

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

**Seventy-Eighth Session  
May 15, 2015**

The Committee on Judiciary was called to order by Chairman Ira Hansen at 9 a.m. on Friday, May 15, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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](http://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](mailto: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:**

Assemblyman Jim Wheeler, Assembly District No. 39  
Senator Ruben J. Kihuen, Senate District No. 10

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Jonathan P. Leleu, representing Las Vegas Defense Lawyers  
Bill Bradley, representing Nevada Justice Association  
Robert Roshak, representing Nevada Sheriffs' and Chiefs'  
Association  
Alex Ortiz, representing Clark County

**Chairman Hansen:**

[Roll call was taken. Committee protocol and rules were explained.] We will be hearing one bill today, Senate Bill 304 (1st Reprint), and it will be presented by Assemblyman Wheeler. Those of you here for the work session, that will be postponed until 4 p.m.

**Senate Bill 304 (1st Reprint): Revises provisions relating to the use of safety belts in taxicabs. (BDR 43-774)**

**Assemblyman Jim Wheeler, Assembly District No. 39:**

Thank you for allowing me this last-minute presentation. I have discussed with some of the Committee members and you in particular, Chairman Hansen, that Senate Bill 304 (1st Reprint) is identical to the original Assembly Bill 175. As many of you are aware, that bill is now completely different.

This bill basically says that if you are not wearing a seat belt while riding in a Nevada taxicab and that cab gets into an accident, for purposes of liability, it can be presented in court that you were not wearing a seat belt. It will still be up to the judge and jury on what they take into account. However, it changes the current requirements that it cannot be presented in court. This is a very commonsense law.

When it came through as A.B. 175, it passed the Assembly Committee on Transportation and the floor on a bipartisan basis. It then passed the Senate Committee on Judiciary and when it reached the Senate floor, it was completely rewritten. Since that bill in its amended form may have some problems, I wanted to ensure this bill makes it through the process.

The only amendment I would like to include is that my name be added as a primary sponsor. When the testifiers are finished, I would like to come back before the Committee for my final statements.

**Chairman Hansen:**

Assemblyman Wheeler, do you have any additional testifiers?

**Assemblyman Wheeler:**

I had testifiers in Las Vegas, but both are in court this morning. Both of them told me that this bill was so common sense that we do not need to waste the Chairman's time.

**Chairman Hansen:**

Is there anyone here who would like to testify in favor of S.B. 304 (R1) at this time?

**Jonathan P. Leleu, representing Las Vegas Defense Lawyers:**

We would like to add our support for S.B. 304 (R1).

**Chairman Hansen:**

Is there anyone else who would like to testify in favor of S.B. 304 (R1)? Seeing no one, we will move on to opposition testimony.

**Bill Bradley, representing Nevada Justice Association:**

We are in opposition of S.B. 304 (R1). Assemblyman Wheeler and I have worked together on this bill. I think it is important for this Committee to understand why we are opposed to this bill. When you are discussing taxicabs, you are talking about what is referred to as a common carrier. A common carrier, under Nevada law, and actually in any state in the nation, has the highest duty in terms of responsibility to safely transport a passenger. That is called the duty of a common carrier. The passenger in the back seat has a reasonable duty. When you are trying to use the reasonable duty of the passenger against the highest duty by someone who is being paid to transport a passenger, you have a conflict in the laws between the two duties. This bill, in essence, does away with making sure taxicabs exercise the highest duty in transporting passengers.

A passenger could fail to wear a seat belt for a number of reasons: perhaps the seatbelt was not available, was not working, or the passenger was from a foreign country and does not understand our seat belt rules. For some reason, they do not have their seat belt on. If there is an accident, what happens with this bill is that the focus changes from the negligence of the taxicab driver to what the passenger was doing in the back seat. That makes it expensive and difficult for a passenger to hold the taxicab accountable.

In a case that I just tried against a taxi company in Las Vegas, our client was wearing a seat belt and received extraordinary chest and rib injuries because of the accident. If this bill passes, then the taxicab's insurance company will hire a biomechanical engineer to figure out what the injuries would have been had the passenger been wearing a seat belt or not. This is a very speculative area of junk science where you have these so-called experts trying to predict the difference in injuries. That significantly drives up the cost of the litigation and changes the focus from who is responsible for the accident to what the passenger was doing in the back seat. That is the reason we have always opposed trying to impose the obligation of wearing a seat belt on a passenger. We agree they should wear seat belts because it is a safe thing to do. But if they do not, to change the focus of the litigation from who caused the accident to what the passenger was doing is very bad public policy. We are not currently requiring seat belts in school buses, limousines, or party buses. I do not understand why this bill is focusing on this one aspect of passengers riding in taxicabs.

Another issue we have, and I have spoken to Assemblyman Wheeler about this, is another concept in product liability called misuse or abuse of a product. That is when someone does not use the product in a way that could have been foreseen. When we get to the issue of misuse of a product, they want to announce the passenger was misusing the taxi when they failed to use the seat belt and completely bar that passenger's claim. The basic idea of this bill, and also in A.B. 175, was to compare the negligence of the taxicab driver, who caused the accident, to the passenger who may or may not have worn a seat belt. When you add the issue of misuse or abuse of a product, you are changing theories or principles of law, and it will not work because of the language in section 1, subsection 3, paragraph (c), that says "misuse or abuse of a product." That language will be used against the passenger by saying he misused the taxicab because he was not wearing a seat belt.

We have struggled with the idea of why government wants to get into the back seat of these cabs and regulate people's conduct. There are a lot of things that can happen in one of these cases, which we do not know the answer to.

We do not know why the passenger did not wear the seat belt and those reasons, unfortunately, will not hold water once this bill passes, because now the jury will be told the passenger was not wearing a seat belt.

**Chairman Hansen:**

Thank you, Mr. Bradley. After we are finished with our hearing, I would like to meet with you.

**Assemblyman Thompson:**

How many states have adopted a policy like this?

**Bill Bradley:**

I do not have those statistics. I am basing my answer on recollection. I recall from the last hearing that it is somewhere in the mid-teens.

**Assemblyman Jones:**

You said that this bill is bad policy. Is letting the truth be known bad policy? This is the truth of what exactly existed, whether you had a seat belt on or not.

**Bill Bradley:**

We are not trying to keep the truth from the jury. Where this whole issue emanated from was a case in Elko where a jeep rolled over and the driver claimed he was wearing a seat belt. Jeep wanted to say he was not wearing a seat belt. There was a huge argument whether he did or did not. In some cases, seat belts malfunction and we know there are problems with certain types of seat belts. The issue of whether or not he had a seat belt on was hugely contested. In that case, the trial judge decided that the testimony was so contradictory and difficult that it was going to mislead the jury rather than present the truth.

The nice thing about taxicabs and the reason this bill is probably overzealous is because most of the taxicabs have video cameras. Sometimes the videos are produced, if they are preserved, and they show whether the passenger was wearing a seat belt or not. The passenger says he was wearing a seat belt and the insurance company wants to say he was not. That is when the biomechanical experts get involved, which I believe is junk science. These experts are trying to predict what the injuries would or would not have been. I have to argue with your underlying premise that it is the truth or not the truth that someone was wearing a seat belt. Oftentimes that is contested.

**Assemblyman Nelson:**

The bill says that not wearing a seat belt may be considered. So it is still up to the jury to make that consideration. Is that correct?

**Bill Bradley:**

I believe that is correct.

**Assemblyman Nelson:**

Then you would get into the whole *Daubert* arguments?

**Bill Bradley:**

In a state court, it is *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923), and in federal court, *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993). The other difficulty is most of these cases are going to be a passenger against the insurance company for a taxicab. Those insurance companies can hire a team of biomechanical engineers. The insurance companies have built that into the cost of doing business. In every single case, a competing biomechanical engineer has to be hired for the plaintiff. This puts a significant burden on the plaintiff and drives up the cost of that case. It makes it more difficult for that person to get their day in court.

**Assemblyman Nelson:**

What about the argument of passengers who may not want to reach down into the seat for the seat belt because who knows what could be there. There could be a needle or something else. Does that come up occasionally?

**Bill Bradley:**

It does. I am not going to stick my hand down a seat for a seat belt because of that exact concern. I can tell you what the other side says about that if you would like me to proceed. The proponents of this bill indicate that when the cab driver leaves the yard, he is required to make sure the seat belts are accessible. However, over the next 8- to 12-hour shift, that seat belt may become inaccessible, and that is where we have problems with this bill. I think it is a legitimate argument.

Another argument has to do with the Taxicab Authority's [Department of Business and Industry] requirement that a taxicab accept every passenger. We have always wondered, if a taxicab driver notices that the passenger is not wearing a seat belt, will he tell the passenger he cannot transport him unless he is wearing a seat belt. Due to the Taxicab Authority's requirements, the taxicab driver is not allowed to request that of the passenger. We have never understood why the Taxicab Authority mandates that the driver accepts all passengers unless the driver's personal safety is at risk. We agree with you that the idea of an inaccessible seat belt prevents a passenger from carrying out his duty, and it makes it unfair to the passenger.

**Assemblyman Araujo:**

Do you know if there is any data that shows the implementation of such a policy in other states has increased the use of seat belts?

**Bill Bradley:**

I do not.

**Assemblyman Gardner:**

It is my understanding that by allowing it to be considered as negligent in a taxicab, it will make it the same standard as any other person driving a car. I know it is a common carrier but is that correct?

**Bill Bradley:**

I am not sure I understand your question.

**Assemblyman Gardner:**

If I am a private citizen driving someone in my car and he is not wearing a seat belt, I believe the insurance company can bring a biomechanical expert to talk about what would have happened if he was not wearing a seat belt. I believe that negligence is currently for private vehicles. Is that correct?

**Bill Bradley:**

That is not correct.

**Assemblyman Gardner:**

So in that case, what would be the standard? Say I am driving and the person sitting next to me is not wearing a seat belt, and we get into an accident. What would the effect of that be?

**Bill Bradley:**

You are both on the same standard now. As a private person acting reasonably and not charging to transport someone, it is a duty of reasonable care. That is our point. In that situation, it is the reasonable care of the driver and the passenger. But in a common carrier, because of that higher duty, now you are comparing the highest duty of a common carrier to the reasonable duty of the passenger. Those are conflicting duties and that is what concerns us.

**Chairman Hansen:**

Is there anyone else wishing to testify in opposition? Seeing no one, is there anyone in the neutral position? [There was no one.] Assemblyman Wheeler, you may present a quick rebuttal.

**Assemblyman Wheeler:**

When I was on this Committee at the beginning of the session, I remember the Nevada Justice Association coming in and saying all things should be considered by the jury. It was an insurance bill we were discussing. It is a double standard in regard to what we are seeing right now. All taxicabs have signs, some in multiple languages, stating it is a Nevada law that you must wear a seat belt. This bill just says that the jury may consider it. As far as sticking your hand down a seat, I probably would not do that either. However, that would be considered by the jury as well.

What I want you to know more than anything is that I was actually going to add an amendment to the bill, in response to Assemblyman Gardner's question, that said it was for all personal vehicles as well. I was asked by the Nevada Justice Association not to add that amendment and in return they would not have any opposition testimony for this bill. I was lied to, and I want to get that on the record.

**Chairman Hansen:**

We will now close the hearing on S.B. 304 (R1). Unfortunately, we are not going to do the work session at this time. We will meet again at 4 p.m. There may be some bills added or subtracted before then. We will try to keep it posted as things change. I will now open the hearing to public comment. Seeing no one, this meeting is in recess [at 9:20 a.m.].

The Committee will now reconvene [at 4:09 p.m.]. We will start the work session with Senate Bill 134.

**Senate Bill 134: Makes various changes relating to the provision of a bond in certain civil actions. (BDR 2-948)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 134 is sponsored by Senator Roberson and was heard in this Committee on March 12, 2015. This bill limits the amount of a bond that an appellant must pay to secure a stay of execution of certain judgments to \$50 million or the amount of the judgment, whichever is less. If the appellant is a small business as defined under the federal Small Business Act, the bond amount is limited to \$1 million or the amount of the judgment, whichever is less. A court may, for good cause shown, set the bond at an amount less than the amount otherwise required by law ([Exhibit C](#)).



**Chairman Hansen:**

I will entertain a motion on S.B. 134.

ASSEMBLYMAN GARDNER MOVED TO DO PASS  
SENATE BILL 134.

ASSEMBLYMAN TROWBRIDGE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN NELSON AND  
THOMPSON WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Gardner. Next we will hear  
Senate Bill 154 (1st Reprint).

**Senate Bill 154 (1st Reprint): Revises provisions relating to common-interest  
communities. (BDR 10-725)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 154 (1st Reprint) is sponsored by Senators Harris, Hardy, Roberson,  
Farley, Goicoechea and was heard in Committee on April 28, 2015. This bill  
requires the Commission for Common-Interest Communities and Condominium  
Hotels to adopt regulations establishing the qualifications necessary for  
a community manager to renew his or her certificate ([Exhibit D](#)).

**Chairman Hansen:**

I will entertain a motion on S.B. 154 (R1).

ASSEMBLYMAN GARDNER MOVED TO DO PASS  
SENATE BILL 154 (1ST REPRINT).

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS  
ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Trowbridge. Next we will hear  
Senate Bill 239.

**Senate Bill 239: Revises provisions relating to real property. (BDR 9-970)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 239 is sponsored by Senator Roberson and was heard in Committee  
on May 5, 2015. The bill provides a mechanism whereby a lender, upon written

request from a title agent, title insurer, or escrow agency, can, with proper notice to a borrower, terminate a home equity line of credit and ensure that any money paid by or on the borrower's behalf after the termination will be credited to the home equity line or a related deed of trust until it is paid in full. [Continued to read from work session document ([Exhibit E](#)).]

Rocky Finseth, Nevada Land Title Association, proposed an amendment providing for the termination of a revolving line of credit secured by a mortgage or deed of trust if a written request is received from an authorized person.

**Chairman Hansen:**

I will entertain a motion.

ASSEMBLYMAN ARAUJO MOVED TO AMEND AND DO PASS  
SENATE BILL 239.

ASSEMBLYMAN JONES SECONDED THE MOTION.

**Assemblyman Nelson:**

I would like to propose an amendment to take out two words: "equitable relief." My reasoning is if you look at section 2, subsection 5, it states that the trustee agrees to be bound by any court decision regarding the deed of trust. I think that is inconsistent with the language that carves out equitable relief.

**Chairman Hansen:**

Mr. Finseth has stated that this is a friendly amendment, so we will add that conceptual amendment.

**Assemblywoman Diaz:**

For clarification, the motion is to amend and do pass with three amendments?

**Assemblyman Ohrenschall:**

For clarification, Assemblyman Nelson is wanting to delete "equitable relief," and that is the only change to the original text of the bill?

**Assemblyman Nelson:**

Yes.

**Assemblyman Ohrenschall:**

I will support this out of Committee, but reserve my right to change my vote on the floor.

**Chairman Hansen:**

Are there any other comments? Seeing none, we will vote on S.B. 239.

THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS  
ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Nelson. We will now hear Senate Bill 160 (1st Reprint).

**Senate Bill 160 (1st Reprint):** Enacts provisions governing the liability of owners, lessees or occupants of any premises for injuries to trespassers. (BDR 3-939)

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 160 (1st Reprint) is sponsored by Senator Roberson and was heard in Committee on April 30, 2015. The bill provides that an owner, lessee, or occupant of any premises does not owe a duty of care and is not liable for physical harm to a trespasser with certain exceptions. There is an amendment that was sponsored by the Nevada Resort Association prohibiting Building, Antennae, Span, and Earth (BASE) jumping unless explicitly permitted in advance. A person who violates this prohibition is considered a trespasser and guilty of a category E felony ([Exhibit F](#)).

**Chairman Hansen:**

I was approached about another amendment regarding obstacles being thrown off of a building with a parachute. I suggest that we add that on the floor in an effort to not confuse this issue any further. I will entertain a motion.

ASSEMBLYMAN JONES MOVED TO AMEND AND DO PASS  
SENATE BILL 160 (1ST REPRINT).

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

**Assemblywoman Diaz:**

I will support this out of Committee, but I reserve my right to change my vote.

**Assemblyman Elliot T. Anderson:**

I thought the Nevada Resort Association had said they were going to strike "or object" from the amendment. That has not been updated in the work session document ([Exhibit F](#)).

**Chairman Hansen:**

I thought that was something they were adding in.

**Diane Thornton:**

The amendment has been corrected to remove "or object."

**Chairman Hansen:**

We will now vote on S.B. 160 (R1).

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Fiore. Next we will hear Senate Bill 161 (1st Reprint).

**Senate Bill 161 (1st Reprint): Revises provisions governing product liability.  
(BDR 3-949)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 161 (1st Reprint) is sponsored by Senator Roberson and was heard in Committee on April 30, 2015. The bill prohibits the filing or maintenance of a product liability action against a seller who is not the manufacturer of the product and lays out specific circumstances under which such a seller is not immune from liability ([Exhibit G](#)).

**Chairman Hansen:**

I will entertain a motion.

ASSEMBLYMAN O'NEILL MADE A MOTION TO DO PASS  
SENATE BILL 161 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

**Assemblyman Ohrenschall:**

I do think we want balance in tort law, but I am worried that this amendment to the statute goes too far. You just have to pick up the newspaper to read about toys coming from overseas that have lead in them, or lumber with formaldehyde that people are building their homes with. It is worrisome to consumers who purchase these items in good faith. I am just concerned that this goes too far towards protecting the wrongdoer and not towards making the victim whole. I am voting no.

**Assemblyman Elliot T. Anderson:**

I have similar concerns. Additionally, I feel this is a big change from current law and I am not comfortable with it. I will be voting no.

**Assemblywoman Diaz:**

I have similar sentiments as both Assemblymen Anderson and Ohrenschall.

**Assemblyman Araujo:**

Ditto.

**Chairman Hansen:**

We will now vote on S.B. 161 (R1).

THE MOTION PASSED. (ASSEMBLYMEN ELLIOTT T. ANDERSON, ARAUJO, DIAZ, OHRENSCHALL, AND THOMPSON VOTED NO.)

I will assign the floor statement to Assemblyman O'Neill. Next we will hear Senate Bill 175 (1st Reprint).

**Senate Bill 175 (1st Reprint): Makes various changes relating to public safety. (BDR 15-515)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 175 (1st Reprint) is sponsored by Senators Roberson, Lipparelli, Hammond, Brower, Settelmeyer, and Assemblymen Hambrick, Wheeler, and Shelton, et al. This bill was heard in this Committee on April 23, 2015. The bill revises the definition of "justifiable homicide." It also establishes a rebuttable presumption that a person asserting justifiable homicide acted under the fears of a reasonable person and not in a spirit of revenge. Under this measure, a person who has been convicted of a misdemeanor crime of domestic violence, as defined in federal law, is prohibited from owning, or having possession, custody, or control of, any firearm. Similarly, anyone against whom a court has issued an extended order for protection against domestic violence may not purchase or otherwise obtain a firearm during the time the order is in effect. A violation of these provisions is a category B felony. [Continued to read from work session document ([Exhibit H](#)).]

Robert Roshak, Nevada Sheriffs' and Chiefs' Association, proposed an amendment removing the requirement for the Nevada Sheriffs' and Chiefs' Association to agree with the list of recognized states provided by the Department of Public Safety.

Assemblyman Hansen proposed an amendment to amend the bill to include the language from Assembly Bill 148. The amendment authorizes a person who has a concealed firearm permit to carry a firearm capable of being concealed on the

property of the Nevada System of Higher Education. In addition, a person who has a concealed firearm permit is authorized to carry a concealed firearm in the nonsecure public areas of an airport.

**Chairman Hansen:**

I will entertain a motion on S.B. 175 (R1).

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS  
SENATE BILL 175 (1ST REPRINT).

ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

**Assemblyman Elliot T. Anderson:**

I have concerns with the language and because of the airport provision still being in this bill, I will be a no.

**Chairman Hansen:**

Actually, we are taking the airport portion out.

**Assemblyman Thompson:**

I will also be a no vote. Adding the components about the campus carry are concerns that I have with safety.

**Assemblyman Ohrenschall:**

I would like clarification on the amendment from the Nevada Sheriffs' and Chiefs' Association. Does it say there will be complete reciprocity with every state? There will not be the requirement that the state's permit to carry a concealed weapon (CCW) match our requirements?

**Robert Roshak, representing Nevada Sheriffs' and Chiefs' Association:**

Currently, when the Department of Public Safety does their audit of the other 49 states, they submit it to the Nevada Sheriffs' and Chiefs' Association for approval. Because this bill changes the method of their audit, where they specifically look at if the other states have a training component and a 24/7 database to access, there is nothing for the Sheriffs' and Chiefs' Association to approve. When the Department of Public Safety audits the 49 states, they may want to approve a state where permits are renewed every seven years and ours is every five years, and we would debate that in a meeting. This bill removes all of the debates out of what we normally do.

**Assemblyman Ohrenschall:**

Just to be clear, this amendment will not allow Nevada to recognize CCW permits in states that do not have a live fire requirement, or do not meet or exceed our requirements. I think the current system is a good one where we grant reciprocity to states that meet our requirements.

**Robert Roshak:**

This amendment does not change that process.

**Assemblywoman Diaz:**

I would like further clarification on the motion. This says that you and Assemblywoman Fiore will be amending certain language. It would be helpful to know what that language is.

**Chairman Hansen:**

It will be easier to tell you what we are taking out. In a nutshell, the portions that required airports to allow CCWs and the portions about public buildings where we were concerned about adding metal detectors have been removed.

**Brad Wilkinson, Committee Counsel:**

Section 3 of the bill essentially authorizes campus carry. That is going in as well as the provision that relates to keeping a firearm in a vehicle in a parking lot. The parts being deleted are the authorization of CCWs in secure areas of a public airport and the provision that would require a public building to have both a sign and a metal detector at each public entrance in order to prohibit someone from having a concealed firearm.

**Assemblywoman Diaz:**

It has been a while since we last heard Assembly Bill 148 and the specifics of it. I wanted to make sure I understood what is going to be amended into this bill.

**Assemblyman Araujo:**

I would like to go on the record and express how unfortunate it is that we are bringing back this issue. I thought during the hearing that we heard loud and clear from the students and administrators voicing their opposition to having guns in their school. I would hope that this Committee would vote against this measure. At a certain point, we have to listen to the students in Nevada. They are the ones in that environment and have to live with our decisions. I will be voting a firm no.

**Assemblyman Ohrenschall:**

The portions of A.B. 148 that you are proposing to amend into this bill regarding the campus carry, those are only the portions applicable to facilities of the Nevada System of Higher Education (NSHE), not to any other schools, correct?

**Brad Wilkinson:**

The portion of the parking lot carry also applies to private or public schools or child care facilities. In terms of the campus carry portion, it applies only to NSHE.

**Assemblyman Ohrenschall:**

The parking lot carry deals with the weapon being in a safe in the trunk of a car, correct?

**Brad Wilkinson:**

That is correct.

**Assemblyman Nelson:**

This bill addresses motor vehicle several times. The term "motor vehicle" is defined as every vehicle which is self-propelled. I do not know how you can occupy a motorcycle. That is an issue I would like to discuss with the stakeholders next week.

**Chairman Hansen:**

We will now vote on S.B. 175 (R1).

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON, ARAUJO, DIAZ, AND THOMPSON VOTED NO.)

I will assign the floor statement to Assemblywoman Fiore. Next we will hear Senate Bill 192 (1st Reprint).

**Senate Bill 192 (1st Reprint): Revises provisions relating to sexual conduct between certain persons. (BDR 14-731)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 192 (1st Reprint) is sponsored by Senators Harris, Brower, Roberson, and Farley, and Assemblyman Hambrick. This bill provides that sexual conduct between certain employees of a school or volunteers at a school and a pupil or sexual conduct between certain employees of a college or university and a student constitute sex offenses. [Continued to read from work session document ([Exhibit I](#)).]



Assemblyman Hansen proposed an amendment to change in the bill the age from a person 18 years of age or less to include all secondary school students regardless of age. Senator Harris agreed to Assemblyman O'Neill's request to be added as a sponsor of the bill.

**Chairman Hansen:**

I will entertain a motion for S.B. 192 (R1).

ASSEMBLYMAN O'NEILL MOVED TO AMEND AND DO PASS  
SENATE BILL 192 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

**Assemblyman Elliot T. Anderson:**

I will be voting yes on this bill. I would like to express my disappointment that we could not get the American Civil Liberties Union's five-year differential amendment added.

**Assemblyman Gardner:**

I am very happy to vote for this bill to protect our kids in our schools.

**Assemblyman O'Neill:**

We have tried to pass this bill since 2005. I proposed it when I was working for the state in the sex offender unit. This is a great bill, and I would like to thank everyone for voting in favor of it.

**Assemblyman Ohrenschall:**

I admire the goals of this bill and the intent of the bill. I had some good discussions with Senator Harris, and I think there is room to fix this bill. However, as written, you could have an 18-year-old who is a star wrestler, graduates from high school and comes back as a volunteer coach at his old high school. He works there for maybe half a school year, quits, and then meets an 18-year-old who has not graduated from high school. If they have an intimate relationship, that former, part-time wrestling coach who is having a consensual relationship will be subject to prosecution of a category B felony, and to lifetime registration as a sexual offender. He had no position of authority at the school, and there was no relationship at the school. That is an absurd result. I do not think that the Legislature wants to write statute that can have absurd results and will needlessly destroy people's lives. I think this bill can be fixed, but as it is, I have to vote no.

**Chairman Hansen:**

We will now vote on S.B. 192 (R1).

THE MOTION PASSED. (ASSEMBLYMAN OHRENSCHALL  
VOTED NO.)

I will assign the floor statement to Assemblyman O'Neill. Next we will hear Senate Bill 197 (1st Reprint).

**Senate Bill 197 (1st Reprint): Prohibits the filing of false or fraudulent liens or encumbrances against certain persons. (BDR 15-653)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 197 (1st Reprint) is sponsored by Senator Brower and was heard in this Committee on May 5, 2015. The bill prohibits the filing, registering, or recording of a fraudulent lien or other encumbrance against the property of a public officer, candidate for public office, mediator, public employee or participant in an official proceeding, or a member of the person's immediate family, and provides that any such lien filed against the real or personal property of any of the persons listed above is invalid. There are no amendments to this bill ([Exhibit J](#)).

**Chairman Hansen:**

I will entertain a motion on S.B. 197 (R1).

ASSEMBLYMAN GARDNER MADE A MOTION TO DO PASS  
SENATE BILL 197 (1ST REPRINT).

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

**Assemblyman Ohrenschall:**

I am voting no on this one. The current penalty is a category C felony; certainly the potential for prison time in a correctional facility if someone tries to record a false lien. I am concerned about increasing it to a category B. We have scarce resources, and we need to save prison space for violent criminals. I do not think this is a proper use of our state's resources. There is some language in the bill regarding a lien obtained by judicial process that also concerns me.

**Assemblywoman Diaz:**

I agree with Assemblyman Ohrenschall that this bill is a little heavy-handed in the felony category. I will vote it out of Committee, but I reserve my right to change my vote on the floor.

**Assemblyman Thompson:**

During the hearing, I questioned why we would increase the level of the felony. I will also vote it out of Committee but reserve my right to change my vote on the floor.

**Assemblyman Elliot T. Anderson:**

I ditto Assemblymen Thompson and Diaz.

**Assemblyman Araujo:**

Ditto, and reserve my right to change my vote on the floor.

**Chairman Hansen:**

We will now vote on S.B. 197 (R1).

THE MOTION PASSED. (ASSEMBLYMAN OHRENSCHALL VOTED NO.)

I will assign the floor statement to Assemblyman Nelson. Next we will hear Senate Bill 225 (1st Reprint).

**Senate Bill 225 (1st Reprint): Revises provisions relating to the sale and distribution of tobacco products, vapor products and alternative nicotine products. (BDR 15-796)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 225 (1st Reprint) is sponsored by Senators Farley, Hardy, Harris, Gustavson, and Atkinson and was heard in Committee on May 1, 2015. The bill adds vapor products and alternative nicotine products to the list of tobacco or nicotine-related products that cannot be sold to a person under the age of 18. Michael Hackett representing the Nevada Tobacco Prevention Coalition has proposed an amendment changing the definition of "vapor product" by including aerosol and deleting nicotine ([Exhibit K](#)).

**Chairman Hansen:**

I will entertain a motion to amend and do pass S.B. 225 (R1).

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS  
SENATE BILL 225 (1ST REPRINT).

ASSEMBLYMAN TROWBRIDGE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Seaman. Next we will hear Senate Bill 245 (1st Reprint).

**Senate Bill 245 (1st Reprint): Revises provisions concerning drivers of vehicles involved in accidents resulting in bodily injury to or the death of a person. (BDR 43-558)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 245 (1st Reprint) is sponsored by the Senate Committee on Transportation and was heard in this Committee on May 4, 2015. The bill increases the maximum term of imprisonment for a person who leaves the scene of an accident that results in bodily injury to or the death of a person from 15 years to 20 years. The bill also prohibits a prosecuting attorney from dismissing a charge against a person who leaves the scene of such an accident in exchange for certain pleas to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. In addition, the sentence of a person convicted of such a crime may not be suspended nor may probation be granted ([Exhibit L](#)).

**Chairman Hansen:**

I will entertain a motion to do pass S.B. 245 (R1).

ASSEMBLYMAN JONES MADE A MOTION TO DO PASS  
SENATE BILL 245 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

**Assemblyman Jones:**

I am very enthusiastic about the intent of this bill to take away the incentive for those who are driving drunk to leave the scene of an accident, particularly when there is substantial bodily injury. I read in the newspaper where laborers have been hit on the side of the road and people just drive away. I think this is a very needed fix to a loophole. I do have a small concern that the net may be too broad in that there is no probation allowed if there is minor bodily injury.

**Assemblyman Elliot T. Anderson:**

I have expressed my concerns to the sponsor. Basically, my concern is that this is not tied to driving under the influence (DUI). I suggested having this nonprobationable sentencing guideline take effect for those having a conviction for DUI in the past seven years. I think that way you could provide notice to the person so everyone is crystal clear. I believe that the way this is written

could scare kids who maybe have done something stupid. Although they should stop, we should not dictate to the court that they have to go to jail when they maybe have not committed a DUI. I think kids get scared and they do stupid things. They do not have the life experience or education to always do the right thing. For those reasons, I regret that I am voting no.

**Assemblyman Gardner:**

I agree with Assemblyman Jones. I am also in support of this bill. I do think it is common sense to not give people incentive to leave the scene of an accident.

**Assemblyman Ohrenschall:**

The current penalty for leaving the scene of an accident where there is any bodily harm is a category B felony, one of our most severe felonies. I believe the penalty is 1 to 15 years in a state prison. This bill keeps it a category B felony, but increases it to 2 to 20 years and takes away the discretion from the judge at sentencing in terms of whether to grant probation or to send the person to prison. I could have supported the bill if there was a nexus to DUI with a prior conviction of a DUI in the last seven years. Then the person would be on notice that he must stay on the scene. The way this bill is written, I think people may get caught in this who have not been drinking, have not been using drugs, and do not have a criminal history, but had a panic attack, or did not realize they had hit anything. Now we are taking away discretion from the judge at sentencing, removing the option of probation. I cannot support this bill.

**Assemblywoman Seaman:**

As a hit-and-run survivor, twice, I would like to thank the sponsor for bringing forth this bill. It is just too easy for people to leave the scene of an accident with no consequences and no way of knowing if the person involved is injured.

**Assemblyman O'Neill:**

I want to respectfully submit to the attorneys on this Committee that it has been presented over and over again that what you are charged with and what you are found guilty of, 90 percent of cases are negotiated down. This bill is nothing but an emphasis for people to take responsibility for their actions. Having to hear that you have to have a DUI first before you can be responsible for your actions to me is criminal on our part. This is a good bill to get the message out that hit and runs are serious and the consequences are serious. The later actions by the attorneys and judges to plea down in negotiations are separate. I like the bill and I will be voting in favor of it.

**Assemblyman Elliot T. Anderson:**

Of course, I agree in concept with what Assemblyman O'Neill said, but I would submit that there are better ways to get information out about the seriousness of this crime. It is already a serious crime. It is a category B felony; the only thing higher is rape and murder in category A felonies. Also, you can do a public information campaign, which would be a lot more effective than passing this bill. I do not think that passing this bill and making the crime nonprobationable is going to have the same effect that a public information campaign would.

**Assemblyman O'Neill:**

Here is what the campaign would be. Have the person get arrested and charged. It will make the newspapers; there is the campaign, free of charge.

**Chairman Hansen:**

I need to correct a statement you made, Assemblyman O'Neill. As I recall, Mr. Yeager and Mr. Jones stated the plea bargaining is closer to 98 percent.

**Assemblywoman Diaz:**

While I agree with my colleagues that human life is precious and we should protect it as much as we can, I also think we have to be intelligent about how we go about seeking solutions for DUIs. I think this bill goes too far in making the assumption that the driver who is involved in a hit-and-run accident is intoxicated. I do not think that is the case. I agree with Assemblyman Jones that this is a little too broad. It is going to catch people in the net who should not be caught. If this was all about addressing the DUI issues, if there is something that shows a DUI in that person's history, and then he is involved in a hit and run, I think he should be slapped with a harsher penalty for again doing something he should not be doing. But when it is left wide open for anyone who is involved in a hit and run, we will be getting individuals caught in the net with unintended consequences. For that reason I am voting no.

**Chairman Hansen:**

The reality is there are situations where, for example, a teenager who drives away after running into a mailbox will be able to be plea-bargained to something much more reasonable. I think there is a reasonableness factor that sometimes gets overlooked. I will now call for a vote.

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON,  
ARAUJO, DIAZ, OHRENSCHALL, AND THOMPSON VOTED NO.)

I will assign the floor statement to Assemblyman O'Neill. Next we will hear Senate Bill 262 (1st Reprint).

**Senate Bill 262 (1st Reprint): Revises provisions relating to guardians.  
(BDR 13-643)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 262 (1st Reprint) is sponsored by Senators Harris, Farley, Denis, and Assemblymen Stewart, Nelson, and Silberkraus, and was heard in this Committee on May 7, 2015. The bill allows a nonresident of Nevada to be appointed as a guardian for an adult or minor ward, and requires a court to give preference in appointing a guardian for an adult ward in order of a list of persons provided in the bill. This bill also authorizes a court to appoint two or more co-guardians and directs a court, with certain exceptions, to give preference for a guardianship to a person named in a will, trust, or other document executed as part of an estate plan.

The bill provides that a ward who cannot afford to pay for a private guardian is eligible to have a public guardian appointed. The bill also shortens, from once every year to once every six months, the requirement that a guardian provide a report on the finances and well-being of a ward. Additionally, S.B. 262 provides for the appointment of a public guardian for an incompetent adult who failed to nominate a guardian while he or she was still competent, or if the nominated person is not suited or is not willing to serve as a guardian ([Exhibit M](#)).

There are two new amendments: Andre Moses of the Eighth Judicial District Court proposes to amend sections 1 and 2.5 to require only annual reports to the court regarding the finances and well-being of a ward. The other amendment is from John Jones, representing the Clark County District Attorney's Office. He proposes to amend section 2.3 by including in the list of preferred guardians any other person seeking employment as a guardian for a minor that the court may consider as an appointment as a guardian for a minor.

**Chairman Hansen:**

All of the amendments are considered friendly to the sponsors. I will entertain a motion on S.B. 262 (R1).

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO AMEND AND  
DO PASS SENATE BILL 262 (1ST REPRINT).

ASSEMBLYMAN TROWBRIDGE SECONDED THE MOTION.

**Assemblyman Elliot T. Anderson:**

I spoke with Senator Harris and requested to be a bill sponsor, and she agreed.

**Assemblyman Ohrenschall:**

I spoke with Senator Harris regarding the language in section 1, subsection 8. The existing language in statute about qualifications of a guardian says that a person cannot be a guardian if they are suspended for misconduct or disbarred from the practice of law, practice of accounting, or any other profession which involves or may involve the management or sale of money, investments, securities, or real property, and requires licensure in this state or any other state during the period of the suspension or disbarment. However, the language in section 1, subsection 8 of the bill does not include "during the period of the suspension or disbarment." What could happen with this current language is you might have a young attorney who makes an error with a check and puts it in the general account instead of the client trust account and she receives a suspension. The way I read this, if you fast forward 30 years and the attorney's husband has dementia, she would be barred from ever being a guardian to her spouse because of that suspension. That is not Senator Harris' intent. I would ask the Committee to consider adding the language "during the period of the suspension or disbarment."

**Assemblyman Nelson:**

I agree 100 percent with Assemblyman Ohrenschall and would support that amendment.

**Chairman Hansen:**

As long as Senator Harris is in agreement, we will put that in as a conceptual amendment.

**Brad Wilkinson, Committee Counsel:**

As Assemblyman Ohrenschall stated it would be adding what is contained in *Nevada Revised Statutes* (NRS) 159.059.

**Chairman Hansen:**

With that, we will vote on S.B. 262 (R1).

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Nelson. Next we will hear Senate Bill 264 (1st Reprint).



**Senate Bill 264 (1st Reprint): Exempts spendthrift trusts from the application of the periods of limitation set forth in the Uniform Fraudulent Transfer Act. (BDR 10-780)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 264 (1st Reprint) is sponsored by Senators Lipparelli, Hardy, Harris, and Farley and was first heard in Committee on May 4, 2015. The bill clarifies that certain provisions of the Uniform Fraudulent Transfer Act regarding time limits applied to actions concerning certain fraudulent transfers do not apply to a claim for relief with respect to a transfer of property to a spendthrift trust ([Exhibit N](#)).

**Chairman Hansen:**

I will entertain a motion to do pass S.B. 264 (R1).

ASSEMBLYMAN OHRENSCHALL MADE A MOTION TO DO PASS  
SENATE BILL 264 (1ST REPRINT).

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

**Assemblyman Elliot T. Anderson:**

I expressed some concerns at the hearing, but I had a chance to read the case that was mentioned and I definitely think that the California court misapplied our law. Under *Nevada Revised Statutes* (NRS) Chapter 166, we have a specific statute of limitations that applies to that chapter. Under NRS Chapter 112, there is a more general statute of limitations. In my opinion, it would not make sense for us to put the specific statute of limitations in NRS Chapter 166 if we meant for the NRS Chapter 112 general statute of limitations for fraudulent transfers to apply. The bill clarifies the trust law, and I am supporting this bill.

**Chairman Hansen:**

We will now vote on S.B. 264 (R1).

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Ohrenschall. Next we will hear Senate Bill 294 (1st Reprint).

**Senate Bill 294 (1st Reprint):** Expands authorization for certain offenders to have access to telecommunications devices under certain circumstances. (BDR 16-282)

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 294 (1st Reprint) is sponsored by Senators Parks, Ford, and Kihuen and was heard in Committee on April 23, 2015. The bill allows the Department of Corrections to enter into a contract with an offender granting the offender use of telecommunication devices for the purposes of employment and education ([Exhibit O](#)).

**Chairman Hansen:**

I will entertain a motion to do pass S.B. 294 (R1).

ASSEMBLYWOMAN DIAZ MADE A MOTION TO DO PASS  
SENATE BILL 294 (1ST REPRINT).

ASSEMBLYMAN JONES SECONDED THE MOTION.

**Assemblyman Thompson:**

I want to thank the sponsors for this bill because this has always been an obstacle and deterrent for people who are trying to make themselves better upon discharge. I fully support this bill.

**Assemblyman Jones:**

I would like to state that as an employer of a number of people from the Casa Grande Transitional Housing Center, at times it can be difficult to reach someone there because they are not allowed to have communication devices. This would definitely be helpful, particularly when you are dealing with someone going to and from employment. I think this is a good bill.

**Chairman Hansen:**

I wonder how they are going to limit the use of the phone to what it is supposed to be used for. We will now vote on S.B. 294 (R1).

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Thompson. Next we will hear Senate Bill 306 (1st Reprint).

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

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 306 (1st Reprint) is sponsored by Senators Ford and Hammond and was heard in Committee on April 28, 2015. With your permission Chairman Hansen, I will not read through the work session document ([Exhibit P](#)).

**Chairman Hansen:**

We all know about this bill, and it has no amendments. I have met with the bill sponsors when we first heard this and they agreed that unless they could consent to an amendment, there would not be any. This bill will go forward exactly as it came out of the Senate. I will entertain a motion.

ASSEMBLYMAN TROWBRIDGE MADE A MOTION TO DO PASS  
SENATE BILL 306 (1ST REPRINT).

ASSEMBLYMAN NELSON SECONDED THE MOTION.

**Assemblywoman Seaman:**

Although I appreciate the hard work the sponsors did on this bill, its attempt to fix a serious problem does nothing more than sugarcoat it. The ability to foreclose on a property and extinguish a mortgage is incomprehensible and has led to unimaginable abuse. We always talk about the importance of passing bills to be in federal compliance, but have failed to do so in this situation. We are facing legal problems with the Federal Housing Finance Agency (FHFA), so without Senator Hammond's amendment, I will be a no.

**Assemblyman Gardner:**

I am in agreement with Assemblywoman Seaman. As long as we allow homeowners' associations to be able to extinguish a first mortgage, we are going to have lots of issues with federal lending. I would have liked to have seen Senator Hammond's amendment, but I will be voting yes.

**Assemblyman Elliot T. Anderson:**

I will also be supporting the measure. I want to compliment Senators Ford and Hammond on a lot of hard work. I know firsthand how difficult this issue is to get through. I often joke with colleagues who introduce this sort of bill that they must be brave. I do have a similar reservation as Assemblymen Gardner and Seaman. I am very worried about FHFA pushing down the hammer on us.

If 80 to 90 percent of our lending market stops getting funding and federal backing, we are in for a special session. With that being said, this bill moves the ball forward and it has several good notice provisions in it, which will help the situation.

**Chairman Hansen:**

Just so everyone knows, there are at least two other bills that are addressing those issues. It is my understanding that this has been being negotiated for over one and a half years. While no one is completely happy, I do not think we are done with the issue. We will now vote on S.B. 306 (R1).

THE MOTION PASSED. (ASSEMBLYWOMAN SEAMAN  
VOTED NO).

I will assign the floor statement to Assemblyman Trowbridge. We will move on to Senate Bill 329 (1st Reprint).

**Senate Bill 329 (1st Reprint):** Revises provisions relating to partnerships.  
(BDR 7-784)

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 329 (1st Reprint) is sponsored by Senators Lipparelli, Hammond, and Roberson and was heard in this Committee on May 6, 2015. This bill exempts a person from liability for the use of certain words or conduct relating to partnerships, joint ventures, or other similar relationships, if the words or conduct are used for the sole purpose of a business development undertaken by a corporation or limited-liability company ([Exhibit Q](#)).

**Chairman Hansen:**

I will entertain a motion on S.B. 329 (R1).

ASSEMBLYMAN JONES MADE A MOTION TO DO PASS  
SENATE BILL 329 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

Initially, I had some major concerns with this bill. I was strongly opposed to it. After having numerous discussions with all the lawyers around here, I came to the conclusion that this is a good bill.

**Assemblyman Araujo:**

I will be voting yes but want to reserve my right to change my vote on the floor. I still have questions regarding some vagueness of language.

**Assemblyman Nelson:**

I think this is an excellent bill. It is an esoteric area of law, and I would be happy to assist anyone who may have questions on it.

**Assemblyman Jones:**

I like this bill. It maintains the integrity of our corporations or legal entities by preventing what is called "piercing the corporate veil." I believe it will also help bring more investment and development to Nevada. I am enthusiastically in support of this bill.

**Assemblyman Elliot T. Anderson:**

I regret that I will be voting no on this bill. I think I know what the bill sponsors are trying to fix, but I think the language is too broad. I had thought there would be an amendment, and I hope we see some narrowing down of the language.

**Assemblywoman Diaz:**

I think the language is still too broad. The intent that was placed on the record does not match up with the language of the bill. For those reasons, I am a no vote.

**Assemblyman Ohrenschall:**

I am going to vote this out of Committee and reserve my right to change my vote on the floor.

**Assemblyman Thompson:**

I am a no as well. Hopefully there will be some type of happy medium between now and when we get to the floor, so I reserve my right to change my vote.

**Chairman Hansen:**

We will now vote on S.B. 329 (R1).

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON,  
DIAZ, AND THOMPSON VOTED NO.)

I will assign the floor statement to Assemblyman Nelson. We will now move on to Senate Bill 388 (1st Reprint).

**Senate Bill 388 (1st Reprint): Establishing additional fees for filing certain motions in a divorce action. (BDR 2-1046)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 388 (1st Reprint) is sponsored by Senator Manendo and was heard in Committee on May 6, 2015. This bill provides for the imposition of additional fees to be charged by a county clerk when a party to a jointly filed divorce action files for the first time a motion to modify or enforce a final order or an opposition, answer, or response to such a motion. Funds from these charges are to be used only for specific purposes that benefit the court, including, but not limited to, land acquisition, renovation or construction of court facilities, advanced technology acquisition, and establishing or supporting a civil family law self-help center ([Exhibit R](#)).

**Chairman Hansen:**

I will entertain a motion on S.B. 388 (R1).

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO DO PASS  
SENATE BILL 388 (1ST REPRINT).

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

**Assemblyman Jones:**

I am going to have to vote no on this as it violates my tax pledge.

**Assemblyman Nelson:**

I respect my colleagues who have signed a tax pledge. I do not actually think this should violate the tax pledge. When you file a contested divorce, there is a certain fee. When you file an uncontested divorce, it is a lower fee. All this bill is saying is that if you change the matter from an uncontested to a contested divorce, the fee goes up because there are so many more court resources used. I think it is a fair bill.

**Assemblywoman Fiore:**

This bill actually initiates a new fee of \$129 to the person who files the motion and another new fee of \$57. I will be an absolute no; divorces are expensive enough.

**Chairman Hansen:**

We will now vote on S.B. 388 (R1).

THE MOTION PASSED. (ASSEMBLYMEN FIORE, JONES, AND  
SEAMAN VOTED NO.

I will assign the floor statement to Assemblyman Araujo. We will move on to Senate Bill 395 (1st Reprint).

**Senate Bill 395 (1st Reprint): Revises provisions governing domestic relations. (BDR 11-530)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 395 (1st Reprint) is sponsored by Senators Kihuen, Parks, Manendo, Atkinson, and Ford and was heard in Committee on April 23, 2015. This bill authorizes a county whose population is 100,000 or more (currently Clark and Washoe Counties) to provide a space outside each office and branch office of the county clerk in which a commercial wedding chapel, a licensed business that operates principally for the performance of weddings in the county, or a church or religious organization, may place informational brochures for display. [Continued to read from work session document ([Exhibit S](#)).]

Alex Ortiz, Clark County, offered a friendly amendment to delete section 27 of the bill. Deleting the postjudgment language removes any potential conflicts with Assembly Bill 362. Assemblymen Nelson and Jones proposed an amendment requiring the county to participate in an open competitive bidding process.

**Chairman Hansen:**

I will entertain a motion on S.B. 395 (R1).

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS  
SENATE BILL 395 (1ST REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

**Assemblyman Trowbridge:**

The conceptual amendment submitted by Assemblymen Nelson and Jones regarding the competitive bidding process was referring to the use of the \$14 for the promotion of marriage tourism.

**Chairman Hansen:**

Is there a cap on the bidding process?

**Brad Wilkinson:**

I am not certain as to what requirements Clark County has for its bidding processes or if it has a threshold.

**Assemblyman Nelson:**

My understanding is that it is \$25,000 to go to this type of open bidding. If the promotion is done in-house, through the clerk's office, there is no minimum. If they hire an outside company, we wanted to ensure that it was done through an open bid.

**Chairman Hansen:**

I am completely in favor of that. I do not want any more no-bid contract situations. Assemblyman Trowbridge, you have spent many years in this area, do you think that is a reasonable cap?

**Assemblyman Trowbridge:**

I think going with the county standard is fine, which is higher than what the amendment proposes.

**Assemblywoman Diaz:**

I see the bill's sponsor here; I would like to hear from him which amendments are friendly.

**Chairman Hansen:**

Senator Kihuen, are you the bill's sponsor?

**Senator Ruben J. Kihuen, Senate District No. 10:**

I have not seen the second amendment. This is the first time I have heard about it. I do support the first amendment.

**Chairman Hansen:**

Basically, as this fund grows, we want to ensure there is a competitive bidding process and that it does not become a sweetheart deal where the contract is given to one person. Apparently, any bids over \$25,000 have to go to open bidding.

**Senator Kihuen:**

With a very quick conversation with Mr. Alex Ortiz, I believe there is already a cap that the county has in place. This language would not be necessary.

**Chairman Hansen:**

Perhaps the amendment may be redundant.

**Alex Ortiz, representing Clark County:**

Clark County currently has a fiscal directive that all departments must follow, which has outlined different dollar values requiring the departments to request



either informal written quotes, or at a certain level, complete a request for proposal (RFP) that must be approved by the Clark County Board of Commissioners. The level for an RFP is \$50,000 or above. We feel that we have this policy in place and that the amendment would be redundant.

**Chairman Hansen:**

I am going to take a two-minute recess and have the sponsor of S.B. 395 (R1) meet with Mr. Ortiz regarding the amendment. We are in recess [at 5:21 p.m.].

We will reconvene [at 5:36 p.m.]. Thank you for your patience. We had a meeting with Senator Kihuen and Mr. Ortiz and have come to an understanding. Mr. Ortiz will help clarify it for the record.

**Alex Ortiz:**

I would like to state for the record that Clark County will follow an open and transparent process pursuant to *Nevada Revised Statutes* Chapter 322 as it pertains to professional service contracts.

**Assemblyman Jones:**

I am in agreement with that, as long as it is on the record that we do want this open and transparent bidding and proposal process to be followed. When this money is created, it will be quite sizable considering the number of weddings that take place in Clark County. We need to ensure that no contracts are issued that could be considered a sweetheart deal. Also, this is a violation of my tax pledge, although I am encouraged by it, and I will be voting yes, but reserve my right to change my vote on the floor.

**Chairman Hansen:**

Thank you.

**Assemblywoman Diaz:**

Since the initial motion included both amendments, I think we need to rescind that motion.

**Chairman Hansen:**

Assemblyman Gardner, I would like to request that you withdraw your motion.

**Assemblyman Gardner:**

I withdraw the motion.

**Chairman Hansen:**

I will entertain a motion on S.B. 395 (R1), to include the original amendment.

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS  
SENATE BILL 395 (1ST REPRINT).

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

**Assemblywoman Fiore:**

I will be voting no. This is subverting former Governor Gibbons' Tax Restraint Initiative.

**Chairman Hansen:**

We will now vote on S.B. 395 (R1).

THE MOTION PASSED. (ASSEMBLYWOMAN FIORE VOTED NO.)

I will assign the floor statement to Assemblywoman Diaz. Next we will hear Senate Bill 442 (1st Reprint).

[Senate Bill 442 \(1st Reprint\)](#): Revises provisions governing arbitration.  
(BDR 3-1138)

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 442 (1st Reprint) is sponsored by the Senate Committee on Judiciary and was heard in this Committee on May 6, 2015. This bill requires a court to remove an arbitrator who fails to disclose to the involved parties any facts a reasonable person would consider likely to affect the arbitrator's impartiality in the proceeding, if an award has not yet been made. The bill also prohibits the consolidation of separate arbitration proceedings or other claims unless expressly agreed to by all parties ([Exhibit T](#)).

**Chairman Hansen:**

I will entertain a motion on S.B. 442 (R1).

ASSEMBLYWOMAN SEAMAN MADE A MOTION DO PASS  
SENATE BILL 442 (1ST REPRINT).

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

**Assemblyman Elliot T. Anderson:**

I am voting no at this time because I am not sure about the effect on consumers. I reserve my right to change my vote on the floor.

**Assemblyman Thompson:**

I am going to vote this out of Committee, but reserve my right to change my vote on the floor.

**Chairman Hansen:**

We will now vote on S.B. 442 (R1).

THE MOTION PASSED. (ASSEMBLYMAN ELLIOT T. ANDERSON  
VOTED NO.)

I will assign the floor statement to Assemblywoman Seaman. Next we will hear Senate Bill 443 (2nd Reprint).

**Senate Bill 443 (2nd Reprint): Revises provisions governing the acceptance of race book and sports pool wagers. (BDR 41-1135)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 443 (2nd Reprint) is sponsored by the Senate Committee on Judiciary and was heard in this Committee on April 27, 2015. The bill enables the Nevada Gaming Commission to adopt regulations on business entity race book and sports pool wagering as it deems appropriate and adds criminal penalties for the failure to disclose persons involved with a business entity's wagering ([Exhibit U](#)).

**Chairman Hansen:**

I will entertain a motion to do pass S.B. 443 (R2).

ASSEMBLYMAN JONES MADE A MOTION TO DO PASS  
SENATE BILL 443 (2ND REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Gardner. Next we will hear Senate Bill 445 (1st Reprint).

**Senate Bill 445 (1st Reprint): Revises provisions relating to race books and sports pools. (BDR 41-1134)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 445 (1st Reprint) is sponsored by the Senate Committee on Judiciary and was heard in this Committee on April 27, 2015. The bill requires the

Nevada Gaming Commission to adopt regulations governing the operation by a licensed race book or sports pool operator of a global risk management system through the use of communications technology between and among various jurisdictions ([Exhibit V](#)).

**Chairman Hansen:**

I will entertain a motion to do pass S.B. 445 (R1).

ASSEMBLYMAN GARDNER MADE A MOTION TO DO PASS  
SENATE BILL 445 (1ST REPRINT).

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Diaz. Next we will hear Senate Bill 446 (1st Reprint).

**Senate Bill 446 (1st Reprint):** Revises provisions relating to businesses.  
(BDR 7-1088)

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 446 (1st Reprint) is sponsored by the Senate Committee on Judiciary and was heard in this Committee on May 7, 2015. The bill establishes a framework for the ratification of certain corporate actions; clarifies the ability to establish various powers, designations, limitations, and restrictions for classes and series of stock; provides that stockholder meetings may be held remotely; revises incorporation language across *Nevada Revised Statutes* for consistency; eliminates the provision of effective dates for the formation of limited-liability companies and limited partnerships; and aligns the effect of a conversion with that of a merger ([Exhibit W](#)).

**Chairman Hansen:**

I will entertain a motion for S.B. 446 (R1).

ASSEMBLYMAN JONES MADE A MOTION TO DO PASS  
SENATE BILL 446 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Ohrenschall. Next we will hear Senate Bill 447 (1st Reprint).

**Senate Bill 447 (1st Reprint): Makes various changes relating to marijuana.  
(BDR 15-85)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 447 (1st Reprint) is sponsored by the Senate Committee on Judiciary and was heard in Committee on May 7, 2015. This bill makes it unlawful to counterfeit, forge, or possess with the intent to use a counterfeit or forged medical marijuana registry letter of approval intended for certain applicants who are under 10 years of age. In order to receive a letter of approval, a person's application must be approved by the Division of Public and Behavioral Health of the Department of Health and Human Services and the person's custodial parent or legal guardian must agree to serve as the person's primary caregiver, and the Division is required to issue the primary caregiver a registry identification card. [Continued to read from work session document ([Exhibit X](#)).]

Assemblyman Gardner proposed an amendment to change the date of implementation of a program to computer cross-check between the state of Nevada and other jurisdictions from April 1, 2016, to April 1, 2018.

Assemblyman Gardner proposed an amendment allowing a medical marijuana establishment to move to a new location under the jurisdiction of the same local government under certain circumstances.

Lynn Hettrick, Department of Agriculture, and Laura Freed, Division of Public and Behavioral Health, proposed an amendment allowing the two agencies to enter into an interlocal agreement, allowing legal immunity for certain employees handling cannabis for testing and pesticide regulation, clarifying laboratory testing.

Will Adler, Nevada Medical Marijuana Association, proposed an amendment defining "marijuana distributor" and requiring a license for such a distributor.

Jennifer Lazovich, Nevada Cannabis Coalition, proposed an amendment allowing pesticides that are permissible to be used in hops and Crop Group 19 (herbs and spices) to also be used on marijuana. In addition, the Nevada Department of Agriculture is required to create a list of pesticides that are allowed to be used on marijuana pursuant to the criteria established in this bill.

**Chairman Hansen:**

I have made sure that the Las Vegas Metropolitan Police Department (LVMPD) has agreed with the proposed amendments. I will entertain a motion on S.B. 447 (R1).

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS  
SENATE BILL 447 (1ST REPRINT).

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

**Assemblyman Ohrenschall:**

Pursuant to Rule No. 23 of the Assembly Resolution 1, I have to make a disclosure because we are considering S.B. 447 (R1), which makes changes to relating to marijuana and marijuana dispensaries. I advise this Committee that my wife lobbies on behalf of marijuana dispensary owners. Although this bill does not affect her clients any differently than any other dispensary owners, I am making this disclosure and am abstaining from voting on S.B. 447 (R1) out of an abundance of caution. I did not participate in the hearing on this bill when it was heard on May 7, 2015 in this Committee.

**Assemblyman Trowbridge:**

Amendment number four is proposing defining "marijuana distributor" and requiring a license for such distributors. It was mentioned to me that marijuana growers need to divulge in their application how they are going to get the product from the growth site to the distribution site. That is part of the application and should not be included in the definition of a distributor.

**Assemblyman Gardner:**

That is actually not part of the application process. Currently, there will be groups who will take marijuana from the cultivators to the dispensaries, and we want to ensure that the police know that it is being transported legally.

**Assemblyman Trowbridge:**

Will this require a new application and licensing fee?

**Assemblyman Gardner:**

This is separate from that. It will be under the license of someone who can sell marijuana, who will get a license from the distributor.

**Assemblyman Trowbridge:**

If the person running the retail store contracts with the grower, the grower could deliver the product to the store?

**Chairman Hansen:**

I think we should get an answer on that from our Committee Counsel.

**Brad Wilkinson, Committee Counsel:**

I would like to clarify that there is an application process provided in this amendment. There is, however, no fee requirement.

**Assemblyman Nelson:**

I will vote for this to get it out of Committee. I have spoken with a representative of the Nevada Cannabis Coalition, Jennifer Lazovich, and I want to make sure I understand the pesticide portion and I will speak with her again next week. I also want to state for the record that I think this type of legislation puts us in a very difficult position because the *Nevada Constitution* allows it but federal laws do not.

**Chairman Hansen:**

I want it on the record that I think marijuana is an illegal drug that no one should use. It is ironic that I am now in a position where I have to make regulations on something that I think should be completely illegal. I believe that Roundup is the best pesticide to use on marijuana.

**Assemblyman O'Neill:**

I spent several years working undercover and working narcotics, particularly confiscating tons of marijuana. It is very difficult for me to vote for this bill. I appreciate all that has been done as far as the regulations, but I would like to reserve my right to change my vote on the floor. I have friends who are on our memorial wall over this drug; it makes it difficult.

**Assemblyman Elliot T. Anderson:**

I respect everyone's concerns on this issue, but I think this is about providing regulation that stops the excesses that we are worried about. I think that is why LVMPD brought this bill.

**Chairman Hansen:**

We will now vote on S.B. 447 (R1).

THE MOTION PASSED. (ASSEMBLYMAN OHRENSCHALL  
ABSTAINED.)

I will assign the floor statement to Assemblyman Elliot T. Anderson. Now we will hear Senate Bill 453 (1st Reprint).

**Senate Bill 453 (1st Reprint): Revises provisions relating to real property.  
(BDR 3-1085)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 453 (1st Reprint) is sponsored by the Senate Committee on Judiciary and was heard in this Committee on May 1, 2015. The bill makes technical changes to eliminate duplications and provide for consistency in Nevada's laws governing the enforcement of loans secured by deeds of trust or mortgages on real property and related proceedings. This measure is the biennial omnibus "cleanup" bill submitted on behalf of the Real Property Law Section of the State Bar of Nevada and has been vetted by the Bar's Board of Governors ([Exhibit Y](#)).

**Chairman Hansen:**

I will entertain a motion on S.B. 453 (R1).

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO DO PASS  
SENATE BILL 453 (1ST REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Thompson. Next we will hear Senate Bill 464 (1st Reprint).

**Senate Bill 464 (1st Reprint): Revises provisions concerning criminal penalties  
for certain acts involving alcohol. (BDR 15-651)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 464 (1st Reprint) is sponsored by the Senate Committee on Judiciary on behalf of the Nevada Youth Legislature and was heard in this Committee on April 29, 2015. The bill exempts a person under 21 years of age from criminal liability for possession or consumption of alcohol if the person requests emergency medical assistance for himself, herself, or another person. The bill also prohibits the sale, purchase, possession, or use of powdered alcohol, and makes a violation of these provisions a misdemeanor ([Exhibit Z](#)).



**Chairman Hansen:**

I will entertain a motion on S.B. 464 (R1).

ASSEMBLYMAN THOMPSON MADE A MOTION TO DO PASS  
SENATE BILL 464 (1ST REPRINT).

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

**Assemblyman Gardner:**

I have some issues with banning powdered alcohol that is not for sale in the United States based on conjecture. I will vote to move the bill out of Committee, but I reserve my right to change my vote on the floor.

**Chairman Hansen:**

I share similar concerns.

**Assemblywoman Fiore:**

Is it possible to amend the powdered alcohol portion out? That is the only part of the bill I cannot support.

**Chairman Hansen:**

That is possible. You can propose a floor amendment perhaps. I think there are some legitimate arguments as to why powdered alcohol should be outlawed.

**Assemblyman Ohrenschall:**

I am going to vote the bill out of Committee but reserve my right to change my vote on the floor.

**Chairman Hansen:**

We will now vote on S.B. 464 (R1).

THE MOTION PASSED. (ASSEMBLYWOMAN FIORE VOTED NO.)

I will assign the floor statement to Assemblywoman Diaz. That completes the posted work session. There are two more bills: Senate Bill 444 (1st Reprint), which I was not going to hear, however, there have been some significant amendments that have been made in the last few hours. The other bill is Senate Bill 304 (1st Reprint), which we heard this morning. There is a proposed amendment on it also. We will recess so everyone can review the amendments and meet back here to vote. We are now in recess [at 5:59 p.m.]

**Chairman Hansen:**

We will reconvene [at 6:30 p.m.]. The first bill was not on the work session document, and was not going to be heard. With the added amendment, we will now hear Senate Bill 444 (1st Reprint).

**Senate Bill 444 (1st Reprint):** Revises provisions governing civil actions.  
(BDR 3-1137)

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 444 (1st Reprint) is sponsored by the Senate Committee on Judiciary and was heard in this Committee on April 24, 2015. The bill defines, in relation to Strategic Lawsuits Against Public Participation, or "SLAPP lawsuits," an issue of "public concern" as any topic that concerns the general public beyond a mere curiosity or general interest and provides that any cause of action arising out of communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern is subject to a special motion to dismiss. [Continued to read from work session document ([Exhibit AA](#)).]

An amendment was proposed by C. Todd Mason, Wynn Resorts.

**Chairman Hansen:**

I will entertain a motion on S.B. 444 (R1).

ASSEMBLYMAN TROWBRIDGE MOVED TO AMEND AND DO  
PASS SENATE BILL 444 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

**Assemblyman Elliot T. Anderson:**

I appreciate the parties working on my concerns. I am a strong guardian of the First Amendment and free speech principles. It appears to me that this amendment is reasonable and I will be voting for it but reserve my right to change my vote on the floor. I would like clarification if it is a reasonable showing before discovery is given to ensure that it is an objective standard rather than a subjective standard.

**Brad Wilkinson, Committee Counsel:**

Are you referring to the new language that addresses a showing by a party that information necessary to meet or oppose the burden in the possession of another party and is not reasonably available without discovery?

**Assemblyman Elliot T. Anderson:**

I just want to ensure that it is an objective showing, rather than a belief. I think that is what is meant by the language.

**Brad Wilkinson, Committee Counsel:**

I would agree. I think it is meant that the information is, in fact, necessary.

**Assemblyman Elliot T. Anderson:**

Thank you for that clarification.

**Chairman Hansen:**

Because this is conceptual, I spoke with both parties with a clear understanding that there will be an agreement by next week.

**Assemblywoman Diaz:**

Because I am not an attorney, I do need to seek other people's opinions, and I want to ensure this is something I can live with. I will vote it out of Committee but reserve my right to change my vote on the floor.

**Assemblyman Thompson:**

Ditto.

**Assemblyman Ohrenschall:**

I am going to reserve my right also. I do appreciate the parties working together. I had great concerns with the bill as originally written.

**Chairman Hansen:**

Anytime there are conceptual amendments, everyone has the right to change your vote from what you voted on in this Committee. We will now vote on S.B. 444 (R1).

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman O'Neill. The last bill we will hear is Senate Bill 304 (1st Reprint).

**Senate Bill 304 (1st Reprint): Revises provisions relating to the use of safety belts in taxicabs. (BDR 43-774)**

**Diane Thornton, Committee Policy Analyst:**

Senate Bill 304 (1st Reprint) is sponsored by Senator Roberson and was heard in this Committee on May 15, 2015. The bill expressly allows a violation of the

existing requirement to wear a safety belt while riding in a taxicab to be considered: (1) as negligence or as causation in any civil action or as negligent or reckless driving; and (2) as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale, or use of a product. There is a conceptual amendment to amend in Assembly Bill 7, which was originally sponsored by Assemblyman Hickey. It was the "pay to play" bill. The second amendment was Assemblyman Wheeler's request to be added as a sponsor of the bill ([Exhibit BB](#)).

**Chairman Hansen:**

I will entertain a motion on S.B. 304 (R1).

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS  
SENATE BILL 304 (1ST REPRINT).

ASSEMBLYMAN JONES SECONDED THE MOTION.

**Assemblyman Elliot T. Anderson:**

I originally voted for the language that was proposed in Assembly Bill 175, and I told the sponsor that I would vote for it if it stayed the same. However, obviously it is changing and I will be voting no. I also have some concerns about the germaneness of adding in Assembly Bill 7. It is my understanding that it is a different title and chapter. I hope our Committee Counsel could give us an explanation of why this is considered germane.

**Brad Wilkinson, Committee Counsel:**

I conferred with the Legislative Counsel Bureau as to whether this amendment is germane. Both bills pertain to motor vehicles and specifically civil actions involving motor vehicles and we felt it was a germane amendment under the rule.

**Assemblyman Nelson:**

I will vote to get this bill out of Committee. As you know, I voted against Assembly Bill 7, so I would like to reserve my right to change my vote on the floor.

**Assemblyman Ohrenschall:**

I voted no on both Assembly Bill 175 as originally written, and I voted no on Assembly Bill 7. The policy A.B. 7 seems to create is unfortunately misguided, and I do not think it is going to accomplish what it hopes to accomplish. What it will do is create two different classes of victims. John and Mary, who are next-door neighbors, both fall on hard times and skip a car insurance payment.

Both are then injured by a wrongdoer. If John is injured by a drunk driver, he will be entitled to a pain and suffering award. If Mary is injured by someone who is just being negligent, she will not be entitled to a pain and suffering award. I do not think that someone falling on hard times and not paying car insurance is going to think about that type of tort law consequence. I do not think this will accomplish the goal of getting more people to keep their car insurance paid up. There is a sign in the courthouses that says equal justice under law. Here we will have unequal justice for two very similarly situated victims who committed the same wrong of not paying their car insurance.

**Assemblyman Araujo:**

I want to say on the record that I did support A.B. 175, but due to the amendments, I will be voting no today.

**Assemblyman O'Neill:**

I would like to remind the Committee that some of the testimony on A.B. 7 was that gasoline is at \$3 per gallon. The cheapest car you can find is around \$600. You can get car insurance at about a buck a day. There is a stipulation that if your insurance lapses for 30 days, you are still covered. I think it is time we step up and say that people need to take responsibility for their actions. If they can afford gas and they can afford the car, the law is that they have to have car insurance. I will be voting for this bill.

**Assemblywoman Seaman:**

I would like to ditto Assemblyman O'Neill's comments.

**Chairman Hansen:**

We will now vote for S.B. 304 (R1).

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON,  
ARAUJO, DIAZ, OHRENSCHALL, AND THOMPSON VOTED NO.)

I will assign the floor statement to Assemblyman Jones. This closes the work session. I will now open the meeting up for public comment. [There was none.] This meeting is adjourned [at 6:41 p.m.].

RESPECTFULLY SUBMITTED:

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Nancy Davis  
Committee Secretary

APPROVED BY:

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Assemblyman Ira Hansen, Chairman

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Assembly Committee on Judiciary

**Date:** May 15, 2015

**Time of Meeting:** 9 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 134	C	Diane Thornton, Committee Policy Analyst	Work Session Document
S.B. 154 (R1)	D	Diane Thornton	Work Session Document
S.B. 239	E	Diane Thornton	Work Session Document
S.B. 160 (R1)	F	Diane Thornton	Work Session Document
S.B. 161 (R1)	G	Diane Thornton	Work Session Document
S.B. 175 (R1)	H	Diane Thornton	Work Session Document
S.B. 192 (R1)	I	Diane Thornton	Work Session Document
S.B. 197 (R1)	J	Diane Thornton	Work Session Document
S.B. 225 (R1)	K	Diane Thornton	Work Session Document
S.B. 245 (R1)	L	Diane Thornton	Work Session Document
S.B. 262 (R1)	M	Diane Thornton	Work Session Document
S.B. 264 (R1)	N	Diane Thornton	Work Session Document
S.B. 294 (R1)	O	Diane Thornton	Work Session Document
S.B. 306 (R1)	P	Diane Thornton	Work Session Document
S.B. 329 (R1)	Q	Diane Thornton	Work Session Document
S.B. 388 (R1)	R	Diane Thornton	Work Session Document

S.B. 395 (R1)	S	Diane Thornton	Work Session Document
S.B. 442 (R1)	T	Diane Thornton	Work Session Document
S.B. 443 (R2)	U	Diane Thornton	Work Session Document
S.B. 445 (R1)	V	Diane Thornton	Work Session Document
S.B. 446 (R1)	W	Diane Thornton	Work Session Document
S.B. 447 (R1)	X	Diane Thornton	Work Session Document
S.B. 453 (R1)	Y	Diane Thornton	Work Session Document
S.B. 464 (R1)	Z	Diane Thornton	Work Session Document
S.B. 444 (R1)	AA	Diane Thornton	Work Session Document
S.B. 304 (R1)	BB	Diane Thornton	Work Session Document