

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

**Seventy-Ninth Session  
May 9, 2017**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:24 a.m. on Tuesday, May 9, 2017, 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/App/NELIS/REL/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Steve Yeager, Chairman  
Assemblyman James Ohrenschall, Vice Chairman  
Assemblyman Elliot T. Anderson  
Assemblywoman Lesley E. Cohen  
Assemblyman Ozzie Fumo  
Assemblyman Ira Hansen  
Assemblywoman Sandra Jauregui  
Assemblywoman Lisa Krasner  
Assemblywoman Brittney Miller  
Assemblyman Tyrone Thompson  
Assemblywoman Jill Tolles  
Assemblyman Justin Watkins  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Keith Pickard (excused)

**GUEST LEGISLATORS PRESENT:**

Senator James A. Settelmeyer, Senate District No. 17  
Senator Ben Kieckhefer, Senate District No. 16  
Senator Moises (Mo) Denis, Senate District No. 2  
Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34



**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Brad Wilkinson, Committee Counsel  
Karyn Werner, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Ashley Clift-Jennings, representing Filament  
Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada  
Danielle Patrick Milam, Development and Planning Director,  
Las Vegas-Clark County Library District  
Jennifer J. Gaynor, representing Henderson Libraries  
Natalie Hernandez, Private Citizen, Reno, Nevada  
Verna Mandez, Private Citizen, Las Vegas, Nevada  
Greg Ross, Private Citizen, Reno, Nevada  
Craig DeLuz, representing Firearms Policy Coalition  
Robert S. Uithoven, representing the National Rifle Association  
Greg Quintana, Private Citizen, Henderson, Nevada  
Kevin Tarkalson, Private Citizen, Henderson, Nevada  
Randi Thompson, representing Nevada Firearms Coalition  
Janine Hansen, State President, Nevada Families for Freedom  
John Wagner, Carson City Vice-Chairman, Independent American Party  
Sherrie P. Scaffidi, Private Citizen, Fernley, Nevada  
Nicole Rourke, Associate Superintendent, Clark County School District  
Lindsay Anderson, Government Affairs Director, Washoe County School District  
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association

**Chairman Yeager:**

We will start today's meeting with the work session. At this time I am going to hand it over to Ms. Thornton to take us through the work session.

**[Senate Bill 32 \(1st Reprint\)](#): Makes various changes to provisions governing securities.  
(BDR 7-417)**

**Diane C. Thornton, Committee Policy Analyst:**

Our first bill on work session today is Senate Bill 32 (1st Reprint), which makes various changes to provisions governing investment advisers and securities ([Exhibit C](#)). It was sponsored by the Senate Committee on Judiciary on behalf of the Lieutenant Governor, and was heard in Committee on May 3, 2017. This bill revises provisions governing securities transactions in two ways that may be exempted from registration requirements. First, this

exemption provision is revised to apply to a sale of securities if certain other conditions are met, not just an offer to sell securities. Second, the transaction must be part of an issue in which there are no more than 35 purchasers in this state during any 12 consecutive months, instead of just 25 purchasers. There are no amendments to this bill.

**Chairman Yeager:**

I will take a motion to do pass Senate Bill 32 (1st Reprint).

ASSEMBLYMAN OHRENSCHALL MADE A MOTION TO DO PASS  
SENATE BILL 32 (1ST REPRINT).

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN PICKARD WAS ABSENT  
FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Tolles.

**Senate Bill 35: Creates the Subcommittee on Criminal Justice Information Sharing of  
the Advisory Commission on the Administration of Justice. (BDR 14-261)**

**Diane C. Thornton, Committee Policy Analyst:**

The next bill on work session is Senate Bill 35, which was sponsored by the Senate Committee on Judiciary on behalf of the General Services Division of the Department of Public Safety, and was heard in Committee on April 19, 2017 ([Exhibit D](#)). Senate Bill 35 creates the Subcommittee on Criminal Justice Information Sharing of the Advisory Commission on the Administration of Justice for the purpose of reviewing issues related to the Nevada Criminal Justice Information System and reporting to the Advisory Commission with recommendations to address those issues.

Additionally, the bill requires the Advisory Commission to make recommendations regarding the sharing of criminal justice information in this state and provide those recommendations to the Legislature and the Director of the Department of Public Safety. The bill adds to the Advisory Commission a representative of the Central Repository for Nevada Records of Criminal History. Statutory provisions pertaining to the current Advisory Committee on Nevada Criminal Justice Information Sharing are repealed. There are no amendments.

**Chairman Yeager:**

At this time I will take a motion to do pass Senate Bill 35.

ASSEMBLYMAN WATKINS MOVED TO DO PASS SENATE BILL 35.

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN PICKARD WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Miller.

**Senate Bill 40 (1st Reprint): Revises provisions relating to the registration of child custody determinations from outside Nevada. (BDR 11-401)**

**Diane C. Thornton, Committee Policy Analyst:**

The next bill on work session is Senate Bill 40 (1st Reprint), which revises provisions relating to the registration of child custody determinations and support orders from outside Nevada (Exhibit E). It was sponsored by the Senate Committee on Judiciary on behalf of the Nevada Supreme Court, and was heard in Committee on May 1, 2017. This bill amends the Uniform Child Custody Jurisdiction and Enforcement Act to provide that a person seeking registration of an out-of-state custody determination in this state is required to serve notice, via registered or certified mail, upon any parent or other person who has custody or visitation rights. There are no amendments to the bill.

**Chairman Yeager:**

I will take a motion to do pass Senate Bill 40 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO DO PASS  
SENATE BILL 40 (1ST REPRINT).

ASSEMBLYMAN WATKINS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN PICKARD WAS ABSENT FOR THE VOTE.)

The floor statement will be assigned to Assemblywoman Cohen.

**Senate Bill 42: Revises provisions related to justices of the peace. (BDR 1-394)**

**Diane C. Thornton, Committee Policy Analyst:**

The next bill on work session is Senate Bill 42, which revises provisions related to justices of the peace. It was sponsored by the Senate Committee on Judiciary on behalf of the Nevada Supreme Court, and was heard in Committee on April 19, 2017 (Exhibit F). Senate Bill 42 revises the date for a board of county commissioners to fix the compensation for justices of the peace from July of any year in which a justice of the peace election is held to December of the year immediately preceding a year in which such an election is held. There are no amendments to the bill.

**Chairman Yeager:**

I will take a motion to do pass Senate Bill 42.

ASSEMBLYMAN WHEELER MOVED TO DO PASS SENATE BILL 42.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN PICKARD WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Fumo.

**Senate Bill 110: Revises provisions governing the process for a change of name. (BDR 3-142)**

**Diane C. Thornton, Committee Policy Analyst:**

Our next bill is Senate Bill 110, which revises provisions governing the process for a change of name. It was sponsored by Senator Parks and heard in Committee on April 20, 2017 (Exhibit G). Senate Bill 110 waives the requirement for a person to publish personal information in a newspaper for several weeks concerning a petition to change the person's name if the stated reason for the change is to conform the person's name to their gender identity. There are no amendments to the bill.

**Chairman Yeager:**

At this time I will take a motion to do pass Senate Bill 110.

ASSEMBLYMAN THOMPSON MADE A MOTION TO DO PASS SENATE BILL 110.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN PICKARD WAS ABSENT FOR THE VOTE.)

The floor statement will be assigned to Assemblyman Thompson.

**Senate Bill 116 (1st Reprint): Revises provisions governing warnings against trespassing. (BDR 15-76)**

**Diane C. Thornton, Committee Policy Analyst:**

Senate Bill 116 (1st Reprint) revises provisions governing warnings against trespassing. It was sponsored by Senators Settlemeyer and Goicoechea, and heard in this Committee on April 28, 2017 (Exhibit H). Senate Bill 116 (1st Reprint) revises provisions that set forth how a property owner may sufficiently warn against trespass. These revisions involve painting certain portions of the property in a specific manner and using an area as "cultivated land" as the term is defined in the bill.

Alex Ortiz, Assistant Director, Clark County Department of Administrative Services, proposed an amendment. This amendment on the following pages ([Exhibit H](#)) allows signage relating to trespassing as an option for warning against trespassing.

**Chairman Yeager:**

At this time I will take a motion to amend and do pass Senate Bill 116 (1st Reprint).

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS  
SENATE BILL 116 (1ST REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Hansen:**

My understanding is that there is an amendment being recommended in relationship to the Clark County amendment. Mr. Davis and Senator Settlemeyer would like to address the Committee with your permission.

**Chairman Yeager:**

We will have either or both of you come to the table and briefly address the additional proposal.

**Senator James A. Settlemeyer, Senate District No. 17:**

It has been recommended by various interested parties, and we are obviously agreeable with the amendment from Clark County. It is recommended, however, that we duplicate the language on page 2, lines 18 through 22, stating, "Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet." It has been recommended that it be included in Clark County's amendment to make sure people could see such signs from the line of sight. Everyone who has worked on this agrees with this addition.

**Chairman Yeager:**

The amendment would essentially require that the sign be visible to someone who is close to wherever the sign is posted.

**Senator Settlemeyer:**

The concept of the additional amendment of the language from lines 18 through 22 on page 2 would be to ensure if there was a rock, boulder, or an obstruction of some type, they would have to put another sign up so someone could actually see it. That is the concept of the language.

**Chairman Yeager:**

Does that answer the question?

**Assemblyman Hansen:**

That answers it, so I would move to amend our motion to include the new amendment.

**Chairman Yeager:**

Assemblyman Wheeler, you made the motion.

**Assemblyman Wheeler:**

I withdraw my motion. I now move to amend and do pass with Senator Settlemeyer's amendment included.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS  
SENATE BILL 116 (1ST REPRINT).

ASSEMBLYMAN HANSEN SECONDED THE MOTION.

**Chairman Yeager:**

Is there any further discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN PICKARD WAS ABSENT  
FOR THE VOTE.)

I will assign the floor statement to Assemblyman Hansen.

**Senate Bill 267 (1st Reprint): Revises provisions governing real property. (BDR 9-822)**

**Diane C. Thornton, Committee Policy Analyst:**

Senate Bill 267 (1st Reprint) revises provisions governing the expedited process for the foreclosure of abandoned residential property ([Exhibit I](#)). It was sponsored by Senator Ford and heard in Committee on May 1, 2017. This bill removes an existing population cap so that a foreclosure sale in a county with a population of less than 100,000 people can be held at a location designated by the governing body of the county rather than at the county courthouse. The bill also extends to June 30, 2021, the expiration date of provisions governing the expedited process for the foreclosure of abandoned residential property.

There is one amendment proposed by Marcus Conklin, Vice President, Strategies 360 Nevada. The amendment makes a technical correction to notice provisions enacted in the 2015 Legislative Session relating to homeowners' associations and foreclosure liens to lenders.

**Chairman Yeager:**

I will take a motion to amend and do pass Senate Bill 267 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS  
SENATE BILL 267 (1ST REPRINT).

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN PICKARD WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Jauregui.

**Senate Bill 454: Enacts the Uniform Powers of Appointment Act. (BDR 12-1070)**

**Diane C. Thornton, Committee Policy Analyst:**

Senate Bill 454 enacts the Uniform Powers of Appointment Act. It was sponsored by the Senate Committee on Judiciary, and was heard in Committee on April 21, 2017 ([Exhibit J](#)). This bill codifies common law with regard to powers of appointment for estates. The bill provides definitions and sets forth provisions governing: the creation, revocation, and amendment of powers of appointment; the exercise of a power of appointment; the disclaimer or release of a power of appointment; and the right of a creditor or a holder of a power of appointment with respect to property subject to that power. There are no amendments.

**Chairman Yeager:**

I will take a motion to do pass Senate Bill 454.

ASSEMBLYMAN WATKINS MOVED TO DO PASS SENATE BILL 454.

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN PICKARD WAS ABSENT FOR THE VOTE.)

I will give the floor statement to Assemblyman Ohrenschall.

**Senate Bill 515: Revises provisions relating to the financial administration of the Securities Division of the Office of the Secretary of State. (BDR 7-894)**

**Diane C. Thornton, Committee Policy Analyst:**

Senate Bill 515 revises provisions relating to the financial administration of the Securities Division of the Office of the Secretary of State ([Exhibit K](#)). Senate Bill 515 repeals the current requirement that all monies received by the Administrator of the Securities Division as the result of an enforcement action be deposited in the State General Fund for credit to the Office of the Secretary of State's Operating General Fund budget. Instead, these monies would be deposited with the State Treasurer for credit to the State General Fund for unrestricted use. The bill also requires the transfer of any unexpended balance remaining in the Secretary of State's Operating General Fund Budget Account on June 30, 2017, to the State General Fund for unrestricted State General Fund use. Finally, S.B. 515 implements the Executive Budget. There are no amendments.



**Chairman Yeager:**

I will now take a motion to do pass Senate Bill 515.

ASSEMBLYMAN WATKINS MOVED TO DO PASS SENATE BILL 515.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN PICKARD WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Wheeler.

**Senate Bill 362: Revises provisions relating to racketeering. (BDR 15-966)**

**Diane C. Thornton, Committee Policy Analyst:**

Our final bill today is a separate document. Senate Bill 362 revises provisions relating to racketeering (Exhibit L). The bill was sponsored by Senator Cannizzaro and was heard in Committee on April 28, 2017. Senate Bill 362 provides that a crime related to racketeering includes: forgery of a credit card or debit card; obtaining and using the personal information of another person; and establishing or possessing a financial forgery laboratory. There are no amendments to the bill.

**Chairman Yeager:**

I will take a motion to do pass Senate Bill 362.

ASSEMBLYWOMAN TOLLES MADE A MOTION TO DO PASS SENATE BILL 362.

ASSEMBLYWOMAN KRASNER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN PICKARD WAS ABSENT FOR THE VOTE.)

I will take the floor statement on Senate Bill 362.

It is our intent to take the two bills out of order, so we will take Senate Bill 398 (1st Reprint) first. But first, we will take a short recess [at 8:41 a.m.].

**Chairman Yeager:**

I will now call the meeting back to order [at 8:52 a.m.]. We will open the hearing on Senate Bill 398 (1st Reprint).

**Senate Bill 398 (1st Reprint): Establishes various provisions relating to the use of blockchain technology. (BDR 59-158)**

**Senator Ben Kieckhefer, Senate District No. 16:**

I will be presenting the first reprint of Senate Bill 398 (1st Reprint). The reason I mentioned the first reprint is because the original bill was a lot more complicated and difficult to deal with. The first reprint is a much better version of the bill, and is the result of significant work that was done on the Senate side to make it cleaner and more manageable and to still accomplish our goals.

Senate Bill 398 (1st Reprint) is an effort to ensure that businesses that are utilizing blockchain technology see Nevada as a safe place to do business, while simultaneously ensuring that businesses conducting transactions over a blockchain feel comfortable that Nevada courts will recognize those transactions under Nevada law.

I will walk through the bill briefly. It is fairly short and to the point. I had intended, and we did it on the Senate side, to have one star witness that I was going to bring to you today, Allison Clift-Jennings. Allison is the founder of Filament, which is a start-up business in Reno that utilizes blockchain. Allison was called away to Denver at the last minute to take care of business, which is the appropriate thing to do. When we heard this bill on the Senate side, it was simultaneous to the day of another venture sound investment for Filament that included investment to a total of \$15 million from companies including Verizon, JetBlue, Samsung, Intel, and others. These are the types of companies that are investing in Filament, a Nevada-born company that is designed to grow and stay here.

I believe that some testimony from Ms. Clift-Jennings has been submitted for the record ([Exhibit M](#)). I would like to read a couple of key segments of it. I apologize because this is not how I like to do my presentations, but she summarizes what blockchain is and its importance better than I:

The blockchain is a new technology that allows people to establish trust between each other and the general public. In a non-technical way, it provides a transparent, unchangeable, ledger of records and can assign [sic] these records to people. The ledger can contain a variety of data, from financial transactions, to proof-of-ownership like titles and deeds, to contractual agreements.

A January 2017 World Economic Forum report predicted that by 2025, ten percent of global GDP [gross domestic product] will be stored on blockchains or blockchain-related technology. A major benefit of blockchains to consumers is the empowerment of personal data, giving users control of their information. This is very good for consumer advocacy. Transparency is another benefit, providing visibility into all records, minimizing fraud and manipulation.

Filament's products help the largest companies in the world run their equipment more efficiently, by making it smart and connected. Called the "Internet of Things," it is poised to be a \$267 billion industry by 2020. Filament uses blockchains to allow its platform to prove everything from the amount of energy produced by a solar panel, to the runtime hours of a diesel generator before a required inspection, to the pressure of oil well heads on public lands. Filament is the leader in combining blockchains and the Internet of Things, and has taken investment from Intel Capital, JetBlue, Verizon, Samsung, and Chicago Mercantile Exchange, to continue its lead right here in Northern Nevada.

Blockchains can be confusing or misunderstood when first learning of them. But it is my strong belief that blockchains are a foundational technology upon which nearly everything will be built upon. It solves fundamental problems of trust between people, by acting as an automatically notarized ledger. Having strong legal support for this new technology—much in the way electronic signatures also have—will allow entirely new capabilities to be built atop blockchains. Filament is building a future where machines will transact value directly with each other, and foundational to this future is strong legal support for the blockchain.

The bill before you does a couple of key things. You should have received a conceptual amendment ([Exhibit N](#)) that revises the definition. This revision has been worked through by our legal staff and was a product of discussions with advocates here in Nevada, our legal department, and some of the national front leaders in this area. I know one of them reached out to you, and I appreciate your forwarding them to me for negotiation on this subject. Working with them and others, we came to a consensus definition of blockchain that hits all the key points and should be organized in a structured fashion that is consistent with our legal structure and how we write definitions in statute.

Section 1, based on the proposed amendment ([Exhibit N](#)), offers the definition of "blockchain" that would be incorporated into *Nevada Revised Statutes* (NRS) Chapter 719, which is the Uniform Electronic Transactions Act. Ultimately, what we are doing is incorporating the definition of "blockchain" into NRS Chapter 719 so that courts will recognize these transactions under our statutes.

Section 2 incorporates that definition into the Uniform Act.

Section 3 clarifies that a record maintained via a blockchain is an electronic record for the purposes of that chapter as well.

In section 4, we restrict the ability of county commissions to regulate and tax businesses that utilize blockchain to make sure there are no additional impediments put in place for utilizing this technology in business start-ups or other businesses relocating to Nevada. Section 4 also

indicates that there is nothing that prohibits local government itself from utilizing a blockchain to operate and function as a government entity.

Section 5 of the bill makes conforming changes to NRS Chapter 244 related to county governments that are consistent with the restrictions as outlined in section 4 of the bill.

Section 6, starting at the bottom of page 4, puts the same restrictions on cities that have been placed on counties to make sure they are unable to tax or regulate businesses based on their utilization of blockchains. That conforming language is included in section 7 as well.

Section 8 makes the act effective upon passage and approval.

In a nutshell, that is the bill. It is designed to encourage economic development in our state, particularly high-growth, technology-based industries. While I have some backup support to talk a little more about the technology, and if you have questions specific to that, I have nothing else for you.

**Assemblywoman Cohen:**

I want to make sure I have this at its most basic to understand what a blockchain is. Different entities put information data in, and none of the entities can change the data once it has been put in. Is that it?

**Senator Kieckhefer:**

Think of it as a ledger upon which data is added from all authorized entities and can then be verified by all of the entities as well. Ultimately, you are correct. If you have multiple systems and computers that talk to each other, that can add data and stack it upon each other creating a chain, that chain can be verified by each individual party to ensure its accuracy.

**Assemblywoman Cohen:**

Another thing that confused me in the bill is that it references not taxing the blockchain. I do not understand how there could be taxes on that. I am not saying I am for taxing it, I just do not understand how you could tax the data.

**Senator Kieckhefer:**

The idea is that it would not be a tax on the data, but an additional licensing fee or something to that effect that could be placed on a business that utilizes the technology itself.

**Assemblywoman Jauregui:**

Could you give us an example of the types of companies that would use blockchains? I immediately thought of pharmacies because they share information.

**Senator Kieckhefer:**

The company that I recognized, Filament, is a company that manages the data that is transmitted over the Internet of Things, items that talk to each other without individual interaction, managing contracts over data rather than people, and things like that. Mining companies are using it, and so are banking and financial companies. It is going to be the

backbone of technological advancement across industries as broad as you can imagine. Most major banks are investing in research in this area. Its uses are limitless.

To my left is Ashley Clift-Jennings, who can also speak.

**Ashley Clift-Jennings, representing Filament:**

I think Senator Kieckhefer did a fantastic job presenting as a layman. It was very thorough. Taxing the actual blockchain would not be possible, so that is a good point.

The only additional thing to add is some insight into the industries and the verticals that this will be impacting. We are already seeing a ton of investment in health care startups. Music is innovating on copyright laws and things like that. By using the blockchain, they are able to do a different way of publishing music. It cuts out a lot of the middlemen that currently exist in that industry.

For mining companies, just the administration of doing the checking and accounting that is involved with having lots of stakeholders that are all involved with a mine utilizes a ton of overhead. Double-checking what is taken out of the mine at any given time is where the blockchain really shines. It is a ledger that is time-stamped, and everyone who is involved in any given transaction can see it at any given time. That can be verified using an algorithm, which is the technology that is so important to this.

We see this as the future of databases. We use databases for everything right now. This is the next step in the database world.

**Chairman Yeager:**

Is the blockchain technology a proprietary software? Are there multiple companies that offer it? Is it a blockchain platform that a business or a group of businesses would get? Would you shed some light on that?

**Ashley Clift-Jennings:**

What is the most amazing about the blockchain is that it is not proprietary to any one company. It was invented by a gentleman around 2007. He wrote a white paper on it and, basically, a lot of software developers jumped on the idea. It is more like a coalition of developers. It is public and open-sourced. No one person owns it and no one entity owns it.

**Chairman Yeager:**

I will open it up for testimony in support of Senate Bill 398 (1st Reprint). If anyone in Las Vegas wants to testify, please come to the table. For now, we will take testimony in Carson City.

**Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada:**

The Libertarian Party of Nevada opposes in principle all government censorship, regulation, and control of communications, media, and technology. We were, therefore, extremely pleased to see Senator Kieckhefer introduce Senate Bill 398 (1st Reprint).

Don Tapscott, author of the book *Blockchain Revolution*, wrote:

The blockchain is basically a distributed database. Think of a giant, global spreadsheet that runs on millions and millions of computers. It is distributed. It is open source, so anyone can . . . see what is going on. It is truly peer to peer; it does not require powerful intermediaries to authenticate or to settle transactions . . . . [The blockchain is] an immutable, unhackable distributed database of digital assets. This is a platform for truth and it is a platform for trust. The implications are staggering, not just for the financial-services industry but also right across virtually every aspect of society."

The transparent, open-source recordkeeping offered by blockchain-based services will protect Nevada's consumers by structurally preventing data discrepancies and eliminating information asymmetry, giving all users equal access to information.

Ensuring free and open access to blockchain technology will stimulate economic growth and cement northern Nevada's role as a burgeoning center for high-tech innovation. The government can never keep pace with technological change, and when it tries, it inevitably slows the rate of innovation. The past 20 years of online innovation have demonstrated how free markets, unhampered by government control, can fundamentally alter and radically improve the way we live in ways we never imagined.

The blockchain is an extremely promising new technology, and setting boundaries to protect it while it is still in its infancy is essential. The Libertarian Party of Nevada, therefore, enthusiastically supports S.B. 398 (R1).

**Chairman Yeager:**

Is there anyone else in support of Senate Bill 398 (1st Reprint)? Seeing no one else in support, let us take opposition testimony from anyone opposed to the bill. Again, seeing no one, we will take any neutral testimony. I do not see anyone so, Senator Kieckhefer, do you have any concluding remarks? It looks like concluding remarks are waived. At this time we will close the hearing on Senate Bill 398 (1st Reprint). We will take a short recess [at 9:09 a.m.].

I will now call the meeting back to order [at 9:11 a.m.]. We will open the hearing on Senate Bill 115. Senator Denis and Assemblywoman Bilbray-Axelrod will present the bill.

**Senate Bill 115: Revises provisions concerning the prohibition against carrying or possessing certain weapons while on certain property. (BDR 15-279)**

**Senator Moises (Mo) Denis, Senate District No. 2:**

I am here today to present Senate Bill 115, which prohibits a person from carrying or possessing certain weapons in a public library unless the person has written permission from the governing board of the public library to carry or possess the weapon.

Existing law prohibits a person from carrying or possessing certain weapons while on the property of Nevada System of Higher Education, public or private, or a child care facility, unless the person has written permission from the president of such a branch or facility. Current law allows for prohibition of a person carrying or possessing certain weapons on education-related facilities or when in the presence of children unless granted permission.

Senate Bill 115 recognizes that libraries are an extension of the education and learning environment and are often used by children and teens. Given the presence of children and teens, Senate Bill 115 would allow each library district within Nevada to make a decision on whether to allow for the possession of a weapon in public libraries.

What this does is treat libraries the same way as we treat other educational institutions. That is the basics of it. I also have a proposed amendment ([Exhibit O](#)) on something that came up when we were talking about this issue in the library. Do you want to talk about the bill first and then the amendment?

**Chairman Yeager:**

It would make sense to go over the amendment, then we can take testimony from whomever else you would like. Then we will open it for questions.

**Senator Denis:**

I will note that, under existing law, libraries are considered public buildings, and they have the ability to prohibit concealed carry. Regardless of what happens with this bill, that would still be in place. This addresses and clarifies the open carry section of that statute.

When we presented this in the Senate, one of the issues that came up was that sometimes people drop their kids off at the library or just drive by returning books or whatever. They may have a gun in their car. Technically, that is the property of the library or the school. They are breaking the law in doing that. What I attempted to do with this amendment was to figure out a way that, if the public library, school, or child care facility wanted to allow that in the parking lot, they can. They can create a policy that allows for that. They could allow it in the parking lot, but not in the building. That is what the amendment tries to do.

The road issue was to clarify the issue that came up that up to the middle of the road was considered part of the property of the facility. If you drove past a school, you would be technically breaking the law. Since we could not get complete clarification on that, this amendment also attempts to cover that issue. That is what the amendment does.

**Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34:**

I am here to testify not only as a cosponsor, but as a trustee of the Las Vegas-Clark County Library District, and as a mom.

As Senator Denis indicated, libraries are often used as extensions of the education and learning environment for children and teens. The Las Vegas-Clark County Library District is composed of 14 libraries in the urban areas and 11 libraries in outlying areas across southern Nevada—a total of 25 branches. The Las Vegas-Clark County Library District is the fifteenth-largest system in the nation, not only in size but also in actual visits.

As a mom, I think it is important to point out that approximately 125,000 of our cardholders are kids under the age of 18, and more than one-third of all books, media, and movies were borrowed from the children's collection.

Our libraries are active community hubs for learning. Many of the kids who come to the libraries do so after school to use the computers, study rooms, and homework resources. I realize that the state of Nevada, as well as its library districts, is diverse, so this bill will allow each library district within Nevada to determine if persons are allowed to open carry a weapon in a public library. As Senator Denis indicated, this does not impact the concealed carry. This is only for open carry. We would urge your support of S.B. 115.

**Chairman Yeager:**

Is there anyone else you would like to testify before questions?

**Danielle Patrick Milam, Development and Planning Director, Las Vegas-Clark County Library District:**

I am here on behalf of the public libraries in the state of Nevada. Over 100 years ago, the great industrialist, Andrew Carnegie, began establishing public libraries across the nation as the people's university. In fact, like universities, colleges, public and private schools, our libraries in Las Vegas-Clark County are institutions of education.

Senate Bill 115 proposes to add public libraries to the 2015 law and make it clear that open carry of certain weapons while on any property is not allowed. We believe that public libraries are like colleges, universities, schools, and day care facilities in that they provide public places for children, youth, families, adult learners, and students and, as such, deserve similar protections as the previous law.

I want to clarify and augment what the Assemblywoman was speaking to in terms of Las Vegas and Clark County. It is a very complex community. As she mentioned, we have both rural and urban libraries that are very well frequented. We have 665,882 active cardholders who renew their library card every year. Of these, approximately 124,000 are members who are between the ages of 0 and 17. We think that is a big undercount because a lot of the parents in our service area use their cards and not the child's card. Over 600,000 people attend programs each year and about 215,000 of those are specific programs for children and youth. Over 6.2 million visits are made to our 25 branch facilities every year, and we believe about 45 percent are minors. Every year over 14 million books, music, and movie items are checked out. Over 4.6 million of those, or 37 percent, are to minors, children, and young adults.



Our branches are community places for families with young children. We know that only 30 percent of children from zero to five are in preschool, and a lot of families bring their young children to our library branches to get them ready for school. We have afterschool homework help and all kinds of programs for children, not only after school but also on weekends. We know that the K-12 students who attend our tutoring programs alone come from over 220 of the over 300 Clark County School District schools. We also know that our libraries are quiet places for our college students to come, fleeing places that are not quiet, so they can get their degrees. We also host programs for adult education, including English language, citizenship, small business development, workforce, et cetera.

In short, we believe the public libraries are the same public spaces as the university, public and private schools, and day care centers. We provide public places for children, youth, family, and adult learners, and as such, we hope to receive the same exemption as those institutions receive under the previous bill.

We really appreciate the work of the Senator and the Assemblywoman in terms of making this bill tailorable to communities, based on their own culture and their own public will to prohibit open carry. We also support the amendment proposed today to fix some of the issues that came up in our Senate hearing.

**Chairman Yeager:**

I will open it up for questions.

**Assemblywoman Tolles:**

Under section 1, subsection 3, paragraph (a), I notice that you added "public library" and "the Nevada System of Higher Education." This does not prohibit peace officers and so forth from carrying on the Nevada System of Higher Education property. I was surprised that it was not already there. It is my understanding that peace officers could carry on these properties. Can you please speak to that?

**Senator Denis:**

They could still give the permission to do that anyway. As far as higher education, I think that was just added because I did not want to just do libraries for the parking lot issue or whatever. I wanted to give the universities the opportunity if they want to allow that. I think that is why it is there, but I would have to ask legal to help me with that. I do not remember specifically adding that for anything that we were trying to do. It is for purposes of the amendment.

**Brad Wilkinson, Committee Legal Counsel:**

I was distracted so I did not hear all of your question.

**Assemblywoman Tolles:**

It was a question about adding the language about the Nevada System of Higher Education. It is my understanding that peace officers were already allowed to carry.

**Brad Wilkinson:**

That is actually just a technical clarification. There has been an error in that section for many years. If you look down to section 1, subsection 3, paragraph (a), subparagraph (3), it refers to getting written permission from the president of a branch or facility of the Nevada System of Higher Education, but that Nevada System of Higher Education is not referenced in the initial clause of paragraph (a). We are just making a correction there. You are correct. A peace officer could carry a firearm on the Nevada System of Higher Education property now. This does not affect that.

**Assemblywoman Tolles:**

Regarding the amended language, under section 1, subsection 3, paragraph (b), that addresses roads or parking lots, et cetera, it says that it would not be prohibited unless they adopted a policy prohibiting the possession. I appreciate that you added that amendment out of the concern for the possibility of having a firearm in the glove compartment of my car and I am driving home from work, and I live near a library, we do not want to make that illegal. How would I know if the library had adopted a policy that would impact the parking lot or the road? Would a sign be put up? It is a valid concern that a law abiding citizen could suddenly be breaking the law just by driving home from work.

**Senator Denis:**

The thought process was that they already have a process for this. There is a process for getting permission already. Whatever they currently do is what they would continue to do. If they choose to put a sign up that says they allow it in the parking lot, they can still do that. If they just have policies on their website, they can do it that way. We do not want to change what they currently do by mandating they put up signs.

**Assemblywoman Tolles:**

That might raise some questions. For the record, I firmly support the ban of paintballs. That could be very problematic for the bookshelves.

**Assemblyman Thompson:**

Do you have any data on situations where guns have been involved on library property?

**Danielle Milam:**

While that is not my particular purview, I know that we have a vast system that logs all of the incidents that happen. We have had a few incidents where weapons on the property have been involved; however, because the library district goes to great lengths to ensure public safety under our powers, we have armed guards and do background checks of all of our volunteers and staff. No incidents have resulted in any kind of violence on our property. We feel very fortunate about that, but we do know that we work in many neighborhoods that have violence on the streets, and this is one of the tools that we would use to ensure public safety inside our buildings.

**Assemblyman Thompson:**

I notice on here that people can get written permission. Going back to the safety issue, can you share with us the areas that may have higher levels of crime? Do you currently have a lot of volunteers and/or staff that are asking for permission to carry?

**Danielle Milam:**

At this point, we have not had any staff request an additional ability to carry in order to protect themselves. They feel confident in the services and public safety that we currently provide.

**Assemblyman Hansen:**

As a broader follow-up on Assemblyman Thompson's question, when it comes to concealed carry or open carry, the University of Colorado has had concealed carry for over a decade, the University of Utah—I am not sure of the time frame—and now the University of Texas and the University of Georgia have all legalized concealed carry. On the other hand, Sandy Hook, Virginia Tech, and various post offices are all officially gun-ban zones. Those are the scenes of shootings. Can you produce any evidence that any of the campuses that allow open carry and concealed carry have a heightened amount of violence? My observations are that areas that allow carrying concealed weapons permits (CCW) and CCW holders are the safest people. I have not seen anyone with evidence of any people wandering in with a couple of six-guns strapped on as they did in the Old West so that we need to outlaw this behavior. I am still looking for evidence and proof that gun-free zones are actually gun free and that areas that have allowed concealed carry and open carry have heightened amounts of violence.

**Senator Denis:**

This still allows for communities to allow this behavior. Regardless of what happens to this bill, concealed carry would still be prohibited. This bill does not change any of that. The only thing this really talks about is open carry. The difference between open carry and concealed carry is there is no training required for open carry. You can just go buy a gun and carry it around on your waist. As far as the issue of whether there have been incidents, in my research of public libraries, I had a difficult time finding any situations where there was an actual issue with gun violence in a library. The majority of libraries prohibit weapons.

**Assemblyman Hansen:**

Precisely, that is my point. We are trying to outlaw something where there is no problem. I understand the bill does not directly deal with concealed carry, but on this Committee last session we had quite contentious hearings on campus carry. You have extended your presentation to include educational institutions, obviously, so I am looking at the broader question. On the educational institutions that allow not only open carry but also concealed carry, my research has shown a dramatic drop in any kind of violence even though, in theory, you have more people packing guns. It is clear that people who have actually done things like Sandy Hook and Virginia Tech deliberately targeted locations where any open carry and

concealed carry were prohibited. It seems like this is another example of solutions seeking a problem.

**Chairman Yeager:**

I do not want to reopen a hearing on campus carry. We have all lived through that over the last couple of sessions, so we will move on. Feel free to take any further discussion on that point offline.

**Assemblyman Ohrenschall:**

I have had a library card since I was a kid in the early '80s. I did not realize there would be someone here from the Las Vegas-Clark County Library District. Those overdue fines that I owe, I am going to take care of. Please do not send them to collection.

Regarding armed security versus unarmed security, I have noticed armed security at the Sunrise library, while the Flamingo library—closer to the University of Nevada, Las Vegas—has unarmed security, or did I not see the gun? Are there armed security at all libraries?

**Danielle Milam:**

First, if you have fines, we do have a Food for Fines program available. Also, we are no longer able to put people in collections, so everyone can feel free to go back to their library.

To the question about armed security, we have been analyzing the situations and circumstances at each of our library branches. For those neighborhoods that tend to have more incidents of violence in general, we provide armed guards. We have only recently brought armed guards to all of our libraries. I know that Clark County has actually had armed guards for a very long time. We want to be sure we are taking care of those other neighborhood libraries where we see a great variety of difficult people coming in. However, we have recently decided to bring the program throughout all of our urban library branches to keep the peace.

**Assemblyman Ohrenschall:**

Do you happen to know what the average ratio is of security officers to patrons at the library district?

**Danielle Milam:**

Sorry, I do not have an answer for that question. I can get the information for you.

**Chairman Yeager:**

I am going to suggest that, to satisfy the massive amounts of fines that you may have, you may want to shop at Costco for the food donation program.

**Assemblyman Ohrenschall:**

I hope this is not on the record.

**Assemblyman Wheeler:**

I noticed that all of you are from Clark County and we have been talking about the Clark County libraries, Clark County libraries, and Clark County libraries. Do you know that there are other libraries in this state? Since you have armed guards at all of your libraries, are you going to supply armed guards to the Minden library? Are you going to pay for that? Are you going to supply armed guards to other libraries where you are going to make these gun-free zones?

**Senator Denis:**

We have talked to all of the libraries throughout Nevada, and they have the opportunity to decide whether they want to do this. They do not have to follow this. If they want to be a gun-free zone, they can be. If they do not want to be, that is fine. They just have to create the policies, and this allows for that. If they choose to have armed guards, they can do that. I would suppose that most of the libraries, especially small rural libraries, do not have that. There is enough clarity to the law to be able to do that.

**Chairman Yeager:**

Section 1, subsection 3, paragraph (a), subparagraph (3) talks about the exception where written permission can be given. It indicates that the permission must come from the governing board of the public library. With respect to Clark County in particular, is there one governing board that oversees all libraries or are there multiple governing boards? How do you envision that process working if someone wants to seek permission?

**Senator Denis:**

Each library board depends on the kind of library they are. They are all autonomous boards. There are also city and county boards. They all have some type of individual structure over them for governing them. There is not one for all of them; each individual library has its own governing board.

**Chairman Yeager:**

It helps to know that there is, essentially, a governing board for each library. How do you envision the process working, and could a governing board just say they are going to give everyone who comes into their facility permission? Is that how you intend this to work, or would each individual need to get specific permission from the governing board?

**Senator Denis:**

I would envision that the governing board could do just that. They could decide to let everyone carry or they could choose to do it on an individual basis. This gives enough leeway for the governing board of the library to have the ability to create policy.

**Assemblyman Watkins:**

Regarding the amendment, in section 1, subsection 3, paragraph (b) and the language as it pertains to parking lots, has there been any thought about parking lots for public buildings

not being up to their discretion? Is there some nexus between parking lots and violence that provides for discretion? My thought is that we have a public sidewalk and they would be allowed to open carry there, but when you walk onto the parking lot, you cannot. In my mind, there is no difference. Inside the building, as was the testimony, is clearly different. I would think it would strengthen the bill and provide clarity for existing black letter law if it were to remove discretion for parking lots of public buildings because I do not see those as being different than public sidewalks.

**Senator Denis:**

While I would like to clarify this issue for all of these institutions, and I know there are issues with school districts and university systems, I did not want to open that again. I felt that the way we did this—and maybe legal can clarify this—it still gives the actual institution the ability to make that decision. Part of the problem was they were talking about driving by the library. If you drive by a school and you are carrying, are you breaking the law? Sometimes that is considered being on the property. If you are walking on the sidewalk, I would imagine it would be the same thing. I am not a lawyer so I do not know. That just came up in the last hearing. What we are trying to do here is to give each institution that ability. If they do not want to, they do not have to. They can say, "Not in the building, but it is fine in the parking lot."

**Assemblywoman Bilbray-Axelrod:**

To clarify that, when we were on the Senate side, we came across an issue in Douglas County where the property line of the school actually went into the middle of the street. This caused some heartburn for members of the Senate who said anyone who was driving their truck down the street and has a gun in the truck is breaking the law. It is our belief that it was already allowed because the street becomes public property. Technically, it was still on the property line of the school, so we added this language to clarify.

**Assemblyman Watkins:**

My concern is that under this bill, in the situation of Douglas County, they would still have the discretion to come up with rules to preclude it. Why not remove the discretion in parking lots of public buildings or public land? The real concern is the inside of the building, which I get. Maybe there is information that I have not heard that there have been incidents in parking lots.

**Senator Denis:**

If you talk to the people from the universities, they will say their concern is people who store their guns in their car or truck and that someone will break in and steal the gun. I was trying to avoid the whole problem of what issues schools, et cetera, have with guns in parking lots. The libraries would not have an issue with that. It is an issue for schools and universities.

**Chairman Yeager:**

I am going to open it up for testimony in support of Senate Bill 115. If there is anyone here in support, I invite you to the table here in Carson City, and if there is anyone in Las Vegas

who would like to testify in support of the bill, please make your way to the table. I do not see anyone in Las Vegas, so we will come up here to Carson City.

**Jennifer J. Gaynor, representing Henderson Libraries:**

As you have heard, a large part of the mission of our public libraries is to be an extension of the learning space we see in our public schools. We believe libraries should have the option to offer the same weapon-free environment as our public schools. We have submitted letters of support to the Committee ([Exhibit P](#)), ([Exhibit Q](#)), ([Exhibit R](#)), and ([Exhibit S](#)).

**Natalie Hernandez, Private Citizen, Las Vegas, Nevada:**

Coming from a low-income family, libraries were sometimes the only way my siblings and I could finish our homework or my mother could apply for job opportunities. As an adult, I am still a frequent visitor to the many libraries in the state. Senate Bill 115 gives me peace of mind. The library is a safe place adults and kids alike can go and enjoy. With Nevada being one of the deadliest states in terms of gun violence, it is nice to know that Senate Bill 115 helps keep libraries gun-free zones.

According to research done by the Center for American Progress, a person in Nevada is killed with a gun every 20 hours. Families and individuals alike should feel safe in utilizing our public libraries. Senate Bill 115 would ensure that libraries are treated like universities, schools, and day care facilities that do not allow firearms, but allow each library board to adopt an exemption processed specifically to their community's stand on firearms and libraries.

**Chairman Yeager:**

Is there anyone else in Carson City who would like to testify in support of Senate Bill 115? Seeing no one in Carson City, there is someone in Las Vegas, so we will go there.

**Verna Mandez, Private Citizen, Las Vegas, Nevada:**

As a college student, I am happy to know that the Nevada Senate has passed Senate Bill 115 and that we are now listening to the bill here. This is a great step in keeping the public libraries safe. We were always fortunate to have computers and Internet access when I was growing up. Many school days were spent in public libraries and checking out books and using them to complete my homework assignments. I never questioned my safety those days; however, with gun violence incidents being reported more often, it is more difficult for me to feel safe. I was happy to learn about Senate Bill 115, which would prohibit open carry or possessing certain firearms while on the property. All people who lack access to resources available at public libraries should not be made to feel unsafe while they are there. Libraries are oftentimes the only venue in which low-income folks or anyone in general have access to these resources.

**Chairman Yeager:**

Is there anyone else in support of the bill? Seeing no one, I will open it up for opposition. Is there anyone opposed to the bill, either in Las Vegas or Carson City? Since we just finished in Las Vegas, let us take testimony from folks here in Carson City.

**Greg Ross, Private Citizen, Reno, Nevada:**

I am a concealed firearms instructor here in Nevada, and I also use my car for hire to transport passengers. I believe there is a mischaracterization in the bill by the proponents. They said it is only about open carry. They talk about how they are going to rectify it with the parking lot issue, but if you look at their amendment, they are going into *Nevada Revised Statutes* (NRS) 202.3673. That part of the law concerns concealed carry and section 2, subsection 3 provides that "A permittee shall not carry a concealed firearm while the permittee is on the premises of: a public building that is located on the property of a . . . public library . . . ." The premises have been held in the past to include the lots surrounding the building. What that says is you cannot carry a concealed weapon on the premises of the building, possibly including the parking lot.

Under NRS 202.265, they want to make that say they can make NRS 202.265 not apply there unless the library allows it by policy. It would ban the open carry, so they could create a policy not to ban open carry, but concealed carry is still going to be banned based on this proposed amendment. If a library decided it was going to create a specific policy to allow open carry, if you are a CCW holder who is licensed, you have to switch to open carry before you get to the parking lot just to be in that parking lot. If you want to go inside, I do not know what you are going to do because you cannot possess the gun concealed on the premises of the building. I guess you could put it in your car.

This is a mischaracterization of the bill. Under current law, they have to have a sign at every entrance to prohibit concealed carry on the premises. Under NRS 202.3673 and the amendment, it is going to ban concealed carry even without signs. Libraries will be off limits to possess a concealed firearm on the premises of the buildings that currently do not have signs banning concealed carry. It applies to concealed carry, as well as open carry. Amended or not, I predict that not many, if any, libraries are going to allow people to open carry, even in the parking lot. There are many libraries that already have signs up banning concealed carry. People are forced to carry openly when they go there.

If you are someone such as a taxi driver, it puts you in an uncomfortable predicament. It forces you to go unarmed your entire shift if you want to serve any of these areas. With nebulous possibilities, some of them may allow open carry and others will not. This reduces access to libraries because drivers are not going to want to go there. It could put people in jail who just want to defend themselves. This is an overall bad idea.

**Craig DeLuz, representing Firearms Policy Coalition:**

We are first and foremost a civil rights organization that advocates primarily on behalf of the Second Amendment, the right to keep and bear arms. Our biggest concern with S.B. 115 is that it fails to recognize the fundamental human right to self-defense, which is enumerated in *The Constitution of the United States of America* via the Second Amendment, which is the right to keep and bear arms. Keep in mind that this is a fundamental right that does not go



away under S.B. 115; it is simply infringed upon based on this measure. This means that your fundamental right to self-defense does not change simply because you leave your home or you enter a library. The fact that conceal carry is not permitted in libraries in the state, the only way one has to exercise his or her right to bear arms is through open carry. The statistics from the Federal Bureau of Investigation have shown that a vast majority—and I mean 98 percent—of mass shootings have occurred in places that have been deemed to be gun-free zones, places where firearms are prohibited. We recognize that it creates a target-rich environment.

The other concern we have when it comes to this measure is that we have seen in state after state, and in Nevada, that the Legislature can take a laissez-faire attitude toward certain civil rights, such as the right to keep and bear arms. I do not know why someone would need to strap on a firearm in order to go to the library. I would say that it is the reason it is called the Bill of Rights and not the Bill of Needs, because it is vitally important to understand that just because you choose not to exercise that right does not mean that others should lose access to that right. If someone decides they do not want to go to church that does not mean we should take away the fundamental right of other individuals to go to church. Because you choose not to write your legislator on a particular piece of legislation does not mean that we should take away, or infringe on, the rights of others to write their legislator. This bill, as already stated, is to do something that was not done previously in 2015.

The goal was incrementalism and to say that we now want to include libraries, then it was to say they wanted to include parking lots. What will eventually happen is that folks will say that too many libraries have opted out, so now they want to remove the discretion. We want to expand it to parks, then to museums. I realize that is not the legislation that is here before us, but it is important to understand that these incremental infringements on a constitutional right eventually lead to a full abridgement of individuals' rights. We believe it is important that, if you are going to put restrictions on one's civil liberties, there ought to be some substantive evidence—as has already been requested—to show this is something that will in fact make a difference. So far none have been presented. Individuals who advocate on behalf of this measure simply say that it will make us feel safer. The question is, and the policy question that you need to ask yourselves is, will this actually make library patrons safer? I believe that statistics will bear out that it is not the case. It is for this reason that we oppose this measure. [A letter was also provided ([Exhibit T](#)).]

**Robert S. Uithoven, representing the National Rifle Association:**

Stepping back, there are some very good questions for the sponsor of the bill and of the amendment before you today. What we saw is a lot of confusion with this legislation. Is it a ban or is it not a ban? Do you go to a governing board to ask permission for your constitutional rights? Do they automatically grant them? Do they put a sign up saying where your constitutional rights are surrendered? Can you access, through the amendment, a road or a parking lot? Can you access your home on that road if you have a firearm in your vehicle without breaking the law? The amendment actually—while we do appreciate the intent—tries to clarify that issue, but it creates more confusion. We heard the sponsor and

the advocates talk about what they envision, but what we are putting into law here is very concerning and creates more confusion.

As amended in 2015 as part of Senate Bill 175 of the 78th Session, NRS 268.418 states:

The Legislature hereby declares that: (a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure protection of the right to bear arms, which is recognized by the *United States Constitution* and the *Nevada Constitution*. (b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

Now, I have to go to a governing board—as it seems through S.B. 115 as presented—to seek permission to exercise my constitutional rights. That is problematic.

I echo what Mr. DeLuz said about creating a gun-free zone that is clearly a magnet for a mass shooting. We have seen that bear out in mass shootings. One of the other questions was if there have been any incidents? We have not found an incident that has occurred that would cause the proponents to come forward with this very significant change. We, too, are concerned about the encroachment issue. This alone is a substantial change in how you exercise your rights. It could be the next thing, and then the next, and we are very concerned about those.

We appreciate the Committee and we have had many discussions, a lot of them individually in your offices, about our opposition to this legislation. The amendment currently creates more confusion and gets us away from the idea that we have uniform policies regulating firearm ownership and possession across the state. We urge your opposition.

**Chairman Yeager:**

I think I understand part of your testimony to be discomfort with the idea of having to go to a governing body given that Senate Bill 175 of the 78th Session essentially made the statements that you echoed that it is up to the state to regulate. We already have an existing law that you need to get written permission from other folks, such as the Nevada System of Higher Education or a child care facility, so I wanted to make clear whether you oppose the existing language? Do you believe that to be in violation of S.B. 175 of the 78th Session or is it that we are adding the governing board of the public library?

**Robert Uithoven:**

To echo you about not reopening a debate on other issues of where those incidents may take place, and to keep it focused on Senate Bill 115, we are concerned about the expansion to public libraries off campus.

**Chairman Yeager:**

Fair enough. I did not want to open that either.

**Assemblywoman Krasner:**

Why do you think having to go to a governing board is problematic? Do you happen to know why it is that we have armed guards at some libraries?

**Robert Uithoven:**

I think the confusion that we saw from the proponents of the bill on whether permission to exercise my constitutional right is granted to me automatically, or how it can be taken away, from reading this bill, it seems to me that my rights are automatically stripped from me and I have to go to the governing board of that local library to reclaim my permission to exercise my rights. That is a concern.

The second question is a very good one. Why are there armed guards, as we heard, at public libraries today? I would say the last line of defense of a bad guy with a gun is a good guy with a gun.

**Assemblyman Hansen:**

One issue that has come up in the past is when you mentioned it being problematic to go to governing boards to ask them for permission. As I recall last session's testimony on where we are right now, if you want to have a CCW on a college campus, you can go to the college campus folks and ask. Again, as I recall, it was said that there were 150,000 kids now and there are X number who have asked. The number that were allowed to carry was so infinitesimally small. That is a huge problem because the odds of someone in the library system saying "yes" are not very good.

Do you have any statistics along those lines? I know we are not trying to open it up, but we are turning this over to governing boards to determine whether we are allowed to exercise what many of us clearly feel is an individual constitutional right. How frequently do they, in fact, grant that?

**Robert Uithoven:**

I do not know how often that would be granted. I do not have the statistics available on someone seeking a waiver or permission to reclaim their constitutional rights, but I will see if I can access that information and provide it to the Committee.

**Chairman Yeager:**

At this time, we are going to go down to Las Vegas for testimony, then we will come back up to Carson City. If there is anyone else in Las Vegas, please come to the table at this time.

**Greg Quintana, Private Citizen, Henderson, Nevada:**

Before coming to this meeting, I took a drive to the Las Vegas Public Library, which is right across the street from this building. I took some pictures and I hope the two sponsors of the bill will look carefully at this. The camera should focus. That was taken inside the parking lot. [He held up a small picture on his cell phone that could not be seen.] In the background, you can see Cashman Field. A dark, foreboding figure glared at me. I have another picture.

**Chairman Yeager:**

We are having a hard time seeing that on the screen.

**Greg Quintana:**

You will have to take my word for it.

**Chairman Yeager:**

I will invite you to send those or email those images to the Committee. We cannot see them very well on the screen.

**Greg Quintana:**

It is a visual aid to let you know why we need to be armed. I do not know the circumstances surrounding these two gentlemen, or what caused them to become homeless and to be sleeping in the parking lot of the Las Vegas Public Library. Maybe they had a string of bad luck. Maybe they are hearing voices. Are they rapists? What could they be? We do not know.

[Mr. Quintana made inappropriate remarks about one of the bill's sponsors.]

**Chairman Yeager:**

I am going to ask you to stop. You are done because we are not going to tolerate that kind of speech. It is inappropriate.

**Greg Quintana:**

I will refer to something regarding the mothers who have library cards.

**Chairman Yeager:**

If you are going to testify on this bill, I need you to restrict your comments to the content of the bill.

**Greg Quintana:**

I am going to do that right now. You are an elected official and I think your job . . . . [The microphone was turned off.]

**Chairman Yeager:**

Your microphone was cut off because you are not testifying in a respectful way.

**Greg Quintana:**

As an elected official your job is to shut up and listen. [The microphone was turned off again.]

**Kevin Tarkalson, Private Citizen, Henderson, Nevada:**

I am a retired law enforcement officer from a different state. I spent my entire career working in law enforcement. I retired as a lieutenant. I am here to give a little different perspective on this bill.

It is one thing to be an administrator and sit at a desk and have an idea. It could be, "Guns are bad. I do not know anything about guns, so let us make another rule that people cannot open carry in our libraries." When that was put in place, that was an illegal policy. That is what happened here in Clark County. Now, when that came to light, a bill is sponsored to make it so that it would be legal to have the illegal policy. I can tell you for a fact, the thing that criminals fear the most, or "difficult people" as they were referred to earlier, is the armed citizen. I spent 27 years working in law enforcement, up close and personal with these difficult people. They do not fear the police because they know police have to follow the rules. They do not fear going to jail because, to them, it is a second home. So is prison. A lot of them are institutionalized. For some of them, it is better to be incarcerated than to be out on the street. It is true that they cannot get their drugs, but they still get three hot meals a day and a warm place to sleep.

The issue that I am pointing out is that criminals will avoid armed citizens. As a law enforcement officer, I know that and I learned that firsthand and I was taught that by the difficult people. This bill, as stated earlier, will only create gun-free zones. A gun-free zone is a target-rich environment for someone intent on making a name for himself, getting publicity, and doing as much damage and creating as much misery for other people as they possibly can. That is a key reason why I am here testifying this morning. I think this is a bad idea.

Libraries are not places of higher learning, grade schools, middle schools, or high schools. The key difference is that, at a grade school, middle school, or high school, they are children. An adult who is unwanted walking on the campus sticks out like a sore thumb, is easily identified, and easier to deal with. A library is open to everyone. It is true that we have some armed guards at some libraries, but not all of the time. The thing needed to deter crime and victimization, not only in mass shooting, but also in sexual predators coming to a library looking for children to prey upon, would be armed adults. If the criminals or difficult people know they are walking into an environment where someone may stop them from doing evil with force, that would be a deterrent and they would go somewhere else. I cannot understand

the logic of exposing our children—that we have heard so much about this morning—to this criminal element by taking away a viable and good way to help deter crime.

As a last point, from the bottom of my heart, I would like to thank the sponsors of this bill, Senator Denis and Assemblywoman Bilbray-Axelrod. Thank you for doing this. Since this bill was introduced, membership in the NRA in Clark County has been growing substantially. The two of you are key parts who have helped the NRA be successful in the membership drives.

**Chairman Yeager:**

If there is anyone else in Las Vegas wanting to testify, please make your way to the table. For now, we are going to come back to Carson City and take testimony.

**Randi Thompson, representing Nevada Firearms Coalition:**

I met with the Senator to talk about this amendment. I hoped we could come to an agreement, but I am afraid the language is more confusing than I had hoped. Regarding Assemblyman Hansen's point, according to the Crime Prevention Research Center, since 1950, over 95 percent of all mass shootings in America have taken place where law-abiding citizens were banned from carrying guns. Criminals do not follow these laws. The only people who will be affected by this are your constituents who are just trying to protect themselves and their families at public libraries. We remain opposed to the bill.

**Janine Hansen, State President, Nevada Families for Freedom:**

I have a couple of comments, and then I want to tell a couple of stories. It was not clear in the Senate that this bill only applied to open carry. In section 1, subsection 1, it specifically adds "public libraries" along with schools and universities to the ban for carrying and possessing guns. Section 2, subsection 3 specifically adds public library to the ban on carrying concealed weapons.

I am a CCW holder and I have been so for over 15 years. I want to tell you a story about my own concerns about the library. Two years ago when I was in Las Vegas presenting a program at a public library, as I arrived I noticed all of these different types of people in the parking lot. It was very scary for me. I refused to get out of my car until someone involved in our legislative workshop was there. I could then get out of my car without fear. I am not here to condemn them, "there, but for the grace of God, go I."

Last year I took five of my grandchildren to the Elko County Library. There is no armed guard there and the parking is on the street. If you park on the street, you may be violating this law. All of my grandchildren were fearful of going into the library without me. I got everyone together to walk into the library. There were all types of people, like panhandlers, hanging out at the library. It is a scary place to go with children and to be unarmed. It is

very important for the safety of the public to not only open carry—which I do not usually do since I have the CCW—but to be able to defend yourself against any threats.

My greatest concern about the amendment is that we will never know if we are violating the law. We do not want to advertise that our libraries are gun-free zones.

**John Wagner, Carson City Vice-Chairman, Independent American Party of Nevada:**

An interesting book that I recommend anyone read is by John R. Lott, Jr., published by the University of Chicago Press, and titled *More Guns, Less Crime*. He included a lot of statistics, et cetera.

The school shootings have been mentioned today, along with the theater shootings in Denver, Colorado. The person who did the theater shooting had to drive past two other theaters. The one he stopped at was the one that had no guns allowed. It was basically an invitation to come and shoot them.

As I look this bill over, I do not see where it says only open carry. It talks about possession, but you can possess a gun whether it is open carry or you have it concealed. The beauty about concealed carry is no one knows who is carrying. The person next to you could be carrying. A young lady could be carrying and I would not know. Anyone could carry and I would not know. That is good. The bad guys ought to have the same fear of not knowing who is and who is not carrying. A lot of stores will say no guns are allowed, but others do not say anything. They may allow it, but they just do not say you can do it. They would probably be unhappy if you walked in with your gun visible. I do not open carry. I can, I just do not. It would be foolish to go to a library with a gun on your side because some kid may grab it. They might think it is a toy. This bill does not really tell me that it has to do with open carry only.

**Sherrie P. Scaffidi, Private Citizen, Fernley, Nevada:**

As a long-term resident of Nevada, I am testifying today to express my sincere hope that you will act on behalf of the best interests of Nevada's law-abiding gun owners and ultimately vote against S.B. 115.

As a 67-year-old Navy veteran, law-abiding transgendered woman who has had a Nevada CCW permit since 1996, bills like this one frighten me a little. I, like everyone in this room, want to keep all our citizens safe, especially the youth. As has been stated, almost every mass shooting in this country, as well as the lone individual gunman attacks, have been perpetrated in what we know as "gun-free zones," such as schools and places where "No Firearms Allowed" signs are posted. We all know that no law will prevent someone with ill intentions from doing their worst.

Bills such as this one tend to make unintentional criminals out of law-abiding citizens. I carry a firearm everywhere it is legal to do so for self-protection. An example in my case is when I pay my water bill. Fernley City Hall, where I pay my bill, is next to the branch of the

library. If I pay my bill using the drop box, when exiting the parking lot I am on library property, and as such would be in violation of this proposed law. It is my firm belief that making our libraries gun-free zones will not make the citizens of Nevada safer, but may make them more vulnerable to violent acts by people who bring a weapon into a gun-free zone. I am in favor of commonsense gun laws, but I feel this is not one of them. Please vote no.

**Chairman Yeager:**

Is there anyone else in opposition to Senate Bill 115? Seeing no one, let us take neutral testimony if there is anyone who would like to testify. If there is anyone in Las Vegas who is neutral, please come to the table. Seeing no one in Las Vegas, we will come up to Carson City.

**Nicole Rourke, Associate Superintendent, Clark County School District:**

We are here in neutral because we have just laid eyes on this amendment. We want to talk about a couple of concerns with the wording of this amendment. The board of trustees would probably be the appropriate policy adoption body rather than the principal, although the principal gives permission on site. It is incumbent on our school district boards to adopt policies that the schools follow.

From our past experience with looking at legislation, we want to ensure we are in compliance with the federal Gun-Free Schools Act of 1994. There needs to be some research done as to whether this amendment is in compliance with that act.

**Lindsay Anderson, Government Affairs Director, Washoe County School District:**

I will just echo the comments from Ms. Rourke. In past legislative sessions we sat through many of those hearings. We have worked in good faith on some of these issues, particularly as they relate to parking lots. We would like to have the opportunity to participate in this one also.

**Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:**

We are neutral on the bill, and I am here just to ask for clarity. It appears the legislative intent, based on testimony, is that this law would only impact open carry, yet in reading the bill and the amendment, both open carry and concealed carry are prohibited. If this bill were to pass, let the officers who are going to be enforcing it know what the written word is and not the legislative intent. I am only asking for specific clarity.

**Chairman Yeager:**

We will have legal counsel comment on that so the record is clear.

**Brad Wilkinson:**

The prohibition in NRS 202.265 is against possession. That applies whether it is open carry or concealed carry. Part of the testimony talked about the affect this would actually have. Under existing law, libraries have the ability to ban concealed carry already. That was the statement that Senator Denis made, which is accurate. This prohibition applies to both



open carry and concealed carry. Concealed carry could be authorized in the same way as this bill would allow open carry to be authorized by the governing board of the library.

**Chairman Yeager:**

Thank you for the clarification. Is there anyone in the neutral position on Senate Bill 115 who would like to testify? Seeing no one, I would invite the sponsors back up to the table for any concluding remarks.

**Senator Denis:**

I just want to give a few responses. I want to make sure with legal counsel that, based on the discussion we just had, regardless of what happens with this bill, concealed carry would still not be permitted in libraries. Is that correct?

**Brad Wilkinson:**

Concealed carry is not allowed in a library if there is a sign posted or a metal detector. That does not have to be the case; it is up to the person in control of that building. If this bill were not to pass, the situation would remain the same and concealed carry could be allowed or disallowed.

**Senator Denis:**

I wanted to make sure. People talk about making things confusing, and I think those who do not like the bill will say a lot of things to make it confusing. At the end of the day, this is a bill that basically wants to treat a public library like an educational institution and allow them to decide what they want to do.

As for the comment about the NRA, I support the NRA, and I think it is good if people want to join because they do a lot of wonderful things that show safety. The more knowledge people have about weapons and how to use them, the better. I have taken advantage of a lot of that training, and I think it is good for our kids to understand.

Someone brought up Elko, and they do allow guns on their property. It is up to the libraries to decide that. This is trying to find the balance between public safety and letting communities make decisions on how they want to do things. That is why I brought the bill. Normally I would want to have more time to work things out, but because of where we are with the session, the amendment was done rather quickly. I was attempting to address some of the issues that were brought up during the other hearing, such as if you have a gun in the car and the concerns from the schools. You will have to make the decision as to whether to use the amendment. In its original format, it does what we were trying to accomplish to give that choice to the library districts and to treat them as an educational institution.

**Chairman Yeager:**

I will close the hearing on Senate Bill 115. [A letter in opposition was received but not mentioned ([Exhibit U](#)).] We will now open the meeting to public comment if there is any. Seeing no one, I will close public comment. I will let the members of the Committee know that we have a Committee on Judiciary meeting tomorrow morning. We will start at 8:30 a.m. and we anticipate that on Thursday we will likely be doing two work sessions again, one for the Committee on Corrections, Parole, and Probation and one on the Committee on Judiciary. That meeting will probably start at 8 o'clock, but we will let you know for sure tomorrow. With no other business before the Committee, the meeting is adjourned [at 10:26 a.m.].

RESPECTFULLY SUBMITTED:

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Karyn Werner  
Committee Secretary

APPROVED BY:

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Assemblyman Steve Yeager, Chairman

DATE: \_\_\_\_\_

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Senate Bill 32 \(1st Reprint\)](#), dated May 5, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Senate Bill 35](#), dated May 5, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Senate Bill 40 \(1st Reprint\)](#), dated May 5, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Senate Bill 42](#), dated May 5, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Senate Bill 110](#), dated May 5, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Senate Bill 116 \(1st Reprint\)](#), dated May 5, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Senate Bill 267 \(1st Reprint\)](#), dated May 5, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Senate Bill 454](#), dated May 5, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Senate Bill 515](#), dated May 5, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Senate Bill 362](#), dated May 8, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is written testimony in support of [Senate Bill 398 \(1st Reprint\)](#), authored by Allison Clift-Jennings, Chief Executive Officer, Filament, Reno, Nevada, dated May 9, 2017, presented by Senator Ben Kieckhefer, Senate District No. 16.

[Exhibit N](#) is a proposed amendment to [Senate Bill 398 \(1st Reprint\)](#) presented by Senator Ben Kieckhefer, Senate District No. 16.

[Exhibit O](#) is a proposed amendment to [Senate Bill 115](#) presented by Senator Moises (Mo) Denis, Senate District No. 2.

[Exhibit P](#) is a letter dated February 28 , 2017, in support of [Senate Bill 115](#) to members of the Senate Committee on Judiciary, authored by Scott and Jeana Taylor, Private Citizens, Las Vegas, Nevada.

[Exhibit Q](#) is a letter dated May 4, 2017, in support of [Senate Bill 115](#) to Chairman Yeager, authored by Cindy S. Herman, Vice Chair, Henderson Libraries Board of Trustees.

[Exhibit R](#) is a letter dated May 4, 2017, in support of [Senate Bill 115](#) to Chairman Yeager, authored by Gayle Hornaday, Acting Executive Director, Henderson Libraries.

[Exhibit S](#) is written testimony dated May 9, 2017, in support of [Senate Bill 115](#) to Chairman Yeager and members of the Assembly Committee on Judiciary, authored by John Saludes, Co-Chair, Nevada Gun Safety Coalition.

[Exhibit T](#) is a letter dated May 5, 2017, in opposition to [Senate Bill 115](#) to Chairman Yeager, authored and presented by Craig DeLuz, Legislative and Public Affairs, Firearms Policy Coalition.

[Exhibit U](#) is a letter dated May 5, 2017, in opposition of [Senate Bill 115](#) to Chairman Yeager, authored by Daniel S. Reid, State Liaison, National Rifle Association of America.