

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
February 20, 2015**

The Senate Committee on Judiciary was called to order by Chair Greg Brower at 1:08 p.m. on Friday, February 20, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Greg Brower, Chair
Senator Becky Harris, Vice Chair
Senator Michael Roberson
Senator Scott Hammond
Senator Ruben J. Kihuen
Senator Aaron D. Ford

COMMITTEE MEMBERS ABSENT:

Senator Tick Segerblom (Excused)

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Julia Barker, Committee Secretary
Lynette Jones, Committee Secretary

Chair Brower:

I will open the work session on Senate Bill (S.B.) 134.

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

Pat Guinan (Policy Analyst):

I will read the summary of the bill from the work session document ([Exhibit C](#)).

Chair Brower:

I understand Senator Ford has a proposed amendment for S.B. 134.

Senator Ford:

I will present my amendment to section 2, subsections 2, 3 and 4 of S.B. 134 ([Exhibit D](#)). I spoke to the bill sponsor and the amendments are not acceptable; however, I request the Committee hear the amendments.

I propose to amend section 2, subsection 2 to state if there is an insurance policy, the bond can be set at the limit of the insurance policy.

The proposed amendment to section 2, subsection 3 states if the plaintiff proves by a preponderance of evidence the financial condition of the appellant, who posted a bond pursuant to subsection 1 or subsection 2, has materially changed and it is unlikely the appellant can pay the amount of the judgment, or the appellant is dissipating, selling or diverting assets to evade payment of the judgment, the trial judge shall require the appellant to post a bond in an amount not to exceed the full amount of the judgment or the amount set forth in subsection 1. The court can use its discretion to include awards for punitive or exemplary damages.

The proposed amendment to section 2, subsection 4 relates to good cause shown in allowing a court to require a bond in excess of or below the provisions of subsections 1, 2 and 3. When determining if the bond should be in excess of the provisions of those subsections, the court may not consider any award of punitive or exemplary damages. In determining the adequacy of the bond, the court may consider the following: the amount of economic damages determined by a trier of fact; the amount of noneconomic damages determined by a trier of fact; whether the insurer for any defendant refused to accept a settlement offer made within the policy limit of the defendant; and the strength of the defendant's appeal including whether the appeal concerns legal issues that require a de novo review or a matter of first impression before the court.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 134.

SENATOR KIHUEN SECONDED THE MOTION.

Chair Brower:

I reviewed the proposed amendment and the Committee benefits from your experience in this area. I am not in favor of the amendment because it undermines the purpose of the bill. The bill accomplishes the goal as introduced and does not need an amendment.

THE MOTION FAILED. (SENATORS BROWER, HAMMOND, HARRIS AND ROBERSON VOTED NO.)

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SENATOR HARRIS MOVED TO DO PASS S.B. 134.

SENATOR HAMMOND SECONDED THE MOTION.

Senator Ford:

I understand the intent and importance of the bill. I will support the bill in its current form.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on S.B. 9.

SENATE BILL 9: Requires the Nevada Gaming Commission to adopt regulations relating to the development of technology in gaming. (BDR 41-61)

Mr. Guinan:

I will read the summary of the bill from the work session document ([Exhibit E](#)). There is a proposed amendment from the Association of Gaming Equipment Manufacturers.

Chair Brower:

This bill makes sense, especially with the proposed amendment.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED S.B. 9 WITH THE PROPOSED AMENDMENT BY THE ASSOCIATION OF GAMING EQUIPMENT MANUFACTURERS.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on S.B. 16.

SENATE BILL 16: Revises provisions governing presentence and general investigations and reports made by the Division of Parole and Probation of the Department of Public Safety. (BDR 14-469)

Mr. Guinan:

I will read the summary of the bill from the work session document ([Exhibit F](#)). During the first Committee hearing, we identified the need to rerefer the bill to the Senate Committee on Finance.

Chair Brower:

We discussed whether the State or the county is responsible for the payment of the reports. The bill should be rereferred to the Senate Committee on Finance without recommendation.

SENATOR ROBERSON MOVED WITHOUT RECOMMENDATION TO REREFER S.B. 16 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on S.B. 17.

SENATE BILL 17: Authorizes a deputy director of the Department of Corrections to accept employment as an instructor at an institution of higher education. (BDR 16-339)

Mr. Guinan:

I will read the summary of the bill from the work session document ([Exhibit G](#)). The Department of Corrections requests that the effective date would be upon passage instead of July 1.

Chair Brower:

Senator Harris, can you explain the purpose of Proposed Amendment 9651?

Senator Harris:

My proposed amendment refers to section 1, line 19 of the bill. The bill allows deputy directors of the Department of Corrections to teach on a part-time or adjunct basis for higher education institutions in Nevada. The bill amendment makes the intent clear.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 17 WITH PROPOSED AMENDMENT 9651 AND THE REQUEST
FROM THE DEPARTMENT OF CORRECTIONS TO CHANGE THE
EFFECTIVE DATE TO UPON PASSAGE AND APPROVAL.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on S.B. 36.

SENATE BILL 36: Revises provisions governing state business licenses.
(BDR 7-368)

Mr. Guinan:

I will read the summary of the bill from the work session document ([Exhibit H](#)).

Chair Brower:

The proposed amendment was previously discussed by the Committee.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 36 WITH THE PROPOSED AMENDMENT BY LEO DROZDOFF,
DIRECTOR, STATE DEPARTMENT OF CONSERVATION AND NATURAL
RESOURCES.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on S.B. 40.

SENATE BILL 40: Prohibits certain acts relating to wagering. (BDR 41-353)

Mr. Guinan:

I will read the summary of the bill from the work session document ([Exhibit I](#)).

SENATOR KIHUEN MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 40 WITH THE PROPOSED AMENDMENT BY THE STATE GAMING
CONTROL BOARD.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on S.B. 37.

SENATE BILL 37: Authorizes GPS tracking of parolees, probationers and certain
other offenders who are subject to electronic supervision. (BDR 14-354)

Mr. Guinan:

I will read the summary of the bill from the work session document ([Exhibit J](#)).

SENATOR HARRIS MOVED TO DO PASS S.B. 37.

SENATOR HAMMOND SECONDED THE MOTION.

Senator Ford:

I will support the bill, but I still have concerns. I want to ensure people will act in good faith as they utilize this technology. Abuse and misuse of GPS devices is possible, but I feel this route is appropriate.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on S.B. 96.

SENATE BILL 96: Revises provisions relating to prison industries. (BDR 16-281)

Mr. Guinan:

I will read the summary of the bill from the work session document ([Exhibit K](#)).

Chair Brower:

This bill makes sense.

SENATOR HARRIS MOVED TO DO PASS S.B. 96.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on S.B. 124.

SENATE BILL 124: Revises provisions governing gaming establishments.
(BDR 41-787)

Mr. Guinan:

I will read the summary of the bill from the work session document ([Exhibit L](#)).

Chair Brower:

This bill provides a necessary fix.

SENATOR HAMMOND MOVED TO DO PASS S.B. 124.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on S.B. 136.

SENATE BILL 136: Provides for the continuation of the diversion program that allows certain probation violators to receive treatment for alcohol or drug abuse or mental illness in lieu of revocation of probation. (BDR 14-162)

Mr. Guinan:

I will read the summary of the bill from the work session document ([Exhibit M](#)).

SENATOR HARRIS MOVED TO DO PASS S.B. 136.

SENATOR HAMMOND SECONDED THE MOTION.

Chair Brower:

This bill addresses a critical issue regarding offenders with mental health issues and drug and alcohol addiction. It makes sense to extend this program and allow it to work more effectively.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

There being no further business, the meeting is adjourned at 1:34 p.m.

RESPECTFULLY SUBMITTED:

Lynette Jones,
Committee Secretary

APPROVED BY:

Senator Greg Brower, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	2		Attendance Roster
S.B. 134	C	1	Patrick Guinan	Work Session Document
S.B. 134	D	1	Senator Aaron Ford	Proposed Amendment
S.B. 9	E	3	Patrick Guinan	Work Session Document
S.B. 16	F	1	Patrick Guinan	Work Session Document
S.B. 17	G	3	Patrick Guinan	Work Session Document
S.B. 36	H	3	Patrick Guinan	Work Session Document
S.B. 40	I	2	Patrick Guinan	Work Session Document
S.B. 37	J	1	Patrick Guinan	Work Session Document
S.B. 96	K	1	Patrick Guinan	Work Session Document
S.B. 124	L	1	Patrick Guinan	Work Session Document
S.B. 136	M	1	Patrick Guinan	Work Session Document