

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

**Seventy-Eighth Session
May 14, 2015**

The Committee on Judiciary was called to order by Chairman Ira Hansen at 9 a.m. on Thursday, May 14, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Ira Hansen, Chairman
Assemblyman Erven T. Nelson, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblyman Nelson Araujo
Assemblywoman Olivia Diaz
Assemblywoman Michele Fiore
Assemblyman David M. Gardner
Assemblyman Brent A. Jones
Assemblyman James Ohrenschall
Assemblyman P.K. O'Neill
Assemblywoman Victoria Seaman
Assemblyman Tyrone Thompson
Assemblyman Glenn E. Trowbridge

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Diane Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Lenore Carfora-Nye, Committee Secretary
Jamie Tierney, Committee Assistant

OTHERS PRESENT:

None

Chairman Hansen:

[The roll was called and Committee protocol explained.] We are going to hear Senate Bill 304 (1st Reprint), but we are going to have a work session first. The first bill on our work session will be Senate Bill 56 (1st Reprint), and I will turn it over to Diane Thornton, our policy analyst.

[Senate Bill 56 \(1st Reprint\)](#): Revises provisions governing graffiti. (BDR 15-479)

Diane Thornton, Committee Policy Analyst:

Senate Bill 56 (1st Reprint) revises provisions governing graffiti. The bill was sponsored by the Committee on Judiciary on behalf of the City of Reno and was heard in this Committee on April 29, 2015. The bill grants the governing body of a city the authority to adopt ordinances pursuant to which officers, employees, or other designees of the city may cover or remove graffiti placed on certain portions of residential property with the property owner's consent, or without the owner's consent, if the city is unable to contact or notify the owner after following certain steps.

Additionally, the bill provides that a city may adopt ordinances pursuant to which the owner of a nonresidential property may be ordered to cover or remove graffiti following a notification process and, if requested by the owner, a hearing and possible appeal. If the property owner does not request a hearing, or does not prevail through the hearing process, the city may cover or remove the graffiti and may recover the costs of doing so through a special assessment or lien. Any county or city that has a graffiti abatement program in place may continue it under the provisions of this bill. [Continued reading from work session document ([Exhibit C](#)).]

Chairman Hansen:

I will entertain a motion to amend and do pass S.B. 56 (R1).

ASSEMBLYMAN JONES MOVED TO AMEND AND DO PASS
SENATE BILL 56 (1ST REPRINT).

ASSEMBLYMAN TROWBRIDGE SECONDED THE MOTION.

Assemblyman Elliot T. Anderson:

I regret that I will be voting no on this bill. I think section 7 is very problematic. The way I read it, it criminalizes fingernail clippers or anything that can be used to etch. It is way too broad. Because of that, I will be voting no.

Assemblyman Thompson:

I will also be voting no. I really have been honing in on the stop-and-frisk situations and how that significantly affects juveniles and people of color. For that reason, I will be voting no.

Assemblywoman Diaz:

For the reason that my colleagues have stated, I will also be voting no.

Assemblyman Ohrenschall:

I hate to sound like a broken record, but section 7 causes me concern. The fact is that so many children may have these instruments on them although they may not be involved with trying to deface public or private property. I am worried that we are going to be casting a net and catching kids, which will bring them into the delinquency system if they are under 18 years of age or the adult system if they are over 18 years of age. Maybe they should not be there with this kind of charge. I talked to one of the proponents, proposing an amendment to delete section 7, but it was not considered friendly. As is, with section 7, I cannot support it.

Assemblyman Araujo:

I echo my colleagues' sentiments, but I would also like to add that it would be refreshing to hear some proactive recommendations and solutions on how to address this without any potential penalties to our youth. I will be voting no as well.

Assemblyman Gardner:

I had some serious issues with the change in definition to section 8.4, but with the amendment, I am on board.

Assemblyman O'Neill:

I am in agreement with the bill as it is. Having been in law enforcement for years, I think there is a totality of circumstances. It is a totality; if the person is arrested because they are caught with an item used for defacing near the area that was defaced, it brings up some logical conclusions. It also goes on to the court systems, and the district attorney has discretion to lessen the charges. It is an investigative tool being given to the officers for a problem that is extensive, particularly in some of the larger urban areas. I will be voting in support of the bill.

Assemblyman Jones:

As a business owner, I am occasionally the true victim of these taggers. They mess up your building, and it is very frustrating. It is expensive to clean. I do not think the people doing the graffiti are the victims. The victims are the business owners and homeowners that get tagged. I will vote for anything that will prevent this.

Assemblyman Nelson:

I appreciate the conceptual amendment that you proposed regarding the lien upon nonresidential property. That was my main concern. As we have discussed, I am also a little concerned with the intent. I might possibly consider a floor amendment. With those caveats, I am going to vote for the bill.

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON, ARAUJO, DIAZ, OHRENSCHALL, AND THOMPSON VOTED NO.)

Chairman Hansen:

Assemblywoman Seaman will handle the floor statement. Next, we will go to Senate Bill 138 (1st Reprint).

Senate Bill 138 (1st Reprint): Revises provisions governing the forfeiture of property. (BDR 14-222)

Diane Thornton, Committee Policy Analyst:

Senate Bill 138 (1st Reprint) revises provisions governing the forfeiture of property. It was sponsored by Senator Gustavson and Assemblymen Fiore, Ellison, et al, and was heard in this Committee on April 29, 2015. The bill provides that each law enforcement agency in the state must report annually to the Attorney General specific information about each seizure and forfeiture it conducts.

The Office of the Attorney General is to develop standardized forms for law enforcement agencies to use for the reports and is to make the reports available on its website by April 1 of each year along with an aggregate report of all forfeitures in the State. Information on any law enforcement agency that is out of compliance with these requirements is to be included in the aggregate report. [Continued reading from work session document ([Exhibit D](#)).]

Chairman Hansen:

I will entertain a motion to amend and do pass S.B. 138 (R1).

ASSEMBLYMAN O'NEILL MOVED TO AMEND AND DO PASS
SENATE BILL 138 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

Assemblyman Gardner:

I really like the amendment and because of that, I will be voting for it.

Assemblyman Elliot T. Anderson:

It is your prerogative, but maybe you can have Mr. Cathcart come up and explain the amendment for the purpose of intent?

Chairman Hansen:

I would prefer not to because it is a rather lengthy amendment. It seems pretty self-explanatory, and I think it will give us a really good springboard for next session.

Assemblyman Elliot T. Anderson:

To be clear, I do like the amendment.

Chairman Hansen:

It is seven pages, and it is pretty detailed. The bottom line is there will be a very detailed report to be presented, and we will be able to determine how much money is really involved. This is a big concern for all of us because of the potential for abuse. I think that report will act as a springboard for the next session so that we can come back and determine what we do with the actual dollars.

THE MOTION PASSED UNANIMOUSLY.

Chairman Hansen:

Assemblyman O'Neill will handle the floor statement. The next bill we will hear is Senate Bill 240.

Senate Bill 240: Makes certain changes relating to public safety. (BDR 14-955)

Diane Thornton, Committee Policy Analyst:

Senate Bill 240 makes certain changes relating to public safety. The bill is sponsored by Senators Roberson, Hardy, Brower, Lipparelli, and Farley and Assemblymen Wheeler, Dickman, Paul Anderson, et al. It was heard in this Committee on April 30, 2015.

The bill imposes a time limit of five business days for a court to transmit to the Central Repository for Nevada Records of Criminal History an order, judgment, plea, or verdict concerning the involuntary admission to a mental health facility; the appointment of a guardian for a person with a mental defect; a finding that a person is incompetent to stand trial; a verdict acquitting a defendant by reason of insanity; or a plea or finding of guilty, but mentally ill. [Continued reading from work session document ([Exhibit E](#)).]

Chairman Hansen:

I am going to add an additional conceptual amendment to insert the preemption language dealing with the blue-card issue in Clark County. That will make three amendments total. I will entertain a motion to amend and do pass.

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS
SENATE BILL 240.

ASSEMBLYWOMAN SEAMAN SECONDED THE MOTION.

Assemblywoman Diaz:

Can you clarify your amendment? I am not following your line of thinking, and I do not understand what we are conceptually adding to this bill.

Chairman Hansen:

I will have Mr. Wilkinson address it.

Brad Wilkinson, Committee Counsel:

There are a number of bills this session dealing with the issue of preemption, specifically with the blue-card registration program that exists in Clark County. It would eliminate that program and expand the preemption slightly to include firearm accessories and ammunition. It will also define specific terms used in the firearms statutes.

Assemblyman Elliot T. Anderson:

I am going to have to reserve my right to change my vote on the floor. I need to see the language before I can fully support the third amendment. I did like the bill with the other two amendments, but I will need to see that language before I can support this on the floor.

Assemblyman Ohrenschall:

I, too, am going to reserve my right to change my vote on the floor. I am going to move it out of Committee, but I have some concerns.

Assemblyman Thompson:

I concur. I am going to vote it out, but I want to be able to look through the amendment.

THE MOTION PASSED UNANIMOUSLY.

Chairman Hansen:

Assemblyman Nelson will handle the floor statement. Next we will go to Senate Bill 348 (1st Reprint).

[Senate Bill 348 \(1st Reprint\)](#): Revises provisions governing unclaimed property.
(BDR 10-770)

Diane Thornton, Committee Policy Analyst:

Senate Bill 348 (1st Reprint) revises provisions governing unclaimed property. It is sponsored by Senator Roberson and was heard in this Committee on April 28, 2015. This bill exempts proceeds paid to the state, or a political subdivision of the state, for the purpose of providing security for or funding the construction of public infrastructure from the requirement that certain abandoned property be delivered to the State Treasurer in his or her capacity as Administrator of Unclaimed Property. These provisions apply only to public infrastructure proceeds that are in the control of the state or a political subdivision of the state on or after July 1, 2015. [Continued reading from work session document ([Exhibit F](#)).]

ASSEMBLYMAN THOMPSON MOVED TO AMEND AND DO PASS
SENATE BILL 348 (1ST REPRINT).

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

Chairman Hansen:

For my own clarification, there were some issues on gaming tokens and vouchers. I just talked to Mr. Wilkinson, and he confirmed that is absolutely not part of this bill. I had some concerns about that from the 2011 Session on a bill that was sponsored by former Assemblyman Horne. I just want to make sure the record reflects that such related material is not in any way, shape, or form affected by this bill. Is that correct, Mr. Wilkinson?

Brad Wilkinson, Committee Counsel:

It does not affect the bill.

Assemblyman Ohrenschall:

The section of the bill dealing with business accounts not escheating to the state still remains. Is that correct?

Brad Wilkinson:

Yes, that is correct.

Assemblyman Ohrenschall:

Thank you. I did feel that was the proper way to do it. I thought that should be resolved and returned to the rightful owner and not be escheated to the state.

THE MOTION PASSED UNANIMOUSLY.

Chairman Hansen:

Assemblywoman Fiore, would you please handle the floor statement? We will move on to Senate Bill 409 (1st Reprint).

**Senate Bill 409 (1st Reprint): Revises provisions related to gaming.
(BDR 41-1041)**

Diane Thornton, Committee Policy Analyst:

Senate Bill 409 (1st Reprint) revises provisions related to gaming, and it is sponsored by Senator Lipparelli. The bill was heard on April 27, 2015 in this Committee.

The bill creates an exception in state law similar to that in federal law with regard to credit reporting. The bill allows a credit reporting agency to report on bankruptcies older than ten years, and other civil judgments older than seven years, incurred by a person who is seeking employment with a gaming licensee

or employment in a position that is directly connected to the licensee's operations. The bill also clarifies that credit reporting agencies are not required to delete records of felony convictions. [Read from work session document ([Exhibit G](#)).]

Chairman Hansen:

I will entertain a motion to do pass S.B. 409 (R1).

ASSEMBLYMAN GARDNER MOVED TO DO PASS
SENATE BILL 409 (1ST REPRINT).

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

Assemblyman Ohrenschall:

I am going to vote to support it here in Committee. As you may recall, I had some concerns during the hearing, especially with the Great Recession being so recent. I thought about how many people might have personal bankruptcies in their history and whether that would foreclose their chance at working in our state's largest industry. There was testimony saying that it would not be the only factor considered and there would be some consideration given for people who may have fallen on hard times and had to seek bankruptcy protection. I do hope that is what we see in the enactment of this law. I will be supporting it.

Assemblywoman Seaman:

I would like to reserve my right to change my vote on the floor. I have some concerns about that as well.

THE MOTION PASSED UNANIMOUSLY.

Chairman Hansen:

Assemblyman Araujo will do the floor statement. The last bill on our work session will be Senate Bill 484 (1st Reprint).

Senate Bill 484 (1st Reprint): Revises provisions concerning personal financial administration. (BDR 3-1087)

Diane Thornton, Committee Policy Analyst:

Senate Bill 484 (1st Reprint) revises provisions concerning personal financial administration. It is sponsored by the Committee on Judiciary and was initially heard on April 3, 2015.

The bill makes both technical and substantive revisions relating to issues of personal financial administration including, but not limited to: termination of life estates; nonprobate transfers; definitions, including "domestic partner" and "interested person"; prenuptial agreements related to estate planning; predeath declaratory judgments regarding the validity of wills; appointment of executors and administrators of estates; sale of property in an estate; filing of inventories and appraisals of estates; distribution of probate assets; trustee liability; trustee investor responsibilities; binding arbitration regarding trusts and wills; judicial and nonjudicial settlements; and termination of uneconomical estates. [Continued reading from work session document ([Exhibit H](#)).]

Chairman Hansen:

I will entertain a motion to do pass S.B. 484 (R1).

ASSEMBLYMAN GARDNER MOVED TO DO PASS
SENATE BILL 484 (1ST REPRINT).

ASSEMBLYMAN TROWBRIDGE SECONDED THE MOTION.

Assemblyman Elliot T. Anderson:

I did have some concerns about the arbitration provision. I am going to just watch and see how this goes during the interim. For now, I am going to support this measure.

THE MOTION PASSED UNANIMOUSLY.

Chairman Hansen:

Assemblywoman Diaz will handle the floor statement. For everyone's knowledge, Senate Bill 447 (1st Reprint) was rolled forward because there were many suggested amendments. We are trying to work it all out and it will be on tomorrow's work session. I apologize to those who have been waiting.

Senate Bill 447 (1st Reprint): **Makes various changes relating to marijuana.**
(BDR 15-85)

We will now close the work session, and we will open up the hearing on Senate Bill 304 (1st Reprint).

Senate Bill 304 (1st Reprint): Revises provisions relating to the use of safety belts in taxicabs. (BDR 43-774)

Is there anyone here to present that bill? [No one responded.] We are going to close the hearing since there is nobody here to present the bill. We will open it up to public comment. Is there anyone who would like to address the Committee at this time? Seeing none, is there any Committee business to go over?

Assemblyman Thompson:

Is there any way you can tell us what the flow of tomorrow might look like?

Chairman Hansen:

Do not expect to leave until 11:59 p.m. I am not joking; plan on being here because there are all sorts of things going on. Monday, we will probably not have a Judiciary Committee hearing. We will do our best to accommodate everybody. This meeting is adjourned [at 9:22 a.m.].

RESPECTFULLY SUBMITTED:

Lenore Carfora-Nye
Committee Secretary

APPROVED BY:

Assemblyman Ira Hansen, Chairman

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Judiciary

Date: May 14, 2015

Time of Meeting: 9 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 56 (R1)	C	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 138 (R1)	D	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 240	E	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 348 (R1)	F	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 409 (R1)	G	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 484 (R1)	H	Diane Thornton, Committee Policy Analyst	Work Session Document