Those people who bring forth a bill, without opposition, deserve careful consideration.

Senator Ford:

You and I both have the same concerns relative to local control issues. I have an additional concern relative to my own interactions in this arena. But I can support this bill.

SENATOR HUTCHISON MOVED TO DO PASS A.B. 110.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

Let us now start back at the beginning of the schedule and hear A.B. 40.

ASSEMBLY BILL 40: Authorizes the State Board of Parole Commissioners to notify victims of crime of certain information through the use of an automated victim notification system. (BDR 16-346)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit E](#)).

SENATOR BROWER MOVED TO DO PASS A.B. 40.

SENATOR JONES SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

Moving on, we will hear A.B. 55.

ASSEMBLY BILL 55 (1st Reprint): Imposes an additional penalty for attempting or conspiring to commit certain crimes against older or vulnerable persons. (BDR 15-337)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit F](#)).

Senator Hutchison:

This looks like a subset of what we have heard before in Senate Bill (S.B.) 297. Does anyone believe that these will conflict or be competing measures? They do seem to complement each other. Could legal counsel address that?

SENATE BILL 297 (1st Reprint): Revises provisions relating to certain crimes against older or vulnerable persons. (BDR 15-1005)

Nick Anthony (Counsel):

Senate Bill 297 is different because it applies attempt or conspiracy to all the crimes in the list. Assembly Bill 55 would apply attempt or conspiracy only to section 1, subsection 1, paragraphs (h) and (i). Thus, they would not be in conflict; S.B. 297 would be broader. The two coincide.

Senator Hutchison:

Assuming both of these bills pass, would they be merged into revising the *Nevada Revised Statutes* (NRS) in a consistent way?

Mr. Anthony:

That is absolutely correct.

Senator Brower:

It is my understanding that S.B. 297 is not being processed on the Assembly side. Senate Bill 297 is a better bill, but A.B. 55 is better than nothing.

SENATOR BROWER MOVED TO DO PASS A.B. 55.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

Please proceed with the next measure, A.B. 60.

ASSEMBLY BILL 60 (1st Reprint): Establishes requirements for solicitation of charitable contributions by nonprofit corporations and other charitable organizations. (BDR 7-217)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit G](#)).

Senator Hutchison:

The only challenge I have with this bill is that we would require either the business or residential addresses of the directors or trustees, along with officers and executive personnel. Normally, if you are an officer in a corporation, that information is generally published, but not if you are a director or trustee. I wonder if it makes sense to amend this so that directors and trustees are not required to disclose their residential or business addresses. Would that substantively affect the bill?

Nicole Lamboley (Chief Deputy, Office of the Secretary of State):

That requirement, for directors or trustees to disclose their addresses, is based on statute. It is up to an entity to make those addresses public. We post all of the officers' and at least one of the director's addresses online. Changing this law would materially change all the other statutes related to corporation law. For nonprofit entities soliciting charitable contributions, the naming of an executive member of their personnel is new.

Senator Hutchison:

The intent of this bill is not to change statute as it relates to officers, directors, trustees or executive personnel? You believe that this bill does not make changes?

Ms. Lamboley:

It affects executive personnel. This bill requires listing the name of one person who is the executive director or the person responsible for the day-to-day operations of that organization. All else is already law.

Senator Hutchison:

At least one director must be listed?

Ms. Lamboley:
Correct.

Senator Hutchison:
This bill requires all directors to be listed?

Ms. Lamboley:
No. It requires just one director and all the officers as in statute.

Senator Hutchison:
The intent of this bill is not to change existing law as to officers, directors and trustees. Whatever the law is will continue. All this bill does is add executive personnel?

Ms. Lamboley:
Correct.

Chair Segerblom:
Does the home address have to be listed?

Ms. Lamboley:
The address can be either office or home.

Senator Brower:
As expressed by the Attorney General's Office, the intent is the director could list the office address of the organization itself, even if that address is a post office box?

Ms. Lamboley:
Correct.

Senator Brower:
Section 3, subsection 3, paragraph (k) says, "Any other information deemed necessary by the Secretary of State, as prescribed by regulations adopted by the Secretary of State pursuant to section 9 of this act." The concern that I have heard is: How do we know what regulations the Secretary of State will promulgate? If we do not know what those regulations might be, how do we know whether to support this bill? My response is to assume that the Secretary of State is reasonable and will promulgate reasonable regulations that comport

with the language and intent of the statute. Ms. Lamboley is agreeing by nodding her head.

With respect to the Legislative Commission or the Legislative Commission's Subcommittee to Review Regulations, last Session we had some uncomfortable situations approving regulations from the Secretary of State that did not sit well with many members of the Legislature nor our constituents. With the hope and expectation that the rule-making process will be more transparent in the next interim, and with the understanding that many of us from both sides of the aisle will be closely watching the rule-making process from all rule-making agencies, I feel comfortable with this language because it is standard language regularly seen in statute.

Senator Hutchison:

Another concern raised regards the cost of complying with the regulation. We received some good perspective on that issue from the Alliance for Nevada Nonprofits; the Alliance estimated that on average it would cost less than \$80 for one of their members to comply with the bill-reporting requirements. That does not seem to be a major fiscal impact on even the smaller nonprofits.

SENATOR HUTCHISON MOVED TO DO PASS A.B. 60.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

Assembly Bill 82 is the next measure.

ASSEMBLY BILL 82 (1st Reprint): Revises provisions governing evidence in certain court proceedings. (BDR 11-78)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit H](#)).

SENATOR FORD MOVED TO DO PASS A.B. 82.

SENATOR JONES SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

We will now move on to A.B. 89.

ASSEMBLY BILL 89: Authorizes the formation of benefit corporations. (BDR 7-28)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit I](#)).

SENATOR FORD MOVED TO DO PASS A.B. 89.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

The next bill is A.B. 132.

ASSEMBLY BILL 132 (1st Reprint): Provides immunity from civil liability to persons employed by an agency to provide personal care services in the home in certain circumstances. (BDR 40-151)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit J](#)).

Chair Segerblom:

This is the bill that addresses an area where there has not been a problem, but it is looking to prevent one in the future?

Senator Hutchison:

Yes. This good-samaritan bill applies to home health care workers.

Senator Ford:

The one occurrence was in California and was relative to the absence of a statute like this leading to additional injury to an elderly person. This was a recent occurrence. I will support this bill.

SENATOR FORD MOVED TO DO PASS A.B. 132.

SENATOR HUTCHISON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

Let us now move on to A.B. 233.

ASSEMBLY BILL 233: Revises provisions governing postconviction genetic marker analysis. (BDR 14-1000)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit K](#)).

There are three amendments to this bill. The first, Proposed Amendment 8698, submitted by Assemblywoman Lucy Flores, does two things. First, under section 1, subsection 1 removes the words "who is under sentence of imprisonment for that conviction and." The sentence now reads "A person convicted of a Category A or B felony who otherwise meets the requirements of this section may file a postconviction petition requesting a genetic marker analysis of evidence" The second part of her amendment is new language submitted into section 1, subsection 10 which indicates "If the court orders a genetic marker analysis pursuant to subsection 7 or 8, the State may appeal to the Supreme Court within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court." This would provide for the right of appeal for all parties.

The second amendment submitted by Senator Tick Segerblom is a verbal amendment which would expand the provisions to apply to persons convicted of any felony. It would not limit the appeal to only persons convicted of a Category A or B felony.

The third amendment was submitted by Michelle Ravell. She requested a provision wherein a person could pay for the analysis. The amendment would require the court to "enter an order granting the petition and release of the evidence ... if the testing is to be performed at no charge to the State."

Chair Segerblom:

To start with, does anyone have a problem with the basic idea?

Senator Ford:

When you made your oral suggestion, no one opposed it from the district attorney's (DA) side, right? It was accepted?

Chair Segerblom:

I think so. The comment was that the DAs only had one petition in the last 2 years. I am not upset if anyone has problems with expanding it.

Senator Ford:

I do not wish to. I just wanted to note that no one had opposed it.

Senator Brower:

I do not recall anyone having brought that up before. If people are opposed, we can hear from them now.

Senator Hutchison:

What is the practical effect of the elimination of Categories A and B? It applies to all felonies now, but what is the practical effect with removing the restrictions on Categories A and B?

Chair Segerblom:

It might open it up for more people given only one petition in 2 years from all of the A and B felonies. This is a very rare circumstance.

Senator Hutchison:

Ms. Ravell's amendment was presented, and Assemblywoman Flores did not like the amendment.

Chair Segerblom:

You are correct. She did not like that. She thought that it created two systems of justice.

Senate Committee on Judiciary
May 13, 2013
Page 11

My recommendation is to keep both mine and Assemblywoman Flores's amendments and leave out Michelle Ravell's.

Senator Ford:

I agree with the Chair.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 233.

SENATOR HUTCHISON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

The next bill is A.B. 307.

ASSEMBLY BILL 307 (1st Reprint): Revises provisions governing victims of crime. (BDR 16-743)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit L](#)).

SENATOR JONES MOVED TO DO PASS A.B. 307.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

Moving on to the next bill: A.B. 366.

ASSEMBLY BILL 366 (1st Reprint): Revises certain provisions governing nonprofit cooperative corporations. (BDR 7-764)

Senate Committee on Judiciary
May 13, 2013
Page 12

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit M](#)).

Senator Hutchison:

Mr. Chair, I do not remember any opposition to this bill, right?

Chair Segerblom:

No. This is a fantastic bill.

SENATOR HAMMOND MOVED TO DO PASS A.B. 366.

SENATOR HUTCHISON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

The next bill we will vote upon is A.B. 377.

ASSEMBLY BILL 377 (1st Reprint): Revises provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and pupils. (BDR 15-514)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit N](#)).

Chair Segerblom:

We talked about how far this could be extended, and this seems to be as far as it can go.

Senator Hutchison:

This was just fixing the loophole we saw in that prior case where the teacher and the student were not in the same school, and thus they could not be prosecuted under the law, right?

Chair Segerblom:

Right.

Senator Brower:

Mr. Chair, for the reasons I expressed during the hearing, we could and should go further. However, that is not the bill in front of us, so I am happy to support this version.

SENATOR FORD MOVED TO DO PASS A.B. 377.

SENATOR HUTCHISON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

Moving right along to A.B. 389.

ASSEMBLY BILL 389 (1st Reprint): Revises provisions governing parentage.
(BDR 11-922)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit O](#)).

Senator Hutchison:

I do not remember any opposition to this bill, right?

Chair Segerblom:

Right. None of the agencies or anyone opposed this bill.

SENATOR FORD MOVED TO DO PASS A.B. 389.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Segerblom:

Our last bill for today is A.B. 421.

Senate Committee on Judiciary
May 13, 2013
Page 14

ASSEMBLY BILL 421 (2nd Reprint): Revises provisions governing parentage.
(BDR 11-806)

Ms. Martini:

I have prepared a work session document concerning this bill ([Exhibit P](#)).

Senator Hutchison:

I went back through this bill and am pleased with the work done in this complicated area of the law. Nevada will now be at the forefront, leading this area of the law. I am fully supportive of the bill.

SENATOR HUTCHISON MOVED TO DO PASS A.B. 421.

SENATOR JONES SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Senate Committee on Judiciary
May 13, 2013
Page 15

Chair Segerblom:

The work session is now adjourned at 10:38 a.m.

RESPECTFULLY SUBMITTED:

Ilena Madraso,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	2		Agenda
	B	6		Attendance Roster
A.B. 248	C	1	Mindy Martini	Work session document
A.B. 110	D	1	Mindy Martini	Work session document
A.B. 40	E	1	Mindy Martini	Work session document
A.B. 55	F	1	Mindy Martini	Work session document
A.B. 60	G	1	Mindy Martini	Work session document
A.B. 82	H	1	Mindy Martini	Work session document
A.B. 89	I	1	Mindy Martini	Work session document
A.B. 132	J	1	Mindy Martini	Work session document
A.B. 233	K	7	Mindy Martini	Work session document
A.B. 307	L	1	Mindy Martini	Work session document
A.B. 366	M	1	Mindy Martini	Work session document
A.B. 377	N	1	Mindy Martini	Work session document
A.B. 389	O	1	Mindy Martini	Work session document
A.B. 421	P	1	Mindy Martini	Work session document