

ASSEMBLY CONCURRENT RESOLUTION NO. 46—COMMITTEE ON
ELECTIONS, PROCEDURES, AND ETHICS

APRIL 12, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Directs Legislative Commission to conduct interim study concerning statutory limitation on damages that may be awarded to person in tort action against State of Nevada, its political subdivisions or certain other persons. (BDR R-1717)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study concerning the statutory limitation on damages that may be awarded to a person in a tort action against the State of Nevada, its political subdivisions or certain other persons.

- 1 WHEREAS, The State of Nevada, by waiving its sovereign immunity,
- 2 allows monetary damages to be awarded to a person in a tort action against
- 3 the State of Nevada or any of its political subdivisions, or a present or
- 4 former officer or employee of the State of Nevada or any political
- 5 subdivision, or an immune contractor or state legislator arising out of an act
- 6 or omission within the scope of his public duties or employment; and
- 7 WHEREAS, The current statutory limit on the amount of damages that
- 8 may be awarded to a plaintiff in such a tort action has not been increased
- 9 since 1979; and
- 10 WHEREAS, Persons injured in this state may not be adequately
- 11 compensated for injuries caused to them by the State of Nevada or its
- 12 political subdivisions because of the current limitation on damages; and
- 13 WHEREAS, Before changing the statutory limit on the amount of
- 14 damages that may be awarded in such cases, it is also necessary to consider
- 15 the fiscal impact on the State of Nevada and its political subdivisions; now,
- 16 therefore, be it
- 17 RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE
- 18 CONCURRING, That the Legislative Commission is hereby directed to
- 19 appoint a subcommittee to conduct an interim study concerning the
- 20 statutory limitation on damages that may be awarded to a person in a tort

1 action against the State of Nevada or any of its political subdivisions, or a
2 present or former officer or employee of this state or any political
3 subdivision, or an immune contractor or state legislator arising out of an act
4 or omission within the scope of his public duties or employment; and be it
5 further

6 RESOLVED, That, in addition to legislators, the Legislative Commission
7 shall appoint an advisory committee to assist the subcommittee, including,
8 without limitation:

- 9 1. One representative from the Office of the Attorney General;
 - 10 2. Two representatives from the Nevada League of Cities;
 - 11 3. Two representatives from the Nevada Association of Counties; and
 - 12 4. Two representatives from the Nevada Trial Lawyers' Association;
- 13 and be it further

14 RESOLVED, That the study must include, without limitation, an analysis
15 of whether it is appropriate to change the current statutory limitation on
16 damages set forth in NRS 41.035 with consideration to the potential effects
17 of changing the limitation, including, without limitation, the potential fiscal
18 impact of any such change and the potential effect that such a change would
19 have on injured plaintiffs; and be it further

20 RESOLVED, That any recommended legislation proposed by the
21 subcommittee must be approved by a majority of the members of the
22 Senate and a majority of the members of the Assembly appointed to the
23 subcommittee; and be it further

24 RESOLVED, That the Legislative Commission shall submit a report of the
25 results of the study and any recommendations for legislation to the 71st
26 session of the Nevada Legislature.