

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Eightieth Session  
March 1, 2019**

The Senate Committee on Judiciary was called to order by Chair Nicole J. Cannizzaro at 8:10 a.m. on Friday, March 1, 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

**GUEST LEGISLATORS PRESENT:**

Senator David R. Parks, Senatorial District No. 7

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Nicolas Anthony, Committee Counsel  
Andrea Franko, Committee Secretary

**OTHERS PRESENT:**

Kristina Wildeveld, Nevada Attorneys for Criminal Justice  
Lisa Rasmussen, Nevada Attorneys for Criminal Justice  
Tonja Brown, Advocate for the Inmates; Advocate for the Innocent  
Ben Graham, Administrative Office of the Courts, Nevada Supreme Court  
Chris DeRicco, Chair, State Board of Parole Commissioners

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Tom Lawson, Captain, Division of Parole and Probation, Department of  
Public Safety  
Bill Quenga, Deputy Director, Prison Industries, Department of Corrections  
Sandra Douglass Morgan, Chair, Nevada Gaming Control Board  
Paul G. Corrado

CHAIR CANNIZZARO:

I will open the hearing of the Senate Committee on Judiciary with Senate Joint Resolution (S.J.R.) 1 of the 79th Session.

**SENATE JOINT RESOLUTION 1 OF THE 79th SESSION**: Proposes to amend the Nevada Constitution to expressly provide for the State Board of Pardons Commissioners and revise the duties of the State Board of Pardons Commissioners. (BDR C-567)

SENATOR PARKS (Senatorial District No. 7):

Senate Joint Resolution 1 of the 79th Session amends Article 5, Section 14 of the *Nevada Constitution* regarding the State Board of Pardons Commissioners. This measure must be approved by the 2019 Legislature in identical form to the measure as it was passed in 2017 Legislature. It then must be approved by the voters in 2020 to take effect and amend the *Nevada Constitution*. During the 2017 Session, the original S.J.R. 1 of the 79th Session as introduced transformed the Board of Pardons Commissioners into a board of clemency. Justices of the Supreme Court asked to retain the Board as it is constituted. Justices did express interest in several changes related to the Board. Senate Joint Resolution 1 of the 79th Session changed the meeting schedule of the Board from semiannually to at least quarterly, members may bring items forward for consideration by the Board and action of the Board would be based on a majority vote, removing the Governor's veto authority.

SENATOR OHRENSCHALL (Senatorial District No. 21):

Last Session, we amended the bill in the Assembly to address concerns from the Supreme Court. The membership consists of the Supreme Court Justices, the Attorney General and the Governor. Even though the title is State Board of Pardons Commissioners, the Board can commute sentences. This Board is the safety valve for our criminal justice system. Often, there is a need for reexamination, whether the applicant is in custody or the applicant is a community case.

Lines 20 to 21 state the Board shall meet at least quarterly. We had testimony last Session of the Board failing to have a quorum.

SENATOR PICKARD:

What was the rationale for removing the Governor's ability to veto?

SENATOR OHRENSCHALL:

It becomes a democratic process. In order for an action to be taken under this proposal, you would need a majority of the Board. The Governor would no longer have to be in that majority and no longer has veto power. Additionally, the measure gives the ability for the Board members to schedule a case they feel has merit. If members know the Governor believes the case does not have merit, the case rarely gets scheduled because it seems pointless.

SENATOR PARKS:

The genesis of the resolution goes back 12 years. We addressed many issues, and one of the issues dealt with the Board. In the Seventy-fifth Session, we initiated S.J.R. 1 of the 79th Session.

SENATOR PICKARD:

My technical question revolves around the requirement to meet quarterly. How does S.J.R. 1 of the 79th Session resolve the issue of scheduling the Board members?

SENATOR PARKS:

It was our experience when we tracked attendance in the past, Justices did a good job of turning out for the hearings. Former Governor Brian Sandoval was always present and chaired the hearings. As long as it is on the calendar sufficiently in advance of the hearing, it tends to work well. The Board has a considerable amount of documentation and it is necessary to have support. Parole & Probation Division does the background work for the Board Secretary.

KRISTINA WILDEVELD (Nevada Attorneys for Criminal Justice):

As a member of Nevada Attorneys for Criminal Justice (NACJ), we support S.J.R. 1 of the 79th Session. I would like to indicate the Board is backed up on community pardons two to five years. When speaking with Denise Davis of the Board, it is because a recent Board meeting was cancelled. With only one investigator to do the entire background investigations, community pardons are

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limited on the agenda. A more democratic composition would allow petitions to move forward ([Exhibit C](#)).

LISA RASMUSSEN (Nevada Attorneys for Criminal Justice):  
I agree with Ms. Wildeveld, and we support the bill.

TONJA BROWN (Advocate for the Inmates; Advocate for the Innocent):  
We strongly support this bill. I would like to speak to the cost factor dealing with those appearing before the Pardons Board. There are times when private counsel are hired to represent the inmate at the meetings, and their petition is denied.

MS. WILDEVELD:  
Petitions for the June 19 Board were due yesterday. There is a significant amount of investigation to complete before the Board meets. They are down to one investigator. Ms. Davis from the Board has requested additional investigators immediately so more petitions can be heard.

Regarding placement on the agenda, I have had numerous clients who have submitted petitions, a Board member supports them, and the Governor removed their names. If all members had equal ability to place names on the agenda, those names would not be removed.

BEN GRAHAM (Administrative Office of the Courts, Nevada Supreme Court):  
The Supreme Court supports the measure.

CHRIS DERICCO (Chair, State Board of Parole Commissioners):  
A few days ago, the State Board of Parole Commissioners submitted an unsolicited fiscal note regarding the increase to four meetings a year. The State Board of Parole Commissioners provides administrative support to the Board.

CHAIR CANNIZZARO:  
As far as fiscal notes are concerned, this Committee is a policy committee so we don't consider fiscal notes. I understand this would have to pass a vote, so it would not become a budgetary issue for the Legislature until after voters approve it.

MR. DERICCO:  
That is correct.

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CHAIR CANNIZZARO:

We heard this last Session. Was there a fiscal note last Session?

MR. DERICCO:

Yes, but it read differently.

CHAIR CANNIZZARO:

Are you referring to the original bill last Session?

MR. DERICCO:

Yes. I wanted to be sure that you are aware the Board will incur additional costs.

CHAIR CANNIZZARO:

For clarification, this is the same resolution passed by the Seventy-ninth Session.

MR. DERICCO:

That is correct.

TOM LAWSON (Captain, Division of Parole and Probation, Department of Public Safety):

Senate Joint Resolution 1 of the 79th Session has the potential to impact the Division of Parole and Probation. As was mentioned previously, our staff performs the investigations. It takes, on average, a month or longer. As written, we cannot say definitively that there will be an impact, but logically it would. We look at 25 petitions per Board meeting; if we double the amount of meetings, then we double the number of applicants needing investigations. The size of the agenda would not be reduced as the intent is to have more people seen by the Board. We expect the need for additional personnel to conduct investigations. We have a request to increase the number of investigators. The candidate to fill the vacant position is scheduled to start March 11.

SENATOR PARKS:

The bill has been 12 years in the making, and I hope you will consider it favorably.

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CHAIR CANNIZZARO:

Seeing no more people wanting to testify, I will close the hearing on S.J.R 1 of the 79th Session and open the work session with S.B. 29 and S.B. 75. Senate Bill 137 will be pulled from today's work session.

SENATE BILL 29: Makes various changes relating to unarmed combat.  
(BDR 41-363)

SENATE BILL 75: Establishes the procedure for pursuing the redemption of unclaimed United States savings bonds by the State Treasurer.  
(BDR 10-478)

SENATE BILL 137: Revises the definition of the crime of robbery. (BDR 15-928)

PATRICK GUINAN (Policy Analyst):

The Committee is going to operate with consent calendars this Session. When we have bills with no amendments, we put them on a single calendar with one vote. Today we have S.B. 29 and S.B. 75.

Senate Bill 29 was heard on February 7. The work session document ([Exhibit D](#)) summarizes the bill.

Senate Bill 75 was heard on February 25. The work session document ([Exhibit E](#)) summarizes the bill.

SENATOR OHRENSCHALL MOVED TO DO PASS S.B. 29 AND S.B. 75.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR CANNIZZARO:

Senate Bill 29 floor statement is assigned to Senator Harris, and S.B. 75 to Senator Ohrenschall.

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We will close the work session on S.B. 29 and S.B. 75 and open the work session on S.B. 30.

**SENATE BILL 30**: Revises provisions governing the duties of the Director of the Department of Corrections to provide programs for the employment of offenders. (BDR 16-202)

MR. GUINAN:

The work session document ([Exhibit F](#)) summarizes the bill. Department of Corrections has submitted an amendment to reduce the bond to 10 percent.

CHAIR CANNIZZARO:

There was discussion in Committee of the 33 percent and how it was markedly lower than the original 100 percent. The rationale of reducing the percentage would allow additional employers to participate in the employment of offenders. Can you give the Committee a brief reason for the reduction to 10 percent of the annual amount of the contract?

BILL QUENGA (Deputy Director, Prison Industries, Department of Corrections):

After the last hearing, I did some research and talked to the Nevada Contractors Board, and the average bond the State requires is 1 percent to 5 percent. Depending on the contractor's reputation, the percentage can increase.

I reached out to the Division of Insurance and did not hear anything back. They regulate but are neutral on the subject.

I talked to Risk Management. They contract with Willis Pulling and said 1 percent to 5 percent, depending on the contract.

After my research, I decided on 10 percent, as 10 percent will cover the annual value of the contract. That would cover all invoices in a 30-day period. In the event the vendor defaulted on the contract, we would be able to collect.

CHAIR CANNIZZARO:

In your opinion, this would be sufficient to ensure the Department of Corrections is not left in a vulnerable position because somebody defaults on such a contract. We had discussions previously where that was the case. Do you feel this is sufficient to insulate the Department?

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MR. QUENGA:

That is correct; and we are setting this as the minimum. We could increase the rate of the surety bond to protect the State.

SENATOR PICKARD:

I was concerned about the level of bond required as it exceeded the typical. I think this is the right direction. I will be supporting this bill.

SENATOR PICKARD MOVED TO AMEND AND DO PASS AS AMENDED S.B. 30.

SENATOR SCHEIBLE SECONDED THE MOTION.

SENATOR OHRENSCHALL:

I spoke to Deputy Director Quenga. I will be supporting the motion. In the past, Silver State Industries was left with a large debt by Alpine Steel. It was a great project in terms of teaching inmates how to work in the steel industry.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:

We will assign the floor statement for S.B. 30 to Senator Pickard and open work session for S.B. 44.

**SENATE BILL 44**: Revises provisions of the Uniform Unclaimed Property Act. (BDR 10-480)

MR. GUINAN:

The work session document ([Exhibit G](#)) summarizes S.B. 44. The Committee heard this bill February 25. There are three amendments to be considered.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 44.

SENATOR SCHEIBLE SECONDED THE MOTION.



THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:

I will assign the floor statement to Senator Scheible. We will move to S.B. 46.

**SENATE BILL 46**: Revises provisions relating to the regulation of gaming.  
(BDR 41-342)

MR. GUINAN:

The work session document ([Exhibit H](#)) summarizes S.B. 46. The Committee heard this bill on February 6. There are two proposed amendments.

SENATOR HAMMOND:

What is the definition of tout service, and who are they going after specifically?

SANDRA DOUGLASS MORGAN (Chair, Nevada Gaming Control Board):

Tout service was defined and in the initial version of the bill as a person who received any form of compensation, fee or other remuneration to provide advice or opinions to other people related to wagering on a racing or sporting event. The initial version would have the Nevada Gaming Control Board with the Nevada Gaming Commission prepare and adopt regulations to govern this type of service. In our amendment, we request section 1 be removed. Tout services do not necessarily have a tie, nexus or direct relationship with current gaming licensees. There was concern being registered by the Gaming Commission and the Board would be receiving a stamp of approval from the State. A tout service gives recommendations on spreads of any type of bet.

SENATOR HAMMOND:

I was concerned the definition was too broad, but it sounds like you have thought of that already and that is why you are removing section 1.

Ms. MORGAN:

That is definitely one of the reasons.

SENATOR PICKARD:

We are deleting language that I feel is important given the *Murphy v. National Collegiate Athletic Association* decision, and the desire of members of Congress to regulate states concerning gaming issues. I have had discussions with experts in the field and a timely response by the states is important to dispel the tendency of the federal government to regulate states. Is there an intent on the part of the Board to clean up or answer the questions Ms. Morgan raised? Is the plan to bring forward another bill or are we leaving this for the Eighty-first Session?

MS. MORGAN:

I do not understand your question. I stated at the time we introduced our bill that we do need to take a strong stand against any federal intervention. I would submit that we are the leaders with regard to any type of sports betting regulation or any statutory scheme. Our enforcement and investigation officers offer not only advice to counterparts in other states but at conferences internationally and nationally as well. We believe we are in the best position to address the issue, and we take this seriously. We are constantly in communication with other regulators in our industry and others affected by the gaming industry and other bills that will be brought before your Committee.

SENATOR PICKARD:

If I understand correctly, these issues will be raised in future bills that we are going to hear this Session?

MS. MORGAN:

I do not understand what issues you are talking about. Issues pertaining to federal intervention or tout services?

SENATOR PICKARD:

The portions of the regarding tout and deletions.

CHAIR CANNIZZARO:

Have you reached out to the Gaming Control Board or Ms. Morgan in the Interim? This feels like the same conversation we had during the hearing.

SENATOR PICKARD:

I did, and this was an open question.

Ms. MORGAN:

I believe you reached out to say that we have the best interest of Nevada at hand, but we have not had any specific discussions about it. I would be happy to share any open cases pending regarding tout services, but I would not be comfortable sharing the information in an open hearing.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 46.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR PICKARD VOTED NO.)

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We will assign the floor statement for S.B. 46 to Senator Dondero Loop and move to S.B. 49.

**SENATE BILL 49**: Requires the Director of the Department of Corrections to establish a program of treatment for offenders with substance use disorders. (BDR 16-201)

MR. GUINAN:

The work session document ([Exhibit I](#)) summarizes S.B. 49. This bill was heard on February 14.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 49.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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The floor statement for S.B. 49 will be assigned to Senator Hansen and we will move to the work session on S.B. 74.

**SENATE BILL 74**: Revises provisions governing eviction actions. (BDR 3-492)

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MR. GUINAN:

Senate Bill 74 is described in the work session document ([Exhibit J](#)).

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 74.

SENATOR PICKARD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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We will assign the floor statement to Senator Hammond.

I will open the hearing for public comment.

PAUL G. CORRADO:

My comments are directed to recidivism, felony conviction restriction information, pain killers, incarceration alternatives, aged prisoners, classes, integration and parole board preparation ([Exhibit K](#)).

The mentally ill make up 25 percent of the prison population. We need to find alternative placements for the mentally ill.

Do not release an inmate without the benefit of training. We have learned the best way to stay out of prison is to have a good paying job.

There is no single source for information on what jobs an ex-felon can or cannot have as far as a position is concerned. It is pretty tough for ex-felons to know what positions they can accept, unless they are sex offenders.

If inmates do not have the finances, they must stay in prison.

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CHAIR CANNIZZARO:

Since there is no further public comment, I will close the hearing of the Senate Committee on Judiciary at 9:12 a.m.

RESPECTFULLY SUBMITTED:

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Andrea Franko,  
Committee Secretary

APPROVED BY:

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Senator Nicole J. Cannizzaro, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	2		Agenda
	B	6		Attendance Roster
S.J.R. 1 of the 79th Session	C	1	Nevada Attorneys for Criminal Justice	Letter of Support
S.B. 29	D	1	Patrick Guinan	Work Session Document
S.B. 75	E	1	Patrick Guinan	Work Session Document
S.B. 30	F	2	Patrick Guinan	Work Session Document
S.B. 44	G	4	Patrick Guinan	Work Session Document
S.B. 46	H	6	Patrick Guinan	Work Session Document
S.B. 49	I	2	Patrick Guinan	Work Session Document
S.B. 74	J	2	Patrick Guinan	Work Session Document
	K	3	Paul Corrado	Public Comment