

**MINUTES OF THE SUBCOMMITTEE OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-fifth Session
May 6, 2009**

The Subcommittee of the Senate Committee on Judiciary was called to order by Chair Terry Care at 8:25 a.m. on Wednesday, May 6, 2009, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SUBCOMMITTEE MEMBERS PRESENT:

Senator Terry Care, Chair
Senator Allison Copening
Senator Mike McGinness

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Dennis K. Neilander, Chair, State Gaming Control Board

CHAIR CARE:

I will open this subcommittee meeting with Senate Bill (S.B.) 83.

SENATE BILL 83 (2nd Reprint): Makes various changes relating to the regulation of gaming. (BDR 41-311)

We have been given a concur-not concur from the Assembly as to S.B. 83 that we heard early in the Session. In the amendment from the Assembly, in section 19, subsection 2 and subsection 3, there were probate issues. The language reads, "Such an heir or devisee must seek all such necessary approvals through the filing of all appropriate applications with the State Gaming Control Board within 1 year after the interest becomes subject to probate ... "

with the new language added "or within such period as the Chairman of the Board determines in his sole and absolute discretion." Then dropping down to subsection 3 there is corresponding language " ... or such period as the Chairman of the Board determines" It does not say anything about sole and absolute discretion.

Mr. Neilander can you tell us if are there other matters in which you have sole and absolute discretion? If you could give us an update, what was the testimony on the Assembly side so we can figure out what we want to do with the bill?

DENNIS K. NEILANDER (Chair, State Gaming Control Board):

With respect to S.B. 83, after the Senate passed this particular measure, I had correspondence with members of the Probate Section of the State Bar of Nevada, who had concerns about the one-year limitations you referenced. The suggestion was, perhaps in some of these instances, the rightful heirs may not be sorted through thoroughly within that one-year time frame. The notion was to allow for an extension if the circumstances warranted. I was supportive of that issue.

The language "sole and absolute discretion" is used in various points throughout the Gaming Control Act, as well as the Regulations. It is used when there is a granting of that particular authority either from the Legislature or from the Nevada Gaming Commission. It is standard language, the use of "sole and absolute discretion." It was first inserted when I was working for former Chairman William A. Bible. That is something we added years ago, so it would not be a defense in terms of someone arguing that someone overstepped their delegated authority. That is the reason for the amendment. The Board would urge you to concur in the amendment on S.B. 83.

CHAIR CARE:

I want to consult with the other members of the Committee. My recommendation is we concur with the amendment from the Assembly side as to S.B. 83. Anybody have any concerns with that? That is what our recommendation will be to the full Committee.

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MR. NEILANDER:

Thank you, Senator. We appreciate your support.

CHAIR CARE:

The Subcommittee is adjourned at 8:29 a.m.

RESPECTFULLY SUBMITTED:

Judith Anker-Nissen,
Committee Secretary

APPROVED BY:

Senator Terry Care, Chair

DATE: _____