

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.



BRIAN SANDOVAL
Council Chair

BRETT KANDT
Executive Director

STATE OF NEVADA

ADVISORY COUNCIL FOR PROSECUTING ATTORNEYS

COUNCIL MEMBERS

RICHARD GAMMICK
BRAD JERBIC
PATRICIA LYNCH
ARTHUR E. MALLORY
NOEL WATERS
BILL YOUNG

1325 Airmotive Way, Suite 340
Reno, Nevada 89502
Telephone (775) 688-1966 • Facsimile (775) 688-1822
E-MAIL : wbkandt@ag.state.nv.us
WEBSITE : npac.state.nv.us

TESTIMONY OF BRETT KANDT BEFORE THE SENATE COMMITTEE ON GOVERNMENT AFFAIRS IN SUPPORT OF AB 459

Chairman O'Connell and Members of the Committee;

For the record, Brett Kandt, Executive Director of the State of Nevada Advisory Council for Prosecuting Attorneys.

Thank you for the opportunity to appear before you today. I am testifying on behalf of the Advisory Council to express support for Assembly Bill 459, introduced by the Assembly Committee on Government Affairs on behalf of the Attorney General and at the request of the Nevada District Attorneys Association. AB 459 would amend NRS chapter 247 to authorize county recorders to deny recordation of certain documents, and provide for judicial review of such denials to ensure due process.

AB 459 is intended to prevent abuse of the county recording system while at the same time ensuring the recordation of legitimate documents. AB 459 would grant county recorders discretionary authority to deny the recordation of unauthorized or falsified documents. County recorders are regularly presented with documents for recording that are clearly falsified and/or interposed for an improper purpose. Many of these documents purport to be liens based upon legal judgments entered against the state or local governments, elected officials, private individuals and/or large corporations. No matter who is named as an alleged "judgment debtor" these phony documents can have adverse consequences to the operations of business and government in Nevada.

Contending with these bogus documents can be problematic for legal counsel. As a former Senior Deputy Attorney General and counsel to the State Treasurer and State Controller, on several occasions I was confronted with mock judgments amounting to millions of dollars, purportedly entered against the State and its constitutional officers and recorded in one or more counties together with sham writs of execution, nuisance liens and other counterfeit documents. AB 459 would prevent such abuses, while providing constitutional due process when recordation of a document is denied.

I behalf of the Advisory Council, I hope the Senate Government Affairs Committee will act favorably on AB 459. Thank you for your time.

EXHIBIT H Senate Committee on Gov't Affairs

Date: 5/9/03 Page 1 of 1