

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Eightieth Session  
May 16, 2019**

The Senate Committee on Judiciary was called to order by Chair Nicole J. Cannizzaro at 8:26 a.m. on Thursday, May 16, 2019, in Room 2135 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 Nicole J. Cannizzaro, Chair  
Senator Dallas Harris, Vice Chair  
Senator James Ohrenschall  
Senator Marilyn Dondero Loop  
Senator Melanie Scheible  
Senator Scott Hammond  
Senator Ira Hansen  
Senator Keith F. Pickard

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Committee Policy Analyst  
Nicolas Anthony, Committee Counsel  
Eileen Church, Committee Secretary

**OTHERS PRESENT:**

Chris Ferrari, Nevada Credit Union League  
Jamie Rodriguez, Washoe County  
Matt Walker

**CHAIR CANNIZZARO:**

I will open the work session of the Senate Committee on Judiciary with Assembly Bill (A.B.) 195.

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**ASSEMBLY BILL 195 (1st Reprint)**: Revises provisions governing crimes against property. (BDR 15-130)

PATRICK GUINAN (Committee Policy Analyst):  
Assembly Bill 195 was heard on May 7. The work session document ([Exhibit C](#)) summarizes the bill.

SENATOR HAMMOND MOVED TO DO PASS A.B. 195.

SENATOR PICKARD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:  
The next bill on the work session is A.B. 226.

**ASSEMBLY BILL 226 (1st Reprint)**: Prohibits any person from requiring or authorizing another person to undergo implantation of a microchip or other permanent identification marker under certain circumstances. (BDR 15-25)

MR. GUINAN:  
Assembly Bill 226 was heard on April 26. The work session document ([Exhibit D](#)) summarizes the bill.

CHAIR CANNIZZARO:  
We had a discussion during the hearing about voluntary microchips, and the amendment has a definition of voluntary and what this would apply to.

SENATOR SCHEIBLE:  
I am still not comfortable with the bill, and I do not think it addresses all the concerns for the community with disabilities. I will not be supporting the bill out of Committee.

SENATOR PICKARD:  
As I read through Proposed Amendment 5898, we have struck the portion about self-expression, use, diagnosis and monitoring. In section 1, subsection 2,

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the amendment states: "Shall not be construed to prohibit a natural person from voluntarily receiving a microchip implant." Does this bill allow for voluntary implantation?

NICOLAS ANTHONY (Committee Counsel):

Yes. Section 1, subsection 2 of the amendment, as presented to the Committee, would exempt voluntary transactions. If a person voluntarily chose to undergo a procedure or put it in themselves, they would not be subject to the bill. The bill only applies to unlawful acts where an employer, an officer or employee of this State or a person licensed in a bail bond business requires somebody to undergo a microchip.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 226.

SENATOR PICKARD SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR SCHEIBLE VOTED NO.)

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CHAIR CANNIZZARO:

The next bill on the work session is A.B. 285.

**ASSEMBLY BILL 285 (1st Reprint)**: Enacts provisions relating to a mental or physical examination of certain persons in a civil action. (BDR 4-1027)

MR. GUINAN:

Assembly Bill 285 was heard on May 6. The work session document ([Exhibit E](#)) summarizes the bill.

SENATOR SCHEIBLE:

I am concerned it does not provide a level playing field for the defense and plaintiff's counsel. I will support the bill out of Committee, but I have some concerns. I hope we can address them before we go to the Floor.

SENATOR HAMMOND:

I share the same concerns as Senator Scheible. I will be voting no in Committee, and if there are any changes, I may change my vote later on.

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SENATOR HANSEN:  
I will be voting no.

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 285.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HAMMOND AND HANSEN VOTED NO.)

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CHAIR CANNIZZARO:  
The next bill on the work session is A.B. 393.

**ASSEMBLY BILL 393 (1st Reprint)**: Providing protections to certain governmental and tribal employees and certain other persons during a government shutdown. (BDR 3-1015)

MR. GUINAN:  
Assembly Bill 393 was heard on May 6. The work session document ([Exhibit F](#)) summarizes the bill. There was a friendly amendment approved during discussions with Speaker Jason Frierson. There is a minor change to the amendment as it was included in the work session document. The amendment initially included two parts. One was to add a definition of household members similar to the definition as it appears elsewhere in statute. The second portion of the amendment was to remove language extending protections to landlords and government contractors, which is no longer a portion of the amendment. The motion which would meet the Speaker's approval would be to amend and do pass the bill adding a definition of household members similar to the definition as it appears elsewhere in statute.

SENATOR PICKARD:  
Do we know why the landlord portion was removed from the amendment?

CHRIS FERRARI (Nevada Credit Union League):  
There is a previous agreement with representatives from the real estate industry on the subject. Our amendment came later and the Speaker accepted the amendment on the household member.

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SENATOR PICKARD:

I will support the bill but reserve my right to change my vote on the Floor.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 393.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:

The next bill on the work session is A.B. 417.

[ASSEMBLY BILL 417 \(1st Reprint\)](#): Revises provisions governing the dissemination of certain records of criminal history to certain persons by the Central Repository for the Nevada Records of Criminal History. (BDR 14-714)

MR. GUINAN:

Assembly Bill 417 was heard on April 29. The work session document ([Exhibit G](#)) summarizes the bill. Assemblyman Steve Yeager proposed an amendment to the bill to become effective upon passage and approval.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED A.B. 417.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:

The next bill on the work session is A.B. 434.

[ASSEMBLY BILL 434 \(1st Reprint\)](#): Revises various provisions relating to offenses. (BDR 14-428)

MR. GUINAN:

Assembly Bill 434 was heard on May 10. The work session document ([Exhibit H](#)) summarizes the bill. Assemblyman Yeager's Proposed Amendment 5820 would delete section 1, as that language was already passed in A.B. 110; strike the term "district attorney" in section 8, subsection 6, paragraph (c), subparagraph (6) and replace it with "prosecutor"; provides payments will be applied to both moving and nonmoving traffic violations first, and then to nontraffic offenses; provide the presumption to reduce a violation from moving to nonmoving only applies if the person pays the entire amount of the fine and fees due; and adds language from section 1.7 regarding the failure to do community service to section 2, subsection 2.

**ASSEMBLY BILL 110**: Revises provisions relating to minor traffic and related violations. (BDR 43-427)

SENATOR PICKARD:

Do we know why we eliminated the ability to reduce those fines? We give the referee, who hears these, the discretion to reduce if there was good cause to do so, and the proposed amendment seems to eliminate that ability. Mr. Guinan said offenders have to pay all of the fines. Is that section 7, subsection 4?

CHAIR CANNIZZARO:

In the proposed amendment, section 7, subsection 4, there appears to be a provision pertaining to how the payments are applied. It would be applied in the particular manner set forth in the section above until it is paid in full. I do not read that as taking away—I would defer to Legal Counsel or Mr. Guinan if I am reading that incorrectly. I read it as when payments are made they should be applied in this particular format until they are paid in full; not that it requires someone to pay something in full and strips their ability to reduce those fines if there was good cause.

SENATOR PICKARD:

As long as we let the referee reduce the fines where good cause is shown, I am fine with it.

SENATOR PICKARD MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 434.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:

The next bill on the work session is A.B. 439.

**ASSEMBLY BILL 439 (1st Reprint)**: Revises provisions relating to the imposition of certain fees, costs and administrative assessments in juvenile proceedings. (BDR 5-1093)

MR. GUINAN:

Assembly Bill 439 was heard on May 10. The work session document ([Exhibit I](#)) summarizes the bill. There are two friendly amendments proposed to the bill from the Children's Advocacy Alliance and Washoe County.

SENATOR HARRIS:

Under section 1, subsection 4, the proposed amendment says, "The county shall pay the costs for the following medical care when a child does not have access to medical insurance." Is there a distinction between having access to medical insurance and actually having medical insurance? Theoretically, everyone has access to medical insurance, so there may be an issue where children who do not have medical insurance and need to be covered might be denied because theoretically they have access. Is that an actual concern, or are the two terms fairly synonymous?

MR. ANTHONY:

I interpret access to mean he or she has medical coverage. If the Committee should choose, we could further clarify it in an amendment.

SENATOR HARRIS:

That is my preference. I worry there is a theory out there that everyone has access, and that is different than actually having insurance. If the intent of the bill is to cover those who do not have insurance, I think we could state that more clearly.

SENATOR PICKARD:

In my practice, one of the factors we use in allocating costs for insurance has to do with access and expense. For example, 5 percent of a person's gross

monthly income is a threshold. If the cost of insurance is above the threshold, it would not be considered a reasonable cost for insurance.

SENATOR DONDERO LOOP:

Would it be possible for Washoe County to explain the amendment?

JAMIE RODRIGUEZ (Washoe County):

My understanding of working with the attorneys, if the parents do not qualify, but they are in our system, we have the ability to give them access through Medicaid. That is why we have it stipulated for the child, not the parents, having access.

SENATOR HARRIS:

This issue is not about parent versus child, it is about access to insurance versus having insurance. In my opinion, there is a significant difference between having access to insurance and whether you actually have insurance. I am looking to potentially remove the concept when the child does not have medical insurance instead of when the child does not have access to medical insurance. If the intent is to cover those who are not currently covered under an insurance plan, the umbrella of those having access to insurance is larger than those who actually have insurance.

Ms. RODRIGUEZ:

My understanding in talking to the district attorneys who helped us with this, the way it is written covers both when the parents have insurance as well as being able to separate the child from the parents and give the child access through our ability to sign them up through Medicaid. That is where the access part becomes different than just the parents already having medical insurance. The access for the child is what separates it and allows us to sign them up for Medicaid.

SENATOR HARRIS:

When you say access, do you mean coverage for the child? I do not know what the word access means. Everybody has access to insurance. Are you suggesting there is an issue when parents may have insurance but the child is not covered? Then we could say the child is not covered by any insurance plan.



SENATOR PICKARD:

This comes up on occasions in family law. Occasionally, when parents are from out of state and their insurance is geographically restricted and the child is here, they do not have access. Also, this allows for the courts to consider if the parents have insurance but are on a high-deductible plan, this would allow the State to obtain Medicaid coverage for the child. Sometimes the circumstances are such that the State is better off receiving Medicaid coverage than a weaker insurance plan and certainly in cases where the insurance actually does not apply in Nevada.

CHAIR CANNIZZARO:

It sounds like the intent is to say children either are currently covered under medical insurance or in cases where they may fall under the ability for the State to seek Medicaid coverage for them that would also be covered. My proposal would be to clarify this. In section 1, subsection 4, we could have a conceptual amendment that would delineate that so we are not using the word access but achieve the same outcome.

MS. RODRIGUEZ:

I get the intent, and there is probably a way for us to get there with a conceptual amendment clarifying whether the parents have insurance and the child is covered or whether the access is our ability to separate the child and cover them individually.

CHAIR CANNIZZARO:

After looking at a couple of definitions in current statute with Committee Counsel, my proposal would be to include a conceptual amendment to strike the words "have access" in section 1, subsection 4 of the proposed amendment provided by Washoe County and include a conceptual amendment which would include either being covered under a health insurance plan or being eligible for Medicaid. We can work on the language. I believe that is achieving what the intent from Washoe County would be and clarifies the idea of access versus actually having coverage.

I would accept a motion to amend and do pass. The motion to amend and do pass would be with both of the amendments submitted to the Committee as well as the conceptual amendment the Legislative Counsel Bureau's Legal Division would work through.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 439.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:

The next bill on the work session is A.B. 440.

**ASSEMBLY BILL 440 (1st Reprint)**: Revises provisions relating to construction.  
(BDR 54-1108)

MR. GUINAN:

Assembly Bill 440 was heard on May 8. The work session document ([Exhibit J](#)) summarizes the bill. Assemblywoman Sandra Jauregui offered Proposed Amendment 5870 which was considered when the bill was presented before the Committee. There is also a new change to the proposed amendment presented by Assemblywoman Jauregui ([Exhibit K](#)). In section 1, subsection 2, subparagraph (b), the change would strike reasonable expectations of the purchaser from the current language and instead add the requirements of *Nevada Revised Statutes* 624.3017.1, which relate to substandard workmanship. The remainder of the original amendment remains the same.

SENATOR PICKARD:

Do we require warranties on any other products made? I know it is standard practice to provide a builder's warranty.

CHAIR CANNIZZARO:

Legal Counsel has indicated there are implied warranties and warranties of merchantability for a number of goods and services, which is common.

SENATOR HARRIS:

I recall during the hearing there was a discussion on the term "completion of a written punch list." Was there any discussion on whether there was talk of adding the term "completion of the work" outlined on a punch list? I recall there

was some confusion about whether completion of the punch list was finishing the actual punch list itself or whether it was the completion of the work.

MATT WALKER:

The intent is the signature of the homeowner would trigger the completion. The regulatory body and the builders are of the understanding the completion would be triggered by the signature of the homeowner indicating it was all completed.

SENATOR HARRIS:

There is no signature by the owner prior to the work being completed? You submit the punch list and once you agree the punch list has been completed, you sign off.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 440.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANNIZZARO:

I will close the work session and adjourn this meeting at 9:03 a.m.

RESPECTFULLY SUBMITTED:

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Eileen Church,  
Committee Secretary

APPROVED BY:

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Senator Nicole J. Cannizzaro, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	2		Agenda
	B	2		Attendance Roster
A.B. 195	C	1	Patrick Guinan	Work Session Document
A.B. 226	D	3	Patrick Guinan	Work Session Document
A.B. 285	E	1	Patrick Guinan	Work Session Document
A.B. 393	F	2	Patrick Guinan	Work Session Document
A.B. 417	G	2	Patrick Guinan	Work Session Document
A.B. 434	H	13	Patrick Guinan	Work Session Document
A.B. 439	I	4	Patrick Guinan	Work Session Document
A.B. 440	J	5	Patrick Guinan	Work Session Document
A.B. 440	K	1	Assemblywoman Sandra Jauregui	Proposed Amendment