

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eightieth Session
April 10, 2019**

The Senate Committee on Judiciary was called to order by Chair Nicole J. Cannizzaro at 8:23 a.m. on Wednesday, April 10, 2019, in Room 2135 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 Nicole J. Cannizzaro, Chair
Senator Dallas Harris, Vice Chair
Senator James Ohrenschall
Senator Marilyn Dondero Loop
Senator Melanie Scheible
Senator Scott Hammond
Senator Ira Hansen
Senator Keith F. Pickard

STAFF MEMBERS PRESENT:

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

CHAIR CANNIZZARO:

I will open the hearing of the Senate Committee on Judiciary. Senate Bill (S.B.) 121 has been pulled from the agenda. I will open the work session on S.B. 328.

[SENATE BILL 121](#): Revises provisions relating to fiduciaries. (BDR 13-99)

[SENATE BILL 328](#): Prohibits certain communications that are obscene, threatening or annoying. (BDR 15-70)

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PATRICK GUINAN (Committee Policy Analyst):

The work session document ([Exhibit C](#)) summarizes S.B. 328. The Committee heard this bill on March 28. There are no amendments.

CHAIR CANNIZZARO:

I had conversations with Legal Counsel dealing with an issue that was addressed during the hearing which had to do with whether this particular bill would reach to things like a discussion on social media. I have conferred with Legal Counsel and would like Mr. Anthony to discuss that aspect and what this bill would actually require.

NICOLAS ANTHONY (Committee Counsel):

In our discussion offline, the Chair and I were discussing the First Amendment and that free speech is integral to the freedoms of the citizens of the U.S. However, the courts have held that the right to free speech is not absolute and paramount. At certain times, lesser protection is afforded to certain speech, such as speech that is obscene, incites a riot or is integral to criminal conduct, such as the case in this bill. In section 1, subsection 2, the intent of the bill is really to make it a crime to use an electronic communication device with the intent to annoy another. The intent goes to the actor who is making the electronic communication, not the recipient. Therefore, this bill would be constitutional under our interpretation.

SENATOR HAMMOND MOVED TO DO PASS S.B. 328.

SENATOR PICKARD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:

I will close the work session on S.B. 328 and open the work session on S.B. 375.

SENATE BILL 375: Exempts certain persons and entities who operate home-based businesses from the requirement to obtain a state business license. (BDR 7-773)

MR. GUINAN:

The work session document ([Exhibit D](#)) summarizes S.B. 375. Senator Hansen in his initial testimony proposed to amend the bill by removing the provisions for providing an exemption for business entities and to revise the language of the remainder of the bill to base the individual exemption on net rather than gross annual income of \$60,000. As this bill clearly has an impact on the Executive Budget, the recommendation to the Committee would be amend and re-refer to the Finance Committee. I received a message from the Senate Finance staff stating this bill is eligible for an exemption. If we re-refer it to Finance, they will take it up as part of their considerations.

SENATOR OHRENSCHALL MOVED TO AMEND AND RE-REFER S.B. 375 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:

I will close the work session on S.B. 375 and open the work session on S.B. 382.

SENATE BILL 382: Revises provisions relating to real property. (BDR 9-1067)

MR. GUINAN:

The work session document ([Exhibit E](#)) summarizes S.B. 382. The Committee heard this bill on April 5. There are three amendments that have been previously discussed. The first two are contained in a conceptual amendment provided by the State Bar of Nevada and make technical corrections identified by the sponsors and provide clarifying internal reference requested by Senator Pickard. It also adds section 6 of the bill to a list of prohibitions set forth in section 30. The third amendment was proposed by the Community Association Institute and clarifies requirements regarding meeting notifications that boards must provide to members.

SENATOR PICKARD MOVED TO AMEND AND DO PASS S.B. 382.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:

I will close the work session on S.B. 382 and open the work session on S.B. 427.

SENATE BILL 427: Revises provisions relating to business entities. (BDR 7-306)

MR. GUINAN:

The work session document ([Exhibit F](#)) summarizes S.B. 427. There is one amendment proposed by the Secretary of State which was acknowledged as friendly by the sponsors at the initial hearing on the bill. This would revise provisions in section 1 concerning notice of a registered agent's resignation, and it would delete section 29 of the bill entirely which concerns the definition of a "sales representative."

SENATOR DONDERO LOOP MOVED TO AMEND AND DO PASS S.B. 427.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:

I will close the work session on S.B. 427 and open the work session on S.B. 431.

SENATE BILL 431: Revises provisions relating to participation in organized retail theft. (BDR 15-1151)

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MR. GUINAN:

The work session document ([Exhibit G](#)) summarizes S.B. 431. The Committee heard this bill on April 2. There are no amendments.

SENATOR HARRIS:

I am concerned about the vagueness of the language and whether it might apply to people who are on tertiary level involved. I will be voting this out of Committee but reserve my right.

SENATOR OHRENSCHALL:

I am concerned there may be some unintended consequences and some people who are not as involved who are going to get caught. Today, I am going to vote no.

SENATOR PICKARD MOVED TO DO PASS S.B. 431.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR OHRENSCHALL VOTED NO.)

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CHAIR CANNIZZARO:

I will close the work session on S.B. 431 and adjourn this meeting at 8:34 a.m.

RESPECTFULLY SUBMITTED:

Eileen Church,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	3		Attendance Roster
S.B. 328	C	1	Patrick Guinan	Work Session Document
S.B. 375	D	1	Patrick Guinan	Work Session Document
S.B. 382	E	14	Patrick Guinan	Work Session Document
S.B. 427	F	2	Patrick Guinan	Work Session Document
S.B. 431	G	1	Patrick Guinan	Work Session Document