

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-ninth Session
April 3, 2017**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 1:16 p.m. on Monday, April 3, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Tick Segerblom, Chair
Senator Nicole J. Cannizzaro, Vice Chair
Senator Moises Denis
Senator Aaron D. Ford
Senator Don Gustavson
Senator Michael Roberson
Senator Becky Harris

GUEST LEGISLATORS PRESENT:

Senator Kelvin D. Atkinson, Senatorial District No. 4
Senator Patricia Farley, Senatorial District No. 8
Senator Pat Spearman, Senatorial District No. 1

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Eileen Church, Committee Secretary

OTHERS PRESENT:

Mike Draper, Paramount Marketing Consultants
Brian O'Callaghan, Las Vegas Metropolitan Police Department
David Garriss, Las Vegas Metropolitan Police Department
Christopher Jones, Starpoint Resort Group

Senate Committee on Judiciary
April 3, 2017
Page 2

Myles Timmion

Sharath Chandra, Administrator, Real Estate Division, Department of Business
and Industry

Holly Welborn, American Civil Liberties Union of Nevada

John J. Piro, Deputy Public Defender, Office of the Public Defender,
Clark County

Jim Hoffman, Nevada Attorneys for Criminal Justice

Chuck Callaway, Las Vegas Metropolitan Police Department

Lea Tauchen, Retail Association of Nevada

Kristin Erickson, Nevada District Attorneys Association

Keith L. Lee, Nevada Judges of Limited Jurisdiction

Jennifer Gaynor, Nevada Credit Union League

Michael Cathcart, City of Henderson

CHAIR SEGERBLOM:

I will open the hearing of the Senate Committee on Judiciary with Senate Bill (S.B.) 438.

SENATE BILL 438: Revises provisions relating to time shares. (BDR 10-992)

SENATOR PATRICIA FARLEY (Senatorial District No. 8):

Senate Bill 438 is designed to accomplish two broad goals. The first goal is to allow representatives of time-share developers to work with more than one developer as this reflects the reality of time-share sales today. To that end, section 1 of the bill merely changes "a developer" to "one or more developers" in *Nevada Revised Statutes* (NRS) 119A.120.

The second goal is to improve consumer confidence by putting in place protections that do not exist. To accomplish this goal, section 2 of the bill requires an applicant or representative to supply to the Division of Real Estate (NRED) Administrator: the name or names of any developers he or she works with; proof that he or she works from a fixed location (i.e. has an actual office of some kind); a completed fingerprint card with written permission for the Division of Real Estate (NRED) to submit the fingerprints to the Criminal History Repository for a FBI background check; and if the fingerprints are not submitted to the FBI or any other appropriate law enforcement agency, NRED may do so itself.

Section 3 of the bill adds standards to which a representative must adhere, including that he or she shall not: make any material misrepresentation; make any false promises likely to induce someone to attend a promotional event; engage in any fraudulent, misleading, or oppressive sales techniques or tactics; or fail to disclose his or her purpose to induce a person to attend a promotional event.

I do understand that the Real Estate Division will present an opposition or a neutral to discuss a fiscal note. I have not seen the fiscal note nor has NRED talked to me about it. I was under the distinct impression that the provisions in this bill were already included as part of their duties. Again, I am not sure the reasons for the fiscal note.

MIKE DRAPER (Paramount Marketing Consultants):

My colleagues and I represent a company called Paramount Marketing Consultants. This group is the largest independent time-share marketing firm in the Country and has approximately 350 employees, 200 of which are certified with Clark County or the State.

The genesis of this bill came early last year when NRED began to promulgate some regulations addressing time-share representatives. Essentially, what we are talking about are marketing agents for these time-share companies. These are the people who you see in the mall, in a casino or on the Las Vegas Strip trying to encourage people to purchase a time-share and meet with a sales agent.

As we began to explore this, it became clear that perhaps there was some ambiguity in the law about a time-share company's ability to represent more than one developer. We set out to address this as that is primary to Paramount Marketing's business model. Paramount is considered by many to be one of the gold standards in the industry.

We want to codify in law the ability to represent more than one developer. As we started to work on this, we realized the problems that existed with time-share representatives working on The Strip in Clark County and Las Vegas.

Talking to NRED last fall, it became apparent that the best thing for us to do was to enact legislation rather than to try to seek regulation. The Division of Real Estate expressed concern about NRED's jurisdiction over regulation of

time-share representatives, particularly those who represent more than one developer. The Real Estate Division also expressed a concern that Las Vegas Metropolitan Police Department (LVMPD) received many phone calls and complaints from tourists, visitors and locals on the Las Vegas Strip who have been harassed by time-share representatives during visits to Las Vegas.

To be clear, our client's business model is the time-share representatives work from a fixed location. Most of the time, when they are working out of a casino or they have a special use permit from Clark County, there is no better deterrent toward bad behavior for our client and others who work in that situation than the landlord of a casino, the landlord of a mall, or the County which could take away their license or their property at any time.

Talking with LVMPD and with the encouragement of NRED, we set out to codify some of this in State statute. The Real Estate Division specifically asked us to include the requirement for fingerprint and background checks for all time-share representatives. As LVMPD will express, that is a significant step forward in addressing the issues along The Strip. It codifies the ability for our client to represent more than one developer.

The Paramount business model is a kiosk, for example, in the mall. Paramount hires time-share representatives, who in this case would be licensed with the State, to work for multiple brokers. Our client primarily works with Wyndham and a time-share company called Berkeley. Both of these time-share companies are comfortable with the representatives working with more than one developer. In fact, it provides better customer service. For example, if I talk to you in the mall and you are interested in buying a time-share, I would have you come in and talk with a sales agent. If we decide the right product for you is not a Wyndham product but is a Berkeley product, you would just go over to the Berkeley agent. In that way, it is a better customer experience all the way around. This is why this is part and parcel to our client's business model.

We realized the problem was the time-share representatives who are roaming up and down The Strip. Testifiers from LVMPD will discuss some of the issues that they encounter.

What we did in this bill was to allow time-share representatives to work for more than one developer if they work from a fixed location. Officers from LVMPD expressed that one of their problems is when they cite someone or they

come up and talk to someone on The Strip, they do not know whom that person is working for. The challenge has been to figure out what broker or what developer that person is working for. In this case, you would still only be able to work for one broker or one developer. You would have to carry your license and have that on you and show that to LVMPD officers so they would know who you are working for.

If a time-share representative is working at a fixed location, it is easy for LVMPD to identify who the developer or broker is. The time-share representatives have to obtain licenses for each developer they are working for. A majority of LVMPD's problems will be solved, just as NRED stated, if fingerprint and background checks were required, the same as for any other real estate agent or time-share sales broker.

The bill states that a time-share representative cannot perform deceptive "sales" practices. That word should be changed. Time-share representatives cannot sell, and so what we would do is change that word, with Senator Farley's approval, to deceptive "marketing" practices.

We did talk to NRED personnel throughout this process. They expressed some thoughts on how to strengthen the bill or create a better process for the bill. We committed to them that we would continue to work through a couple of those ideas and see if we could find a more streamlined process to alleviate some of NRED's concerns. We have spent a lot of time over the past eight months and feel we have a good bill that is going to support our tourism industry along the Las Vegas Strip.

BRIAN O'CALLAGHAN (Las Vegas Metropolitan Police Department):

We are not into mixing with the business models. This is just a law enforcement perspective and what we see happening on The Strip. Officer Dave Garris will give a broad overview of where we were and where we are right now and how this new legislation, if passed, would help LVMPD.

DAVID GARRIS (Las Vegas Metropolitan Police Department):

Problems have come up with time-share representatives throughout the years, especially in the last eight to nine years. Those are time-share representatives who work outside of their locations and accost tourists and locals.

This bill would affect The Strip corridor by cutting down on the freelancing. As an example, time-share representatives go out on The Strip, sell tours, bring customers back, and sell them to interior folks. The representatives get paid cash off the table. The ability to go back and actually track these folks down, in the event there is some type of fraud or forgery, is our major concern. It is not unusual for us to come across known sex offenders, ex-felons or current parolees who are actively involved in the renegade style of time-share sales on The Strip.

Most recently, I arrested a time-share representative for a gross misdemeanor. The time-share representative had signed the application with NRED stating he had no felonies. He not only was a sex offender but also had been arrested for fraud, forgery and possession of necessary equipment to make counterfeit cards.

Under Clark County Ordinance 6.115.050:

Every sales agent, seller and acquisition agent and employee thereof, who attempts, directly or indirectly, to encourage any person to attend a time-sharing presentation or who sells or offers to sell time-share intervals in a time-share program and every employee of a developer who is engaged in any of such functions shall have a work identification card. The card shall be issued by the sheriff if he finds the applicant has not been convicted or permanently enjoined of any offenses described in Section 6.115.030(b)(2).

That was never implemented because there was not clear direction. With this bill pursuing fingerprinting, that will help eliminate a lot of the time-share representatives working out there who are ex-felons.

I would like to point out the public solicitation law, County Ordinance 6.115.070: "No licensee, employee, agent, seller, acquisition agent or sales agent shall solicit persons on sidewalks, streets, highways, or in any publicly owned buildings or areas for the purpose of inducing or requesting persons to attend a time-share sales presentation."

With the State's help, it will aid LVMPD to clean up The Strip and put together a more solid foundation. Additionally, it would help to support the local ordinances as well.

CHAIR SEGERBLOM:

How would you know what location a person was working out of?

MR. GARRIS:

When people sign up and get their rep licenses, the process is completed at NRED and they sign and state at what location they work. Of course, they have the ability to work at multiple locations because a lot of these are kiosks. The Real Estate Division allows them to identify with multiple locations, not multiple time-share entities, more the locations where they can actually function. Through cooperation with NRED, I get a weekly update on people who are active, inactive or revoked and any addresses that come up so that we have the ability to receive compliance in the field.

CHRISTOPHER JONES (Starpoint Resort Group):

Starpoint Resort Group is the developer for Sapphire Resorts at the Jockey Club in Las Vegas.

We oppose this legislation for a couple of reasons. One, the registered agents who are out on the street are not selling anything. They are just advertising for a business that is located on the Strip. The work card issues are heavy-handed for someone who is just exercising free commercial speech, and we think that there may be some constitutional issues involved here that could cause trouble for everybody involved.

This whole legislation is a self-serving attempt by Paramount Marketing to corner the time-share promotion business on The Strip. We do not see how any real estate broker that is affiliated with a legitimate resort that has been vetted and registered with NRED is going to be able to manage these time-share representatives when they are selling for multiple projects.

Multiple projects have differing ownership formats and differing benefits, and it is just going to be a cluster down there that nobody is going to be able to control. They have what they call greeters or hosts who wander away from the booth, grab people, and bring them inside to those booths, acting in the same capacity as a renegade. I think this legislation has been created in a hurry. We

would support legislation more of the ilk that these time-share representatives have to work for one developer and one broker only, and they cannot sell tourists to multiple developers. The developer that they are registered with is responsible for their activities and subject to the rules that LVMPD sets and the rules that NRED sets.

MYLES TIMMION:

I have been a real estate time-share broker for 35 years. There are many things that are in this bill that are good, but there is also a lot that is bad.

A time-share representative cannot represent two different developers. What Paramount is talking about is they now have two people in a booth, one for Wyndham and one for Grandview, and they turn one over to the other. I think it should stay exactly the way it is.

I do not mind the fingerprints and background checks, and they should have had that a long time ago. Other than that, I am against the bill.

SHARATH CHANDRA (Administrator, Real Estate Division, Department of Business and Industry):

We are neutral on this bill. We met with LVMPD to discuss the issues with background checks. We wanted to see some mechanism which would allow for some kind of verification. That is how the genesis of the background checks was brought about.

The industry is split, and we are here to take guidance. Policy decisions are up to you to make. We will just say one of our duties is to protect the public to make sure the industry is well regulated.

The way we are set up, the mechanism for enforcing issues that happen in the time-shares are through the broker. The broker has a license through our office and will be held responsible for any wrongdoing. There are definitely administrative challenges. The Real Estate Division is short on staff and stretched to the limits, so any changes would require the appropriate reinforcements as far as staff and funds.

CHAIR SEGERBLOM:

Did you submit a fiscal note?

MR. CHANDRA:
Yes.

CHAIR SEGERBLOM:
So currently, a salesperson cannot represent two different companies?

MR. CHANDRA:
Yes. The mechanics are built in so you have the broker, a salesperson and then the representatives. The representatives have a permit. It is not a license, so the permit allows them to work in relationship to the licensee, which is the broker.

CHAIR SEGERBLOM:
This bill would change that as far as the representative could represent more than one company?

MR. CHANDRA:
Yes.

SENATOR FARLEY:
We worked with LVMPD on many of these proposed changes relating to what they were seeing in the streets and what was causing a problem. The origin of the measures in this bill came directly to support LVMPD.

Second, LVMPD does not have a problem with people who are representing multiple different developers. It is the licensing issue and being assigned to fixed locations so LVMPD knows where to go when handling a situation.

CHAIR SEGERBLOM:
Seeing no more people wanting to testify, I will close the hearing on S.B. 438 and open the hearing on S.B. 275.

SENATE BILL 275: Revises the penalties imposed for certain crimes. (BDR 15-532)

SENATOR KELVIN D. ATKINSON (Senatorial District No. 4):
Senate Bill 275 revises downward from Category B to Category C felonies. Several crimes simply do not rise to the level of severity imposed when one is convicted of a Category B felony.

Reform is enjoined by bipartisan support across the Country as it is in Nevada. One of the key elements of reform in our State is to identify crimes for which the penalty has historically been too severe and which have, in many instances, been imposed with no justification as to why a more severe penalty makes better sense than the lesser one.

SENATOR AARON D. FORD (Senatorial District No. 11):

Reviewing Nevada's felony penalties structure was one of the elements of the work undertaken by the Advisory Commission on the Administration of Justice (ACAJ). It is important that we note that this bill comes from the ACAJ. It is not the brainchild of either Senator Atkinson or me. It is in fact the brainchild of the ACAJ, which worked over the last Interim on this. I served on that Committee, and the bill before you today has come about in large part due to the work we did trying to both understand why our felony penalties are structured as they are and to identify penalties that we could scale back to more appropriately match the crimes in question.

It is important to note the composition of the ACAJ. It is chaired by Justice and former Chief Justice James W. Hardesty. It is comprised of public defenders, district attorneys, the Attorney General, and Legislators, as well as other members at large. A very diverse committee has spent a large amount of time working through this. Several bills that will be coming through this Committee are the result of the work on that Committee which came by unanimously.

By far the most common felony in Nevada is the Category B felony for which the penalty ranges from 1 to 20 years in prison and can include fines ranging from \$1,000 to \$100,000. Last spring, the Legislative Counsel Bureau Research Division compiled a list of all the Category B felonies that exist in Nevada.

SENATOR ATKINSON:

Most of the crimes we address in this bill are minor property offenses, none of which involve violence or weapons. Most require paying restitution that can be accomplished when the offender is able to get back to work and pay his debt to society. We believe the revisions in S.B. 275 will help alleviate some of the disparities we have seen in prosecutions and, in turn, in our prison populations. It is equally important to remember that these changes will also ease prison overcrowding and will allow us to focus on appropriately punishing the worst criminals while helping others reenter society sooner by having served sentences proportionate to their crimes.

Section 1 of the bill adds new language providing that a person who has previously been convicted for petty larceny two or more times in the preceding seven years or has previously been convicted of a felony and has been convicted of a burglary for entering a commercial establishment during business hours with the intent to commit petty larceny is guilty of a Category C felony.

Section 2 to section 14 reduces Category B felonies to a Category C felony respectively in the following order: section 2, theft of property or services in excess of \$650; section 3, grand larceny; section 4, grand larceny of a motor vehicle; section 5, stealing or appropriating property in a way that does not amount to robbery; section 6, stealing property worth \$650 or more from a vending machine within 1 week; section 7, knowingly procuring or possessing a title to or actual stolen vehicle with the intent to transfer to another person; section 8, knowingly buying, receiving or possessing stolen property worth \$650 or more, stolen guns are excluded and remains a Category B felony; section 9, fraudulently obtaining any choice in action, money, goods, wares, effects or other valuable things including rent or labor worth more than \$650; section 10, obtaining credit card information or transferring credit card information with the intent to defraud; section 11, opening or maintaining any place with the intent to sell, give away or, use any controlled substance, on the first offense; section 12, various fraudulent acts involving gaming, on the first offense; section 13, knowingly selling a vehicle with an altered odometer; and section 14, fraudulently obtaining unemployment benefits worth more than \$650.

If passed, this bill will take effect on October 1.

CHAIR SEGERBLOM:

It seems like \$650 is low, and it should be raised.

SENATOR FORD:

That is just the recommendation that we came to on the ACAJ. Maybe that is for a later date. Under this bill, that was the amount that was determined to be appropriate in this instance.

SENATOR HARRIS:

I want to know a little more about the methodology the Committee members used to make these decisions because it seems they are putting on par stealing out of a vending machine with stealing a vehicle. Those seem to be very

different types of offenses, and yet we are going to treat them the same as a Category C felony regardless of the value of the vehicle that might be stolen. I think you would be hard pressed to steal \$50,000 out of a vending machine in a week.

SENATOR FORD:

The communication was vigorous. Justice Hardesty, who chaired the Committee, introduced several different methodologies to the Committee for consideration. Frankly, I do not know exactly what the rationale was in that instance that you just described. That is the same conversation we have had as to why we would have all of these in Category B as opposed to Category C. I do not know if that was part of the determination between the district attorneys and the public defenders as an appropriate category because it still has a range associated with what the penalty can be. That range was more appropriately placed by the ACAJ members and they felt it fell within the Category C range as opposed to Category B.

SENATOR HARRIS:

Is there any reason why there is not a ceiling on certain types of property crimes with regard to stealing a vehicle versus property you can steal out of a commercial establishment? I noticed that one of the things that this bill did was remove the ceiling, and the ACAJ moved the floor back to \$650 of what the potential value could be for an item that was stolen. I am just curious as to why there is no particular ceiling since it seems that might be a good way to delineate between the different types of crimes. If you are going to steal a bunch of stuff out of a vending machine, that is a lot different than stealing someone's vehicle that may be worth \$50,000.

SENATOR FORD:

I do not have the answer for that except to say that I can find out. I can ask Justice Hardesty and others on the Committee for their recollection on why the ceiling was either removed or not included in the first instance. Sentencing is an imperfect item to have to undertake. Which is another reason why the ACAJ, on a unanimous basis, passed out a requirement or a recommendation that we will entertain in this Committee establishing a citizen commission to look into further detail at every single crime that we have suggested to ensure that it is within the proper ranges. This conversation was more of a consensus that led to the ranges that are here. To your specific question on the ceiling, I can look into that and submit an answer to you.

Senate Committee on Judiciary
April 3, 2017
Page 13

SENATOR ROBERSON:

Senator Ford, are you sure this came out as a recommendation from the ACAJ?

SENATOR FORD:

Yes. I was on the Committee, and this was part of the conversation we had on the Committee.

SENATOR ROBERSON:

Was the substance the recommendation of the ACAJ?

SENATOR FORD:

My recollection is yes, Mr. Roberson. Am I wrong on that?

SENATOR ROBERSON:

I think you may be.

SENATOR FORD:

Okay.

SENATOR ROBERSON:

I think there are some other members here who were on that Committee.

SENATOR FORD:

Maybe they can come up and qualify my statements for me then. I know we had this conversation on the ACAJ.

SENATOR ROBERSON:

You said that the Committee voted unanimously for this?

SENATOR FORD:

My recollection is that this bill was one of the recommendations coming out of the ACAJ.

SENATOR ROBERSON:

I would like to see some confirmation.

SENATOR FORD:

There are others here who may have a different recollection, and I am happy to have that heard. If not, we can certainly rectify the situation by ensuring that what is in here is what came out of the Commission.

SENATOR ROBERSON:

It is a pretty important predicate to be making that this is a unanimous recommendation from the ACAJ. I just want to make sure that is true.

SENATOR FORD:

I agree 100 percent. Again, if I am mistaken I am happy to be corrected and happy to find out what we need to do to ensure that this is what the ACAJ has asked for.

HOLLY WELBORN (American Civil Liberties Union of Nevada):

We support S.B. 275. I want to echo what the presenters said about some of the agreements and conversations that we had as members of the ACAJ.

To clarify the record, there were several conversations that we had over the course of three months where we looked at the totality of all of the offenses, and then we made recommendations individually on which of those Category B offenses could be reclassified as Category C offenses. Then we had the discussion that, I believe that it was 13 that we agreed upon, through the American Civil Liberties Union (ACLU), the district attorneys' offices, public defenders' offices and members of that Committee, that these were offenses we could further study for reclassification. That was the outcome of that deliberation. We had a very meaningful conversation with Douglas County District Attorney Mark Jackson and Senator Atkinson agreed to put this bill forward. I am not sure what the final vote was out of the ACAJ, but I will definitely get that information to the Committee.

SENATOR ROBERSON:

For the record, was there a vote on the substance of this bill?

MS. WELBORN:

I will have to check the record. I do not know if Nick Anthony can speak to that. I can pull up the final report from the ACAJ and get that answer for you.

Senate Committee on Judiciary
April 3, 2017
Page 15

SENATOR ROBERSON:
You are a member of that Committee?

Ms. WELBORN:
I am a member of that Committee.

SENATOR ROBERSON:
We were just told that it was a unanimous vote of the ACAJ.

SENATOR FORD:
Senator Roberson, what you were just told was that my recollection is that it was a unanimous vote. If I am erroneous in that regard, we will get it fixed. Let us not try to sully the record by indicating that I have unequivocally said it was something without having tried to correct the record in that regard, because I have indeed tried to correct the record.

SENATOR ROBERSON:
It is my job to ask questions just like yours. I am just asking the witness a question.

SENATOR FORD:
In addition, it is my job to ensure that the record is clear on what is happening here.

SENATOR ROBERSON:
I would love for the record to be clear today.

VICE CHAIR CANNIZZARO:
I think we are very clear that there is a question about what exactly the Commission voted out, and we can get that information. I think that has been made abundantly clear, and what I would like to do is move on with testimony in support.

SENATOR FORD:
My apologies, Madam Vice Chair.

Ms. WELBORN:
The Nevada Department of Corrections sent information to the ACAJ about the number of inmates who were currently serving under these offenses. The

numbers are from August 2016. There are 2,050 individuals serving a sentence in the Nevada Department of Corrections under these offenses. That would equate to about \$5 million in costs for incarcerating those individuals, not to mention the fact that we have heard from the Nevada Department of Corrections and several committees that they have a capacity problem right now. These individuals are serving time for nonviolent offenses under Category B crimes. We think that, after taking a look at these laws, it is time to reclassify them to Category C offenses so people spend less time in jail. It will help with prison overcrowding.

VICE CHAIR CANNIZZARO:

You stated that there were 2,050 individuals serving under these offenses. Are you referring to the offenses that this bill is seeking to reclassify?

MS. WELBORN:

That is correct.

VICE CHAIR CANNIZZARO:

So that is just reserved for those offenses in this bill?

MS. WELBORN:

Yes.

VICE CHAIR CANNIZZARO:

Do you have any additional information which you can provide at another time? I would be curious to see if these are first-time Category B offenses, if the individuals serving these sentences have prior offenses or if this was a result of a probation revocation. I would like to have a more detailed view of why these people are serving Category B felony nonviolent offenses for those sentences.

MS. WELBORN:

Some of that data we can get for you. I know that we looked at Category E offenses and asked the same questions. There are, I believe, 4,000 individuals serving in Nevada prisons. We might be able to ask the same source to get that information for you.

VICE CHAIR CANNIZZARO:

Did you say for Category E offenses?

MS. WELBORN:

The majority of individuals on Category E offenses are there for parole violations.

VICE CHAIR CANNIZZARO:

I ask because a Category E offense for a first offense would be a mandatory probation offense.

MS. WELBORN:

Correct.

VICE CHAIR CANNIZZARO:

It would be helpful to have a better idea of who is actually serving Category B sentences under these types of offenses.

JOHN J. PIRO (Deputy Public Defender, Office of the Public Defender, Clark County):

I am also speaking on behalf of Sean Sullivan from the Washoe County Public Defender's Office. Both our offices are in support of this bill. It goes along with commonsense criminal justice reform of Category B felonies and bringing those down to Category C felonies.

SENATOR FORD:

If I could clarify the record, I have before me now some minutes from that ACAJ. Recommendation 23 was to draft legislation and recategorize certain crimes from a Category B felony to a Category C felony, including those that I have listed here.

In addition, here are the minutes: "Throughout the Interim, the Advisory Commission noted that major difference between Category B and C felonies is that the Category C felonies are eligible for so-called A.B. 510 service credits off the parole eligibility date front end of the offender's sentence." Here is the key, and this is my recollection: "During the August 3, 2016, meeting, there was no formal motion taken. However, the members of the ACAJ unanimously consented by voice affirmation to the reclassification of the 13 crimes identified in Tab T," which are listed here within the bill.

I want to get that clarification on the record because my recollection was that there was a unanimous decision on these 13, and that is the analysis I think is important in this regard.

JIM HOFFMAN (Nevada Attorneys for Criminal Justice):

First, I would like to echo we completely support what Ms. Welborn and Mr. Piro just said. We think this is a good bill and we support it.

I want to address the question about what the methodology was of deciding which felonies to reclassify. I was not on the Committee. I do not know what the methodology was, but just from looking at it seems like these offenses are the least serious ones where there is actual prison time involved. For anything more serious, maybe you would not want to reclassify it. Anything less serious, and you probably are not going to serve a lot of prison time unless you violate your probation or something.

If we are really trying to combat overcrowding to free up more money for the safety of prison guards or for rehabilitation of inmates or for other purposes, then I think these offenses are the ones where there is the best compromise and the lowest impact way to reduce those costs.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):

I am a member of the ACAJ and have served three terms.

The Category B felony issue is an issue that has come up every Interim during those meetings. In one Interim, a study, "Analysis of Sentencing Reform and Prison Population for the Nevada Department of Correction," was done by Dr. James Austin where interviews were conducted with different entities and stakeholders about the Category B felonies. The big issue is that Category B offenders cannot get good time credits and they are not eligible for those good time credits, especially the low-end Category B felonies that may be borderline with some of the Category C as far as sentencing minus the credits goes. It has been an area of controversy and discussion for quite some time.

In this last Interim, my recollection of the meetings was that we had a number of discussions about specific crimes that could be potentially moved from Category B to Category C, and input was given in those areas. My recollection of the meetings was that there was not a bill requested to be brought forward about changing specific categories of crimes at this time. In fact, I believe

Chairman Justice Hardesty proposed a sentencing commission. The sentencing commission, however it was set up, would be the body responsible for looking at not only new laws that are created by the Legislature but also existing laws to determine if the punishment or the sentencing structure for those crimes is appropriate or not. In fact, we looked at a number of different models. We spent a great deal of time looking at the Minnesota model for sentencing and there was some consensus on some particular Category B felonies like vending machine theft. I think there was some consensus on some particular crimes, but my recollection was that there was no consensus by the ACAJ to bring a bill forward to change the structuring of particular crimes.

Those meetings were very long, there was a lot of information being passed on, and we had a very large work session document with over 35 items on it from the final meeting. My recollection on how the meeting went and what was the final outcome could at times be foggy, so I would recommend this body look at the final report that is put out by the ACAJ, which I believe has been posted on the Website.

As to the bill itself, I certainly support the intent of both Senator Atkinson and Senator Ford. My concerns with the bill itself are that it takes away the thresholds and this has already been mentioned. Under the current law, \$650 or less is a misdemeanor, and then you have graduated to grand larceny. For instance, you have that up to \$3,500, which is a Category C, and then the higher you go the crime becomes more severe. To give you an example, if someone was to steal an old junk beat-up car that does not have an engine in it out of your front yard and someone over here steals a Lamborghini, under this proposal they would be guilty of the same crime. We need to have thresholds in the law from a public safety and law enforcement standpoint.

In regard to the commercial aspect of burglary, we worked very closely with now-Assembly Speaker Jason Frierson a couple of Sessions ago. There was language put in on one end to require what is in this bill, the existing language of a couple of petty larceny offenses or previous felony offenses before you could be charged with the burglary. At the same time on the other side of the spectrum, there was language put in the law regarding organized retail theft rings and addressing those. It runs the gamut. You have folks who go into a store, they do not have money in their pockets, they plan to steal some food for dinner and under the law, they could be charged with burglary. On the other side, you have a ring of people that will hit 15 Walmarts in town, put the stolen

items on Craigslist and sell them for financial gain. Obviously, it is a completely different spectrum from the person who is stealing food to put on the table. Under that statute, they would have been charged the same. To blankly say we are going to make all of these a Category C is a mistake. There should be some type of graduated threshold for those crimes.

LEA TAUCHEN (Retail Association of Nevada):

We oppose S.B. 275. Commercial burglary is the most important security issue facing the retail industry. We are very concerned with potential reclassification of this crime from a Category B felony to Category C felony. We fear that reducing this penalty will put Nevada businesses at risk of being victimized.

Theft affects retailers of all sizes and formats. These are not simple shoplifters that we are talking about. These are professional criminals who move from store to store and from community to community committing theft and fraud. Industry experts estimate that in Nevada, retail theft accounts for approximately \$345 million in total losses each year. That equates to about \$25 million in lost sales tax revenue for Nevada. It also creates a significant economic burden for these businesses and higher prices for all of us as customers.

In section 1, the provision addresses "entering a commercial establishment during business hours." This is scary because this is when public safety is most put at risk. The presence of criminals in a retail setting while they are open for business is dangerous and threatens the safety of shoppers and employees alike.

Retailers try to create an environment that makes it more difficult to steal by maintaining extensive security systems that include highly trained loss prevention specialists, advanced surveillance cameras, merchandise protection devices and many other tactics. Our industry also participates in the Summons in Lieu of Arrest program and the Retail Association Diversion program in Clark County. We want police, prosecutors and judges to have as many tools as possible to deter and punish this crime with the widest range of sentencing options giving them the discretion to charge accordingly.

KRISTIN ERICKSON (Nevada District Attorneys Association):

Although I was not a member of the ACAJ, I did attend each meeting. My memory comports with that of Mr. Callaway. However, after general discussion of reclassifying certain crimes, it was ultimately determined to be too complex

and too complicated of an issue to be decided in such a short period of time in the Interim. In order to avoid this haphazard and disorderly arranging of reclassification of felonies, a sentencing commission should in fact be created in order to avoid these types of problems.

Penalties and sentences should be an increasing sanction. People should not be sentenced the same for stealing their fifth car as they should for their first car. A Category C penalty range is one to five years. That leaves little room in which to impose an increasing sanction. Sanctions range anywhere from probation and diversion up to a maximum sentence of a minimum of two years to a maximum of five years. Given good time credits, work credits and educational credits, a person would serve far less than two to five years. That leaves little room for an increasing sanction for a person who steals his or her fifth car.

Let us not forget the victims. Victims range from the elderly to the person on the street, from small businesses to big businesses. They deserve to be heard and they deserve an appropriate sentence for a defendant with an appropriate criminal history and an appropriate background who will be punished accordingly.

The Nevada District Attorneys Association urges you to look at all of the sentencing reclassifications as a whole and not in isolation as this bill suggests.

SENATOR ATKINSON:

This was presented to me earlier late last year about Class B felonies versus Class C. I did not sit on the Committee and was not sure of what all came out of it. I did notice some of the items that came before me. If you would go down this list, A through M recommendations. I do not want to necessarily be caught up in who recommended it or who did not. I can read in black and white, and it says recommendation No. 23, "draft legislation to categorize certain crimes." That is what it said to me and that is what we did. This is an attempt to do that. How it came out unanimous or not unanimous or whatever does not matter to me and I did not care. What I did care about is that some of them need to be addressed, as we know what the difference between Class B and Class C does. Our jails are filled with Class B offenders who should not be there. People are having a difficult time, especially in communities that I represent and those of some other colleagues. These people should be getting out, taking care of their families and paying restitution. In some of these categories, they are actually staying in a lot longer.

I am willing to work with anyone who feels some of these are still out of place. That is fair game and that is something we can talk about.

Senator Harris, I respect your opinion as well, and I do understand that a \$50,000 car should not be treated the same as a vending machine. It does not devalue the conversation, and I think the conversation should be had and I think that the ACAJ and the Legislature should be looking at it. I think it is very clear that a few of these A through M are misclassified. Again, I was not on the Committee and I do not know what all happened. I just know that when I saw the list, some of them were quite glaring to me.

SENATOR ROBERSON:

I have a suggestion, amendment, question or request. Why don't we follow the advice of the ACAJ and establish a sentencing commission?

SENATOR FORD:

I agree 100 percent. I advocate the establishment, and in fact have been advocating for the establishment of a sentencing commission. Therefore, you and I can cosponsor that bill if they take additional sponsors on that. I think there is a committee bill coming out of Judiciary, and I look forward to working with you and ensuring that we get that passed.

SENATOR ROBERSON:

Senator Ford, does that mean you will pull this bill today?

SENATOR FORD:

Let me finish my comments and then we can talk about that.

SENATOR ROBERSON:

I am the one asking questions.

SENATOR FORD:

I want to get to my comments, and then maybe your question will be answered.

I think while we were talking we passed one another a little bit as we were talking about unanimity and recommendations. What I am reading from is the recommendation that was presented from someone on the Committee to the Committee for consideration. During that conversation, it was made clear that while no formal motion was taken, i.e., no motion to take and to present a bill

as one of those coming from the ACAJ, the members of the ACAJ unanimously, and I am reading from the minutes, "members of the Advisory Commission unanimously consented by voice affirmation to the reclassification of the 13 crimes identified." I do recall part of the conversation being what happens if we do not get the sentencing commission passed. Then, we should proceed with trying to get at least those crimes that we agree to, relative to the 13 that I just mentioned, dealt with from a conversion from a Category B to a Category C.

The final recommendation that came out did not include a request to draft legislation. The conversation that took place was in the context of what we were going to do as a Committee in the event the sentencing commission did not take place and this bill is brought forward. I will hold this bill in abeyance pending the passage of the sentencing commission, and then we can ascertain where to go from there. It is not my bill. I would ask Senator Atkinson to hold the bill in abeyance pending whether we pass the sentencing commission legislation that came out on Monday.

VICE CHAIR CANNIZZARO:

It sounds like we have some more work to do and some more conversations to be had.

Seeing no more people wanting to testify, I will close the hearing on S.B. 275.

CHAIR SEGERBLOM:

We will open the work session on S.B. 29.

SENATE BILL 29: Provides for the transfer of a criminal case from one justice court or municipal court to another such court in certain circumstances.
(BDR 1-396)

PATRICK GUINAN (Policy Analyst):

Senate Bill 29 is described in the work session document with Senator Cannizzaro's proposed amendment ([Exhibit C](#)).

SENATOR CANNIZZARO:

After consultation with the sponsor of the bill and some other individuals, I felt there was some additional language that needed to be placed into this measure that would require the court to make findings on the record as to why a case

should be transferred and to limit the times in which a case could be transferred so that we could avoid any forum-shopping and this amendment does provide that.

The new language in section 1, subsections 3 and 4 and section 2, subsections 3 and 4 talk about defendants making appearances before magistrates they were set to appear before, and this process would be part of a plea agreement or part of a disposition, whichever occurs first. That way, someone could not attempt to forum-shop looking for a different judge under the auspices of looking for a treatment program. We can actually send these individuals to the treatment program, which I believe, was the original intent of the bill.

Additionally, I became aware that the sponsors were looking to see if there might be ways to place a municipal court or justice court offender into district court placements, if applicable. This amendment also includes processes for someone who is convicted of or pleads guilty to a misdemeanor could go to a district court treatment program if there was space, but leaves it to the district court judge to approve that or deny it.

KEITH L. LEE (Nevada Judges of Limited Jurisdiction):

We have worked with Senator Cannizzaro, and we appreciate her willingness to work with us on this bill. I think we have addressed her issues while still achieving what we hope to achieve. John McCormick from the Administrative Office of the Courts also assisted.

SENATOR CANNIZZARO MOVED TO AMEND AND DO PASS AS AMENDED S.B. 29.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 29 and open the work session on S.B. 163.

SENATE BILL 163: Revises provisions relating to professional entities. (BDR 7-632)

MR. GUINAN:

Senate Bill 163 is described in the work session document ([Exhibit D](#)).

SENATOR CANNIZZARO MOVED TO DO PASS S.B. 163.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 163 and open the work session on S.B. 184.

SENATE BILL 184: Revises provisions relating to aggregated sentences and eligibility for parole. (BDR 14-83)

MR. GUINAN:

Senate Bill 184 is described in the work session document ([Exhibit E](#)).

There was some discussion at the initial hearing that there may be amendments brought forward because some felt there were a few more issues that this bill could address. The sponsor, in consultation with the Parole Commission, has indicated that he would like the bill to move forward in its current form.

CHAIR SEGERBLOM:

My recollection was that there were some issues about certain people who had made a decision and then wanted to go back and change the decision, but it was technical. I would say to the people who were concerned about that issue that over in the Assembly there are many expert criminal lawyers who may want to hear that again.

SENATOR FORD MOVED TO DO PASS S.B. 184.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS GUSTAVSON, HARRIS AND
ROBERSON VOTED NO.)

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CHAIR SEGERBLOM:

We will close the work session on S.B. 184 and open the work session on S.B. 228.

SENATE BILL 228: Revises provisions relating to registry identification cards and letters of approval. (BDR 40-576)

MR. GUINAN:

Senate Bill 228 is described in the work session document ([Exhibit F](#)). We received an amendment from Senator Spearman.

CHAIR SEGERBLOM:

It is my understanding that your amendment dealt with the issue of whether providers would be able to issue certificates or just write recommendation letters to doctors.

SENATOR PAT SPEARMAN (Senatorial District No. 1):

Correct. Providers are not prescribing; they are simply saying based upon their professional opinion this is something doctors should consider.

CHAIR SEGERBLOM:

Mr. Anthony, is that clear enough for you?

MR. ANTHONY:

Yes.

CHAIR SEGERBLOM:

That would be an amendment that we would add. A conceptual amendment.

I will point out that the use of medical marijuana with opioid addiction is a new field that has had a lot of promise.

SENATOR SPEARMAN:

Last year, Governor Brian Sandoval held a summit where it was presented that opioid addiction is not going away. As a matter of fact, based upon the numbers that I saw recently, it looks like it is increasing. The whole intent of this is to make sure that we provide another tool for people who are trying to rehabilitate with that. We know medical marijuana is a safer way to do that.

SENATOR FORD:

I am trying to get an understanding of the amendment. Could you describe it for me one more time, Senator Spearman?

SENATOR SPEARMAN:

In its original form, the bill looked as though therapists and counselors would have the ability to prescribe. The amendment clarifies only a doctor can prescribe. If therapists or counselors are seeing clients, and based upon what is going on in a particular counseling session, they could not be reprimanded for talking to patients about the benefits and side effects, etc., and they could also, with the patients' permission, talk to them about the opportunity of medical marijuana as opposed to something else.

SENATOR FORD:

I was wondering if you had a chance to follow back up with the medical society. I do not see the society here. Were you able to confirm that society members are okay with the amendment as you proposed it?

SENATOR SPEARMAN:

I did not talk with them specifically about that. However, I did talk with them about some other things.

SENATOR FORD:

Could you run this by the medical society?

CHAIR SEGERBLOM:

For the record, with the amendment, these providers would not be issuing medical prescriptions for marijuana. They would be sending letters to doctors suggesting patients should be considered for medical marijuana cards.

SENATOR SPEARMAN:

No prescription. It is just that if they are talking to patients about options or opportunities, they cannot be penalized by their licensing boards. Therefore, nothing really changes in terms of who can prescribe and who cannot. It is just clarifying language. I think that was the question Senator Ford asked, does it mean that they can prescribe? This is just to clarify that.

SENATOR FORD:

I would like you to follow up with the medical board and perhaps we can have some conversations to see if they are okay with the amended language.

CHAIR SEGERBLOM:

We will close the work session on S.B. 228. Senate Bill 228 will be heard on another day. We will open the work session on S.B. 239.

SENATE BILL 239: Revises provisions relating to common-interest communities.
(BDR 10-471)

MR. GUINAN:

Senate Bill 239 is described in the work session document with a proposed amendment ([Exhibit G](#)).

SENATOR HARRIS:

This bill is simply to allow a homeowners' association (HOA) to go into a unit and remediate an emergency situation. I had an opportunity to talk to credit unions and lenders, and we have agreed, with the Committee's indulgence, upon a conceptual amendment to further clarify. In the event that there is a leaking pipe or sewage that is backed up in a unit, the HOA would have an immediate right to go in and stop the leak, clean up the offending matter and put the lender on notice, utilizing the notice provisions that we established in S.B. No. 306 of the 78th Session. The lender would get a 14-day notice opportunity if there were a need to remediate, and the lender would have an opportunity to send out an inspector and determine whether it wants to remediate. If the lender declines, the HOA would have an ability to remediate and charge the work back to the lender. That is what we agreed to.

CHAIR SEGERBLOM:

Is there anyone here from the lenders who want to confirm that?

Senate Committee on Judiciary
April 3, 2017
Page 29

JENNIFER GAYNOR (Nevada Credit Union League):

Yes. That was the conceptual amendment that we discussed. I need to run it by the credit unions to get their final approval.

SENATOR GUSTAVSON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 239.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 239 and open the work session on S.B. 240.

SENATE BILL 240: Revises provisions relating to gaming. (BDR 41-939)

MR. GUINAN:

Senate Bill 240 is described in the work session document with an amendment from the Nevada Resort Association ([Exhibit H](#)).

SENATOR CANNIZZARO MOVED TO AMEND AND DO PASS AS AMENDED S.B. 240.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 240 and open the work session on S.B. 258.

SENATE BILL 258: Revises provisions governing common-interest communities. (BDR 10-994)

Senate Committee on Judiciary
April 3, 2017
Page 30

MR. GUINAN:

Senate Bill 258 is described in the work session document with a friendly amendment from Senator Gustavson ([Exhibit I](#)).

SENATOR GUSTAVSON:

After further review of this amendment, I noticed it did not include the subsection 1, paragraph (c), subparagraph (1) and subsection 1, paragraph (c), subparagraph (2) when it was rewritten, so I will not accept that amendment at this time.

CHAIR SEGERBLOM:

Because it would not mandate the photograph?

SENATOR GUSTAVSON:

It does not include the explanation of the applicable provisions of the governing documents that form the basis of the alleged violation and does not specify in detail the alleged violation and the proposed action to cure the alleged violation.

CHAIR SEGERBLOM:

You want the bill to go forward as original.

SENATOR GUSTAVSON:

Yes.

SENATOR GUSTAVSON MOVED TO DO PASS S.B. 258.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 258 and open the work session on S.B. 268.

SENATE BILL 268: Revises various provisions relating to corrections.
(BDR 16-546)

MR. GUINAN:

Senate Bill 268 is described in the work session document ([Exhibit J](#)).

CHAIR SEGERBLOM:

I apologize, Mr. Callaway, because I know we talked about making it permissive.

MR. CALLAWAY:

Our goal in asking for this bill was No. 1, to make it permissive for certain inmates to receive help, information or assistance with getting a driver's license or an identification card when they are released from our facilities, primarily for programs like HOPE for Prisoners. We were looking to match the language in NRS 209.449 regarding vocational programs that offenders could potentially get credit for participating in. I had submitted some documents to the Legislative Counsel Bureau (LCB) regarding what our original language request was. Obviously, if it is not permissive, I am fearful we will have people in opposition.

CHAIR SEGERBLOM:

It is permissive. We will conceptually accept your amendments, and it is permissive for sure.

MICHAEL CATHCART (City of Henderson):

Yes, we are fine as long as it is permissive.

MR. CALLAWAY:

The documents I sent to LCB, would you prefer that I send those to Mr. Anthony?

CHAIR SEGERBLOM:

Yes.

SENATOR ROBERSON:

Mr. Chairman, given the fact that we do not have anything in the document that says that it is permissive, I will be voting no today. I will be open to reconsidering once we see the amended bill, if it gets to the Floor.

CHAIR SEGERBLOM:

For the record, I am going to move that we adopt the conceptual amendment.

SENATOR CANNIZZARO MOVED TO AMEND AND DO PASS AS AMENDED S.B. 268.

SENATOR HARRIS SECONDED THE MOTION.

SENATOR GUSTAVSON:

I am going to vote no now, but I reserve my right to change my vote on the Floor.

THE MOTION CARRIED. (SENATORS GUSTAVSON AND ROBERSON VOTED NO.)

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CHAIR SEGERBLOM:

We will close the work session on S.B. 268 and open the work session on S.B. 279.

SENATE BILL 279: Authorizes certain mayors to perform marriages. (BDR 11-517)

MR. GUINAN:

Senate Bill 279 is a bill that Senator Settlemeyer sponsored on behalf of some mayors who would like to be able to do marriages. There are no amendments to the bill.

The bill authorizes a mayor to perform a marriage under certain circumstances and prohibits a mayor from accepting any fee or anything of value for performing the marriage, except for gifts of nominal value.

It is most important to note that in some cities the mayor would have to have the approval of the city council or other governing body. The bill just makes it permissive that a mayor can do this. It does not require them to do so. There are no amendments.

SENATOR ROBERSON MOVED TO DO PASS S.B. 279.

SENATOR HARRIS SECONDED THE MOTION.

Senate Committee on Judiciary
April 3, 2017
Page 33

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 279 and open the work session on S.B. 302.

SENATE BILL 302: Provides an early start for recreational marijuana sales.
(BDR 40-545)

MR. GUINAN:

Senate Bill 302 is described in the work session document with an amendment from Clark County ([Exhibit K](#)).

CHAIR SEGERBLOM:

I know that the City of Henderson had a concern that it would affect their moratorium, and I said it would not. Is that sufficient?

MR. CATHCART:

I believe the Clark County amendment on the local zoning ordinances would satisfy our concerns because we would not have to enact zoning ordinances that would allow recreational marijuana sales.

CHAIR SEGERBLOM:

My intent is to rerefer this to the Senate Committee on Revenue. This will be the major vehicle for the Governor's excise tax that he has requested for our recreational program for \$100 million. To do that, we need to get it out today. I would like to vote to amend it and recommend it. If we do not, I will just have a motion to rerefer.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 302.

SENATOR DENIS SECONDED THE MOTION.

Senate Committee on Judiciary
April 3, 2017
Page 34

THE MOTION CARRIED. (SENATORS GUSTAVSON AND ROBERSON
VOTED NO.)

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CHAIR SEGERBLOM:

I would like to make a motion to rerefer to the Senate Revenue Committee.

SENATOR FORD MOVED TO REREFER S.B. 302 TO THE SENATE
COMMITTEE ON REVENUE AND ECONOMIC DEVELOPMENT.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR ROBERSON VOTED NO.)

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Senate Committee on Judiciary
April 3, 2017
Page 35

CHAIR SEGERBLOM:

We will close the work session on S.B. 302. Seeing neither more business nor public comment before the Senate Committee on Judiciary, we will adjourn the meeting at 2:52 p.m.

RESPECTFULLY SUBMITTED:

Eileen Church,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	4		Attendance Roster
S.B. 29	C	3	Patrick Guinan	Work Session Document
S.B. 163	D	1	Patrick Guinan	Work Session Document
S.B. 184	E	1	Patrick Guinan	Work Session Document
S.B. 228	F	1	Patrick Guinan	Work Session Document
S.B. 239	G	2	Patrick Guinan	Work Session Document
S.B. 240	H	3	Patrick Guinan	Work Session Document
S.B. 258	I	4	Patrick Guinan	Work Session Document
S.B. 268	J	1	Patrick Guinan	Work Session Document
S.B. 302	K	6	Patrick Guinan	Work Session Document