MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Seventy-sixth Session
March 17, 2011

The Senate Committee on Judiciary was called to order by Chair Valerie Wiener at 8:11 a.m. on Thursday, March 17, 2011, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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 Valerie Wiener, Chair
Senator Allison Copening, Vice Chair
Senator Shirley A. Breeden
Senator Ruben J. Kihuen
Senator Mike McGinness
Senator Don Gustavson
Senator Michael Roberson

STAFF MEMBERS PRESENT:

Linda J. Eissmann, Policy Analyst
Bradley A. Wilkinson, Counsel
Judith Anker-Nissen, Committee Secretary

OTHERS PRESENT:

Orrin Johnson, Washoe County Public Defender's Office
Brett Kandt, Special Deputy Attorney General, Office of the Attorney General
Rex Reed, Ph.D., Administrator, Offender Management Division, Department of Corrections
Jeff Mohlenkamp, Deputy Director, Support Services, Department of Corrections

CHAIR WIENER:
I will open the work session with Senate Bill (S.B.) 30.

SENATE BILL 30: Makes various changes relating to common-interest communities. (BDR 10-477)

LINDA J. EISSMANN (Policy Analyst):
Senate Bill 30 (Exhibit C) is sponsored by the Gail J. Anderson, Administrator of Real Estate Division (RED) of the Department of Business and Industry. It changes the way common-interest communities (CIC) withdraw money in two different ways. First, it allows a unit-owners' association to withdraw money from its operating account without required signatures if the withdrawal is to transfer money to the Office of the State Treasurer for certain fees and if the amount is $10,000 or more. Secondly, it requires the executive board of a homeowners' association (HOA) to establish internal controls to ensure security of the money and proper authorization for withdrawal if the HOA uses electronic signatures to withdraw money from its reserve or operating accounts.

The bill also repeals existing law concerning where and how certain financial records must be made available and instead requires them be available in a manner similar to other HOA records. The bill requires financial records be available at the HOAs office or in a business location not to exceed 60 miles from the CIC; existing law says the business office or within the same county.

The bill retains an existing provision that a copy of the financial records be made available at a cost not to exceed 25 cents per page to a unit owner or to the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels within 14 days of receiving the request.

The purpose of the proposed amendment is to more closely reconcile S.B. 30 with the language of S.B. 174, section 14.

SENATE BILL 174: Revises provisions relating to common-interest communities. (BDR 10-105)

Following the hearing, we received an amendment, page 2 of Exhibit C, from Gail Anderson with RED. Section 14 of S.B. 174 also deals with the electronic transfer of money. Section 14 of S.B. 174 and section 1 of S.B. 30 are similar, but slightly different. The amendment makes the two sections more similar. Ms. Anderson's amendment would put some of the language from S.B. 174 into S.B. 30. In the amendment to S.B. 30, the blue language is the language taken from S.B. 174.

In S.B. 30, the bill allows withdrawing money from the account without signatures, to the State Treasurer, for fees in the amount of $10,000 or more. However, in S.B. 174 it is an electronic transfer of money to a state agency, not specifically the State Treasurer. It also allows for electronic transfers to the U.S. government or an agency thereof. There is not a provision specifically for $10,000 or more.

Senate Bill 30 requires that the executive board of an association establish internal controls, which is also in S.B. 174. However, S.B. 174 adds that electronic transfer of money has to be done pursuant to a written agreement entered into between the association and the financial institution; this is not in S.B. 30, nor is the requirement that the executive board has expressly authorized the electronic transfer of money. Those are the differences between the two bills.

Finally, one issue originally in S.B. 30 was regarding the language 25 cents per page and costs per copy. On page 3 of Exhibit C, Ms. Anderson's amendment to S.B. 30 requests that whatever the cost ends up being, her preference is that the cost "not to exceed" language be included making it consistent throughout *Nevada Revised Statutes* (NRS) 116.

During the development of my amendment, concern was expressed that HOAs should not establish their own internal controls, as doing so may lead to embezzlement. There was also discussion that it would be better for the Commission for Common-Interest Communities and Condominium Hotels to establish internal controls. There was also discussion related to section 2 of S.B. 30 regarding the financial documents being made available in draft form and discussion about the availability of electronic documents.

SENATOR COPENING:
Does the requirement of 25 cents per page for the first 10 pages and 10 cents per page thereafter only apply to the minutes of the association? Is it set out in chapter 116 of the NRS to say except for the minutes? I understand Ms. Anderson is saying we need to reconcile this area. I am not certain we can reconcile the issue now as it is a different subject matter. Are we being asked to reconcile it now?

MS. EISSMANN:
Section 2 in S.B. 30 relates to general documents the association provides and is not necessarily specific to minutes. The minutes are 25 cents per page for the first ten pages and 10 cents per page thereafter. The bill states they are not to exceed 25 cents per page. It is not specific to minutes. Mr. Wilkinson, will you clarify?

BRADLEY A. WILKINSON (Counsel):
That is correct.

SENATOR COPENING:
Until anything more can be argued against it, I am comfortable. In 2009, we had extensive testimony, and stakeholders agreed to the 25 cents per page for the first ten pages for the minutes and 10 cents per page thereafter. The reason I am comfortable in not going less than that is I am told even our State agencies charge $1 or more for a copy. Before we take it any lower, I prefer talking to the stakeholders to see what is affordable.

CHAIR WIENER:
I will close the hearing on S.B. 30.

> SENATOR COPENING MOVED TO AMEND AND DO PASS AS AMENDED S.B. 30 WITH THE AMENDMENT MS. ANDERSON PROVIDED.
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> SENATOR ROBERSON SECONDED THE MOTION.
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> THE MOTION PASSED UNANIMOUSLY.

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CHAIR WIENER:
I will open the hearing on S.B. 72.

SENATE BILL 72: Revises provisions governing the assignment of certain criminal offenders to residential confinement. (BDR 16-120)

MS. EISSMANN:
Senate Bill 72 concerns residential confinement as it pertains to a minimum sentence for an offender convicted of causing the death or substantial bodily harm of another person while driving under the influence.

In statute, the minimum sentence can be as low as two years, but it can be more if the court so chooses. The question came up whether the Legislature's intent was for the minimum sentence to allow residential confinement or if minimum sentence required actual prison time. There was also discussion regarding the applicability of jail time toward the minimum sentence of time in prison. We heard from several families whose loved ones are in prison; they started in residential confinement and were returned to prison. Senator Wiener requested research (Exhibit D) on various aspects of the Legislative history of residential confinement, as well as the applicability in Nevada, and other states, of jail time toward minimum sentencing.

The 305 Program described on page 7 of my report to you Exhibit D is the research Senator Wiener requested. One of the issues raised in testimony was to how many individuals this had applied. There were individuals out of residential confinement who were returned to prison when this issue was raised, especially in the media. According to the Department of Corrections (DOC), nine individuals were returned to prison in 2010; six in Washoe County and three in Clark County.

We have received an amendment, page 2 of Exhibit D, from Brett Kandt from the Office of the Attorney General. I will defer to Mr. Wilkinson for a better explanation. I want to make sure there is no question about S.B. 72. The bill does not intend to limit the minimum sentence to only two years, but courts can make it four years if they choose.

MR. WILKINSON:
That is an accurate explanation of the amendment. It is to clarify the offender is required to serve the minimum term actually imposed by the court, as opposed to the minimum term identified in the statute, which would be two years. But the concern was it could be interpreted to require only serving two years rather than serving the minimum sentence imposed.

SENATOR COPENING:
I am in favor of the amendment Mr. Kandt submitted to clarify any question regarding the minimum the court would decide. However, I do not know if being incarcerated in county jail counts toward the time.

CHAIR WIENER:
Mr. Wilkinson, I see language in Mr. Kandt's amendment which says, "in the state prison ... ." We had testimony regarding credits from the DOC that it is at the discretion of the judge whether or not that counts.

MR. WILKINSON:
I interpret S.B. 72 as it is drafted. If imposed by the court, the person is required to serve the minimum term of imprisonment in state prison—time in state prison not including any time for time served in county jail. If the Committee wants to have it interpreted this way, we could clarify that; but the fact it refers to time served in state prison was intended to make it clear you would be sitting in prison for whatever the minimum sentence is.

ORRIN JOHNSON (Washoe County Public Defender's Office):
It is statutory, but clients postconviction will submit motions to receive credit for time served. If they are indigent, the judge is obligated to give them credit for the time they serve in custody. It is discretionary if they are not indigent. The idea is, if they are indigent and they cannot afford bail, it is extra punishment. I have never seen a judge not give credit for time served. It falls under NRS 176.055. It is my understanding residential confinement is considered toward it, although there are slightly different rules. But in terms of jail versus prison, because it says the term "imprisonment," there are other statutory and due-process issues while you are still in custody, and the time definitely counts.

BRETT KANDT (Special Deputy Attorney General, Office of the Attorney General):
I provided details of the Nevada Supreme Court case on page 5 of the work session document, Exhibit D, where the court established that jail time is credited toward the term of imprisonment.

REX REED, PH.D. (Administrator, Offender Management Division, Department of Corrections):
We have to use what is in the judgment of conviction.

MR. WILKINSON:
It would be helpful if the actual intent of the bill is stated on the record. Is it the intent that time served in the state prison not including jail time, or is it supposed to include jail time?

SENATOR COPENING:
If I understand the intent of the bill, it is to ensure that before an individual is granted residential confinement the individual spends the minimum time behind bars that the court indicates. If sentenced to prison, the court system will take into consideration whether the incarceration occurred in jail, but at the very least, we want to ensure it starts two years before residential confinement, correct?

CHAIR WIENER:
From what staff has shared, the amendment on page 2 of Exhibit D, states the minimum sentence would not limit the judge to a two-year minimum if the judge had the discretion to do something different. It is not the number of years but the minimum sentence, is that correct Mr. Kandt?

MR. KANDT:
We just want it to be clear it is the minimum sentence imposed by the judge, and the judge imposes sentence under NRS 176.033, subsection 1, paragraph (b).

SENATOR COPENING:
If we were to take a scenario where a person went to court, was convicted, spent 100 days in county jail while awaiting conviction and then sentenced to four years, that 100 days could apply toward those minimum four years, at the discretion of the court, correct?

DR. REED:
As I am following the argument, it seems the jail credits would not apply.

CHAIR WIENER:
It would be postconviction jail credits, correct? It would not be while you are being processed. Is that the indigent concern you have, Mr. Johnson? That person would not be able to post bail?

MR. JOHNSON:
That is correct. Senator Copening might be thinking of two different things. When we say credit for time served, it is the days you spend at the Washoe County Jail. You are arrested, convicted and spend 62 days in Washoe County Jail before you are actually sentenced. It does not have anything to do with the good-time credits they were talking about in some other bills, being good in jail, getting a degree or your General Education Diploma. We are talking about credit for time served, day for day, when you are in county jail awaiting resolution of your case. For instance, the judge sentences someone to two to five years. In the judgment of conviction if it says 24 to 60 months, Nevada State Prison, and also says with credit for 62 days already served, that will be the sentence. After that is done, they go to prison, and it is the prison system that determines the other credits. But the judgment of conviction from the judge controls it. If the judge said you have served 62 days of the 24-month imposed sentence it means 2 months have been served. It means if you are sentenced in March of 2010, you will have served your full time in January of 2012, because whether you are in prison or jail, you are behind bars.

CHAIR WIENER:
Based on what you have shared and where I was going, the judge does have discretion. Dr. Reed, you shared in your presentation about credits, whether or not to include the 62 days as time served toward the minimum sentence?

MR. JOHNSON:
Only if the person is not indigent. All my clients are indigent, so I never see discretion exercised because they could not get bailed if they wanted to. I do not think I have seen credit for time served not applied. They do it as part of fairness and due process.

MR. KANDT:
I want to refer once again to the Nevada Supreme Court opinion I provided to staff on page 5, Exhibit D, that addresses this issue. It is controlling on the issue and has already been determined.

CHAIR WIENER:
I will close the hearing on S.B. 72.

SENATOR ROBERSON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 72 WITH THE AMENDMENT PROVIDED BY THE OFFICE OF THE ATTORNEY GENERAL.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR WIENER:
I will open the hearing on S.B. 159.

SENATE BILL 159: Makes various changes governing offenders. (BDR 16-74)

MS. EISSMANN:
Senate Bill 159 relates to information provided by the DOC to inmates upon their release. The bill would add that inmates must be given information about obtaining employment, including programs and organizations which offer bonding for employment. Two other aspects of the bill, for those on probation, allow the court to include the requirement that any earnings of the probationer should be held in a trust administered by a court-designated trustee. The trust would pay for restitution, child support and other obligations ordered by the court.

The bill expands a list of felons who may be ordered by the court to participate in an alternative sentencing program, treatment or other activity as a condition of probation. The NRS allows those found guilty of a Category C, D or E felony ordered into such programs. This bill also includes those found guilty of a nonviolent Category B felony into the same programs at the court's discretion.

There is no opposition to the bill. There is an amendment (Exhibit E) proposed by Larry Struve representing Religious Alliance In Nevada (RAIN) on pages 4 through 6. The amendment requires the DOC to provide the offender with either valid identification to obtain employment or information and resources for obtaining such identification upon release. Senator Wiener asked me for background information regarding the federal bonding program for inmates in Nevada. We heard testimony the program existed in Nevada through the Department of Employment, Training and Rehabilitation until 2005, but is no

more. It is now offered through an independent provider who acts as the agent. That information is in my memorandum of March 10 regarding the history of the program in Nevada, Exhibit E, pages 2 and 3.

The DOC was asked for input about providing identification to inmates and whether there is a cost. The cost is not a concern because grants and other funding programs could be available. The concern is the logistics of actually providing the identification. Some inmates are not residents of Nevada and would not want a Nevada identification card, and some inmates may be illegal residents of the United States not illegible to obtain identification cards.

CHAIR WIENER:
We have had some discussion on this; I also discussed this with the representative of RAIN. The logistics is in pages 4 through 6 of the proposed amendment from RAIN, Exhibit E. I was interested in the resource section but also the presumption if you release 6,000 inmates a year they would all qualify. Maybe it is an important distinction—to qualify or to prefer a Nevada identification card (ID).

JEFF MOHLENKAMP (Deputy Director of Support Services, Department of Corrections):
The financial component is not significant for us because we have other resources. If an inmate has funds, we use those funds first. If the inmate does not have funds, we look for grant sources, sources from nonprofits such as RAIN, who provide funds to us already, and we are grateful. Lastly, we go to our Inmate Welfare Fund for indigent inmates who do not have additional funding sources.

The question we had was the logistics to ensure we were not obligated to provide all inmates an ID. To obtain an ID, a birth certificate is a prerequisite. We found a few logistical issues; we get inmates who go into prison and back out the door within 30 to 90 days because of time served or the nature of the way the credit system works. In those cases, there is inadequate time to obtain the birth certificate and get everything done to ensure they have a valid ID. We also have a high number of non-U.S. citizens incarcerated, which is problematic. Lastly, there is a cooperation factor; there are times when we do not get cooperation from the inmates.

We want to ensure the language does not tie the hands of the DOC to provide an ID to all of those returning to the community. We are willing to assist them with information, funding and resources. We need enough leeway so the DOC is not tied to something it cannot do.

CHAIR WIENER:
You mentioned a birth certificate requirement. Many are homeless and do not have access to those documents. Would you be able to provide assistance for them to obtain an ID so they have an opportunity to succeed on the outside? It is important you have flexibility; however, I want to make sure it does not become so discretionary the people are prohibited from getting the ID. Do you have that predisposition to assist the inmates in getting documents they might need to acquire a valid ID?

MR. MOHLENKAMP:
The DOC is receptive to language which states it provides assistance to the inmates in obtaining necessary documents and ID.

SENATOR GUSTAVSON:
I support rewording the amendment so we can resolve any problems so the Department is not mandated.

CHAIR WIENER:
Again, the intention is to assist offenders to obtain ID for wherever they are qualified and choose to have an ID.

MR. WILKINSON:
The offender has to be eligible to receive identification and a desire to receive assistance. The other element is whether the offender assists or participates in helping the DOC acquire the ID. If that occurs, the DOC would provide the documentation but would coordinate with the Department of Motor Vehicles (DMV) to obtain the ID and would identify resources or see it is paid for the inmate.

MR. MOHLENKAMP:
The DOC agrees to the language that we will assist the inmate who qualifies and cooperates with the DOC in obtaining the ID.

CHAIR WIENER:
The amendment said DOC would provide, but it does not have the authority to provide an official ID; DOC would need to coordinate with DMV to provide either an ID or driver's license.

MR. WILKINSON:
The offender is not paying for this. Is the DOC going to find funding from some source?

CHAIR WIENER:
If the inmate cannot afford it.

MR. MOHLENKAMP:
It would be our preference for the inmates to pay for the ID themselves. We hold money in trust for the inmates and would use their existing resources. To the extent those were not available we would use other resources such as grant funds or funds from nonprofits. Lastly, we would use the Inmate Welfare Fund for those who are indigent with no other funds available.

CHAIR WIENER:
What would you estimate the cost per inmate?

MR. MOHLENKAMP:
You are referring to the cost of an ID?

CHAIR WIENER:
No, the whole process.

MR. MOHLENKAMP:
If we use the Inmate Welfare Fund, somewhere around $20,000 to $30,000 per year.

CHAIR WIENER:
How many inmates do you release a year?

MR. MOHLENKAMP:
Approximately 5,500 over the last several years.

CHAIR WIENER:
That number does not reflect those who might not qualify?

MR. MOHLENKAMP:
That is correct.

CHAIR WIENER:
Based on the qualifiers you shared with us, those who do not have birth certificates or might not want one, how many inmates would qualify or choose to participate in this ID program?

MR. MOHLENKAMP:
Are you referring to those that do not have their own resources or those ...

CHAIR WIENER:
Break it out, so total, and then how many you think might.

MR. MOHLENKAMP:
I am sorry, I do not have an estimate, but I would say we have a certain number of inmates from out of state who may not want a Nevada ID. There is a reasonable percentage, but I would hate to guess.

CHAIR WIENER:
Is that because you just gave us a number, per inmate costs DOC might incur?

MR. MOHLENKAMP:
First we would have to obtain the valid birth certificate; the cost of the Nevada ID is small, approximately $3 to $7 per inmate.

CHAIR WIENER:
The real investment in this would be acquiring the documentation validating that the inmate qualifies and the cost of the ID, correct?

MR. MOHLENKAMP:
Yes, the birth certificate is usually $15 to $25 depending on the state it comes from.

DR. REED:
It is difficult to answer the question about how many for whom we would need to procure ID. The reason is, if an inmate brings an ID card or a driver's license with him, we hold it and give it back, but we do not keep record of whether it is in the file or in our computer database. Therefore, we cannot go into our system and obtain the number. The other reason is an inmate cannot work in our system for a paycheck without an ID and a social security card; a quarter of our inmates work. Approximately half of the 5,500 to 5,800 we release a year have IDs.

CHAIR WIENER:
Half already have IDs.

DR. REED:
Yes, because we have their driver's licenses.

CHAIR WIENER:
If you are releasing 5,500, the high end would be 2,750. Then there are those who want to move on to another state. It gives us a sense of how large this issue is.

SENATOR BREEDEN:
I would like to put on the record—some individuals' family members will assist them with copies of their birth certificates. I do not want the DOC to charge inmates for a birth certificate just because they have existing funds.

CHAIR WIENER:
If they have access to documents, you would not be procuring and assisting them to get what they need. You do not need to duplicate the effort if they can get their own documents.

MR. MOHLENKAMP:
This is why we prefer the word "assist," because it allows us to obtain the documents if they do not have them in their files.

SENATOR MCGINNESS:
The second half of the RAIN amendment, paragraph 3 of the RAIN letter of February 28, Exhibit E, includes the phrase "or with information relating to obtaining such identification upon his release." If we start mandating any

information and put a number to it, Senator Gustavson's bill will die. The bill started out simple. Leave it alone.

CHAIR WIENER:
Mr. Wilkinson, with the language you have suggested, is this going to require a fiscal note?

MR. MOHLENKAMP:
Our initial testimony, before the amendment was proposed, had a small fiscal note attached for the cost of copying and distributing information to inmates on how to obtain employment, bonding, etc. If the amendment requires us to provide information or assist and it does not lock us in further, we do not intend to put an additional fiscal note on the bill. Instead, we would use the Inmate Welfare Fund, which is not part of the General Fund, to supplement those other sources of funding.

CHAIR WIENER:
I will close the hearing on S.B. 159.

> SENATOR GUSTAVSON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 159 WITH THE AMENDMENT RESOLVED THROUGH THE DISCUSSION IN COMMITTEE.
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> SENATOR ROBERSON SECONDED THE MOTION.
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> THE MOTION PASSED UNANIMOUSLY.

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CHAIR WIENER:
I will open the hearing on S.B. 180.

SENATE BILL 180: Expands provisions governing criminal and civil liability for certain crimes to include crimes motivated by the victim's gender identity or expression. (BDR 15-414)

MS. EISSMANN:
In testimony there was opposition to the bill. Senate Bill 180 would add crimes committed because of a person's actual or perceived gender identity or

expression to the list of crimes for which the offender is subject to an additional penalty. A murder charge in the first degree may be aggravated based on the crime committed. The offender may be charged with a gross misdemeanor for an otherwise misdemeanor offense, and the victim may bring a civil action against the offender. The bill also adds crimes committed on the basis of gender identity or expression to the crimes covered by the Nevada Uniform Crime Reporting Program under the Department of Public Safety.

There was opposition from those who believe all murders are hate crimes and murder is wrong. There was discussion about elevating one group of victims above others.

There was also opposition to the death penalty provisions of the bill which are found in section 4 of S.B. 180. As a result of that discussion, Nancy Hart from the Nevada Coalition Against the Death Penalty submitted an amendment, page 2 (Exhibit F), which deletes section 4 of the bill pertaining to the death penalty.

SENATOR COPENING:
I spoke with Senator Parks yesterday, and he is aware of the amendment. Did anyone else speak to Senator Parks, and is that the understanding?

CHAIR WIENER:
That is my understanding.

> SENATOR COPENING MOVED TO AMEND AND DO PASS AS AMENDED S.B. 180.
>
> SENATOR KIHUEN SECONDED THE MOTION.

SENATOR ROBERSON:
Can we discuss this amendment again?

CHAIR WIENER:
We are in a motion and then will go to discussion. We have a motion from Senator Copening and a second from Senator Kihuen. Discussion, Committee?

SENATOR ROBERSON:
Ms. Eissmann, can you explain the amendment in more detail? What does it do?

MR. WILKERSON:
The amendment would delete section 4, which is the list of aggravators for the death penalty.

SENATOR ROBERSON:
I understand. I am in opposition to this bill.

CHAIR WIENER:
Any additional questions or comments?

SENATOR MCGINNESS:
I am with Senator Roberson. I cannot support this bill. I think all murders are hate crimes and to elevate one segment of our society over another is difficult.

SENATOR GUSTAVSON:
I agree with Senator McGinness. Any crimes of this nature are hate crimes and they should not be elevated.

SENATOR ROBERSON:
I want to say for the record I was persuaded by Mr. Orrin Johnson's testimony on this bill. This bill seems to have incredibly vague language. What exactly do you mean by transgender identity or expression? It opens up a whole can of worms, and I do not think this is a good bill.

> THE MOTION PASSED. (SENATORS GUSTAVSON, MCGINNESS AND ROBERSON VOTED NO.)

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CHAIR WIENER:
I will open the hearing on S.B. 186.

SENATE BILL 186: Revises provisions relating to the recording of documents. (BDR 2-185)

MS. EISSMANN:
This bill would revise information, based on personal knowledge, in an affidavit recorded in a civil judgment or decree by a judgment creditor to include parcel information and proof of ownership of the judgment debtor's real property and

the location, serial number and proof of ownership of a manufactured home or mobile home, if there is one in the lien. The document number of the recorded judgment is also required in the affidavit of judgment to renew a lien on real property. This affidavit must be titled, "Affidavit of Renewal of Judgment."

The bill requires letters concerning the estate of a decedent be recorded in the county recorder's office for each county where real property of the estate is located.

Finally, the bill requires a cover sheet to contain the guardian's name, address and telephone number with property information attached to the letters of guardianship recorded by the guardian in each county where the ward has real property.

There was no opposition to this bill when it was heard. There are no amendments, and I have heard nothing since.

SENATOR MCGINNESS:
Mrs. Myles is out of town, and Mr. Glover is not here. This was a by-request bill (Exhibit G). I have no other information but as Ms. Eissmann said, there is no opposition nor amendments.

CHAIR WIENER:
I will close S.B. 186.

SENATOR MCGINNESS MOVED TO DO PASS S.B. 186.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR WIENER:
We have a bill draft request which needs Committee introduction. This bill would authorize a court to establish the validity of a will or trust before the death of the testator or settler. Moving this forward as a Committee introduction does not require you to support the measure as it comes before the Committee during the hearing process.

BILL DRAFT REQUEST 12-182: Authorizes a court to establish the validity of a will or trust before the death of the testator or settler. (Later introduced as Senate Bill 263.)

SENATOR MCGINNESS MOVED TO INTRODUCE BDR 12-182.

SENATOR BREEDEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR WIENER:
The meeting is adjourned at 9:07 a.m.

RESPECTFULLY SUBMITTED:

Judith Anker-Nissen,
Committee Secretary

APPROVED BY:

Senator Valerie Wiener, Chair

DATE:

EXHIBITS			
Bill	**Exhibit**	**Witness / Agency**	**Description**
	A		Agenda
	B		Attendance Roster
S.B. 30	C	Linda J. Eissmann	Work session document
S.B. 72	D	Linda J. Eissmann	Work session document
S.B. 159	E	Linda J. Eissmann	Work session document
S.B. 180	F	Linda J. Eissmann	Work session document
S.B. 186	G	Linda J. Eissmann	Work session document