

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
May 8, 2015**

The Committee on Judiciary was called to order by Chairman Ira Hansen at 8 a.m. on Friday, May 8, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive Exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Ira Hansen, Chairman
Assemblyman Erven T. Nelson, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblyman Nelson Araujo
Assemblywoman Olivia Diaz
Assemblywoman Michele Fiore
Assemblyman David M. Gardner
Assemblyman Brent A. Jones
Assemblyman James Ohrenschall
Assemblyman P.K. O'Neill
Assemblywoman Victoria Seaman
Assemblyman Tyrone Thompson
Assemblyman Glenn E. Trowbridge

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

Minutes ID: 1131



STAFF MEMBERS PRESENT:

Diane Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Janet Jones, Committee Secretary
Jamie Tierney, Committee Assistant

OTHERS PRESENT:

None

Chairman Hansen:

We have a work session today and no bills to be heard. Two bills in the work session today have been pulled, one at the request of the sponsor, which is Senate Bill 306 (1st Reprint), and Senate Bill 138 (1st Reprint) has an amendment still in process and will be presented at another work session. We will begin with Senate Bill 9 (1st Reprint).

Senate Bill 9 (1st Reprint): Requires the Nevada Gaming Commission to adopt regulations relating to the development of technology in gaming. (BDR 41-61)

Diane Thornton, Committee Policy Analyst:

Senate Bill 9 (1st Reprint) was brought on behalf of the Committee to Conduct an Interim Study Concerning the Impact of Technology Upon Gaming and heard in Committee on April 27, 2015. This bill requires the Nevada Gaming Commission to adopt regulations relating to the development of technology and gaming. There are no amendments ([Exhibit C](#)).

Chairman Hansen:

I will entertain a motion on S.B. 9 (R1).

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO DO PASS
SENATE BILL 9 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment will go to Assemblyman Araujo.

Senate Bill 36 (1st Reprint): Revises provisions governing state business licenses. (BDR 7-368)

Diane Thornton, Committee Policy Analyst:

Senate Bill 36 (1st Reprint) revises provisions governing state business licenses. This bill was brought on behalf of the Division of Forestry and heard in Committee on April 30, 2015. Senate Bill 36 (1st Reprint) provides an exemption to state business licensing requirements such that an out-of-state business that provides vehicles or equipment to assist with a wildfire, flood, earthquake, or other emergency on a short-term basis need not hold a state business license and may legally pay an employee who provides services according to the provisions of the bill. An amendment was proposed by Mr. Ray Bacon changing the effective date to upon passage and approval. ([Exhibit D](#)).

Chairman Hansen:

I will entertain a motion on S.B.36 (R1).

ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND AND DO
PASS SENATE BILL 36 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment will go to Assemblywoman Diaz.

Senate Bill 38 (1st Reprint): Revises provisions governing the regulation of gaming. (BDR 41-350)

Diane Thornton, Committee Policy Analyst:

Senate Bill 38 (1st Reprint) revises provisions governing the regulations of gaming. The bill was brought on behalf of the State Gaming Control Board and heard in Committee on April 27, 2015. Senate Bill 38 (1st Reprint) requires persons who manufacture, sell, or distribute gaming associated equipment to be registered with the Nevada Gaming Commission and requires the Commission to develop appropriate regulations for such registration. The Commission is also directed to adopt regulations governing the registration of certain club venue employees and related matters. [Continued to read from work session document ([Exhibit E](#)).]

There is an amendment that was proposed by Buffy Brown from the Gaming Control Board, making technical changes to the bill. There was one

typographical error and changes made that were meant to be done in the Senate but did not carry forward.

Chairman Hansen:

That was a friendly amendment. I will entertain a motion on S.B. 38 (R1).

ASSEMBLYWOMAN SEAMAN MOVED TO AMEND AND DO PASS
SENATE BILL 38 (1ST REPRINT).

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment will go to Assemblyman Gardner.

Senate Bill 52: Revises provisions governing search warrants. (BDR 14-159)

Diane Thornton, Committee Policy Analyst:

Senate Bill 52 revises provisions governing search warrants. It was brought on behalf of the Attorney General and heard in Committee on April 22, 2015. This bill authorizes the submission by secure electronic transmission of an application and affidavit for, and the issuance of, a search warrant. The Nevada Supreme Court may adopt rules to carry out these provisions. There are no amendments for this measure ([Exhibit F](#)).

Chairman Hansen:

I will entertain a motion on S.B. 52.

ASSEMBLYMAN ANDERSON MADE A MOTION TO DO PASS
SENATE BILL 52.

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment will go to Assemblyman Ohrenschall.

Senate Bill 59 (1st Reprint): Revises provisions relating to the state business portal. (BDR 7-448)

Diane Thornton, Committee Policy Analyst:

Senate Bill 59 (1st Reprint) revises provisions relating to the state business portal. It was sponsored by the Committee on Judiciary on behalf of the

Secretary of State and was heard in Committee on April 30, 2015. This bill requires the Secretary of State to establish common business registration information that is used by state and local agencies and health districts and to cause the state business portal to make that information available to these same entities that conduct necessary transactions with businesses in the State. It also allows these entities, to the extent practicable, to integrate their electronic application systems with the state business portal; to use the portal to accept and disseminate information necessary for the issuance of business licenses, registrations, permits, or similar authorizations; to make related applications available on the Internet; and to integrate those applications with the business portal. The bill also clarifies that any information that is deemed confidential under state or federal law need not be disseminated and, similarly, that records and files collected as common business registration information are confidential, unless an exception applies. [Continued to read from work session document ([Exhibit G](#)).]

An amendment was received May 7, 2015, from the Chief Deputy Secretary of State, Mr. Scott Anderson ([Exhibit H](#)). The intent is to change the term "state business license" to "state business registration" to eliminate the confusion caused by the term "state business license." The confusion was caused by the term because a person believed that if he got a state business license he was not required to get a local or professional license.

Chairman Hansen:

That is also a friendly amendment. I will entertain a motion on S.B. 59 (R1).

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS
SENATE BILL 59 (1ST REPRINT).

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment will go to Assemblyman Trowbridge.

Senate Bill 96: Revises provisions relating to prison industries. (BDR 16-281)

Diane Thornton, Committee Policy Analyst:

Senate Bill 96 revises provisions relating to prison industries. It was sponsored by Senator Parks and heard in Committee on March 12, 2015. This bill expands the authorized uses of money contained in the Fund for New Construction of Facilities for Prison Industries to include: relocating, expanding, modifying, enhancing, or improving an existing program; purchasing or leasing equipment;

paying for the operation of prison industries, including paying staff and offender wages when necessary; and paying for advertising and promotion of prison industry goods and services. [Continued to read from work session document ([Exhibit I](#)).] There are no amendments for this measure.

Chairman Hansen:

I will entertain a motion on S.B. 96.

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS
SENATE BILL 96.

ASSEMBLYMAN ARAUJO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment will go to Assemblyman Thompson.

Senate Bill 124: Revises provisions governing gaming establishments.
(BDR 41-787)

Diane Thornton, Committee Policy Analyst:

Senate Bill 124 revises provisions governing gaming establishments. It is sponsored by Senators Hammond and Goicoechea, and Assemblyman Oscarson. The bill was heard in Committee on March 12, 2015. Senate Bill 124 authorizes the State Gaming Control Board to allow a gaming licensee to move its establishment to a location within one mile of its existing location and transfer its nonrestricted license if the move and transfer are necessary because the existing location is adjacent to a military installation and the federal government has deemed the land in question necessary for the expansion of the military installation. There are no amendments for this measure ([Exhibit J](#)).

Chairman Hansen:

I will entertain a motion on S.B.124.

ASSEMBLYMAN JONES MOVED TO DO PASS SENATE BILL 124.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment will go to Assemblyman Jones.

Senate Bill 131: Revises provisions governing the compensation of certain court reporters. (BDR 1-639)

Diane Thornton, Committee Policy Analyst:

Senate Bill 131 revises provisions governing the compensation of certain court reporters. It is sponsored by Senator Brower and was heard in Committee on April 22, 2015. This bill increases the compensation that must be paid to court reporters in state district courts for transcription and reporting services. There are no amendments for this measure ([Exhibit K](#)).

Chairman Hansen:

I will entertain a motion on S.B. 131.

ASSEMBLYMAN ARAUJO MADE A MOTION TO DO PASS
SENATE BILL 131.

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment will go to Assemblyman Anderson.

Senate Bill 135: Revises provisions relating to witnesses. (BDR 4-44)

Diane Thornton, Committee Policy Analyst:

Senate Bill 135 revises provisions relating to witnesses. It is sponsored by Senator Brower and was heard in Committee on April 24, 2015. This bill allows a judge discretion to determine whether the interests of justice entitle an adverse party access to a piece of writing used by a witness to refresh his or her memory prior to giving testimony. If the judge determines access to the writing is necessary, the adverse party may have the writing produced at a hearing, inspect it, cross-examine the witness in regard to it, and introduce into evidence portions of the writing that may affect the witness's credibility. There are no amendments for this measure ([Exhibit L](#)).

Chairman Hansen:

I will entertain a motion on S.B.135.

ASSEMBLYWOMAN DIAZ MADE A MOTION TO DO PASS
SENATE BILL 135.

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment will go to Assemblywoman Seaman.

Senate Bill 138 (1st Reprint): Revises provisions governing the forfeiture of property. (BDR 14-222)

[This bill was not considered. It was held back from Committee for proposed amendment preparation ([Exhibit M](#)).]

Senate Bill 186: Provides for the recovery of attorney's fees and litigation expenses by certain prevailing parties in criminal actions. (BDR 3-205)

Diane Thornton, Committee Policy Analyst:

Senate Bill 186 provides for the recovery of attorney's fees and litigation expenses by certain prevailing parties in criminal actions. It is sponsored by Senators Brower and Ford and was heard in Committee on March 12, 2015. Senate Bill 186 enacts provisions modeled after federal law to enable eligible parties that prevail over the state of Nevada in a criminal action to recover some or all of their attorney's fees and litigation expenses if a court finds that the State's action was vexatious, frivolous, or in bad faith. These provisions apply to actions pending or brought on or after October 1, 2015. There are no amendments for this measure ([Exhibit N](#)).

Chairman Hansen:

I will entertain a motion on S.B. 186.

ASSEMBLYMAN THOMPSON MOVED TO DO PASS
SENATE BILL 186.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment will go to Assemblyman O'Neill.

Senate Bill 191 (1st Reprint): Revises provisions relating to the return of seized property. (BDR 14-204)

Diane Thornton, Committee Policy Analyst:

Senate Bill 191 (1st Reprint) revises provisions relating to the return of seized property. It is sponsored by Senator Brower and was heard in Committee on April 23, 2015. This bill establishes procedures by which a person aggrieved by an unlawful search and seizure, or by the deprivation of property, may move a court for the return of the property. The measure also sets forth the conditions under which such property will be inadmissible as evidence or is to remain accessible to the court for use in future proceedings. There are no amendments for this measure ([Exhibit O](#)).

Chairman Hansen:

I will entertain a motion on S.B. 191 (R1).

ASSEMBLYMAN TROWBRIDGE MADE A MOTION TO DO PASS
SENATE BILL 191 (1ST REPRINT).

ASSEMBLYMAN ARAUJO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment goes to Assemblyman Nelson.

Senate Bill 306 (1st Reprint): Revises provisions relating to liens on real property located within a common-interest community. (BDR 10-55)

[This bill has been held by request of the sponsor and was not considered. ([Exhibit P](#)).]

Senate Bill 320 (1st Reprint): Revises provisions relating to time shares. (BDR 10-1034)

Diane Thornton, Committee Policy Analyst:

Senate Bill 320 (1st Reprint) revises provisions relating to time shares. It is sponsored by Senators Harris, Roberson, and Lipparelli. The bill was heard in Committee on April 28, 2015. Senate Bill 320 (1st Reprint) requires that a disclosure statement, the text of which is included in the bill, be provided to, signed by, and dated by a purchaser of a time-share unit before the purchaser enters into a sales contract. The disclosure statement addresses the value of a time-share interest, resale of such an interest, and restrictions that may be

included in the governing documents for the time-share. There are no amendments ([Exhibit Q](#)).

Chairman Hansen:

Assemblywoman Fiore, if you have an amendment for this bill, it would have had to be included before now. What is the amendment in relation to S.B. 320 (R1)?

Assemblywoman Fiore:

We have had a few issues with S.B. 320 (R1). The last line of the bill reads, "Real estate agents may not be interested in listing your time-share interest or unit."

Chairman Hansen:

I am okay with that. It was a strange provision in the bill, which put a restriction on what they could and could not say. Assemblywoman Seaman, since you are a real estate agent, will you bring the Committee up to speed on this bill?

Assemblywoman Seaman:

I am going to be voting no on this bill. A new form is being created with this bill and all the information on the form is already in the contract. There are certain real estate agents who specialize in time shares.

Chairman Hansen:

I am going to hold this bill until we have a work session next week. I agree with the amendment. I thought it was odd that we put a restriction in the bill that says they cannot talk about it.

**Senate Bill 389: Revises provisions relating to condominium hotels.
(BDR 10-76)**

Diane Thornton, Committee Policy Analyst:

Senate Bill 389 revises provisions relating to condominium hotels. It is sponsored by Senator Ford and was heard in Committee on April 28, 2015. There are no amendments to the bill ([Exhibit R](#)).

Chairman Hansen:

I will entertain a motion on S.B. 389.

ASSEMBLYMAN ANDERSON MADE A MOTION TO DO PASS
SENATE BILL 389.

ASSEMBLYMAN ARAUJO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment will go to Assemblyman Araujo.

That will conclude our work session. We will have public comment at this time. [There was none.] Is there any further Committee business? We will not have a Judiciary Committee meeting on Monday, May 11, 2015. We will plan on a Committee meeting Tuesday, May 12, 2015, at 8 a.m.; it will depend on what bills the Senate releases to us. Have a great Mother's Day weekend.

The Judiciary Committee meeting is adjourned [at 8:13 a.m.].

RESPECTFULLY SUBMITTED:

Lenore Carfora-Nye
Committee Secretary

APPROVED BY:

Assemblyman Ira Hansen, Chairman

DATE: _____

<u>Exhibits</u>			
Committee Name: <u>Assembly Committee on Judiciary</u>			
Date: <u>May 8, 2015</u>		Time of Meeting: <u>8 a.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 9	C	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 36 (R1)	D	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 38 (R1)	E	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 52	F	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 59 (R1)	G	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 59 (R1)	H	Diane Thornton, Committee Policy Analyst	Amendment
S.B. 96	I	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B.124	J	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 131	K	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 135	L	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 138	M	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 186	N	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 191 (R1)	O	Diane Thornton, Committee Policy Analyst	Work Session Document

S.B. 306	P	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 320	Q	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 389	R	Diane Thornton, Committee Policy Analyst	Work Session Document