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**ASSEMBLY COMMITTEE ON JUDICIARY**

**OPENING REMARKS AND INTRODUCTIONS**

**BY**

**ASSEMBLYMAN BERNIE ANDERSON, CHAIRMAN**

**FEBRUARY 4, 2002**

**I. WELCOME/ROLL CALL**

GOOD MORNING. I WELCOME ALL OF YOU TO THE FIRST MEETING OF THE ASSEMBLY COMMITTEE ON JUDICIARY FOR THE 72<sup>nd</sup> (2003) LEGISLATIVE SESSION.

MADAM SECRETARY, WOULD YOU PLEASE CALL THE ROLL SO THAT WE MAY BRING THE COMMITTEE TO ORDER.

## **II. STATEMENT CONCERNING LIVE BROADCASTS**

BEFORE WE GET STARTED, I WOULD LIKE TO INFORM EVERYONE THAT THIS MEETING IS BEING AUDIO RECORDED. IN ADDITION, THIS MEETING IS ALSO BEING BROADCAST LIVE ON THE INTERNET, BOTH IN AUDIO AND VISUAL FORMAT. THIS IS A REMINDER THAT ANY COMMENTS MADE IN THIS ROOM, EVEN BEFORE THE MEETING BEGINS OR AFTER THE MEETING HAS ADJOURNED, MAY BE BROADCAST LIVE OVER THE INTERNET. IN THE FUTURE, FOR THOSE OF YOU WHO WOULD LIKE TO LISTEN TO MEETINGS ON THE INTERNET, YOU MAY GO TO WWW.LEG.STATE.NV.US AND CLICK ON THE LINK "LIVE MEETINGS: LISTEN OR VIEW."

## **III. INTRODUCTIONS**

I AM ASSEMBLYMAN BERNIE ANDERSON OF SPARKS, REPRESENTING WASHOE COUNTY ASSEMBLY DISTRICT NUMBER 31. THIS IS MY SEVENTH LEGISLATIVE SESSION, AND I HAVE BEEN A MEMBER OF THE JUDICIARY COMMITTEE SINCE THE 1991 SESSION. I HAVE SERVED AS CHAIRMAN OF THE COMMITTEE SINCE 1997 AND SERVED AS CO-CHAIRMAN

DURING THE 1995 SESSION. IT IS MY PRIVILEGE AND HONOR TO ONCE AGAIN SERVE AS THE COMMITTEE'S CHAIRMAN. AT THE END OF MY REMARKS, I WILL GIVE ALL OF THE COMMITTEE MEMBERS AN OPPORTUNITY TO MAKE COMMENTS.

AT THIS TIME, I WOULD LIKE TO INTRODUCE AND RECOGNIZE THE MEMBERS OF THIS COMMITTEE—INCLUDING WELCOMING BACK SEVEN OTHER RETURNING MEMBERS. WE ALSO HAVE SEVEN NEW MEMBERS TO WELCOME TO THE COMMITTEE, ALTHOUGH TWO OF THE MEMBERS ARE CERTAINLY NOT NEW TO THE LEGISLATURE.

I AM PLEASED THAT THE COMMITTEE HAS ASSEMBLYMAN JOHN OCEGUERA AS ITS VICE CHAIR. THIS IS MR. OCEGUERA'S SECOND SESSION TO SERVE IN THE LEGISLATURE AND AS A MEMBER OF THE ASSEMBLY COMMITTEE ON JUDICIARY.

IT IS ALSO A PLEASURE TO WELCOME BACK ASSEMBLYWOMAN BARBARA BUCKLEY OF LAS VEGAS AND ASSEMBLYMAN JOHN CARPENTER OF ELKO.

ASSEMBLYWOMAN BUCKLEY, SERVING AGAIN AS THE MAJORITY LEADER THIS SESSION, RETURNS FOR HER FIFTH SESSION AND FIFTH TIME ON THE COMMITTEE.

ASSEMBLYMAN CARPENTER IS THE RANKING MEMBER OF THE COMMITTEE, SERVING ON THIS PANEL SINCE THE 1987 SESSION.

I ALSO WANT TO WELCOME BACK THE OTHER RETURNING MEMBERS OF THIS COMMITTEE—ASSEMBLYWOMAN GENIE OHRENSCHALL OF LAS VEGAS HAS SERVED ON THIS COMMITTEE SINCE 1995. ASSEMBLYMAN DON GUSTAVSON OF SUN VALLEY IS BACK FOR HIS FOURTH SESSION AS A MEMBER OF THE COMMITTEE, AND ASSEMBLYMAN JERRY CLABORN OF LAS VEGAS IS RETURNING FOR HIS THIRD SESSION. AND FINALLY, ASSEMBLYWOMAN SHARRON ANGLE OF RENO IS BACK FOR HER THIRD TOUR OF DUTY.

ON BEHALF OF ALL THE RETURNING COMMITTEE MEMBERS, I WANT TO EXTEND A SINCERE WELCOME TO OUR SEVEN NEW MEMBERS, TWO OF WHOM ARE VETERANS TO THE LEGISLATURE—ASSEMBLYMAN HARRY MORTENSON HAS

SERVED IN THE LEGISLATURE SINCE 1997 AND ASSEMBLYMAN DAVID BROWN IS BACK FOR HIS SECOND SESSION. IN ADDITION, I WANT TO WELCOME OUR FIVE OTHER NEW MEMBERS. FROM LAS VEGAS WE HAVE ASSEMBLYMAN MARCUS CONKLIN, ASSEMBLYMAN WILLIAM HORNE, AND ASSEMBLYMAN GARN MABEY. ASSEMBLYMAN ROD SHERER IS FROM PAHRUMP, AND ASSEMBLYMAN JASON GEDDES IS FROM RENO.

AS I MENTIONED EARLIER, I WILL GIVE EACH OF YOU AN OPPORTUNITY TO MAKE COMMENTS AT THE CONCLUSION OF MY REMARKS.

AS I LOOK AROUND THIS MORNING, I SEE A GROUP OF LEGISLATORS WHO HOLD A WIDE VARIETY OF OCCUPATIONS AND PROFESSIONS—ATTORNEYS, CONSULTANTS, A SCHOOL TEACHER, UNIVERSITY STAFF, A FIRE CAPTAIN, A RETIRED OPERATING ENGINEER, A PROFESSIONAL DRIVER, A RANCHER, A NUCLEAR PHYSICIST, A PHYSICIAN, AND A NUMBER OF MANAGERS OR OWNERS OF VARIOUS BUSINESSES. OUR VARIED BACKGROUNDS SHOULD

CONTRIBUTE TO MAKING THIS A VERY WELL-ROUNDED COMMITTEE.

I AM HAPPY TO WELCOME BACK OUR LEGAL COUNSEL, RISA LANG, WHO IS A PRINCIPAL DEPUTY LEGISLATIVE COUNSEL IN THE LEGAL DIVISION OF LCB. MS. LANG, WHO HAS BEEN WITH LCB FOR ALMOST 11 YEARS, AND HAS SERVED AS THE COMMITTEE'S LEGAL COUNSEL FOR THE PAST THREE SESSIONS. ASSISTING RISA FROM THE LEGAL DIVISION ARE DEPUTY LEGISLATIVE COUNSELS AMIEE MCGIMPSEY AND JESSICA SHADE. AMIEE IS A NATIVE OF IOWA AND IS A GRADUATE OF NOTRE DAME LAW SCHOOL. JESSICA COMES TO US FROM DELAWARE AND IS A GRADUATE OF THE UNIVERSITY OF VIRGINIA SCHOOL OF LAW.

THE STAFF FOR THE COMMITTEE INCLUDES ALLISON COMBS, OUR COMMITTEE POLICY ANALYST, WHO IS A PRINCIPAL RESEARCH ANALYST IN THE RESEARCH DIVISION OF THE LEGISLATIVE COUNSEL BUREAU—LCB. ALLISON JOINED THE LCB IN 1994 AFTER GRADUATING FROM LAW SCHOOL, AND HAS WORKED IN THE JUDICIARY AREA SINCE THAT TIME.

IN ADDITION TO ALLISON, RESEARCH ANALYST DANIELLE CHRISTENSON WILL ALSO WORK WITH THIS COMMITTEE TO ASSIST IN ITS RESEARCH NEEDS. DANIELLE IS A NATIVE OF NEVADA AND A GRADUATE OF MC GEORGE LAW SCHOOL IN SACRAMENTO. SHE WILL ASSIST IN RESPONDING TO MANY OF THE COMMITTEE'S REQUESTS FOR RESEARCH AND BACKGROUND INFORMATION, AND SHE MAY ALSO STAFF SOME OF THE SUBCOMMITTEES CREATED TO WORK ON BILLS.

MY PERSONAL SECRETARY AND COMMITTEE MANAGER WHO WILL BE ASSISTING IN SCHEDULING COMMITTEE AND SUBCOMMITTEE MEETINGS, PREPARING AGENDAS, AND A WHOLE HOST OF OTHER ACTIVITIES, INCLUDING KEEPING MYSELF AND ALL OF US IN LINE, IS JOANN KULA. THIS IS JOANN'S THIRD LEGISLATIVE SESSION, AND SHE BRINGS TO THE COMMITTEE HER DIVERSE EXPERIENCE WITH THE UNITED STATES' DEPARTMENT OF STATE, INCLUDING 15 YEARS OF SERVICE OVERSEAS AS A FOREIGN SERVICE SECRETARY.

WORKING WITH JOANN IS DEBORAH RENGLER, WHO IS RETURNING FOR HER SECOND SESSION WITH THE JUDICIARY



COMMITTEE. IN ADDITION TO HER BACKGROUND WITH FEMA AND EMERGENCY MANAGEMENT, DEBORAH'S KNOWLEDGE OF THE COMMITTEE AND THE OPERATION OF THE LEGISLATURE THROUGH HER WORK WITH THE RESEARCH DIVISION DURING THE 2001-2002 INTERIM IS INVALUABLE.

ASSISTING AS COMMITTEE SECRETARIES, AND ALL WORKING THEIR FIRST LEGISLATIVE SESSION, WILL BE SABINA BYE, NANCY ELDER, AND CARRIE LEE. SABINA RECENTLY MOVED TO NEVADA FROM CALIFORNIA AND HAS MORE THAN 16 YEARS OF EXPERIENCE IN GOVERNMENTAL FINANCE AND ADMINISTRATION. NANCY IS ORIGINALLY FROM SEATTLE, WASHINGTON, AND HAS LIVED IN NEVADA FOR 11 YEARS. HER BACKGROUND INCLUDES EXPERIENCE IN PUBLIC RELATIONS, MARKETING AND JOURNALISM. CARRIE HAS LIVED IN NORTHERN NEVADA FOR ALMOST A DECADE AND COMES FROM A CAREER NEAR AND DEAR TO MY HEART—SHE WAS A PUBLIC SCHOOL TEACHER FOR 15 YEARS.

I WANT TO WELCOME EACH OF OUR COMMITTEE STAFF. THEY SERVE US IN A MOST IMPORTANT, INVALUABLE ROLE IN THE COMMITTEE'S DAY-TO-DAY BUSINESS.

**IV. JURISDICTION AND WORKLOAD**  
**OF THE COMMITTEE**

THE ASSEMBLY JUDICIARY COMMITTEE IS ONE OF THE BUSIEST COMMITTEES IN THE LEGISLATURE. DURING THE 2001 SESSION, THERE WERE 189 LEGISLATIVE MEASURES REFERRED TO THE COMMITTEE. ONLY THE COMMITTEE ON WAYS AND MEANS RECEIVED MORE BILL REFERRALS LAST SESSION. ABOUT TWENTY-FIVE PERCENT OF THE MEASURES THAT WERE REFERRED TO THIS COMMITTEE LAST SESSION NEVER MADE IT OUT OF COMMITTEE. AS I HAVE STATED PREVIOUSLY, WE DO KILL BILLS IN THIS COMMITTEE, AND A HIGH PERCENTAGE MAY AGAIN DIE IN COMMITTEE THIS SESSION, IN PART DUE TO THE LIMITATIONS OF THE 120-DAY SESSION AND IN PART DUE TO THE VOLUME OF OUR WORK.

AS I WAS ONCE TOLD, AS A NEW MEMBER OF THIS COMMITTEE BY THEN CHAIRMAN BOB SADER, THIS

COMMITTEE DEALS WITH ISSUES RANGING FROM “BEFORE LIFE TO AFTER DEATH.” AND I HAVE FOUND HIS WORDS TO STILL RING TRUE. IT HAS JURISDICTION OVER THE CHAPTERS IN 15 TITLES OF *NEVADA REVISED STATUTES* (NRS) AND ANOTHER 16 CHAPTERS IN OTHER TITLES—A TOTAL OF ALMOST 200 CHAPTERS OF NRS. THE COMMITTEE LITERALLY TRACKS THE INTERESTS OF OUR CITIZENS FROM CRADLE TO GRAVE—WITH RESPONSIBILITY FOR THE LAWS RELATING TO JUVENILE JUSTICE AND DOMESTIC RELATIONS TO THE LAWS GOVERNING TRUSTS, WILLS, AND ESTATES OF DECEASED PERSONS.

THE COMMITTEE IS RESPONSIBLE FOR THE LAWS RELATING TO THE JUDICIAL BRANCH OF STATE GOVERNMENT AND FOR THE LAWS REGULATING NEVADA’S MOST IMPORTANT INDUSTRY — GAMING. OF COURSE, CRIMINAL LAWS AND PENALTIES AND LAWS RELATING TO VARIOUS BUSINESS TRANSACTIONS ALSO FALL UNDER OUR JURISDICTION. THE WORK WE DO HERE IS NOT ONLY IMPORTANT TO THE DAILY LIVES OF OUR CONSTITUENTS, IT IS ALSO IMPORTANT TO THE VITALITY OF THE ENTIRE STATE AND NEVADA’S FUTURE GENERATIONS. WE SHOULD ENJOY OUR WORK ON THE

COMMITTEE, BUT WE SHOULD RECOGNIZE THE IMPORTANT RESPONSIBILITY WE HAVE BEEN GIVEN.

**V. COMMITTEE PROCEDURE AND INFORMATION ITEMS**

THE COMMITTEE WILL BEGIN OUR MEETINGS AT 9 A.M. ON MONDAYS, AND ON ALL OTHER DAYS WE WILL BEGIN AT 8 A.M. TO ALLOW US TO COMPLETE OUR WORK AND HAVE A FEW MOMENTS BEFORE FLOOR SESSION STARTS. LATER IN THE SESSION, DUE TO WORKLOAD CONSTRAINTS AND THE 120-DAY SESSION, WE MAY BEGIN AT 7:30 A.M. ON DAYS OTHER THAN MONDAYS. WE PLAN TO ADJOURN BY 10:30 A.M. EACH DAY WE HAVE A FLOOR SESSION.

I WANT TO EMPHASIZE THE IMPORTANCE OF COURTESY IN DEALING WITH OTHER MEMBERS OF THE COMMITTEE, STAFF, AND ALL THE PERSONS WHO TESTIFY BEFORE US. I EXPECT ALL OF US TO RESPECT OTHER PERSONS WE DEAL WITH, EVEN IF WE DO NOT AGREE WITH THEIR POSITIONS. I WANT TO EMPHASIZE THE IMPORTANCE OF PROVIDING A FAIR HEARING TO ALL PARTIES ON ALL BILLS THAT ARE

SCHEDULED FOR HEARING. I PARTICULARLY WANT TO POINT OUT THE IMPORTANCE OF PUBLIC TESTIMONY AT ALL OUR MEETINGS. WE MUST NEVER FORGET THAT WE ARE HERE TO SERVE THE PUBLIC; THEIR TESTIMONY DESERVES OUR RESPECT. I WILL ASK THE COMMITTEE MEMBERS TO PAY ATTENTION DURING TESTIMONY, NOT TO BE REDUNDANT IN MAKING REMARKS OR ASKING QUESTIONS, AND NOT TO BE ARGUMENTATIVE WITH WITNESSES OR COMMITTEE MEMBERS.

I HAVE ASKED ALLISON COMBS TO GIVE US A REFRESHER BY COVERING THE SESSION DEADLINES DURING HER PRESENTATION, BUT I NEED TO POINT OUT MY OWN LIMITS AND DEADLINES FOR THE COMMITTEE:

- o ONCE A BILL IS INTRODUCED, I PLAN TO CONSIDER SCHEDULING IT FOR HEARING WITHIN THE VERY NEAR FUTURE, POSSIBLY AS SOON AS WITHIN ONE WEEK AFTER INTRODUCTION. IF YOU HAVE A BILL INTRODUCED AND YOU WILL NOT BE PREPARED TO PRESENT IT SOON, THEN YOU MUST NOTIFY ME AND GIVE ME A SPECIFIC DATE, NOT MORE THAN

TWO WEEKS OUT, WHEN YOU WILL BE READY FOR THE HEARING. FOR YOUR INFORMATION, I AM NOW IN THE PROCESS OF SCHEDULING ALL THE PREFILED BILLS.

- o BECAUSE OF THE TIME LIMITS IMPOSED BY THE 120-DAY SESSION, I WILL HAVE TO SCHEDULE SEVERAL BILLS FOR EACH MEETING AND THUS LIMIT TESTIMONY IN MANY INSTANCES. EXCEPT FOR OPENING TESTIMONY ON A BILL AND PREARRANGED PRESENTATIONS REQUESTED BY THE CHAIR, I PLAN TO LIMIT ALL WITNESSES TO 5 MINUTES UNLESS THE COMMITTEE REQUESTS EXTENSIVE TESTIMONY OF A PARTICULAR WITNESS. WE HAVE A NEW ELECTRONIC SYSTEM IN PLACE THIS YEAR TO HELP MONITOR THE TIME ALLOTTED FOR EACH WITNESS.
  
- o WHEN I APPOINT SUBCOMMITTEES OR INDIVIDUAL MEMBERS TO WORK ON A BILL AND REPORT BACK TO THE COMMITTEE, I EXPECT TO HAVE A FINAL REPORT BACK WITHIN 10 DAYS OR LESS. WHEN WE APPROACH

THE DEADLINES FOR COMMITTEE ACTION ON BILLS,  
I MAY HAVE TO SHORTEN THE DEADLINE.

- o WHEN CONFERENCE COMMITTEES ARE APPOINTED,  
I WOULD LIKE FOR THE FIRST CONFERENCE  
COMMITTEE TO REPORT BACK WITHIN 7 DAYS AND  
THE SECOND CONFERENCE COMMITTEE, IF ONE IS  
APPOINTED, TO REPORT BACK WITHIN 5 DAYS. WHEN  
WE APPROACH THE END OF SESSION, THESE  
DEADLINES FOR CONFERENCE COMMITTEES WILL BE  
MUCH SHORTER, POSSIBLY ONLY A FEW HOURS.

FINALLY, IF A BILL HAS BEEN HEARD, AND I HEAR BACK  
FROM AT LEAST SEVEN COMMITTEE MEMBERS THAT THEY  
HAVE DECIDED HOW THEY PLAN TO VOTE ON THE BILL,  
I WILL SCHEDULE THE BILL FOR A WORK SESSION. UNTIL  
THAT TIME, I DO NOT PLAN ON SCHEDULING A MEASURE FOR  
A WORK SESSION. THUS, IF YOU ARE PREPARED TO VOTE ON  
A PARTICULAR MEASURE, PLEASE LET ME KNOW.

LATER THIS MORNING, WE WILL RECEIVE AN OVERVIEW OF  
NEVADA CRIMINAL LAW, JURISDICTION, AND PROCEDURE.

TOMORROW MORNING, STARTING AT 8 O'CLOCK, WE WILL HEAR A PRESENTATION FROM NEVADA'S DEPARTMENT OF CORRECTIONS. THURSDAY, WE WILL HAVE A PRESENTATION CONCERNING NEVADA'S JUDICIAL SYSTEM; AND FRIDAY, WE WILL HEAR FROM THE CRIMINAL HISTORY REPOSITORY AND THE DIVISION OF PAROLE AND PROBATION. MONDAY, WE WILL BEGIN HEARING TESTIMONY CONCERNING THE LEGISLATURE'S INTERIM STUDY OF THE DEATH PENALTY. AFTER ALL OF THE PRESENTATIONS ARE COMPLETED, WE WILL THEN BEGIN HEARING BILLS.

## **VI. CONCLUDING REMARKS**

I AM LOOKING FORWARD TO WORKING WITH ALL OF YOU THIS SESSION. I THINK THAT WE HAVE AN EXCELLENT GROUP OF PEOPLE HERE, AND I KNOW THAT WE WILL HAVE SOME INTERESTING AND EXCITING DAYS AHEAD OF US. I THANK YOU IN ADVANCE FOR YOUR COOPERATION AND COURTESY.

PLEASE HELP THE COMMITTEE SECRETARIES BY CLEANING UP ANY TRASH AT YOUR SEAT AT THE END OF EACH



MEETING. COFFEE AND HOT WATER FOR TEA WILL BE SUPPLIED EACH MORNING. FINALLY, FOR YOUR INFORMATION, EACH LEGISLATOR WILL HAVE A COMMITTEE FOLDER IN WHICH THE SECRETARIES WILL PLACE YOUR MATERIALS FROM THE MEETINGS THAT ARE LEFT IN THE ROOM. THE FOLDERS WILL BE PLACED IN CUBBIES IN THE MEETING ROOM AND AVAILABLE FOR YOU TO ACCESS. IF YOU HAVE SOMETHING CONFIDENTIAL OR VALUABLE WITH YOU IN THE MEETING, YOU SHOULD TAKE THOSE ITEMS WITH YOU WHEN YOU LEAVE.

THE MAROON PAD IS A GIFT FROM ME AS A WAY OF WELCOME TO OUR COMMITTEE, AS WELL AS THE BLUE BINDERS YOU WILL FIND ON YOUR DESK IN THE CHAMBER, IN WHICH WE WILL PLACE SUMMARIES OF THE BILLS FROM THE COMMITTEE.

I WILL NOW RECOGNIZE ANY MEMBERS WANTING TO MAKE THEIR OWN INTRODUCTIONS OR COMMENTS.