The

Journal of the Senate

OF THE

SEVENTY-SIXTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2011

BEGUN ON MONDAY, THE SEVENTH DAY OF FEBRUARY,
AND
ENDED ON MONDAY, THE SIXTH DAY OF JUNE

VOLUME 1

THE FIRST DAY—THE SIXTY-SEVENTH DAY

SEE VOLUME 7 FOR INDEX

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SENATE LEGISLATIVE CALENDAR

(The Senate actually met for a total of 72 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	February 7, 2011	1
2	February.8, 2011	94
3	February 9, 2011	96
4	February 10, 2011	98
8	February 14, 2011	103
10	February 16, 2011	107
11	February 17, 2011	115
12	February 18, 2011	123
15	February 21, 2011	125
16	February 22, 2011	129
17	February 23, 2011	141
18	February 24, 2011	147
22	February 28, 2011	151
23	March 1, 2011	154
24	March 2, 2011	159
25	March 3, 2011	162
29	March 7, 2011	183
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32	March 10, 2011	200
36	March 14, 2011	206
38	March 16, 2011	212
39	March 17, 2011	219
40	March 18, 2011	241
43	March 21, 2011	249
44	March 22, 2011	281
45	March 23, 2011	288
46	March 24, 2011	301
47	March 25, 2011	307
50	March 28, 2011	310
51	March 29, 2011	369
52	March 30, 2011	372
53	March 31, 2011	377
57	April 4, 2011	389
59	April 6, 2011	416
60	April 7, 2011	478
64	April 11, 2011	625
67	April 14, 2011	642
68	April 15, 2011	723
71	April 18, 2011	864
72	April 19, 2011	882
73	April 20, 2011	1042
75	April 22, 2011	1225
78	April 25, 2011	1613
79	April 26, 2011	1760

Calendar Day	*Date*	*Page Number*
80	April 27, 2011	2772
81	April 28, 2011	2814
85	May 2, 2011	2823
87	May 4, 2011	2832
90	May 7, 2011	2845
92	May 9, 2011	2869
93	May 10, 2011	2887
94	May 11, 2011	2944
96	May 13, 2011	2963
97	May 14, 2011	2967
99	May 16, 2011	3021
101	May 18, 2011	3064
102	May 19, 2011	3101
103	May 20, 2011	3157
106	May 23, 2011	3219
108	May 25, 2011	3332
109	May 26, 2011	3443
110	May 27, 2011	3629
111	May 28, 2011	3684
112	May 29, 2011	3795
113	May 30, 2011	4189
114	May 31, 2011	4412
115	June 1, 2011	4423
116	June 2, 2011	4455
117	June 3, 2011	4492
118	June 4, 2011	4841
119	June 5, 2011	5395
120	June 6, 2011	5789

LISTING OF SENATE BILLS AND ACTIONS THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

No. *Summary, Introducer and Page Reference*

1 ....Makes an appropriation to the Legislative Fund for the costs of the 76th Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Senators Horsford and McGinness, 25*, 94, 97.

2 ....Makes an appropriation to the State Distributive School Account to ensure that the amount of money expended per pupil meets or exceeds the national average. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Schneider, 59, 184, 2938, 5862.

3 ....Enacts provisions relating to energy efficiency, renewable energy and building construction. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneiderer, 59.

4 ....Revises provisions relating to renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider, 60.

5 ....Revises provisions governing the selection and summoning of grand jurors in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary, 7, 60, 94, 97, 100, 101*, 281, 300.

6 ....Authorizes the electronic reproduction of the seal of a court. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 60, 389, 418, 616, 617*, 3333, 3627.

7 ....Revises provisions governing the adoption of emergency regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener, 61, 159, 167, 186*, 3101, 3218.

8 ....Revises provisions governing payment for unused sick leave upon the retirement, termination in certain circumstances or death of certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 61, 724, 726.

9 ....Revises the functions and responsibilities of the Capitol Police Division of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 61, 104, 113, 121, 124, 126*.

10 ....Revises the process for approving an amendment to the license of certain medical facilities to add certain services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 61, 184, 625, 645, 647, 726, 866, 894, 1087, 1576, 1577*, 3333, 3627.

11 ....Directs the Legislative Commission to appoint a committee to conduct an interim study concerning the development of a new method for funding public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 61, 184, 5297, 5311, 5339, 5399*, 5923, 6548.

12 ....Repeals certain reporting requirements for the emission of greenhouse gases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 62, 206, 216, 237*, 3333, 3627.

13 ....Revises provisions relating to the collection and payment of certain fuel taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 62, 390, 420, 422, 617*, 3333, 3627.

14 ....Requires the State Board of Education to develop a model curriculum for English language arts and mathematics. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 62, 241, 260, 282, 294, 295*, 3065, 3156.

15 ....Requires the Department of Motor Vehicles to cancel the driver's license of a person convicted of driving under the influence of intoxicating liquor or a controlled substance under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 62, 865, 894, 895, 1087, 1577*, 3333, 3627.

16 ....Makes various changes relating to the establishment of prevailing wages. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 63.

17 ....Establishes provisions relating to the reissuance of certain drugs for certain animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener, 63, 108, 121, 124, 126, 127*, 3333, 3627.

No. *Summary, Introducer and Page Reference*

18 ....Revises provisions governing the State Contractors' Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 63, 108, 121, 124, 127*, 4459, 5147, 5150, 5788.

19 ....Requires an applicant for a contractor's license or a licensed contractor to notify the State Contractors' Board if the applicant or licensee is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 63, 108, 121, 124, 126, 138*, 4459, 5278, 5281, 5788.

20 ....Requires insurers to provide certain information to survivors and dependents of deceased workers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 63.

21 ....Revises certain provisions concerning catastrophic injuries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 64, 1042, 1264, 1269, 1694*, 3333, 3627.

22 ....Authorizes a board of county commissioners to prescribe certain fees by ordinance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 64.

23 ....Clarifies the entity responsible for carrying out certain duties relating to the adoption of a child with special needs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 64, 98, 105, 113*, 207, 216.

24 ....Revises provisions concerning writs of execution in justice courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 64, 626, 647, 726, 866, 894, 1087, 1577*, 4458, 4551, 4552, 6548.

25 ....Revises the method used to determine the number of justices of the peace in a township in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 64, 389, 423, 617*, 3333, 3627.

26 ....Revises various provisions relating to judicial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 65, 643, 727, 866, 894, 1087, 1577, 1578*.

27 ....Requires employees of certain child care facilities to complete training each year relating to the lifelong wellness, health and safety of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener, 65, 389, 425, 426, 618*, 3101, 3218.

28 ....Revises certain provisions relating to the psychological or psychiatric examinations used in determining the competence of a defendant. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 65.

29 ....Revises provisions relating to credits earned by an offender which reduce the offender's term of imprisonment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 65, 389, 418.

30 ....Makes various changes relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 65, 417, 479, 636, 705*, 4459, 5011, 5015, 5788.

31 ....Makes various changes to provisions governing administration of taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 66, 212, 224, 231, 246*, 762, 2773, 3043, 3052, 3098.

32 ....Makes various changes relating to equalization of property valuations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 66, 212, 231, 236, 246, 247*, 4459, 5216, 5221, 5788.

33 ....Consolidates provisions requiring confidentiality of certain taxpayer-specific records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 66, 212, 237, 288, 302*, 3333, 3627.

34 ....Makes various changes regarding the administration of sales and use taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 66, 390, 426, 448, 618*, 4459, 5221, 5263, 5788.

35 ....Revises provisions governing the automated system of accountability information for Nevada and the reporting of test scores by charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 67, 206, 216, 237*, 3065, 3156.

36 ....Revises provisions governing health care providers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 67, 1734, 1762, 1765, 2425, 2426*, 4458, 5150, 5154, 5788.

No. *Summary, Introducer and Page Reference*

37 ....Makes various changes concerning complaints received by a health care licensing board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener, 67, 108, 121, 124, 127*, 3702, 4187.

38 ....Revises provisions governing apportionments to school districts, charter schools and university schools for profoundly gifted pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 68, 864, 895, 907, 1087, 1578*, 3333, 3627.

39 ....Revises provisions governing educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 68.

40 ....Requires certain state agencies and officials to consult with the deputy manager for compliance and code enforcement before adopting regulations concerning the construction, maintenance, operation or safety of buildings or structures. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 68, 642, 742, 749, 866, 894, 1087, 1579*, 4458, 4552, 4559, 6548.

41 ....Eliminates mandatory collective bargaining for local government employers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Legislative Operations and Elections, 68.

42 ....Authorizes the testing of drivers of vehicles that cause fatal vehicle accidents or collisions for the presence of alcohol. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 69, 372, 378, 410, 411, 413, 1741, 2420, 2421, 2426*.

43 ....Makes various changes relating to electronic health records. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services, 69, 184, 1613, 1765, 1781, 1782, 1857, 2963, 3020, 3030, 3031*, 5396, 6548.

44 ....Requires the Division of Mental Health and Developmental Services of the Department of Health and Human Services to adopt certain regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 69, 417, 484, 636, 705, 706*, 3101, 3218.

45 ....Revises provisions conferring the powers of a peace officer upon certain personnel of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 69, 241, 260, 282, 295*, 3333, 3627.

46 ....Allocates a portion of revenue from the premium tax on captive insurance to the Commission on Economic Development for promotion of the captive insurance industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 70, 724, 726, 865.

47 ....Defines the term "minor" for the purposes of the crime of kidnapping in the first degree. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 70, 96, 100, 105*.

48 ....Revises provisions relating to permitting and enforcement of standards for oversize and overweight vehicles operating on Nevada highways. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 70, 1760, 2456, 2469, 2763*.

49 ....Revises provisions governing the authority of a board of county highway commissioners regarding the establishment of certain rights-of-way. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 70, 1226, 1614, 1617, 2421*, 2967, 3052.

50 ....Revises provisions relating to the suspension and revocation of drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 70.

51 ....Revises provisions relating to the reporting of and imposition of penalties for certain convictions for the violation of certain traffic laws. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 71, 1760, 2469, 2473, 2763*, 3065, 3156.

52 ....Revises provisions relating to vital statistics. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services, 71, 1613, 1762, 2535, 2703, 2733, 2770.

53 ....Excludes certain programs that supervise children from certain licensing requirements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 71, 888, 1093, 1102, 1579*.

54 ....Revises provisions governing the Fund to Increase the Quality of Nursing Care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 71, 183, 184, 3674, 3685, 3881, 3882*, 5396, 6548.

55 ....Revises provisions governing crimes against older persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 72, 108, 121, 124, 127, 128*, 4458, 5015, 5016, 5788.

No. *Summary, Introducer and Page Reference*

56 ....Revises provisions governing the entities required to use the services and equipment of the Department of Information Technology. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 72.

57 ....Establishes procedures for the Children's Advocate or his or her designee to obtain certain warrants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 72, 643, 749, 866, 894, 1087, 1579, 1580*, 4458, 5409, 5416, 6548.

58 ....Makes various changes relating to an employer who knowingly misrepresents or conceals a material fact relating to a person's eligibility for industrial insurance benefits. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 72, 125, 138, 144*, 3333, 3627.

59 ....Increases the cumulative capacity of net metering systems operating in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 73, 1613, 1782, 1784, 2426*, 4292, 4421.

60 ....Revises provisions relating to the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 73, 625, 649, 653, 726, 3992, 4157, 4267*, 5396, 6548.

61 ....Makes various changes relating to social work. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 73.

62 ....Prohibits the establishment in certain locations of certain schools and facilities relating to insurance. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor and Energy, 73, 115.

63 ....Revises provisions relating to industrial insurance and the Uninsured Employers' Claim Account. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor and Energy, 74, 377, 391, 402, 475*, 3333, 3627.

64 ....Establishes a program for the investment of state money in certificates of deposit at a reduced rate of interest to provide lending institutions with money for loans at a reduced rate of interest to certain eligible entities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Select Committee on Economic Growth and Employment, 74, 184, 888, 1102, 1112, 1219.

65 ....Revises provisions concerning the publication of certain financial information by certain local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 74, 416, 517, 521, 636, 706*, 4458, 4559, 4563, 6548.

66 ....Revises provisions relating to multidisciplinary teams to review the deaths of victims of crimes that constitute domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 74, 888, 1112, 1580*, 1581, 3333, 3627.

67 ....Revises provisions governing the disbursement of money from the Fund for the Compensation of Victims of Crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 75, 389, 448, 450, 618*, 3333, 3627.

68 ....Requires the State Engineer to allow a city, county or other political subdivision to participate in developing and carrying out a plan or conducting a study relating to the appropriation of water for beneficial use under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 75.

69 ....Revises provisions governing the issuance of city business licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 75.

70 ....Revises provisions governing the system of governance of K-12 public education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 75.

71 ....Establishes the Encouraging Parental Involvement Through Choice in Education Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 76, 184.

72 ....Revises provisions governing the assignment of certain criminal offenders to residential confinement. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 76, 184, 389, 450, 457, 5709, 5712*.

73 ....Makes various changes concerning state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 76, 1760, 2473, 2481, 2763*, 2764.

No. *Summary, Introducer and Page Reference*

74 ....Changes the designation of certain state funds and accounts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 77, 416, 521, 540, 636, 706, 707*, 3101, 3218.

75 ....Establishes a program to provide private equity funding to businesses engaged in certain industries in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Select Committee on Economic Growth and Employment, 77, 184, 865, 894, 2823, 2833, 2847, 2869, 2887, 2945, 2951, 2962, 2964, 3020, 3031, 3037, 3038, 3094, 3096, 3098*, 6178, 6472, 6479, 6548.

76 ....Prohibits the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation, 77, 184.

77 ....Revises provisions relating to notaries public. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 77, 416, 540, 547, 636, 707*, 3796, 4412, 4424, 4463, 4471, 4840.

78 ....Revises provisions governing collective bargaining between local government employers and local government employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 77.

79 ....Makes various changes relating to the Tobacco Master Settlement Agreement. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 78, 1614, 1784, 1792, 2426*, 3333, 3627.

80 ....Makes various changes to the provisions governing manufactured housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 78.

81 ....Makes various changes relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 78, 642, 755, 762, 866, 894, 1087, 1581*, 3101, 3218.

82 ....Makes various changes relating to governmental information systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 78, 416, 547, 568, 636, 707, 708*, 4459, 4968, 4988, 5788.

83 ....Revises provisions relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 79, 1226, 1614, 1735, 1793, 1824, 1857, 2425.

84 ....Revises certain provisions relating to roadblocks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 79, 196, 201, 208, 209*, 2967, 3052.

85 ....Revises provisions governing land use decisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 80, 416, 568, 571, 636, 708, 709*.

86 ....Revises provisions governing eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Leslie, Breeden, Copening, Parks, Roberson, Schneider, Settelmeyer; Assemblymen Horne, Aizley, Anderson, Atkinson, Bobzien, Conklin, Flores, Frierson, Hardy, Kirkpatrick, Oceguera, Ohrenschall, Pierce, Segerblom and Smith, 80, 183, 198, 202, 203*, 1761, 2786, 2790, 2819.

87 ....Enacts the Uniform Collateral Consequences of Conviction Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 80, 184.

88 ....Enacts the Uniform Real Property Transfer on Death Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 80, 1613, 1824, 1842, 2426*, 3796, 4410.

89 ....Revises provisions governing audits and reviews of financial statements of common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator McGinness, 80, 389, 454, 619*, 4292, 4421.

90 ....Creates an advisory fiscal affairs committee in each school district. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Hardy, 81.

91 ....Revises provisions governing driving under the influence. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Manendo, 81, 372, 378, 413, 414*.

92 ....Makes various changes relating to development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 81, 159, 167, 186*, 4458, 4563, 4570, 5480, 6548.

93 ....Makes various changes relating to military installations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Lee, 81.

94 ....Provides for the realignment of certain judicial districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator McGinness, 82, 141, 149, 153, 156, 158, 160, 161*, 5396, 6548.

No. *Summary, Introducer and Page Reference*

95 ....Authorizes the establishment of a policy to allow tenured professors to pursue entrepreneurial business opportunities under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 82.

96 ....Revises provisions governing the Governor Guinn Millennium Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 82, 416, 571, 636, 709*, 4292, 4421.

97 ....Extends the prospective expiration of certain provisions governing the list of preferred prescription drugs to be used for the Medicaid program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener, 82, 184, 389, 456, 457, 2967, 3038*, 3702, 4187.

98 ....Revises provisions relating to collective bargaining between local governments and employee organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 82, 1760, 2481, 2490, 2764*, 4459, 4762, 4771, 4842, 5370, 5856, 5932, 5940, 6062, 6548.

99 ....Makes various changes concerning consumer protection. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 83, 184, 1042, 1270, 1279, 1694, 1695*, 4292, 4988, 4997, 5397, 5749, 6166, 6168, 6548.

100 ....Makes changes to provisions governing local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 83, 1734, 1843, 1857, 2426, 2427*.

101 ....Revises certain provisions relating to certificates of marriage and the solemnization of marriage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 83, 389, 457, 619*, 4292, 4417, 4421, 4550, 5788.

102 ....Revises provisions governing the taking of wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 83, 417, 576, 636, 709*, 710, 3796, 4410.

103 ....Clarifies that certain service charges are subject to the tax on live entertainment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 84, 417, 1225, 1618, 1621.

104 ....Provides for the biennial transfer of a portion of the state surplus to the Public Employees' Retirement Fund and the Fund for the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 84, 184.

105 ....Revises provisions governing the possession and administration of controlled substances and dangerous drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 84.

106 ....Expands the purposes for which Nevada Magazine is authorized to trade its advertising services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 84, 865, 908, 1087, 1581*, 5396, 6548.

107 ....Revises provisions governing the Governor Guinn Millennium Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 85.

108 ....Increases the fees for issuing certain numbers and validation decals for motorboats. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 85.

109 ....Revises provisions relating to local financial administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Parks, 85, 159, 167, 187*, 3333, 3627.

110 ....Revises provisions governing the issuance of business licenses in certain counties and cities in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Lee, 85, 642, 762, 771, 866, 894, 1087, 1581, 1582*, 4458, 4570, 4580, 6548.

111 ....Revises provisions concerning the placement of certain children who are in protective custody. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer and Assemblyman Kite, 85, 417, 579, 581, 636, 710*, 4292, 4421.

112 ....Revises provisions relating to the records that may be reviewed by a juvenile court in certain proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 86, 625, 653, 655, 726, 866, 894, 1087, 1582*, 3796, 4410.

113 ....Revises provisions relating to the care of certain children during disasters. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services, 86, 1043, 1279, 1284, 1576, 1611, 2963, 3020, 3038, 3039*, 5396, 6548.

114 ....Revises provisions relating to controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 86, 389, 464, 467, 619, 620*, 3101, 3218.

115 ....Provides requirements governing payment for the provision of certain services and care to patients and reports relating to those services and care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 86, 417, 625, 636, 4772, 4773, 4843, 4859, 4860, 5399, 5401, 5402*, 6062, 6178, 6189, 6548.

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116 ....Requires the State Board of Education to prescribe an adjusted adult diploma. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 87, 417.

117 ....Revises provisions governing the licensure of certain physicians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 87, 389, 467, 470, 620*, 3333, 3627.

118 ....Makes appropriations for the support and evaluation of the regional training programs for the professional development of teachers and administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 87, 184.

119 ....Revises provisions governing the Agency for Nuclear Projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 87, 390, 470, 620*.

120 ....Revises provisions governing the Committee on High-Level Radioactive Waste. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 88, 478, 637, 710*.

121 ....Revises provisions governing the Commission on Nuclear Projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 88, 338, 369, 373, 378*, 472.

122 ....Creates the K-12 Public Education Stabilization Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 88, 184.

123 ....Revises provisions governing the Office of State Public Defender. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 88.

124 ....Revises provisions governing the displacement or limitation of competition in providing services by certain local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 88.

125 ....Revises provisions governing reporting of campaign contributions and expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 89, 241, 260, 282, 295*, 296, 4292, 4412, 4424, 5371, 5394, 5788.

126 ....Revises certain provisions relating to permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Settelmeyer and Lee, 89, 183, 198, 203*, 5396, 6548.

127 ....Revises provisions concerning guardianships for certain veterans and their dependents. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 89, 626, 655, 658, 726, 866, 894, 1087, 1582, 1583*.

128 ....Revises provisions governing guardianships. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 89, 1734, 1857, 1862, 2427*, 3702, 3895, 3899, 4410.

129 ....Requires training of certain persons who operate or work in certain facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 89, 417, 1225, 1621, 1633, 1646, 4423, 4462*, 5397, 6548.

130 ....Revises certain provisions governing off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 90, 865, 908, 915, 1087, 1583*, 2964, 3020.

131 ....Revises provisions relating to tests of infants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 90, 123, 126, 138, 139*, 3101, 3218.

132 ....Revises provisions governing licensure of osteopathic physicians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 90, 125, 138, 144, 145*, 3796, 4410.

133 ....Revises provisions governing initiative petitions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Rhoads, 94, 1760, 2491, 2499, 2764*, 5396, 6548.

134 ....Amends the Charter of the City of Elko to change the timing of the general municipal election. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Rhoads, 95, 159, 167, 187*, 4292, 4421.

135 ....Revises provisions governing the presumption of eligibility for coverage for certain occupational diseases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Rhoads, 95, 1734, 1862, 1873, 2427*, 2490.

136 ....Revises certain provisions governing financial organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Rhoads, 95, 416, 581, 583, 636, 710*, 711, 4292, 4714, 4734, 4842, 5370, 5751, 5760, 5923, 6548.

137 ....Revises provisions relating to the construction of bus turnouts at certain locations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 96, 1760, 2500, 2503, 2764*, 3333, 3627, 5358.

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138 ....Revises provisions relating to the use of unlicensed persons and privately owned equipment during an emergency or catastrophe. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Lee, 96, 417, 1613, 1874, 1877, 2427*.

139 ....Requires assignments of certain interests in property to be recorded. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Rhoads, 99.

140 ....Prohibits the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Breeden, Schneider, Manendo, Parks, Denis, Copening, Horsford, Wiener; Assemblymen Segerblom, Atkinson, Munford and Smith, 99, 865, 889, 1045, 1284, 1289, 1293, 1695, 1696, 1698, 2421*, 2422, 4458, 5281, 5289, 5788.

141 ....Revises various provisions governing manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 99.

142 ....Makes various changes concerning the towing and storage of motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Commerce and Labor and Energy, 99, 864, 915, 922, 1087, 1583, 1584*, 4292, 4421.

143 ....Revises certain provisions governing insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 99, 416, 417, 583, 587, 636, 711*, 4292, 5154, 5157, 5788.

144 ....Requires certain garages to check and adjust the tire pressure of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 100, 865, 922, 1087, 1584*.

145 ....Prohibits a minor from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle, except in certain emergency situations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 100.

146 ....Makes various changes relating to biodiesel. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Revenue, 104, 123, 124, 417.

147 ....Establishes civil liability for knowingly advising certain persons to misrepresent the classification or duties of employees for the purposes of industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 104, 417.

148 ....Creates a private right of action against employers for employees who are misclassified as independent contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 105.

149 ....Establishes policies concerning certain persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cegavske, Leslie, McGinness, Horsford, Schneider, Breeden, Brower, Copening, Denis, Gustavson, Halseth, Hardy, Kieckhefer, Kihuen, Lee, Manendo, Parks, Rhoads, Roberson, Settelmeyer and Wiener, 109, 141, 149, 153, 158*, 5923, 6548.

150 ....Revises certain provisions governing liens of owners of facilities for storage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider, 110, 1225, 1633, 1642, 2422*, 4292, 5016, 5026, 5788.

151 ....Requires certain governmental entities to develop a plan for a regional rapid transit system. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Schneider, 110, 417, 1760, 2503, 2506, 2764*, 4458, 5290, 5292, 5788.

152 ....Revises provisions governing insurance adjusters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider, 110, 416, 588, 593, 636, 711, 715, 726, 866, 894, 1087, 1584*, 3702, 4187.

153 ....Revises provisions governing the appropriation of water by municipalities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 110, 416, 594, 606, 636, 715, 716*.

154 ....Provides for the issuance of special license plates for family members of persons who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Settelmeyer, 111, 865, 922, 1087, 1584, 1585*, 5396, 6548.

155 ....Allows certain unincorporated towns the option to control planning and zoning. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator McGinness, 111.

156 ....Limits the liability of certain persons involved with an off-road sporting event. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson, 111.

157 ....Revises provisions governing the donation of unspent campaign contributions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Wiener, Horsford, Denis, Parks, Breeden, Copening, Leslie and Manendo, 111, 183, 199, 203*, 3333, 3627.

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158 ....Revises provisions governing the frequency of required inspections of the emissions of certain motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson, 111, 417, 1226, 1642, 1646.

159 ....Makes various changes governing offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson, 112, 626, 658, 660, 726, 866, 894, 1087, 1585*, 5790, 5955, 5963, 6548.

160 ....Repeals the modified business tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson, 112, 417.

161 ....Requires that any examination or test required for the issuance of a driver's license be administered in the English language. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson, 112.

162 ....Revises provisions governing topics of collective bargaining for public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson, 112.

163 ....Revises provisions governing the procedure upon arrest of a person alleged to have committed a battery constituting domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson, 112.

164 ....Revises provisions relating to third-party administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider, 116, 1613, 1877, 1892, 2172, 2425, 4292, 4294*, 4295, 4317, 4342, 4412, 4424, 4460, 4524, 4545, 4862*, 6062, 6548.

165 ....Revises provisions governing arbitrators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 116.

166 ....Revises provisions governing the installation of an ignition interlock device following a conviction of driving under the influence of alcohol or a controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Leslie and Manendo, 116.

167 ....Revises provisions governing the release of certain reports of the abuse or neglect of children. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Leslie, 116, 417, 606, 609, 636, 716, 717*, 3333, 3627.

168 ....Makes various changes concerning public health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy and Gustavson, 117, 417, 1042, 1294, 1316, 1576, 4292, 4295*, 4841, 5132, 5147, 5397, 5749, 6168, 6548.

169 ....Sets forth requirements relating to the determination of the order of layoffs of certain public employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Hardy, Gustavson, Roberson and Assemblyman Sherwood, 117.

170 ....Revises provisions governing petitions for initiative or referendum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Horsford and Assemblyman Oceguera, 117, 1760, 2506, 2510, 2764*, 2765.

171 ....Revises the provisions governing the possession of dangerous weapons at certain locations. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Leslie, 118.

172 ....Establishes the Statewide Program for Public Education and the Prevention of Sudden Infant Death Syndrome. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Parks, 118.

173 ....Provides for the establishment and maintenance of an integrated system for the provision of health and social services in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Parks, 118.

174 ....Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening, 118, 1734, 1892, 1931, 2425, 6275, 6276.

175 ....Revises provisions governing concealed firearms permits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Gustavson, Settelmeyer, Cegavske, Hardy, Kieckhefer, Lee, McGinness, Roberson; Assemblymen Ellison, Goedhart, Goicoechea, Hambrick, Hickey, Kirkpatrick, Kirner and McArthur, 119, 478, 640, 717*.

176 ....Revises provisions governing concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson, 119, 417.

177 ....Revises provisions governing the equipment and training required to operate a motorcycle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Gustavson, Halseth, Cegavske, Lee, Manendo, Roberson, Settelmeyer; Assemblymen Ellison, Goedhart, Hambrick, Kirkpatrick and McArthur, 120, 1760, 2510, 2513, 2535, 2691.

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178 ....Makes various changes concerning foreign nationals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Gustavson, Hardy, McGinness, Roberson, Settelmeyer; Assemblymen Hansen, Ellison, Goedhart, Goicoechea, Hambrick, Kirner and McArthur, 120.

179 ....Provides for the issuance of special license plates indicating support for Second Amendment rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson, 120.

180 ....Expands provisions governing criminal and civil liability for certain crimes to include crimes motivated by the victim's gender identity or expression. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Parks, Breeden, Wiener; Assemblymen Aizley, Atkinson, Conklin and Oceguera, 120, 626, 660, 665, 726, 866, 889, 1087, 1264, 1614, 1692, 1693, 1694*.

181 ....Enacts provisions relating to energy efficiency, renewable energy and building construction. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 125.

182 ....Makes various changes concerning renewable energy systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider, 126, 864, 922, 927, 1087, 1586*, 3702, 4187.

183 ....Restricts the authority of associations of certain planned communities to regulate the storage and placement of containers for the collection of recyclable material. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider, 129.

184 ....Requires the Public Utilities Commission of Nevada to open an investigatory docket concerning the establishment of a feed-in tariff program for renewable energy systems in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider, 129, 1613, 1932, 1939, 2427, 2428*.

185 ....Makes various changes relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider, 130, 724, 1760, 2513, 2534, 2535, 2691.

186 ....Revises provisions relating to records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator McGinness, 136, 219, 246, 260, 378, 381, 414*, 5396, 6548.

187 ....Revises provisions governing parole. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 136, 723, 866, 894, 1087, 1586*, 5396, 6548.

188 ....Revises provisions relating to the work schedules of certain employees of the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Horsford and Settelmeyer, 137, 634, 1760, 2473, 2535, 2538, 2539, 5789, 5843, 5865*, 6548.

189 ....Revises certain provisions governing real estate transactions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Lee, 137.

190 ....Provides for the licensure of music therapists. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Denis, 137, 1613, 1939, 1958, 2428*, 3702, 3737, 3756, 4187.

191 ....Revises provisions governing pet cemeteries and crematories. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 143, 338, 369, 373, 378*, 379, 4458, 5001, 5003, 5788.

192 ....Makes various changes relating to job creation within the Nevada construction industry. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Horsford, Kihuen; Assemblymen Oceguera and Smith, 143, 151, 156, 165, 167, 181, 187, 189*, 302.

193 ....Makes various changes concerning the State Board of Cosmetology and persons and practices regulated by the Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy; Assemblymen Hardy and Stewart, 147, 219, 246, 268, 269*, 2968, 3421, 3441, 3796, 4187, 5731, 5745, 5923, 6548.

194 ....Urges the Nevada Supreme Court to amend the Nevada Rules of Civil Procedure to require certain disclosures in class action lawsuits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy; Assemblymen Hardy and Stewart, 148, 643, 771, 866, 894, 1087, 1586, 1587*, 5396, 6548.

195 ....Revises provisions relating to the costs of collecting past due financial obligations in common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Halseth, Gustavson, Kieckhefer, Kihuen, McGinness, Roberson; Assemblymen Brooks, Ellison, Goedhart, Hambrick and Kirner, 148.

196 ....Revises provisions governing empowerment schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 148, 625, 665, 670, 726, 866, 894, 1087, 1587*, 3333, 3627.

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197 ....Revises provisions governing the system of governance and oversight of public education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 148, 643, 864, 865, 4453, 5395, 5446, 5712*, 6062, 6548.

198 ....Revises certain provisions governing financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 149, 625, 670, 679, 726, 866, 894, 1087, 1587, 1588*.

199 ....Provides a deduction from the payroll tax for wages paid to newly hired employees under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Settelmeyer, Hardy, Gustavson, Halseth, Roberson and Assemblyman Stewart, 151, 634.

200 ....Makes various changes relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider, 152, 888, 1121, 1128, 1588*, 1589, 4292, 4635, 4642, 4842, 5371, 5872, 5880, 5923, 6548.

201 ....Authorizes the Attorney General to establish a program to mediate complaints by offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Parks, Leslie, Breeden, Copening, Denis, Horsford, Kihuen, Manendo; Assemblymen Munford, Anderson, Atkinson, Bobzien, Carlton, Carrillo and Hogan, 152, 634, 888, 1128, 1134, 1589, 1699*, 3702, 4187.

202 ....Revises provisions governing the sale of contact lenses. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Lee, 152, 212, 213.

203 ....Revises provisions relating to the classification and dispensing of certain precursors to methamphetamine. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Leslie, 152.

204 ....Enacts certain amendments to the Uniform Common-Interest Ownership Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening, 153, 1734, 1958, 2015, 2428*, 2429, 4458, 5027, 5084, 5788.

205 ....Requires national certification for a registered nurse to receive a certificate of recognition as an advanced practitioner of nursing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Leslie, Hardy; Assemblymen Mastroluca, Carlton and Bobzine, 154, 196, 201, 209*, 3796, 4166, 4167, 4410.

206 ....Requires legislative lobbyists to file reports concerning lobbying activities when the Legislature is not in session. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Leslie, 154, 3065, 3102, 3211, 3295, 3296*.

207 ....Authorizes the imposition of an administrative penalty against an employer under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 155, 389, 472, 473, 634, 3684, 3702, 3705, 3708, 3797, 3865, 3882*, 5396, 6548.

208 ....Creates the Task Force on Employee Misclassification. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 155, 389, 472, 473, 634, 3443, 3632, 3699, 3882, 3894, 3895*, 5396, 6548.

209 ....Revises provisions relating to reports of sentinel events and related information reported by certain medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 155, 723, 871, 894, 1087, 1590*, 3333, 3627.

210 ....Revises provisions governing the regulation of certain food processing establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 155, 1613, 2015, 2019, 2429*, 3702, 4167, 4170, 4410.

211 ....Requires a legislative study of the implementation of the Common Core State Standards in the public schools in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 156, 377, 378, 4423, 4462, 4524*, 5790, 6548.

212 ....Revises provisions governing charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 156, 1042, 1317, 1394, 1576, 1611, 4453, 4841, 4862, 4939, 4965, 4966*, 5790, 5966, 6039, 6548.

213 ....Revises provisions governing the registration requirements for employee leasing companies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider, 159, 416, 609, 612, 636, 644, 726, 866, 894, 1087, 1590, 1592, 1699*, 3796, 4410.

214 ....Requires the Department of Transportation to establish a demonstration project for a toll road in connection with the Boulder City Bypass Project. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hardy, McGinness, Rhoads; Assemblymen Stewart and Hardy, 160, 634, 1760, 2539, 2564, 2765*.

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215 ....Makes various changes concerning persons regulated by the Chiropractic Physicians' Board of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy; Assemblymen Hammond and Stewart, 160, 416, 612, 616, 636, 717*, 4292, 5157, 5161, 5788.

216 ....Establishes Reading Skills Development Centers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education, 160, 338, 343, 417.

217 ....Requires the publication by pretrial release agencies of information relating to certain criminal defendants who are released from custody before trial. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Roberson, 165.

218 ....Revises provisions governing the regulation of gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 166, 888, 1134, 1593*, 1621, 2967, 3020.

219 ....Requires certain assessments of unemployed and employed workers to determine the available workforce in Nevada and makes appropriations for performing skills assessments for unemployed persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Horsford, Kihuen; Assemblywomen Kirkpatrick and Smith, 166, 249, 281, 294, 302, 303*.

220 ....Establishes the Kenny C. Guinn Memorial Millennium Scholarship. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Kieckhefer, Cegavske, McGinness, Schneider, Horsford, Breeden, Brower, Copening, Denis, Gustavson, Halseth, Hardy, Kihuen, Lee, Leslie, Manendo, Parks, Rhoads, Roberson, Settelmeyer, Wiener; Assemblymen Oceguera, Smith, Conklin, Grady, Goicoechea, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Ohrenschall, Pierce, Segerblom, Sherwood, Stewart and Woodbury, 166, 372, 373, 374*, 888, 1612.

221 ....Makes various changes relating to trusts, estates and probate. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener and Assemblyman Segerblom, 184, 1734, 2019, 2111, 2429*, 2430, 3702, 3899, 3991, 4410.

222 ....Revises provisions concerning the lease or rental of a unit in a common-interest community. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening, 184, 389, 473, 620, 621*, 5396, 5692, 6548.

223 ....Revises provisions relating to cruelty to animals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Breeden, Parks, Manendo and Assemblyman Segerblom, 184, 634, 1226, 1646, 1652, 2422*, 4292, 4412, 4424, 4430, 4490.

224 ....Requires certain substances known as fake cocaine to be included on the list of schedule I controlled substances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Parks, Leslie, Denis, Wiener, Breeden, Copening, Halseth, Kihuen, Lee, Manendo, McGinness, Schneider, Settelmeyer; Assemblymen Hambrick, Oceguera, Smith, Frierson, Horne, Aizley, Anderson, Conklin, Hogan and Pierce, 185, 634.

225 ....Establishes provisions relating to the designation of certain hospitals as primary stroke centers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske, 185, 206, 216, 238*, 4292, 4421.

226 ....Requires the Board of Wildlife Commissioners to adopt certain regulations governing the trapping of fur-bearing mammals in certain counties. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Leslie, Parks; Assemblywomen Pierce and Carlton, 185, 1226, 1652, 1655, 2422, 2423*, 3702, 4187.

227 ....Revises provisions governing the financial administration of the Real Estate Division of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Lee, 197, 1734, 2111, 2118, 2172, 2425, 5395, 5402, 5712, 5713*.

228 ....Requires certain substances known as synthetic marijuana to be included on the list of schedule I controlled substances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Settelmeyer, Hardy, Gustavson, Parks, Cegavske, Breeden, Brower, Copening, Denis, Halseth, Kieckhefer, Lee, Leslie, McGinness, Rhoads, Roberson, Schneider and Wiener, 197, 634.

229 ....Revises provisions governing the policy adopted by the State Board of Education to encourage parental and family involvement in supporting the education of their children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Denis, Wiener, Breeden, Kihuen; Assemblymen Bobzien, Smith, Benitez-Thompson, Brooks, Bustamante Adams, Carrillo, Flores and Mastroluca, 197, 338, 369, 373, 379*, 3065, 3156.

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230 ....Requires the boards of trustees of school districts and the governing bodies of charter schools to adopt a policy governing the use of foods and beverages containing trans fats at public schools within this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Denis, Wiener, Breeden, Kihuen; Assemblymen Bobzien, Benitez-Thompson, Brooks, Bustamante Adams, Carrillo and Flores, 198, 887, 1155, 1157, 1593*, 1594.

231 ....Makes various changes relating to concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lee, Settelmeyer, Hardy, Manendo, Denis, Cegavske, Copening, Gustavson, Halseth, Roberson; Assemblymen Anderson, Hickey, Hambrick, Carrillo, Hansen, Daly, Flores, Goedhart, Goicoechea, Hammond, Kirner, Kite, Livermore and Ohrenschall, 198, 1225, 1655, 1661, 1694, 3631, 3699, 3700, 3701*.

232 ....Removes certain tracts of local governmental and private land from the state definition of the Spring Mountains National Recreation Area. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lee, McGinness and Assemblyman Hammond, 200, 1613, 2118, 2124, 2430*, 3101, 3218.

233 ....Makes various changes concerning the administration of grants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Parks, Horsford, Kieckhefer; Assemblymen Oceguera, Conklin, Hansen, Brooks, Hardy, Bustamante Adams, Kirkpatrick and Smith, 201, 634, 1042, 1264, 1761, 2407, 2412, 2765*, 4292, 4471, 4479, 4840.

234 ....Revises provisions relating to motor vehicle dealers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Horsford, 201, 1613, 2124, 2131, 2430*, 3702, 3756, 3761, 4187.

235 ....Makes failure to wear a safety belt in a motor vehicle a primary offense. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 207.

236 ....Provides for the increased use of recycled materials in certain road and highway projects. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, 207, 1226, 1661, 1664, 2423*, 3796, 4412, 4430, 4433, 4490.

237 ....Revises provisions governing the Nevada Youth Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener, 207, 377, 403, 410, 476*, 3702, 3761, 3769, 4187.

238 ....Revises provisions concerning the Advisory Board on Automotive Affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Manendo, 207, 865, 927, 931, 1087, 1594*, 4458, 5292, 5295, 5788.

239 ....Authorizes the board of trustees of a school district to establish a program to provide scholarships to pupils who graduate early from high school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cegavske, 208.

240 ....Makes various changes concerning small exploration projects and small mining operations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator McGinness, 213, 634.

241 ....Revises provisions relating to initiative petitions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Rhoads, 213.

242 ....Revises provisions relating to workers' compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 213, 389, 475, 479.

243 ....Revises provisions relating to financial obligations in common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening, 214.

244 ....Revises provisions governing special license plates and parking placards for persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 214, 417, 616, 634, 2963, 3020, 3039*.

245 ....Creates the Statewide Alert System for the Safe Return of Missing Endangered Older Persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Manendo, Copening, Denis and Assemblyman Anderson, 214, 888, 1157, 1162, 1594, 1595*, 3333, 3562, 3566, 3682.

246 ....Requires certain entities that have custody of a child pursuant to the order of a court to adopt a policy concerning the administration and management of medication. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Leslie, 215, 634, 1613, 2131, 2141, 2430*, 3702, 4170, 4183, 4410.

247 ....Establishes the Program for School-Based Health Centers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener, 215.

248 ....Revises provisions governing traffic laws relating to overtaking and passing bicycles and electric bicycles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Lee, Breeden, Copening, Denis, Horsford, Kihuen, Leslie, Manendo, Schneider, Wiener and Assemblyman Anderson, 215, 865, 931, 1087, 1595*, 2964, 3020.

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249 ....Makes various changes relating to administration of taxes on property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Denis, Manendo and Assemblyman Anderson, 215, 1614, 2141, 2162, 2430*, 4459, 4649, 4671, 4842, 4966, 5940, 5955, 6062, 6548.

250 ....Makes various changes relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 220, 1734, 2162, 2171, 2172, 2425.

251 ....Creates the Sunset Subcommittee of the Legislative Commission to evaluate certain governmental programs and services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer; Assemblymen Smith, Brooks and Hanson, 220, 642, 773, 775, 866, 894, 1087, 1595*, 1596, 4458, 4580, 4587, 6548.

252 ....Revises provisions governing compensation for overtime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 220.

253 ....Requires certain policies of health insurance and health care plans to provide coverage for tobacco cessation treatments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hardy, 221.

254 ....Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening, 221, 1734, 2172, 2195, 2430*, 2431, 4458, 5084, 5107, 5788.

255 ....Reduces the amount of governmental services taxes imposed on certain older motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Breeden, 221, 634, 724, 726.

256 ....Revises provisions relating to controlled substances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Hardy, Denis and Copening, 221, 642, 776, 785, 866, 894, 1087, 1596*.

257 ....Revises various provisions governing graffiti offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Wiener, 222, 888, 1162, 1166, 1596*, 1597, 4292, 4413, 4416, 4453.

258 ....Makes various changes relating to anesthesiology. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Hardy, 222.

259 ....Revises provisions governing certain trust companies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider, 222, 864, 931, 943, 1087, 1597*, 3796, 4291, 4317, 4412, 4424, 5161, 5172, 5788.

260 ....Provides an alternative procedure for the creation of certain local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy and Assemblywoman Woodbury, 222, 888, 1166, 1173, 1597*, 1598.

261 ....Makes various changes relating to the reorganization or combination and reorganization of certain fire protection districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy and Assemblyman Hardy, 223, 888, 1174, 1178, 1598*.

262 ....Provides for the incorporation of the City of Laughlin contingent upon certain conditions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Hardy and Assemblyman Hardy, 223, 642, 785, 818, 866, 894, 1087, 1264, 1699, 1731, 2423*, 4459, 4587, 4621, 6548.

263 ....Authorizes a court to establish the validity of a will or trust before the death of the testator or settlor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 223.

264 ....Revises provisions concerning the regulation of certain medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Leslie, 223, 1613, 2196, 2224, 2431*, 3333, 3567, 3578, 3796, 4291, 4832, 4839, 5397, 5788.

265 ....Revises provisions governing sentencing of criminal offenders and determining eligibility of prisoners for parole. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Leslie and Denis, 224, 643, 1613, 2224, 2240, 2241, 4951, 4966*.

266 ....Revises provisions governing the possession of pets by tenants of a manufactured home park. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Manendo, Breeden, Parks; Assemblymen Carrillo, Ohrenschall and Hogan, 241, 1042, 1394, 1396, 1732, 1733*.

267 ....Revises provisions governing personal information. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener, 242, 1042, 1396, 1399, 1733*, 4459, 5172, 5175, 5788.

268 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Lee, 242, 642, 818, 834, 866, 894, 1087, 1598, 1599*, 4459, 4672, 4714, 4842, 4966, 5760, 5788, 5923, 6548.

269 ....Makes various changes concerning elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hardy, 242, 1760, 2564, 2585, 2765, 2766*.

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270 ....Revises provisions governing qualifications for licensure for certain health care practitioners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis and Hardy, 242.

271 ....Provides for withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lee, Settelmeyer; Assemblymen Hickey, Kirner and Kite, 243, 642, 643, 726, 3210, 3211, 3578, 3619, 3675, 3676*, 6490, 6530, 6548.

272 ....Makes various changes concerning the state budget process. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 243.

273 ....Revises various provisions governing the practice of osteopathic medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Copening, 243, 864, 943, 967, 1087, 1599*, 3702, 3769, 3792, 4187.

274 ....Revises provisions relating to certain special license plates issued to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 244, 643, 1614, 2241.

275 ....Makes various changes concerning bullying. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Leslie and Parks, 244.

276 ....Revises provisions governing safe and respectful learning environments in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks and Leslie, 244, 643, 887, 1178, 1213, 1219, 4292, 4295*, 5710, 5800, 5826, 6548.

277 ....Revises provisions governing certain acts by juveniles relating to the possession, transmission and distribution of certain sexual images. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener, 245, 643, 834, 866, 894, 1087, 1599, 1600*, 3702, 4187.

278 ....Revises provisions relating to health care and health insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Horsford and Hardy, 245, 643, 1042, 1400, 1417, 1576, 4490, 4524, 4534, 4535, 4548*, 5397, 6548.

279 ....Revises provisions concerning the renewal of permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Gustavson, Cegavske, Denis, Halseth, Hardy, Kieckhefer, Lee, McGinness, Rhoads, Roberson, Settelmeyer; Assemblymen Sherwood, Hansen, Aizley, Daly, Goicoechea, Grady, Hambrick, Hammond, Hickey, Horne, Kirner, Kite and McArthur, 250, 478, 640, 717, 718*.

280 ....Revises provisions relating to the use of special fees collected from the issuance of certain veterans' license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Brower, Breeden, Manendo, McGinness; Assemblymen Anderson and Grady, 251, 416, 616, 636, 718*, 3101, 3218.

281 ....Requires the Public Utilities Commission of Nevada to establish the Electric Vehicle Demonstration Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider, 251, 864, 967, 1087, 1600*.

282 ....Prohibits the willful and intentional public posting or displaying of the social security number of another person. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Gustavson, Cegavske, Denis, Halseth, Kieckhefer, McGinness, Roberson, Settelmeyer; Assemblymen Sherwood, Aizley, Ellison, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hickey, Kirner, Kite and McArthur, 251, 338, 369, 373, 379, 380*, 4458, 5963, 5964, 6548.

283 ....Requires counsel appointed for a postconviction petition for habeas corpus in which the petitioner has been sentenced to death to complete certain continuing legal education requirements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson, 251, 888, 1213, 1264.

284 ....Makes various changes concerning the custody of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson, 251, 625, 679, 726, 866, 894, 1087, 1600, 1601*.

285 ....Establishes provisions governing medical assistants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Leslie, 252, 643.

286 ....Revises provisions governing the Merit Award Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Rhoads and Assemblywoman Smith, 252, 2425, 2607, 2614, 2766*, 2944, 2965.

287 ....Expresses opposition to the location of a proposed wind power project on Mount Wilson and Table Mountain. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Rhoads, 252, 1613, 1762.

288 ....Revises provisions governing renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Settelmeyer, 252, 864, 967, 973, 1087, 1601*.

289 ....Makes various changes relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening, 253, 389, 475, 621*, 4459, 5175, 5196, 5788.

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290 ....Revises provisions governing deceptive trade practices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Copening, 253, 643.

291 ....Revises provisions governing operators of tanning establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening, 253, 1042, 1417, 1420, 1733*.

292 ....Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Schneider, 253, 1042, 1420, 1430, 1733*, 3796, 4291, 4317, 4412, 4424, 5196, 5205, 5788.

293 ....Makes various changes relating to certain nonprofit organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske, 254, 301, 302, 304, 1734, 2241, 2245, 2431, 2432*, 5396, 6548.

294 ....Establishes provisions governing providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cegavske and Leslie, 254, 643, 864, 973, 981, 989, 1087, 1601, 1602*, 4459, 5003, 5011, 5397, 5749, 6168, 6176, 6548.

295 ....Revises provisions governing the budgets of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hardy, 254, 417.

296 ....Creates the Pooled Fiscal Emergency Fund to assist in providing financial stability for certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator McGinness, 254.

297 ....Revises provisions relating to preferential employment in the construction of public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening, 255.

298 ....Enacts provisions governing noxious odors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator McGinness, 255, 643.

299 ....Revises provisions relating to the care of animals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Manendo, 255, 1613, 2246, 2252, 2432, 2433*, 2434, 3796, 4433, 4438, 4490.

300 ....Revises provisions governing certain billing and related practices of hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Leslie, 255, 1613, 2253, 2256, 2434*, 3702, 4183, 4186, 4410.

301 ....Makes various changes to provisions governing dairy products and dairy substitutes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 256, 389, 475, 621*.

302 ....Prohibits the sale of black powder and smokeless gunpowder to certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 256, 1760, 2614, 2616, 2766*, 3101, 3218.

303 ....Revises provisions governing the issuance of special license plates, special parking placards and special parking stickers to persons with a permanent disability. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator McGinness, 256.

304 ....Provides for redistricting of election districts in Carson City and the Cities of Henderson, Reno and Sparks, contingent upon voter approval. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Leslie, 257, 724, 871, 894, 1087, 1602*, 4458, 4819, 4832, 5397, 6548.

305 ....Creates the P-20 Leadership Council. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Cegavske, 257.

306 ....Revises provisions governing an award of attorney's fees in causes of action for constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening, 257.

307 ....Revises provisions relating to the exercise of the power of sale under a deed of trust concerning owner-occupied property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Copening, 257, 1225, 1664, 1677, 2423, 2424*, 4458, 5107, 5119, 5788.

308 ....Authorizes charitable organizations to operate remote caller bingo games. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider, 257, 643.

309 ....Authorizes a person to remove from his or her property livestock for which he or she has, by contract, provided care and shelter under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 258, 643, 839, 866, 894, 1087, 1602, 1603*, 4292, 5841, 5843, 6548.

310 ....Enacts the Freedom of Choice in Health Care Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cegavske and Hardy, 258.

311 ....Makes various changes relating to interests in property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson, 258.

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312 ....Makes various changes relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson, 258, 643.

313 ....Revises certain provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider, 259, 643, 1042, 1430, 1436, 1576, 5395, 5441, 5713*.

314 ....Revises various provisions relating to real property. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Lee, 259, 1042, 1436, 1451, 1734, 1736*, 5923, 6224, 6265, 6548.

315 ....Requires the Commission on Professional Standards in Education to provide for the licensure of teachers and administrators pursuant to an alternative route to licensure. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer, 260, 864, 989, 996, 1087, 1264, 1734, 1736, 1737*, 4459, 6039, 6046, 6548.

316 ....Requires school districts, charter schools and university schools for profoundly gifted pupils to expend a certain percentage of money on direct classroom expenditures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, Gustavson, Halseth, Hardy, Kieckhefer and Settelmeyer, 260, 724.

317 ....Requires that plans developed and implemented to respond to crises occurring at public schools and private schools also address response to emergencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener, 261, 478, 640, 718*, 3702, 4187.

318 ....Establishes provisions governing permissible flammability of certain components in school buses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Manendo; Assemblymen Pierce and Ohrenschall, 261, 887, 1215, 1603, 1604*, 3101, 3218.

319 ....Revises provisions relating to abandoned vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Breeden, 261.

320 ....Revises provisions governing certain motor carriers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Manendo, 261, 865, 4460, 4463, 4493, 4503, 4504, 4513, 4524, 4548*, 5790, 5897, 5905, 6548.

321 ....Revises provisions governing taxicabs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Manendo, 262, 1760, 2616, 2620, 2766*, 4458, 5892, 5897, 6548.

322 ....Revises provisions governing motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, Hardy and Manendo, 262, 1760, 2620, 2622, 2766*, 4292, 4421.

323 ....Revises provisions relating to motor vehicle liability insurance and registration. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Parks, 262, 1760, 2622, 2630, 2766, 2767*, 3702, 4291, 4317, 4412, 4438, 4446, 4490.

324 ....Makes various changes concerning state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 262.

325 ....Moves the Division of Internal Audits from the Department of Administration to the Office of the State Controller. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Lee, 262, 643, 1225, 1614, 1677, 1683, 2424*, 2425.

326 ....Revises provisions relating to parks and recreation areas in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Lee, 263, 643.

327 ....Revises provisions governing the mandatory installation of automatic fire sprinkler systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer and Hardy, 263.

328 ....Revises provisions governing the payment and collection of wages and other benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Horsford, 263, 1042, 1451, 1452, 1734, 1737*, 3333, 3627.

329 ....Revises provisions governing prescriptions. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Breeden and Wiener, 263, 1734, 2256, 2266, 2434*, 4459, 5205, 5211, 5788.

330 ....Makes various changes to provisions governing real estate. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Schneider, 264, 643.

331 ....Revises provisions relating to unlawful discrimination in places of public accommodation. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Leslie, Parks and Assemblyman Aizley, 264, 864, 996, 1000, 1087, 1264, 1614, 1691, 1692, 1693*, 3333, 3627.

332 ....Revises provisions governing compensation for overtime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Settelmeyer, Cegavske, Hardy, Gustavson, Brower, Halseth, Kieckhefer, McGinness and Roberson, 264.

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333 ....Requires the establishment of the Nevada Job Creation Incentive Program to provide a deduction from the payroll tax for wages paid to newly hired employees under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer, 264, 643.

334 ....Requires the creation of a searchable database of expenditures and funding actions by state agencies under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator McGinness, 265, 643.

335 ....Revises provisions governing hypodermic devices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Hardy; Assemblymen Pierce and Ohrenschall, 265, 1613, 2267, 2272, 2273, 2434*.

336 ....Revises certain provisions relating to prescription drugs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Schneider, 265, 348, 349, 643, 723, 726.

337 ....Revises provisions governing persons who may receive an anatomical gift. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Kieckhefer and Copening, 265, 389, 475, 622*, 4292, 4421.

338 ....Revises provisions relating to reports of certain medical and related facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Breeden and Wiener, 265, 643, 1613, 2273, 2279, 2358, 4490, 4535, 4540, 4548*, 5397, 6548.

339 ....Establishes provisions relating to the safety of patients in certain medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Breeden and Wiener, 266, 1734, 2279, 2285, 2434*, 3702, 4317, 4412, 4446, 4453, 4490.

340 ....Revises provisions relating to programs to increase public awareness of health care information. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Breeden and Wiener, 266, 643, 888, 1223, 1452, 1456, 1576, 4423, 4462*, 4463, 6062, 6189, 6193, 6548.

341 ....Directs the Legislative Commission to appoint a subcommittee to conduct an interim study concerning the establishment of a bank that is owned, controlled and operated by this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Copening, Schneider, Wiener, Breeden, Leslie, Manendo; Assemblymen Ohrenschall and Pierce, 266, 4492, 4861, 5445*.

342 ....Revises provisions governing collective bargaining between local governments and employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Roberson, Cegavske, Brower, Gustavson, Halseth, Kieckhefer and Settelmeyer, 266.

343 ....Revises provisions governing collective bargaining between local government employers and local government employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, Halseth and Settelmeyer, 267.

344 ....Enacts the Agreement Among the States to Elect the President by National Popular Vote. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Horsford; Assemblymen Conklin, Hogan and Oceguera, 267.

345 ....Makes various changes relating to courts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Denis, 267.

346 ....Revises provisions governing deficiency judgments on obligations secured by certain residential property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Breeden and Assemblyman Segerblom, 267.

347 ....Authorizes the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services to administer oaths, take testimony and issue subpoenas under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis, 268, 888, 1223, 1227, 1456, 1576, 5297, 5298, 5445*.

348 ....Eliminates limits on the amounts of certain property that is exempt from execution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, Cegavske, Gustavson, Halseth, McGinness and Settelmeyer, 268, 478, 640, 718, 719*, 4459, 5416, 5441, 6548.

349 ....Provides for the establishment of a community court pilot project to provide an alternative to sentencing for misdemeanor offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Horsford; Assemblymen Frierson, Horne and Neal, 268, 643, 644, 5789, 5847, 5865*.

350 ....Revises provisions concerning policies of health insurance and health care plans that provide coverage for dental care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 271.

351 ....Revises provisions governing disciplinary action against contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 271, 1042, 1461, 1466, 1734, 1737*, 1738.

352 ....Revises provisions relating to employment. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the

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State: Yes. Senators Denis, Kihuen; Assemblymen Carrillo, Diaz, Benitez-Thompson, Brooks, Bustamante Adams and Flores, 271, 643.

353 ....Revises provisions governing dealers in coins and collectibles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Leslie, 272, 416, 616, 636, 719*, 3333, 3627.

354 ....Makes various changes to regulatory bodies of professions, occupations and businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider, 272, 1613, 2285, 2335, 2435*.

355 ....Revises provisions relating to criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Denis, Kihuen; Assemblymen Flores, Bustamante Adams, Benitez-Thompson, Brooks, Carrillo and Diaz, 272.

356 ....Establishes the crime of stolen valor. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Halseth, Gustavson, Cegavske, Copening, Breeden, Brower, Denis, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener and Assemblyman Anderson, 272, 888, 1223, 1466, 1469, 1734, 1738*.

357 ....Revises provisions relating to property exempt from execution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 273.

358 ....Makes various changes concerning the operation of certain vending stands. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Denis, Brower and Assemblyman Ohrenschall, 273, 416, 616, 636, 719*, 3702, 3792, 3794, 4187.

359 ....Revises provisions relating to contracts with a governmental entity. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Horsford, Denis, Kihuen, Leslie, Parks; Assemblymen Flores, Frierson, Brooks, Atkinson, Bustamante Adams, Horne and Neal, 273, 417, 3560, 3578, 3619, 3627, 3676, 3677, 3678*.

360 ....Revises provisions governing redevelopment agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Horsford, Parks; Assemblymen Atkinson, Bobzien, Kirkpatrick and Neal, 274, 865, 1000, 1005, 1039, 5395, 5446, 5473, 5481, 5713*, 6062, 6548.

361 ....Authorizes the issuance of a temporary permit to appropriate water to establish fire-resistant vegetative cover in certain areas. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Rhoads, 274, 642, 839, 850, 866, 894, 1087, 1604*, 4292, 4480, 4490, 4840.

362 ....Revises provisions concerning groundwater basins. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider, 274, 726, 1760, 2630, 2639, 2767*.

363 ....Revises the notice and publication requirements for certain applications for water rights. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Rhoads, 274.

364 ....Prohibits a person from engaging in horse tripping or organizing a horse tripping event under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Copening, 275.

365 ....Eliminates certain mandates pertaining to school districts and public schools in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator McGinness, 275, 864, 1005, 1012, 1762, 2425, 2435, 2455, 2767*, 4459, 4734, 4762, 4842, 4966, 5880, 5892, 5923, 6548.

366 ....Enacts provisions relating to school choice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cegavske, Gustavson, Roberson, Halseth, Settelmeyer, Hardy, Kieckhefer and McGinness, 275.

367 ....Requires certain health care practitioners to communicate certain information to the public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske and Hardy, 276, 1042, 1469, 1472, 1734, 1738*.

368 ....Prohibits discrimination in housing and certain other transactions involving real property on the basis of sexual orientation or gender identity or expression. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Parks and Leslie, 276, 625, 679, 726, 866, 889, 1087, 1264, 1614, 1690, 1691*, 1692, 3333, 3627.

369 ....Requires the establishment of a program of shared work unemployment compensation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hardy, 276, 726.

370 ....Makes various changes to provisions governing children who are placed with someone other than a parent. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Horsford, Leslie; Assemblymen Frierson and Horne, 276, 723, 726, 5297, 5339, 5347, 5445*, 5446, 6062, 6548.

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371 ....Makes various changes concerning the protection of children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cegavske, Horsford and Leslie, 277, 723, 726, 5395, 5446, 5481, 5494, 5713*, 5714, 6062, 6548.

372 ....Revises provisions governing the use of money received by school districts and charter schools from the State Supplemental School Support Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Horsford, Denis, Parks; Assemblymen Oceguera, Smith and Bobzine, 277, 643.

373 ....Requires photographic identification for voting. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Roberson, 277, 643, 644.

374 ....Creates the Committee to Study the Funding of Higher Education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Lee, 277, 724, 726, 4455, 4504, 4506, 4507, 4939*, 4940, 5397, 6548.

375 ....Authorizes counties and cities to create renewable energy corridors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske and Schneider, 278, 642, 850, 852, 866, 894, 1087, 1264, 1611.

376 ....Increases the penalty for certain technological crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske, Breeden, Brower, Gustavson, Halseth, Hardy, Kihuen, Lee, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider and Settelmeyer, 278, 643, 852, 866, 894, 1087, 1604, 1605*, 4459, 5964, 5966, 6548.

377 ....Establishes provisions authorizing public-private partnerships for certain projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 278, 888, 1223, 1472, 1478, 1734, 1738*.

378 ....Revises the formula used to determine the value of used vehicles for the purpose of calculating the amount of governmental services taxes due. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Gustavson, Settelmeyer; Assemblymen Hardy, Ellison, Hammond, Hickey and Livermore, 278.

379 ....Revises provisions governing the inspection by the Health Division of the Department of Health and Human Services of certain facilities and offices regulated by the Health Division. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer, 278, 726, 1613, 2335, 2342, 2358.

380 ....Revises provisions governing aliens unlawfully present in the United States. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Gustavson, Cegavske, Halseth, McGinness, Settelmeyer; Assemblymen Hansen, Hardy, Ellison, Goedhart, Hickey and Livermore, 279, 726.

381 ....Revises provisions concerning counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 279, 1613, 2342, 2348, 2455*, 4459, 5119, 5130, 5788.

382 ....Establishes provisions relating to early intervention services for infants and toddlers with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske, 279.

383 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cegavske, 280, 726.

384 ....Authorizes the governing body of certain local governments to adopt procedures for the sale of naming rights to certain public facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 307, 888, 1223, 1479, 1480, 1734, 1738*.

385 ....Grants power to local governments to perform certain acts or duties which are not prohibited or limited by statute. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 308, 888, 1223, 1480, 1486, 1734, 1738, 1739*.

386 ....Makes various changes concerning the taxation of certain tobacco products. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 308, 726.

387 ....Revises certain provisions governing off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 308, 726, 1226, 1683, 1690, 2425*, 3333, 3627.

388 ....Establishes provisions concerning medical assistants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 335.

389 ....Enacts provisions requiring the payment of deposits and refunds on certain beverage containers sold in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 335, 726.

390 ....Revises provisions relating to the statewide voter registration list. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 335, 1760, 2640, 2642, 2767*, 3333, 3627.

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391 ....Revises provisions relating to ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 335, 1760, 2642, 2685, 2767, 2768*.

392 ....Creates the Nevada Advisory Committee on Intergovernmental Relations as a statutory committee. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 336, 642, 726, 854, 866, 894, 1087, 1605*.

393 ....Revises provisions relating to annexation of territory by certain unincorporated towns. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 336, 642, 854, 855, 866, 894, 1087, 1605, 1606*, 3101, 3218.

394 ....Revises provisions governing the liability of a general contractor or subcontractor for certain benefit payments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 336.

395 ....Establishes a technology commercialization plan for Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 336.

396 ....Changes the governmental entity entrusted to administer and distribute the additional funds generated by the special license plates for the support of the natural environment of the Mount Charleston area. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 337, 1734, 2348, 2352, 2455*, 3101, 3218.

397 ....Revises provisions governing an investigation of a peace officer by a law enforcement agency. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 337.

398 ....Authorizes certain persons to request that personal information contained in certain public records be kept confidential. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 337.

399 ....Revises provisions governing the formation of a township in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 337.

400 ....Establishes a process by which a state agency may obtain certain information in county records at no charge for the purpose of assisting the economic development and population research of this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Select Committee on Economic Growth and Employment, 343, 1613, 2352, 2357, 2455, 2456*, 4459, 4621, 4626, 6548.

401 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Select Committee on Economic Growth and Employment, 343.

402 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 344, 643, 855, 866, 894, 1087, 1606*, 4292, 4642, 4649, 4842, 5371, 6265, 6274, 6275, 6276, 6277.

403 ....Revises provisions relating to the information which must be provided by a unit's owner in a resale transaction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 344, 643, 863, 871, 894, 1087, 1606, 1607*, 4292, 5130, 5132, 5788, 5880.

404 ....Revises provisions concerning information that a gaming applicant or licensee must provide. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 344, 726.

405 ....Revises provisions governing business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 344, 888, 1223, 1486, 1553, 1734, 1739*, 5396, 6548.

406 ....Requires the Department of Motor Vehicles to waive certain fees owed by certain military personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 345, 865, 1012, 1087, 1607*, 2964, 3020.

407 ....Revises provisions relating to tow cars. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Transportation, 345, 726, 1760, 2685, 2689, 2768*.

408 ....Revises provisions governing the issuance of special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 345, 417, 616, 636, 719*, 720, 2967, 3052.

409 ....Revises provisions relating to the lease of office space for use by certain state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 346, 378.

410 ....Revises provisions governing alcoholic beverages. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 346.

411 ....Provides for the regulation of medication aides. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on

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the State: Yes. Committee on Commerce and Labor and Energy, 346, 864, 1012, 1039, 1087, 1607*, 3796, 4410.

412 ....Provides for the regulation of the practice of complementary integrative medicine. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 346, 1613, 2358, 2394, 2456*.

413 ....Repeals certain provisions governing licenses issued by the Real Estate Division of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 347, 625, 643, 679.

414 ....Revises provisions relating to financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 347, 1042, 1553, 1557, 1734, 1739*, 3796, 4291, 4317, 4412, 4424, 5212, 5216, 5788.

415 ....Revises provisions governing the recovery of certain benefits paid under the State Plan for Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 347, 726.

416 ....Provides for the regulation of certain marketing programs or promotions of liquor in retail establishments. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 347, 726.

417 ....Provides for the placement of recycling containers in certain locations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 347, 643, 863, 874, 894, 1087, 1607, 1608*, 3796, 4410.

418 ....Creates a subcommittee of the Legislative Committee on Health Care to oversee the implementation of federal health care reform in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 349, 726, 4423, 4462, 4540*, 6062, 6548.

419 ....Establishes provisions relating to safe injection practices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services, 350, 1613, 2394, 2398, 2456*, 4459, 4997, 5001, 5788.

420 ....Makes various changes relating to the operation of certain facilities for long-term care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 350, 726, 1043, 1557, 1565, 1734, 1739*, 3702, 4187.

421 ....Revises provisions relating to certain funds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 350, 417, 3992, 3993, 4267, 4268, 4295, 4348, 4359, 4412, 4413*, 5790, 5906, 5916, 6548.

422 ....Requires counties to pay for the use of services offered by the Aging and Disability Services Division of the Department of Health and Human Services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 351, 417.

423 ....Revises provisions concerning assistance to certain older persons and persons with physical disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 351, 389, 391, 417, 5297, 5308*, 5397, 6548.

424 ....Creates the Department of Tourism and Cultural Affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 351, 417.

425 ....Makes appropriations to the Department of Motor Vehicles and the Department of Administration Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 351, 417, 5297, 5347, 5352, 5446*, 5923, 6548.

426 ....Makes various changes related to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 351, 417, 3992, 4002, 4268*, 4841, 5788.

427 ....Provides for the merger, movement and reorganization of certain state agencies Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 352, 417, 5395, 5446, 5494, 5566, 5567, 5714*, 6178, 6406, 6471, 6548.

428 ....Makes an appropriation to the State Gaming Control Board to replace computer and technology hardware. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 352, 417, 5395, 5446, 5567, 5714*, 5923, 6548.

429 ....Revises the authority of the Department of Health and Human Services to contract for transportation services for the recipients of services under the Children's Health Insurance Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 352, 389, 391, 417, 3675, 3687, 3894*, 5396, 6548.

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430 ....Revises provisions governing certain child care facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finan, 352, 417, 2963, 2968, 3039*, 3796, 4410.

431 ....Authorizes the Secretary of State to make broader use of revenue from the enforcement of securities laws. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 353, 417.

432 ....Revises provisions governing governmental financing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 353, 724, 874, 894, 1087, 1608, 1609*, 4458, 5263, 5278, 5788.

433 ....Eliminates the position of Deputy Commissioner of the Nevada Transportation Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 353, 417.

434 ....Makes various changes regarding funding and autonomy of Nevada System of Higher Education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 353, 417, 1253, 5709, 5714, 5728, 5850*.

435 ....Transfers the Office of Historic Preservation from the Department of Cultural Affairs to the State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 354, 417.

436 ....Revises provisions concerning pension benefits for justices of the Supreme Court and district judges. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 354, 1760, 2689, 2768*, 4292, 4421.

437 ....Revises provisions governing assistance to parents and relatives caring for certain persons with mental retardation and related conditions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 354, 389, 391, 417, 3684, 3798, 4268*, 5923, 6548.

438 ....Requires the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 354, 416, 417, 616, 5789, 5850*, 6548.

439 ....Makes various changes relating to fire protection. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 354, 417, 642, 644, 3332, 3445, 3678*, 5710, 5826, 5833, 6548.

440 ....Creates the Silver State Health Insurance Exchange. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 355, 417, 478, 3992, 4030, 4268*, 5396, 5833, 5841, 6548.

441 ....Revises provisions governing the processing at self-service terminals or kiosks of certain transactions with the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 355, 417, 865, 2963, 2968, 3039*, 3333, 3627.

442 ....Establishes the Fund for State Park Interpretative and Educational Programs and Operation of Concessions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 355, 417, 3021, 3069, 3072, 3155*, 5396, 6548.

443 ....Requires counties to pay a percentage of the expense of presentence or general investigations and reports made by the Division of Parole and Probation of the Department of Public Safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 355, 417, 3992, 4038, 4268*, 5396, 6548.

444 ....Eliminates the Administrative Services Division of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 356, 417, 2963, 2968, 3039*, 3702, 4187.

445 ....Allows the Office of the Military to collect rent for the use of its facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 356, 417, 642, 644, 2845, 2869, 2892*, 3796, 4410.

446 ....Revises provisions governing the composition of the State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 356, 417, 724, 726, 3992, 4041, 4268*, 4269, 5396, 6548.

447 ....Makes various changes concerning the administration of child welfare services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 356, 389, 391, 417, 2809, 4772, 4773, 4782, 4940*, 5397, 6548.

448 ....Makes various changes concerning the regulation of mental health services provided to children in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 357, 417, 643, 644.

449 ....Revises provisions governing tuition charges, registration fees and other fees assessed against students in the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 357, 417, 887, 894, 1044, 1045, 1087, 1090, 1241, 4490, 4541, 4544, 4548*, 5397, 6548.

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450 ....Makes an appropriation to the Interim Finance Committee for allocation to the State Treasurer for a consultant to assist with the development of a request for proposals for the E-payment and Merchant Services contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 357, 417, 2845, 2870, 2892*, 3702, 4187.

451 ....Revises provisions governing tuition charges, registration fees and other fees assessed against students enrolled in institutions of the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 357, 417, 887, 894, 1044, 1045, 1090, 1093.

452 ....Eliminates the Medicaid waiver carried out pursuant to the Health Insurance Flexibility and Accountability demonstration initiative. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 358, 389, 391, 417, 3332, 3446, 3678*, 5396, 6548.

453 ....Makes an appropriation to the Department of Motor Vehicles for computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 358, 417.

454 ....Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 358, 417.

455 ....Makes an appropriation to the Motor Carrier Division of the Department of Motor Vehicles for the replacement of a vehicle and office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 358, 417.

456 ....Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 359, 417.

457 ....Makes an appropriation to the Department of Motor Vehicles for the replacement of vehicles and other equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 359, 417.

458 ....Makes an appropriation to the Department of Motor Vehicles for computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 359, 417.

459 ....Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 359, 417.

460 ....Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment and a vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 359, 417.

461 ....Makes an appropriation to the Department of Motor Vehicles for the replacement of a forklift, mail scanners, telephones, headsets and office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 359, 417.

462 ....Makes an appropriation to the Motor Carrier Division of the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 360, 417.

463 ....Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 360, 417.

464 ....Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 360, 417.

465 ....Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 360, 417.

466 ....Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 360, 417.

467 ....Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 361, 417.

No. *Summary, Introducer and Page Reference*

468 ....Makes various changes related to the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 361, 417, 724, 726.

469 ....Revises provisions relating to programs for the treatment of mental illness or mental retardation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 361, 417, 418, 2795.

470 ....Makes a supplemental appropriation to the Department of Corrections for an unanticipated shortfall in Fiscal Year 2010-2011 for increased outside medical costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 361, 417, 2967, 3025, 3026, 3096*, 3444, 3682.

471 ....Revises provisions relating to public health. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 361, 389, 391, 417, 2810, 4772, 4782, 4940*, 5397, 6548.

472 ....Makes a supplemental appropriation to the Department of Corrections to cover stale claims for prison medical care. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 362, 417, 2845, 2870, 2892*, 4459, 5295, 5788.

473 ....Revises provisions governing consumer affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 362, 417, 5395, 5446, 5567, 5574, 5728*, 5923, 6548.

474 ....Makes a supplemental appropriation to the Department of Corrections to offset a reduction in funds for the State Criminal Alien Assistance Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 362, 417, 2967, 3026, 3027, 3096*, 3097, 3444, 3682.

475 ....Makes various changes relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 362, 417, 418, 2963, 2968, 3039, 3040*, 5396, 6548.

476 ....Makes various changes concerning the juvenile justice system. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 363, 417, 418, 2796, 2807, 2808, 4772, 4796, 4940*, 5397, 6548.

477 ....Authorizes the Administrator of the Division of Health Care Financing and Policy of the Department of Health and Human Services to administer oaths, take testimony and issue subpoenas for the purposes of recovering Medicaid benefits paid on behalf of certain recipients. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 363, 417, 625, 679, 3332, 3560*, 5396, 6548.

478 ....Makes a supplemental appropriation to the Department of Motor Vehicles for an unanticipated shortfall in kiosk vendor payments. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 363, 417, 2967, 3027, 3097*, 3444, 3682.

479 ....Makes a supplemental appropriation to the Department of Motor Vehicles for an unanticipated shortfall in the merchant services fees associated with electronic payments. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 363, 417, 2967, 3027, 3028, 3097*, 3444, 3682.

480 ....Revises provisions relating to child protective services in certain less populated counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 363, 389, 391, 417, 4772, 4801, 4804, 4940*, 5397, 6548.

481 ....Makes an appropriation to the Interim Finance Committee for allocation to the State Treasurer. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 364, 417, 2845, 2870, 2893*, 3702, 4187.

482 ....Makes a supplemental appropriation to the Department of Corrections for an unanticipated shortfall in revenue at the casa Grande Transitional Housing Center for Fiscal Year 2010-2011. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 364, 417, 2967, 3028, 3029, 3097*, 3444, 3682.

483 ....Revises certain provisions relating to the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 364, 417, 1614, 2398, 2400, 2407, 2963, 3020, 3040*, 5923, 6193, 6209, 6548.

484 ....Makes a supplemental appropriation to the Department of Public Safety for an unanticipated shortfall in personnel services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 364, 417.

485 ....Revises provisions governing the payment of certain expenses for the provision of care pursuant to the State Plan for Medicaid. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 364, 634, 4951, 4953, 5446*, 5923, 6548.

No. *Summary, Introducer and Page Reference*

486 ....Makes an appropriation to the Office of the State Treasurer for the Millennium Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 365, 417, 4492, 4861, 5446*, 5923, 6548.

487 ....Revises provisions relating to the award of a contract for a public work to a specialty contractor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 365, 1042, 1565, 1575, 1734, 1739*, 1740.

488 ....Revises provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 365, 642, 863, 874, 894, 1087, 1609*.

489 ....Revises provisions relating to drivers' licenses and identification cards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 365.

490 ....Authorizes certain counties to impose additional taxes on fuels for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 365, 726.

491 ....Makes various changes regarding public revenue and taxation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue, 365, 724, 726.

492 ....Revises provisions regarding the payment of certain fees for mining claims. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 366, 725, 726.

493 ....Creates the Mining Oversight and Accountability Commission and revises the provisions governing certain mining taxes and fees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 366, 726, 1614, 2400, 2407, 3097, 3098, 4545, 4548, 4549, 4626, 4635, 4940, 5694, 5708, 5709, 5730, 5731*, 6062, 6209, 6224, 6548.

494 ....Repeals provisions relating to certain fire districts and establishes wildfire protection programs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 366, 726, 864, 865.

495 ....Proposes a competing measure to Initiative Petition No. 1. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 367, 626, 627, 628, 643, 863, 874, 894, 1087, 1609, 1610*, 3333, 3627.

496 ....Makes various changes relating to renewable energy. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 1087, 2425, 2692, 2703, 2768, 2769*, 2770.

497 ....Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 2846, 2869, 2884, 2888, 2889, 2892*, 2895, 2941, 4424.

498 ....Expands the authorized use of proceeds from the additional fee for each ticket sold for admission to a live professional contest of unarmed combat. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 2846, 2867, 3157, 3220, 3336*, 5396, 6548.

499 ....Repeals the provisions creating the Fund for the National Judicial College and the Fund for the National College of Juvenile and Family Law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 2846, 2867, 3332, 3446, 3678*, 5396, 6548.

500 ....Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 2894, 2895.

501 ....Authorizes the creation of an event facility district in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 4294.

502 ....Revises provisions governing local improvements. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 4463.

503 ....Authorizes expenditures by agencies of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 4952, 5297, 5308, 5309*, 5397, 5576, 6548.

504 ....Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4952, 5297, 5309*, 5397, 5576, 6548.

505 ....Provides for compensation of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4952, 5297, 5310*, 5397, 5576, 6548.

No. *Summary, Introducer and Page Reference*

506 ....Revises provisions relating to the financial administration of certain local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 5310, 6061, 6063, 6100, 6162*, 6548.

VETOED SENATE BILLS OF THE 75th SESSION

No. *Summary, Introducer and Page Reference*

143 ....Makes an appropriation to the Interim Finance Committee for allocation to pay costs relating to the implementation of certain legislation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 26, 27, 29.

376 ....Makes various changes relating to the prevailing wage requirements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs, 26, 29.

396 ....Revises provisions governing an investigation of a peace officer by a law enforcement agency. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary, 27, 29.

VETO SENATE BILLS OF THE 26th SPECIAL SESSION

No. *Summary, Introducer and Page Reference*

3 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Committee of the Whole, 27, 28, 29.

LISTING OF SENATE RESOLUTIONS AND ACTIONS THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

SENATE JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Proposes to amend the Nevada Constitution to allow the Legislature to authorize the operation of a state lottery for the support of public education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Committee of the Whole, 56, 97.

2 ....Proposes to amend the Nevada Constitution to repeal the constitutional provision requiring the payment of a minimum wage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 57.

3 ....Urging Congress to enact legislation requiring the Secretary of the Interior to convey ownership of certain land to the Stae of Nevada to help fund education in Nevada. 58, 390, 475, 622*, 3702, 5295, 5297, 5788.

4 ....Urging Congress to take certain actions concerning federal public lands in Nevada. 98, 390, 475, 622*, 3333, 3627.

5 ....Expresses opposition to certain actions concerning wild horse and burro herds on federal public lands in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 98, 1735, 2416, 2418, 2456*.

6 ....Claims sovereignty under the Tenth Amendment to the U.S. Constitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 108, 116.

7 ....Proposes to amend the Nevada Constitution to limit the total amount of property taxes that may be levied on real property. Fiscal Note: Effect on Local Government: May have Fiscal impact. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 163, 643.

8 ....Urging Congress to enact legislation or take other appropriate action to expedite and streamline the requirements for conducting mining operatons in this State. Senators Rhoads, Brower Cegavske, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, McGinness, Roberson and Settelmeyer, 197, 643, 863, 874, 894, 1087, 1610*, 3065, 3156.

9 ....Proposes to amend the Nevada Constitution to require an affirmative vote of two-thirds of the members elected to each House of the Legislature to decrease revenues orreserves of or mandate that new or different services be performed by a local government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 250.

10 ....Proposes to amend the nevada Constitution to allow voucher schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Roberson, Cegavske, halseth, Gustavson, Brower, Hardy, Kieckhefer, McGinness, Rhoads and Settelmeyer, 269.

11 ....Proposes to amend the Nevada Constitution to authorize the Governor to reduce or veto appropriations or authorizatioons to expend money. Senator Hardy, 270.

12 ....Expresses opposition to the designation of certain public lands as Wild Lands and urges the Secretary of the Interior to rescind the order requiring that designation. Committee on Natural Resources, 334, 888, 1223, 1576, 1734, 1740*.

13 ....Proposes to amend the Nevada Constitution to establish the Trust Fund for State Parks. Committee on Government Affairs, 334.

14 ....Proposing to amend the Nevada Constitution to create an intermediate appellate court. Committee on Judiciary, 338, 478, 640, 720, 721*, 2967, 3052.

15 ....Proposed to amend the Nevada Constitution to repeal the provision establishing a separate tax rate and providing for assessing and disbursing the tax on the net procees of mines. Committee on Revenue, 348, 725, 3333, 3446, 3632, 3699, 3702, 3705, 3736*, 6062, 6548.

SENATE JOINT RESOLUTIONS OF THE 75TH SESSION

No. *Summary, Introducer and Page Reference*

1 ....Proposes to amend the Nevada Constitution to replace the State Board of Pardons Commissioners with the Clemency Board and to require the Legislature to provide for the organization and duties of the Clemency Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Parks, 29, 56.

SENATE CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Expresses support for the Pine Forest Wilderness Study Area Working Group. Committee on Natural Resources, 98, 3022, 3065, 3444, 3682.

2 ....Directs certain state agencies to investigate whether the State could potentially receive compensation from the Federal Government for environmental contamination in Nevada as a result of certain military exercises, nuclear weapons testing and other activities conducted by the Federal Government in Nevada. Senate Committee on Legislative Operations and Elections and Assembly Committee on Legislative Operations and Elections, 115, 3101, 3211, 3444, 3682.

3 ....Recognizes the month of February 2011 as a month to honor the contributions of Ronald Reagan. Senators Cegavske, Breeden, Brower, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Hammond, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury, 142, 143, 147, 153.

4 ....Rejects Initiative Petition No. 1. Committee on Revenue, 238, 249, 287, 628.

5 ....Directs the Legislative Commission to conduct an interim study concerning the laws of this State governing the protection of children. Senator Cegavske, 271, 4492, 4842, 4843, 5750, 6548.

6 ....Memorializes Marie H. Soldo. Senators Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Segerblom, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Sherwood, Smith, Stewart and Woodbury, 634, 635, 636, 643, 863.

7 ....Memorializes Milton D. Glick, President of the University of Nevada, Reno. Senators Horsford, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Smith, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Stewart and Woodbury, 1043, 1044, 1226, 1758.

8 ....Memorializes Enos LeRoy Arrascada, respected attorney and community leader. Senators Brower, Breeden, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Hickey, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury, 2814, 2816, 2824.

9 ....Expresses opposition to the location of a proposed wind power project on Mount Wilson and Table Mountain. Senator Rhoads, 2833.

10 ....Memorializes former state Senator Raymond C. Shaffer. Senators Rhoads, McGinness, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, Parks, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Hickey, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury, 3023, 3025, 3065, 3156.

11 ....Memorializes career military officer Colonel Jerry Bussell (Retired). Senators Kieckhefer, Brower, Breeden, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Anderson, Aizley, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury, 3066, 3068, 3102, 3218.

No. *Summary, Introducer and Page Reference*

12 ....Memorializes visionary leader, businessman and advocate Edmundo "Eddie" Escobedo, Sr. Senators Kihuen, Denis, Breeden, Brower, Cegavske, Copening, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Diaz, Segerblom, Bustamante Adams, Benitez-Thompson, Brooks, Aizley, Anderson, Atkinson, Bobzien, Carlton, Carrillo, Conklin, Daly, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Sherwood, Smith, Stewart and Woodbury, 3153, 3155, 3158, 3330.

13 ....Commends Casey Family Programs for its dedication in helping children and families. Senators Horsford, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Mastroluca, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury, 3629, 3631, 3685, 4187.

SENATE RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Adopts the Standing Rules of the Senate for the 76th Session of the Legislature. Senators Horsford and McGinness, 10, 23, 97.

2 ....Provides allowances for periodicals, stamps, stationery and communications. Senators Horsford and McGinnessss, 24, 97.

3 ....Provides for the appointment of the Senate session staff. Committee on Legislative Operations and Elections, 24, 25, 97.

4 ....Inducts William J. Raggio into the Senate Hall of Fame. Senators Horsford, McGinness, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Kieckhefer, Kihuen, Lee, Leslie, Manendo, Parks, Rhoads, Roberson, Schneider, Settelmeyer and Wiener, 882, 884, 1612.

5 ....Designating cetain members of the Senate as regular and alternate members of the Legislative Commission for the 2011-2013 biennium. Commiee on Legislative Operations and EIections. 4189, 4423, 4460, 4840

LISTING OF ASSEMBLY BILLS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

No. *Summary, Introducer and Page Reference*

1 ....Requires periodic reporting of financial information by certain governmental entities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Kirkpatrick, 2772, 2773, 2963, 2968, 3040*, 3098.

2 ....Revises provisions relating to emissions testing for certain vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Kirkpatrick and Kirner, 627, 636, 3685, 3800, 3805, 4269*, 4453, 4459.

6 ....Authorizes courts to allow certain victims of sex trafficking or involuntary servitude who have been convicted of engaging in or soliciting prostitution to have their judgments of conviction vacated. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hambrick, 1761, 2773, 2846, 2870, 2893*, 2962.

7 ....Revises provisions relating to the disqualification of certain judges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 115, 121, 281, 294, 304*, 367.

9 ....Revises provisions relating to fees charged and collected in justice courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1226, 1261, 2869, 2894, 2896, 2957*.

10 ....Revises provisions governing certain funds and the destruction of public records. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 183, 185, 334, 369, 373, 380*, 415.

11 ....Revises provisions relating to the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 115, 121, 338, 369, 373, 380*, 415.

12 ....Abolishes the Parolees' Revolving Loan Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 888, 889, 1225, 1690, 2420, 2786, 2816, 2825, 2826*, 2867.

13 ....Revises provisions relating to certain offenses committed by juveniles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 1761, 2773, 3065, 3102, 3211*, 3441.

15 ....Repeals requirements for the compilation and publication of certain biennial reports and statistical abstracts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 141, 144, 183, 199, 203, 204*, 210.

17 ....Revises provisions concerning the judicial review of decisions of the Public Utilities Commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 219, 224, 3064, 3102, 3106, 3211*, 3212, 4292, 4410.

18 ....Clarifies that meetings of the State Board of Parole Commissioners are quasi-judicial and clarifies the rights of prisoners and other persons who appear before the Parole Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 219, 224, 888, 1223, 1576, 1734, 2420, 2786, 2816, 2826*, 2867.

19 ....Revises provisions governing the issuance of certain fishing licenses and permits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture and and Mining, 888, 889, 3101, 3158, 3296*, 3627.

20 ....Revises provisions governing the practice of optometry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 888, 889, 3157, 3220, 3227, 3336*, 3796, 4186, 4459.

23 ....Enacts the Interstate Insurance Product Regulation Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 2772, 2773, 2967, 3029, 3097, 3156, 3212*, 3441.

25 ....Revises provisions governing certified court reporters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 888, 889, 2832, 2847, 2884*, 2962.

26 ....Revises provisions to clarify that motor vehicle liability policies must be written specifically for Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 888, 890.

28 ....Makes Nevada's definition of “low-speed vehicle” consistent with the federal definition. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 115, 121, 196, 201, 209*, 210, 216.

29 ....Revises provisions governing county hospitals and requires certain hospitals to report information concerning the transfers of patients between hospitals to the Legislative Committee on Health Care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 1761, 2773, 3064, 3106, 3111, 3212*, 3444, 3627.

30 ....Revises provisions relating to the authorization of certain emergency vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 196, 198, 626, 679, 682, 726, 866, 894, 1087, 1610, 1611*, 3065, 3098.

31 ....Revises an exemption from the provisions governing contractors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 1761, 2773.

32 ....Revises provisions governing licensed contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 888, 890, 2823, 2833, 2854*, 2941.

33 ....Revises provisions governing the Board of Psychological Examiners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 196, 198, 2814, 2824, 2843*, 2867.

36 ....Makes various changes concerning the Fund for Hospital Care to Indigent Persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 888, 890, 2832, 2847, 2884, 2885*, 3065, 3098.

37 ....Revises provisions relating to the hours of operation of state offices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1761, 2774, 2963, 2968, 3040*, 3098.

39 ....Revises provisions governing educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 417, 418, 3021, 3072, 3073, 3156, 3212*, 3444, 4186, 4459, 4842, 4943, 4944, 6548.

40 ....Revises the requirements concerning background investigations of certain applicants for employment or contracts with private postsecondary educational institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 151, 153, 3021, 3073, 3076, 3156, 3212*, 3444, 4186, 4459, 4842, 4944, 5788.

42 ....Authorizes a county to lease certain real property acquired from the Federal Government in certain circumstances without obtaining an appraisal. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1761, 2774, 2963, 2968, 3040*, 3098.

43 ....Extends the interval at which records of traffic citations must be audited by governmental agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 183, 185, 212, 237, 247*, 287.

45 ....Revises provisions governing district attorneys. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1761, 2774, 2963, 2968, 3040, 3041*, 3098.

46 ....Clarifies the inapplicability of certain partial tax abatements to various assessments relating to the adjudication of water rights and management of water resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 1761, 2774, 2964, 2968, 3041*, 3098.

48 ....Revises provisions governing children's mental health consortia. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services, 3444, 4423, 4462, 4544, 4549*, 5788.

50 ....Revises provisions relating to the licensure of medical and related health facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 206, 208, 2963, 2968, 3041*, 3098.

53 ....Revises provisions governing informational signage and other programs to provide information concerning commercial attractions and services along highways. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 391, 3685, 3805, 3812, 4267, 4294, 4342, 4359*, 4459, 4839, 6548.

54 ....Authorizes the establishment of a medical district in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Health and Human Services, 3297.

55 ....Makes various changes relating to dentistry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 888, 890, 2814, 2824, 2843*, 2867, 5153.

56 ....Grants subpoena power to the Attorney General, acting through the Medicaid Fraud Control Unit, to obtain certain documents, records or materials. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Judiciary, 1761, 2774, 3065, 3111, 3212*, 3213, 3441.

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57 ....Makes various changes governing certain criminal offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 1761, 2774, 2846, 2870, 2893*, 2962.

59 ....Makes various changes to the Open Meeting Law. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Government Affairs, 1761, 2774, 3219, 3349, 3357, 3560*, 4459, 4771, 4842, 5790, 5796, 6548.

61 ....Creates a temporary entity to study issues relating to substance abuse in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 1761, 2774, 2963, 2969, 3041*, 3098.

62 ....Revises provisions relating to the Office of the Attorney General. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 643, 644, 2823, 2833, 2837, 2854*, 3065, 3098.

63 ....Revises provisions relating to the duties of, and services provided by, the Office of the Attorney General. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 2772, 2774, 2963, 2969, 3041*, 3042, 3098.

66 ....Revises certain provisions concerning the restoration of a person's right to bear arms. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 183, 185, 338, 369, 373, 380, 381*, 415.

68 ....Revises provisions governing the sale or lease of real property by counties and cities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1761, 2774, 2963, 2969, 3042*, 3098.

71 ....Directs the Legislative Commission to conduct an interim study concerning the equitable allocation of money distributed from the Local Government Tax Distribution Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 5750, 6062, 6158*, 6548.

72 ....Revises provisions relating to securities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 1761, 2775, 3065, 3111, 3213*.

73 ....Revises provisions governing the appropriation of water for a beneficial use. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1761, 2775, 2963, 2969, 3042*, 3098.

74 ....Revises various provisions relating to the regulation of the insurance industry. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 3796, 3798, 5395, 5587, 5676, 5728, 5729*, 5923, 6548.

76 ....Revises provisions concerning reinstatement of insurance under the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 2772, 2775, 3065, 3111, 3213*, 3441.

77 ....Makes various changes relating to mortgage lending and related professionals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 2772, 2775, 3157, 3227, 3288, 3337, 3338, 3340, 3560*, 4460, 4967, 4968, 5397, 6176, 6178, 6548.

78 ....Makes various changes relating to business. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 2772, 2775, 3065, 3111, 3213, 3214, 3295, 3340*, 3798, 4157, 4267, 4293, 4359*, 4453, 5916.

80 ....Makes various changes relating to the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 2772, 2775, 3795, 3797, 3812, 3829, 4267, 4295, 4312, 4359*, 4360, 5396, 5788.

81 ....Revises various provisions relating to elections. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Legislative Operations and Elections, 2772, 2775, 3992, 4062, 4269*, 4460, 5297, 6548.

82 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Legislative Operations and Elections, 888, 890, 2964, 2969, 3042, 3043*, 4493, 4840.

83 ....Revises the statute of limitations for crimes relating to identity theft. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oceguera, 643, 644, 1225, 1690, 2420, 2786, 2816, 2826*, 2867.

87 ....Enacts the Uniform Interstate Depositions and Discovery Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom, 129, 138, 241, 260, 282, 296*, 309.

88 ....Enacts the Uniform Unsworn Foreign Declarations Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom, 183, 186, 241, 260, 282, 296*, 309.

91 ....Enacts the Uniform Collaborative Law Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Segerblom, 888, 890, 2824, 2838, 2854*, 2941.

93 ....Provides for the establishment of a pilot diversion program within the Department of Corrections to provide treatment for alcohol or drug abuse or mental illness to certain probation violators. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblyman Segerblom; Senators Horsford and Parks, 5709, 5710, 5922, 5924*, 6548.

97 ....Revises the Charter of the City of Sparks to make various changes in provisions concerning city government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Smith, 643, 644, 2772, 2816, 2827*, 2867.

98 ....Enacts the Uniform Emergency Volunteer Health Practitioners Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom, 3065, 3068, 3443, 3633, 3701*, 4187.

100 ....Enacts the Uniformed Military and Overseas Absentee Voters Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Segerblom, 3065, 3068, 4423, 4462, 4544, 4549*, 5788.

102 ....Revises provisions governing the requirements for licensure as a professional engineer or professional land surveyor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton, 888, 890, 2832, 2849, 2885*, 2962.

103 ....Makes various changes to the Airport Authority Act for Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Livermore, 219, 224, 334, 369, 373, 381*, 415.

107 ....Requires the adoption of certain policies and procedures governing the identification of criminal suspects. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Flores, 1761, 2775, 2869, 2894, 2896, 2957*, 3020.

109 ....Enacts the amendments to Article 9 of the Uniform Commercial Code. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom, 888, 890, 2869, 2894, 2896, 2957*, 3444, 3627.

110 ....Establishes the Kinship Guardianship Assistance Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 1761, 2775, 2963, 3019, 3043, 3097, 3156, 3214*, 3441.

111 ....Revises provisions relating to domestic relations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary, 888, 890, 2772, 2816, 2827*, 2867.

113 ....Revises provisions governing the statewide system of accountability for public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 391, 3021, 3076, 3156, 3214*, 3441.

114 ....Revises the amount of the fee for issuing and recording a certain permit for an existing water right for irrigational purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 5710, 5865*, 6548.

115 ....Revises provisions governing the appropriation of water for beneficial use. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 2772, 2775, 2963, 3019, 3043, 3097, 3156, 3214*, 3441.

117 ....Temporarily revises provisions governing the required minimum number of school days in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 2772, 2776, 3064, 3111, 3992, 4161, 4269*, 4453, 4459.

121 ....Revises certain provisions relating to the security of court facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 888, 890, 2814, 2824, 2843*, 2867.

122 ....Revises provisions concerning the imposition of certain reasonable restrictions or requirements relating to systems for obtaining wind energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Livermore, 2772, 2776, 3332, 3446, 3448, 3678*, 3679, 4292, 4410.

123 ....Makes various changes relating to certain facilities that provide health and related care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 5298, 5311, 5396, 5676*, 5677, 6548.

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124 ....Requires a funeral director to report the names of certain deceased persons to the Office of Veterans' Services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 129, 138, 200, 208, 216*, 247.

125 ....Revises provisions concerning the reporting of crimes against older persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 888, 891, 2772, 2816, 2827*, 2867.

127 ....Eliminates the requirement for compiling sets of books of legislative measures and related materials. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Oceguera, 141, 144, 183, 199, 204*, 205, 210.

130 ....Revises provisions relating to affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Smith, 1761, 2776, 2967, 3029, 3097, 3156, 3215*, 3441.

132 ....Revises provisions governing the dates for certain elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 2772, 2776, 3333, 3448, 3465, 3679*, 3796, 4187.

134 ....Prohibits the imposition of a sentence of life imprisonment without the possibility of parole upon a juvenile offender convicted of a non-homicide crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 206, 208, 281, 294, 304*, 367.

135 ....Revises provisions governing probation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1761, 2776, 3065, 3111, 3215*, 3441, 4456.

136 ....Revises provisions governing credits for offenders sentenced for certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 2772, 2776, 3992, 4111, 4269, 4270, 4271, 4293, 4312*, 4459, 4772, 4842, 5745, 5749, 5790, 6548.

137 ....Revises provisions governing programs of nutrition in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 3065, 3068, 5297, 5352, 5576*, 5790, 6548.

138 ....Revises provisions governing pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 888, 891, 3101, 3158, 3296*, 3444, 3627.

141 ....Revises the frequency with which certain volunteer firefighters must submit to physical examinations to receive workers' compensation coverage for certain occupational diseases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goicoechea, Ellison and Hansen, 1761, 2776, 2967, 3029, 3097, 3156, 3215*, 3441.

142 ....Makes various changes governing crimes against property. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Ohrenschall, Horne, Frierson, Pierce, Munford, Aizley, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Flores, Hickey, Kirkpatrick, Kirner, Mastroluca, Segerblom and Smith, 888, 891, 1734, 2419, 2786, 2816, 2827, 2828*, 2867.

143 ....Revises certain provisions concerning permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Smith, Goicoechea, Horne, Oceguera, Conklin, Daly, Ellison and Hardy, 888, 891, 3065, 3111, 3215*, 3441.

144 ....Makes various changes relating to bidder preferences on state and local public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kirkpatrick, Oceguera, Smith, Conklin, Atkinson, Aizley, Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carrillo, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goicoechea, Grady, Hammond, Hardy, Hogan, Horne, Livermore, Mastroluca, Munford, Neal, Ohrenschall, Pierce and Stewart, 125, 126, 141, 626, 682, 705, 726, 866, 894, 1087, 1611*, 1761, 2770.

145 ....Requires the posting of certain notices of a proposed annexation of an area by an unincorporated town under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Goicoechea, 1761, 2776, 2963, 3019, 3043, 3097, 3156, 3215*, 3441.

146 ....Makes various changes relating to the Office for Consumer Health Assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 1761, 2776, 2963, 3019, 3043, 3097, 3156, 3216*, 3441.

147 ....Revises provisions relating to the termination of parental rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Mastroluca, Ohrenschall, Benitez-Thompson, Dondero Loop, Flores and Frierson, 643, 644, 888, 1223, 1576, 1734, 2420, 2786, 2816, 2828*, 2867.

148 ....Revises provisions governing the voluntary relinquishment of an infant to a provider of emergency services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Mastroluca, Ohrenschall, Smith, Bobzien, Benitez-Thompson, Conklin, Dondero Loop, Flores, Frierson, Horne and Pierce, 3632, 4423, 4462, 4544, 4549*, 5788.

149 ....Makes various changes concerning medical and dental malpractice claims. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom, Pierce, Ohrenschall, Aizley, Benitez-Thompson, Carlton, Diaz, Flores, Frierson, Horne, Munford, Neal; Senators Parks, Breeden, Kihuen, Leslie and Manendo, 1761, 2776.

150 ....Revises provisions governing portfolio standards for providers of electric service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Atkinson, Conklin, Oceguera, Smith, Benitez-Thompson, Bustamante Adams, Frierson, Hickey, Kirkpatrick, Kirner, Mastroluca, Pierce; Senators Horsford, Schneider and Leslie, 1226, 1262, 2845, 2870, 2893*, 2962.

152 ....Creates an advisory committee to develop recommendations for the funding of highways in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Atkinson, Horne, Bobzien, Benitez-Thompson, Conklin, Dondero Loop, Flores, Kirkpatrick, Mastroluca, Munford, Neal, Oceguera, Pierce and Smith, 627, 636, 3684, 3829, 4271*, 4453, 6156.

154 ....Enacts provisions which guarantee certain rights to children placed in foster homes in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Frierson, Mastroluca, Smith, Benitez-Thompson, Ohrenschall, Bustamante Adams, Diaz, Segerblom and Senator Leslie, 1761, 2777, 3064, 3111, 3116, 3216*, 3444, 3627.

156 ....Revises provisions relating to process servers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Frierson, Horne, Segerblom, Flores and Senator Wiener, 627, 636, 887, 1223, 1576, 1734, 2420, 2786, 2816, 2828*, 2867.

160 ....Revises provisions governing the financial reports of certain medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom, Aizley, Benitez-Thompson, Flores, Frierson, Hogan, Neal, Pierce; Senators Kihuen and Leslie, 3065, 3068, 3333, 3465, 3470, 3679*, 3796, 4187.

161 ....Revises provisions governing the crime of trespassing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Anderson, 2772, 2777, 2869, 2894, 2896, 2928, 2957*, 2958, 3020.

166 ....Makes changes relating to the authority of municipalities to hold special elections for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bustamante Adams, Kirkpatrick, Hardy and Senator Hardy, 219, 224, 2772, 2816, 2828*, 2867.

167 ....Enacts provisions for the protection of the waters of this State from aquatic invasive species. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Bustamante Adams, Bobzien, Goicoechea, Grady, Hardy; Senators Lee and Manendo, 2846, 5298, 5358, 5366, 5576*, 5790, 6548.

168 ....Revises provisions governing the formation of general improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywomen Dondero Loop and Kirkpatrick, 643, 644, 2772, 2816, 2828*, 2867.

170 ....Establishes provisions relating to warnings about the health hazards of smoking during pregnancy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Pierce, Ohrenschall, Anderson, Aizley, Benitez-Thompson, Bustamante Adams, Flores, Kirkpatrick, Mastroluca, Neal and Smith, 888, 891, 3064, 3116, 3119, 3216*, 3444, 3627.

171 ....Revises provisions governing charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Benitez-Thompson, Smith, Carrillo, Daly, Diaz, Dondero Loop, Frierson, Kirkpatrick, Neal, Pierce; Senators Denis and Kihuen, 4458, 4460, 4841, 4861, 5576, 5577*, 6548.

174 ....Designates June 19 as Juneteenth Day in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Munford, Hogan and Neal, 391, 2772, 2816, 2828, 2829*, 2867.

179 ....Revises provisions relating to disciplinary action against a public employee. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Anderson, Conklin, Segerblom, Carrillo, Brooks, Daly, Neal; Senators Manendo and Parks, 1761, 2777, 3333, 3471, 3473, 3679, 3680*, 4421, 4459.

181 ....Provides for evaluation by the Advisory Commission on the Administration of Justice of the policies and practices relating to the involuntary civil commitment of sexually dangerous persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Horne, Dondero Loop, Anderson, Carrillo, Aizley, Brooks, Goicoechea, Hansen, Hogan, Mastroluca, Munford, Neal, Segerblom, Smith; Senators Breeden and Lee, 1226, 1262, 2832, 2849, 2885*, 2962.

182 ....Authorizes the creation of inland ports. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 2772, 2777, 2964, 3019, 3043, 3097, 3156, 3216*, 3441.

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183 ....Revises provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Smith, Conklin, Oceguera, Horne, Bobzien, Aizley, Anderson, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Carrillo, Diaz, Dondero Loop, Flores, Frierson, Hogan, Kirkpatrick, Mastroluca, Neal, Ohrenschall and Segerblom, 183, 186, 190, 241, 260, 282, 296, 297, 298, 299, 300*, 318, 319, 374, 390, 1074, 1079.

192 ....Revises various provisions relating to fees charged by county recorders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 1761, 2777, 3064, 3119, 3216*, 3441.

193 ....Revises provisions governing the implementation of capital improvement projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 219, 224, 372, 378, 414*, 415, 640.

194 ....Revises provisions relating to court interpreters for persons with a communications disability. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Ohrenschall and Dondero Loop, 888, 891, 2846, 2870, 2893*, 2962.

195 ....Revises provisions governing the destruction and storage of court records. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 5710, 5865, 5866*, 6548.

196 ....Revises provisions governing the collection of fines, administrative assessments and fees owed by certain convicted persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 1761, 2777, 3022, 3076, 3080, 3156, 3217*, 3685, 3794.

198 ....Revises provisions governing the Nevada Rural Housing Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Grady, Ellison and Livermore, 1761, 2777, 3219, 3358, 3362, 3445, 3632, 3701*, 3702, 4421, 4459.

199 ....Revises provisions governing the practice of pharmacy. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Smith, Atkinson, Horne, Conklin, Bobzien, Daly, Dondero Loop, Hickey, Kirkpatrick, Mastroluca and Oceguera, 2772, 2777, 3443, 3633, 3639, 3699, 3895, 4166, 4271, 4272*, 4493, 4968, 5397, 6543, 6548.

200 ....Authorizes a brew pub to obtain a special permit to transport donated malt beverages under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Smith, Bobzien, Horne, Conklin, Atkinson, Daly, Dondero Loop, Hickey, Kirkpatrick, Mastroluca and Oceguera, 307, 308, 2964, 3019, 3043, 3097, 3156, 3217*, 3441.

201 ....Revises provisions pertaining to informational statements provided for the adoption of administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 391, 2832, 2849, 2851, 2885*, 3102, 3156.

202 ....Provides for the partial abatement of certain property taxes for certain new manufacturing businesses in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Atkinson, Conklin, Kirner, Hardy, Hickey and Kirkpatrick, 3444, 3699, 3797, 4190, 4313*, 4453.

203 ....Revises provisions governing contractors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Carrillo, Kirkpatrick, Brooks, Daly, Ellison, Hansen, Segerblom and Senator Manendo, 643, 645, 2823, 2838, 2842, 2854*, 2855, 3065, 3098.

204 ....Revises provisions regarding salvage vehicles and total loss vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 2772, 2777, 3684, 3829, 4272, 4313*, 4453.

211 ....Revises provisions governing discriminatory employment practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Aizley, Ohrenschall, Carrillo, Horne, Atkinson, Conklin, Dondero Loop, Frierson, Goedhart, Hambrick, Hogan, Oceguera, Pierce, Stewart; Senators Leslie, Parks and Denis, 888, 891, 2814, 2824, 2843, 2855, 2866, 2884, 2887, 2958, 2959*, 3065, 3098.

212 ....Revises provisions relating to design-build contracts entered into by the Department of Transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Woodbury, Goicoechea, Grady, Hammond, Hansen, Hardy, Hickey, Kite, Stewart; Senators Hardy, Gustavson, Kieckhefer and Settelmeyer, 2772, 2777, 3684, 3829, 4272*, 4453.

213 ....Makes various changes relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 1761, 2778, 3065, 3119, 3217*, 3441.

214 ....Revises provisions governing certain disbursements of money from escrow accounts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 643, 645, 2832, 2851, 2885*, 3065, 3098.

215 ....Revises provisions governing utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 1226, 1262, 2845, 2870, 2883, 2894*, 3065, 3098.

217 ....Repeals provisions governing the interstate sale of certain firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ellison, Hansen, Aizley, Anderson, Bobzien, Bustamante Adams, Carrillo, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kirkpatrick, Kirner, Kite, Livermore, McArthur, Munford, Sherwood, Stewart, Woodbury; Senators Hardy, Settelmeyer, Gustavson, Brower, Lee, Manendo and McGinness, 212, 216, 887, 1224, 1576, 1734, 2420, 2786, 2816, 2829*, 2867.

219 ....Revises provisions governing the expiration of slot machine wagering vouchers Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Horne, Aizley, Atkinson, Bobzien, Brooks, Carrillo, Conklin, Daly, Dondero Loop, Frierson, Hogan, Ohrenschall, Segerblom and Smith, 5750, 5922, 5924*, 6548.

220 ....Encourages the Board of Regents of the University of Nevada to implement measures to ensure the educational needs of students and prospective students will be met. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oceguera, Bobzien, Smith, Kirkpatrick, Conklin, Aizley, Anderson, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Carrillo, Dondero Loop, Flores, Frierson, Hammond, Hardy, Hickey, Hogan, Kirner, Mastroluca, Munford, Neal, Ohrenschall, Pierce, Woodbury; Senators Leslie, Horsford and Denis, 417, 418, 2823, 2842, 2866*, 2941.

222 ....Creates the Teachers and Leaders Council of Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Smith, Bobzien, Oceguera, Conklin, Anderson, Atkinson, Benitez-Thompson, Carrillo, Daly, Dondero Loop, Frierson, Hansen, Hickey, Hogan, Horne, Kirner, Mastroluca, Segerblom, Stewart; Senators Horsford and Leslie, 4459, 4461, 5395, 5677, 5729*, 5923, 6548.

223 ....Makes various changes concerning the execution on property of a judgment debtor or defendant. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom, Smith, Dondero Loop, Aizley, Anderson, Benitez-Thompson, Bobzien, Carrillo, Daly, Frierson, Kirkpatrick, Neal, Pierce; Senators Breeden, Parks, Kihuen, Leslie and Manendo, 2772, 2778, 3444, 3640, 3699, 4293, 4317, 4341, 4360*, 5396, 5788.

224 ....Revises provisions governing parental involvement in education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Benitez-Thompson, Smith, Bobzien, Oceguera, Aizley, Brooks, Bustamante Adams, Carrillo, Daly, Flores, Frierson, Kirkpatrick, Segerblom and Senator Denis, 3444, 4455, 4507, 4941, 4942*, 5788.

225 ....Requires an additional probationary period for certain teachers and administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 643, 645, 4361, 4366, 4367, 4405, 4406, 4407, 4408, 4409*, 4493, 4840.

226 ....Revises various provisions governing landlords and tenants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Frierson, Brooks, Carrillo, Segerblom and Pierce, 1761, 2778, 2846, 2883, 2894*, 2962.

227 ....Requires boards of trustees of school districts to grant the use of certain athletic fields to certain nonprofit organizations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Hambrick, Aizley, Anderson, Brooks, Goedhart, Goicoechea, Grady, Hammond, Hardy, Hickey, Hogan, Kirner, McArthur, Stewart, Woodbury; Senators Halseth and Kihuen, 1226, 1262, 3101, 3178, 3296, 3297*, 3444, 3627.

228 ....Directs the Commission to Study Governmental Purchasing to conduct a study on contracts for public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hickey, Hansen, Goedhart, Goicoechea, Grady, Hambrick, Hardy, Kirner, McArthur, Segerblom, Sherwood, Smith and Stewart, 1761, 2778, 5298, 5366, 5367, 5577*, 5923, 6548.

229 ....Revises provisions governing the accountability and performance of public schools and educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Oceguera, Bobzien, Smith, Horne, Conklin, Anderson, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Daly, Dondero Loop, Flores, Kirkpatrick, Mastroluca, Munford, Ohrenschall, Pierce and Segerblom, 643, 645, 4361, 4364, 4406, 4407, 4408, 4409, 4410*, 4493, 4840, 5677, 5678, 5690, 5692, 5729.

230 ....Authorizes an alternative route to licensure for teachers and administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 307, 308, 3332, 3473, 3680*, 6062, 6548.

232 ....Revises provisions governing the payment of certain fees for permits to operate certain oversized and overweight vehicles on the highways of this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Woodbury, Aizley, Anderson, Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart; Senators Hardy, Gustavson and Settelmeyer, 888, 891, 3684, 3829, 4272, 4273*, 4453.

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233 ....Revises provisions governing the circumstances under which a pupil may receive credit for a course of study without attending the course. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bobzien, Smith, Mastroluca, Dondero Loop, Atkinson, Carlton, Oceguera and Senator Leslie, 888, 891, 3021, 3080, 3156, 3217*, 3441.

237 ....Authorizes counties to issue securities for projects and programs concerning public water and sewer systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1761, 2778, 2963, 3019, 3043, 3097, 3156, 3217, 3297*, 3627.

238 ....Revises provisions concerning the refunding of certain municipal securities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1761, 2778, 3333, 3479, 3481, 3680*, 4421, 4459.

240 ....Revises provisions governing contracts for services entered into by certain public employers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Smith, Conklin, Oceguera, Bobzien, Kirkpatrick, Aizley, Atkinson, Diaz, Goicoechea, Grady, Hardy, Hickey, Hogan and Mastroluca, 2772, 2778, 3444, 3664, 3669, 3699, 3895, 4166, 4273*, 4459, 4771, 4842, 5923, 6046, 6049, 6548.

242 ....Requires certain organizations to make available certain information. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Kirkpatrick, Smith, Oceguera, Conklin and Atkinson, 2772, 2778, 3992, 4114, 4116, 4273*, 4460, 4490.

244 ....Enacts the Uniform Partition of Heirs Property Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom and Ohrenschall, 1761, 2778, 2869, 2894, 2896, 2928, 2959*, 3020.

245 ....Revises provisions governing eligibility for certain tax exemptions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Stewart, Ellison, Goicoechea, Grady, Hammond, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood; Senators Hardy, Gustavson, Lee and Settelmeyer, 3796, 3798, 4841, 4861, 5577*, 6548.

246 ....Authorizes candidates for membership on the executive board of an association of a common-interest community to obtain a list of the addresses of units' owners under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Ellison, Goicoechea, Grady, Hammond, Hansen, Hardy, Hickey, Livermore, Sherwood; Senators Hardy, Lee and Settelmeyer, 1761, 2778, 3065, 3119, 3217, 3297*, 3298, 3627.

247 ....Authorizes an agricultural user to apply to the Motor Carrier Division of the Department of Motor Vehicles for the issuance of a license plate and decal to operate a farm tractor or self-propelled implement of husbandry on a highway in this State under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goicoechea, Grady and Hansen, 3632, 3633, 4424, 4462, 4544, 4549*, 5788.

248 ....Revises certain requirements for the proposed budget of the Executive Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Smith, Oceguera, Conklin, Bobzien, Kirkpatrick, Aizley, Atkinson, Goicoechea, Hogan, Horne and Mastroluca, 2772, 2779, 3101, 3180, 3298*, 3627.

249 ....Makes various changes pertaining to certain court reporters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Oceguera, 1761, 2779, 3022, 3080, 3088, 3156, 3217, 3298*, 3444, 3627.

250 ....Repeals the prospective expiration of the exemption from jury service of any police officer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Conklin, Horne and Ohrenschall, 372, 373, 1225, 1690, 2420, 2786, 2816, 2829*, 2867.

253 ....Makes various changes concerning fines and settlement agreements relating to occupational safety and health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 1761, 2779, 3064, 3119, 3122, 3217, 3298*, 3444, 3627, 4456, 4457.

254 ....Revises provisions relating to the issuance of a citation for certain occupational safety and health violations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 1761, 2779, 3064, 3122, 3125, 3217, 3298*, 3444, 3627, 4457.

255 ....Revises procedures relating to certain accidents occurring in the course of employment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 3444, 3445, 4455, 4507, 4942*, 5788.

257 ....Revises provisions relating to the Open Meeting Law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ellison, Goicoechea, Hickey, Livermore, Segerblom; Senators Brower, Gustavson, Halseth, Hardy and Rhoads, 2772, 2779, 3795, 3797, 3829, 3833, 4273*, 4459, 4771, 4842, 5790, 5796, 5798, 6548.

258 ....Revises provisions governing the licensing and operation of interactive gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 3158, 3795, 3797, 3833, 4267, 4313, 4314*, 4460, 4490.

259 ....Requires a portion of certain existing fees to be used for certain programs for legal services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3444, 3445, 4492, 4861, 5577, 5729, 5730*, 5923, 6548.

260 ....Requires newly elected Legislators to attend training before the beginning of their first legislative session. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Oceguera, Conklin, Smith, Kirkpatrick, Bobzien, Atkinson, Carrillo, Horne, Mastroluca, Pierce, Segerblom and Sherwood, 1761, 2779, 3157, 3288, 3340, 3445, 3632, 3699, 4342, 4360*, 4460, 4490.

261 ....Increases the monetary limit in actions for small claims adjudicated in a justice court. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Hansen, Kirner, Carrillo, Diaz, Goedhart, Hammond, Hardy, Kite and Senator Lee, 888, 891, 2772, 2816, 2829*, 2867.

262 ....Revises provisions relating to public administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Grady and Senator Settelmeyer, 643, 645, 2772, 2816, 2829*, 2867.

265 ....Revises provisions governing the rights of peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Daly, 2772, 2779, 3333, 3445, 3632, 3688, 3693, 3895, 4166, 4273*, 4460, 4490.

267 ....Revises provisions governing representation of injured workers in hearings or other meetings concerning industrial insurance claims. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 1226, 1262.

269 ....Revises certain provisions relating to the use of a grand jury. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1226, 1262, 2869, 2894, 2896, 2928, 2959*, 3020.

271 ....Regulates private transfer fee obligations that affect real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bustamante Adams, Horne and Conklen, 888, 892, 2869, 2894, 2896, 2928, 2959, 2960*, 2968, 3020.

273 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 1761, 2779, 3709, 3895, 4166, 4273, 4314*, 4460, 4490.

276 ....Requires the State Controller to make certain data available for public inspection on an Internet website established and maintained by the State Controller. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin and Kirkpatrick, 1761, 2779, 3064, 3125, 3217, 3298*, 3299, 3627.

277 ....Provides for special license plates honoring female veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Dondero Loop, Flores, Mastroluca, Neal, Pierce, Woodbury; Senators Halseth, Leslie, Breeden, Cegavske, Copening and Wiener, 2772, 2779, 3992, 4117, 4120, 4284*, 4459, 4772, 4842, 5397, 5409, 6548.

279 ....Authorizes independent testing laboratories to inspect and certify gaming devices, equipment and systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall, 6062, 6063, 6178, 6277*, 6548.

280 ....Requires the adoption of patient safety checklists and patient safety policies at certain medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oceguera, Anderson, Mastroluca, Brooks, Conklin, Benitez-Thompson, Dondero Loop, Flores, Frierson, Horne, Kirkpatrick, Munford, Neal, Pierce and Senator Manendo, 643, 645, 2963, 3019, 3043, 3097, 3156, 3217, 3299*, 3627.

282 ....Revises various provisions concerning firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oceguera, Bobzien, Smith, Conklin, Kirkpatrick, Anderson, Benitez-Thompson, Brooks, Daly, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Hambrick, Hansen, Hardy, Hickey, Horne, Kirner, Kite, Livermore, McArthur, Munford, Neal, Stewart, Woodbury; Senators Manendo, Brower, Cegavske, Denis, Gustavson, Halseth, Hardy, Kieckhefer, McGinness, Rhoads, Roberson and Settelmeyer, 2772, 2780, 3022, 3068, 3069, 3101, 3157, 3288, 3340, 3560, 3561*, 3632, 3685, 3705, 4293, 5750, 5790, 6050, 6054, 6548.

283 ....Revises provisions relating to mortgage loans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Conklen, 1761, 2780, 3332, 3481, 3489, 3681*, 4421, 4459.

284 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Conklin, Horne and Kirkpatrick, 1761, 2780, 2869, 2894, 2896, 2935, 2960*, 3020, 4276, 4281, 4283, 4284.

289 ....Enacts provisions relating to the practice of dietetics. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

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Effect on the State: No. Assemblymen Mastroluca, Carlton, Atkinson; Senators Wiener and Schneider, 1761, 2780, 3332, 3489, 3517, 3681, 3682*, 4421, 4459.

290 ....Revises provisions governing pupils enrolled in high school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Neal, Aizley, Benitez-Thompson, Bobzien, Diaz, Flores, Hardy, Horne, Livermore, Munford, Ohrenschall, Pierce and Stewart, 1761, 2780, 3021, 3088, 3156, 3217, 3299*, 3444, 3627, 4458.

291 ....Makes certain agreements between heir finders and apparent heirs relating to the recovery of property in an estate void and unenforceable under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Aizley, Atkinson, Bustamante Adams, Carlton, Carrillo, Daly, Dondero Loop, Frierson, Goicoechea, Hogan, Livermore, Mastroluca, Munford, Pierce and Segerblom, 1761, 2780, 3333, 3517, 3682, 3699, 3796, 4284, 4285*, 4453, 4459.

292 ....Revises provisions governing judicial proceedings for eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Daly, Dondero Loop, Flores, Frierson, Ohrenschall and Segerblom, 1226, 1262, 3065, 3125, 3217, 3299*, 3627.

294 ....Revises various provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Atkinson, Ohrenschall, Segerblom, Aizley, Carrillo, Daly, Dondero Loop, Flores, Frierson, Hogan, Munford and Pierce, 1761, 2780, 3992, 4120, 4285, 4286*, 4453, 4459.

295 ....Revises provisions governing the disposition of the human remains of certain deceased military personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Anderson, Bustamante Adams, Hogan, Kirkpatrick, Mastroluca, Smith and Senator Leslie, 888, 892, 2823, 2842, 2866, 2867*, 2941.

296 ....Revises provisions relating to long-term care administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Daly, Kirkpatrick and Smith, 888, 892, 2823, 2842, 2867*, 2941.

299 ....Creates the Low-Cost Automobile Insurance Pilot Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Atkinson, Conklin, Kirkpatrick, Aizley, Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Flores, Frierson, Hogan, Horne, Munford, Oceguera, Pierce and Smith, 2772, 2780, 3219, 3362, 3445, 3632, 3699.

300 ....Revises provisions governing foreclosures on property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Frierson, Atkinson, Horne, Smith, Oceguera, Brooks, Bustamante Adams, Conklin, Diaz, Ohrenschall, Segerblom and Senator Horsford, 4292, 4294, 5396, 5693*, 6548.

301 ....Revises provisions governing the restoration of civil rights for ex-felons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 2772, 2780, 3333, 3519, 3536, 3632, 3699, 3895, 4166, 4286, 4287*, 4288, 4550, 6548.

304 ....Makes various changes relating to fire performers and apprentice fire performers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Bobzien, Benitez-Thompson, Hickey, Segerblom, Smith; Senators Leslie and Copening, 2772, 2780, 3219, 3362, 3366, 3561*, 3632, 3682, 3702*, 4421, 4459.

306 ....Revises the manner in which certain supervisors of a conservation district are appointed. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kite, Benitez-Thompson, Bustamante Adams, Ellison, Flores, Hickey, Livermore, McArthur, Neal, Sherwood, Stewart, Woodbury; Senators Kieckhefer and Settelmeyer, 627, 637, 3022, 3094, 3156, 3217, 3299*, 3627.

307 ....Enacts provisions governing energy development projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bobzien, Carlton, Atkinson, Kirkpatrick, Segerblom, Smith; Senators Leslie, Horsford and Rhoads, 4458, 4461, 4951, 4953, 4961, 5584*, 5790, 6548.

308 ....Revises provisions governing the regulation of mortgage lending. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Kirkpatrick, Smith, Atkinson, Bustamante Adams, Carrillo, Daly, Dondero Loop, Frierson, Mastroluca, Oceguera and Segerblom, 1761, 2781, 3332, 3340, 3537, 3547, 3682, 3702, 3703*, 4460, 4490.

309 ....Revises provisions governing insurance. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Oceguera, Smith, Conklin, Ohrenschall, Bobzien, Aizley, Anderson, Atkinson, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Flores, Frierson, Hogan, Horne, Kirkpatrick, Mastroluca, Munford and Pierce, 888, 892, 3219, 3366, 3379, 3561, 3562*, 4421, 4459.

313 ....Revises provisions governing the custody and visitation of children for persons who are members of the military. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen

Bustamante Adams, Bobzien, Anderson, Horne and Senator Gustavson, 888, 892, 3065, 3125, 3217, 3299*, 3300, 3444, 3627.

315 ....Establishes the Autism Treatment Assistance Program. Effect on Local Government: No. Effect on the State: Yes. Assemblymen Woodbury, Sherwood, Hardy, Hammond, Smith; Carlton, Carrillo, Conklin, Daly, Ellison, Flores, Grady, Hambrick, Horne, Kirkpatrick, Livermore, Mastroluca, McArthur, Munford, Oceguera, Ohrenschall and Senators Leslie, Rhoads, Parks, Hardy, Schneider, Breeden, Gustavson, Horsford, Kieckhefer, Kihuen, Manendo and Settelmeyer, 2801.

316 ....Revises provisions relating to services for persons with autism spectrum disorders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Woodbury, Ohrenschall, Carrillo, Sherwood, Carlton, Bobzien, Conklin, Daly, Diaz, Ellison, Flores, Grady, Hambrick, Hammond, Hansen, Hardy, Horne, Kirkpatrick, Livermore, Mastroluca, McArthur, Munford, Oceguera, Pierce, Smith, Stewart; Senators Leslie, Kieckhefer, Hardy, Manendo, Schneider, Breeden, Cegavske, Copening, Gustavson, Halseth, Horsford, Kihuen, Parks, Rhoads and Settelmeyer, 2801, 4841, 4843, 5396, 5693*, 6548.

317 ....Revises provisions governing arbitration of certain claims relating to residential property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Segerblom, 1761, 2781, 3065, 3131, 3217, 3300*, 3627.

318 ....Places the burden of proof and the burden of production on a school district in a due process hearing held pursuant to the Individuals with Disabilities Education Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywomen Mastroluca and Smith, 1226, 1262, 3064, 3131, 3217, 3300*, 3627.

319 ....Revises provisions governing the final disposition of human remains. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Diaz, 888, 892, 2823, 2842, 2867*, 2941.

321 ....Revises provisions relating to the use of force. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oceguera, Anderson, Kirkpatrick, Atkinson, Hambrick, Aizley, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirner, Kite, Livermore, McArthur, Munford, Neal, Ohrenschall, Segerblom, Sherwood, Smith, Stewart, Woodbury; Senators Hardy, Gustavson, Horsford and Lee, 1761, 2781, 2869, 2894, 2896, 2935, 2960*, 3020.

322 ....Revises provisions relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Smith, Oceguera, Bobzien, Conklin and Goicoechea, 627, 637, 3684, 3838, 4288*, 4460, 4490.

328 ....Enacts provisions relating to vulnerable highway users. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Benitez-Thompson, 1761, 2781, 3685, 3842, 3865, 4288*, 4460, 4490.

329 ....Defines the term “wildlife” for certain provisions of law relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goicoechea, Bobzien, Smith and Grady, 1226, 1263, 1264.

330 ....Makes various changes to provisions relating to certain government contracts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Oceguera, 3444, 3445, 4492, 4861, 5584*, 6548.

331 ....Makes various changes concerning the use of consumer reports. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Kirkpatrick, Smith and Bustamante Adams, 5709, 5710, 6061, 6063, 6100.

332 ....Makes various changes relating to the Economic Forum. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Kirkpatrick and Smith, 4458, 4461, 5865, 5866*, 6548.

336 ....Imposes a tax on certain income of business entities engaged in business in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Pierce and Hogan, 725.

337 ....Revises provisions governing campaign practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Daly, 2772, 2781, 3992, 4126, 4288*, 4289, 4493, 4840.

345 ....Revises provisions relating to services for persons with autism spectrum disorders. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Ohrenschall, Conklin, Carlton, Oceguera, Woodbury, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Daly, Diaz, Dondero Loop, Flores, Frierson, Hogan, Horne, Kirkpatrick, Livermore, Mastroluca, Munford, Neal, Pierce, Segerblom, Smith, Stewart; Senators Schneider, Leslie, Horsford, Lee, Rhoads, Breeden, Hardy, Kieckhefer, Kihuen, Manendo, Parks and Wiener, 2801, 4841, 4843, 5396, 5693*, 6548.

346 ....Provides a cause of action against public agencies which delay certain actions after adopting a resolution of intent to exercise eminent domain. Fiscal Note: Effect on Local Government: May have

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Fiscal Impact. Effect on the State: Yes. Assemblymen Ohrenschall, Segerblom, Sherwood, Aizley, Carrillo, Diaz, Ellison, Flores, Hambrick, Hansen, Hardy, Hickey, Hogan, Kirner, McArthur, Pierce; Senators Gustavson and Roberson, 1761, 2781.

348 ....Revises provisions governing the apportionment of federal transfer taxes upon the death of a person. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ohrenschall, Sherwood, Munford, Aizley, Carlton, Carrillo, Daly, Diaz, Flores, Hansen, Hardy, Hickey, Kite, Pierce and Segerblom, 888, 892, 1225, 1690, 2420, 2786, 2816, 2829, 2830*, 2867.

350 ....Revises provisions governing children who are placed with someone other than a parent and who are under the jurisdiction of the juvenile court. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Mastroluca, 2772, 2781, 2845, 2883, 2894*, 2962.

351 ....Revises provisions governing certain motor carriers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblywoman Carlton, 2772, 2781, 4189, 4190, 4197, 4293, 4342, 5922, 5924, 6158*, 6548.

352 ....Revises provisions relating to certain trade practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton, 1761, 2781, 2845, 2883, 2894, 2895, 2941, 2960*, 3020.

353 ....Prohibits a court reporter or court reporting firm from charging more than a certain amount per page for copies of a transcript under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Segerblom, 1075.

354 ....Revises provisions relating to the State Personnel System. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Segerblom, 5709, 5710, 6062, 6158*, 6548.

355 ....Revises provisions relating to the Fund for the Compensation of Victims of Crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Frierson, Horne, Segerblom, Carrillo, Diaz and Brooks, 888, 892, 2846, 2884, 2894, 2895, 2941, 2960*, 3020.

358 ....Revises provisions governing certain manufactured buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Bobzien, 3158, 4292, 4294, 4314*, 4453.

359 ....Revises provisions governing energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goicoechea, Grady and Senator Settelmeyer, 3444, 3445, 4545, 4805, 4942*, 5396, 5788.

360 ....Revises provisions governing city or county ordinances regarding the abatement of certain conditions and nuisances on property within the city or county. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Bobzien, 2772, 2781, 3219, 3379, 3393, 3562, 3682, 3699, 3895, 4166, 4289*, 4550, 6548.

362 ....Revises provisions governing certain programs that supervise children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Diaz, Carrillo, Frierson, Dondero Loop, Sherwood, Aizley, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Daly, Flores, Horne, Kirkpatrick, Neal, Ohrenschall, Pierce, Segerblom and Smith, 1761, 2782, 3064, 3131, 3139, 3217, 3300*, 3444, 3682, 3796, 4842, 4944, 4951, 6548.

363 ....Revises provisions governing manufactured housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ellison, 2846, 2847.

365 ....Makes various changes relating to the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Kirner and Hickey, 2772, 2782, 3065, 3139, 3217, 3295, 3347*, 3682.

368 ....Revises provisions governing brands and brand inspections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Munford, 1761, 2782, 3022, 3094, 3156, 3217, 3300*, 3627.

373 ....Prohibits the destruction of real property that is subject to foreclosure with the intent to defraud. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Goicoechea, 2772, 2782, 3065, 3139, 3217, 3300*, 3301, 3627.

374 ....Revises provisions governing the purchase of certain mobile equipment by the Department of Transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Woodbury, Atkinson, Daly and Hammond, 2772, 2782, 3685, 3865, 3867, 4289*, 4453, 4459.

376 ....Makes various changes regarding local governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Smith, Bobzien, Kirkpatrick, Conklin, Hogan, Oceguera and Senator Leslie, 2772, 2782, 3709, 3717, 3729, 3895, 4166, 4289*, 4550, 4967, 5397, 5923, 6530, 6543, 6548.

379 ....Establishes the crime of stolen valor. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Hammond, Carrillo, Hansen, Kite, Sherwood, Woodbury and Senator Halseth, 2772, 2782, 3795, 3797, 3798, 3993, 4128, 4133, 4289*, 4459, 4967.

380 ....Revises provisions governing certain programs for renewable energy systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Kirkpatrick, Atkinson, Oceguera and Smith, 4550, 4772, 5395, 5693*, 6548.

382 ....Requires the Chiropractic Physicians' Board of Nevada to establish a preceptor program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hammond, Ohrenschall, Sherwood and Woodbury, 2772, 2782, 3157, 3295, 3347, 3348*, 3682.

383 ....Directs the Legislative Commission to conduct an interim study concerning trademark and copyright law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Goicoechea, Grady and Kirner, 4550, 4773, 6062, 6158*, 6159, 6548.

384 ....Revises provisions governing certain duties of engineers who drive locomotives. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Goicoechea and Grady, 1761, 2782, 3684, 3867, 4289*, 4290, 4453.

388 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 2772, 2782, 3992, 4133, 4290*, 4453, 4459.

389 ....Revises provisions regarding the Open Meeting Law. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall, 1761, 2783.

390 ....Revises provisions relating to energy assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Carlton, Ohrenschall, Brooks, Frierson, Carrillo, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Daly, Dondero Loop, Grady, Hansen, Hickey, Kirner, Kite, Oceguera, Pierce, Segerblom; Senators Breeden, Kihuen, Manendo, Parks and Schneider, 3444, 3445, 4292, 4294, 4314*, 4315, 4453.

393 ....Requires criminal background investigations of educational personnel upon renewal of a license. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Dondero Loop, Diaz, Smith, Aizley, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Conklin, Frierson, Mastroluca and Ohrenschall, 1226, 1263, 3332, 3547, 3682, 3702, 3703*, 4421, 4459.

395 ....Creates a separate category of licensure to teach special education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Dondero Loop, Benitez-Thompson, Bobzien, Bustamante Adams, Conklin, Diaz, Frierson, Mastroluca, Segerblom and Smith, 888, 892, 2963, 3020, 3043, 3097, 3156, 3217, 3301*, 3627.

396 ....Revises provisions relating to industrial insurance involving certain employees who are injured during certain cooperative governmental activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Diaz, Conklin, Kirkpatrick, Segerblom, Aizley, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Daly, Dondero Loop, Flores, Frierson, Mastroluca, Neal, Oceguera, Pierce and Smith, 1761, 2783, 2967, 3029, 3097, 3156, 3217, 3301*, 3627.

398 ....Revises provisions relating to commercial tenancies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall and Senator Parks, 1226, 1263, 3157, 3295, 3394, 3408, 3421, 3445, 3682, 3702, 3703, 3704*, 4421, 4459.

400 ....Revises provisions relating to town advisory boards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Hambrick and Senator Hardy, 1761, 2783.

401 ....Makes various changes concerning constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Oceguera, 5710, 6061, 6159*.

402 ....Requires a state agency to enter into or participate in a contract to allow it to accept credit cards, debit cards or electronic transfers of money to the agency unless it is impracticable for the agency to do so. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oceguera, 3796, 3798, 4492, 4861, 5584*, 6548.

403 ....Requires the adoption of certain permanent regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oceguera, 1226, 1263.

404 ....Revises provisions regarding properties leased for use by the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oceguera, 3796, 3798, 4952, 4961, 4964, 5584*, 5790, 6548.

405 ....Revises provisions governing the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Oceguera, 5750, 6062, 6159*, 6548.

406 ....Revises provisions relating to the conducting of executive branch audits and investigations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen, 6062, 6063.

408 ....Restricts the use of restraints on pregnant females who are in confinement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom and Flores, 1761, 2783, 2869, 2894, 2896, 2935, 2961*, 3020.

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410 ....Revises provisions relating to the filing by a governmental entity of a protest against the granting of certain applications relating to water rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Sherwood, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, Stewart; Senators Rhoads and Settelmeyer, 1761, 2783, 3064, 3139, 3143, 3217, 3301, 3348, 3562, 3632, 3699, 4293, 4316*, 4550, 6548.

412 ....Revises various provisions governing mechanics' and materialmen's liens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Conklin, Ohrenschall, Horne, Daly, Atkinson and Oceguera, 2772, 2783.

413 ....Revises provisions governing public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Daly, Conklin, Hickey, Atkinson, Bobzien, Bustamante Adams, Carlton, Ellison, Horne, Kirkpatrick, Pierce and Smith, 1761, 2783, 3709, 3730, 3735, 3895, 4166, 4290*, 4460, 4490.

416 ....Revises provisions governing certain programs for renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Bobzien; Senators Leslie, Horsford and Schneider, 5710, 6061, 6063, 6178, 6354, 6406*, 6548.

419 ....Revises provisions relating to groundwater basins. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Goicoechea, 2968, 3444, 3669, 3674, 3702, 3704*, 4421, 4459.

420 ....Revises the rights of members of the Nevada National Guard. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Stewart, 2772, 2783, 2963, 3020, 3043, 3097, 3156, 3217, 3301*, 3627.

422 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Kirkpatrick, 2772, 2783, 2963, 3020, 3043, 3097, 3156, 3217, 3295, 3348*, 3682.

427 ....Directs the Legislative Commission to conduct an interim study concerning the establishment of a program requiring the payment of deposits and refunds on recyclable products sold in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall, 5710, 6062, 6159*, 6548.

428 ....Revises formula for determining tax on net proceeds of minerals extracted. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Pierce, 725.

429 ....Revises provisions governing manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ohrenschall, Anderson, Frierson, Carrillo, Hogan, Aizley, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Daly, Dondero Loop, Munford, Neal, Pierce, Segerblom; Senators Manendo, Kihuen and Parks, 1226, 1263, 2845, 2884, 2894, 2895, 2941, 2961*, 3020.

432 ....Enacts provisions relating to energy auditors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywomen Kirkpatrick and Benitez-Thompson, 4458, 4461, 4545, 4812, 4942*, 5788.

433 ....Expands prohibition on employers taking certain actions to prohibit, punish or prevent employees from engaging in politics or becoming candidates for public office with certain exceptions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom, 1761, 2784, 3619, 3795, 3797, 3867, 3869, 4290*, 4460, 4967, 5397, 5790, 5798, 5800, 6530, 6548.

441 ....Provides a classification of licensing for certain persons who install and maintain thermal system insulation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Brooks, Anderson and Diaz, 1761, 2784, 2845, 2884, 2894, 2895, 2941, 2961*, 3020.

446 ....Imposes excise tax on use of services in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Brooks, Carrillo, Ohrenschall, Segerblom, Pierce, Diaz, Frierson and Senator Parks, 725.

448 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Munford, 2772, 2784.

449 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Oceguera, Kirkpatrick, Conklin, Smith, Goicoechea, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirner, Kite, Livermore, Mastroluca, Munford, Neal, Ohrenschall, Pierce, Segerblom, Sherwood, Stewart, Woodbury; Senators Horsford and McGinness, 3038, 4459, 4461, 6178, 6277, 6489*, 6548.

451 ....Repeals obsolete provisions regarding the Advisory Council on the Metric System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture and and Mining, 627, 637, 3022, 3094, 3156, 3217, 3301, 3302*, 3627.

452 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 2772, 2784, 4189, 4197, 4241, 4315, 4317, 4360*, 4460, 4840.

453 ....Requires a supplier of motor vehicle fuel to provide certain statements relating to the presence or possible presence of manganese in any motor vehicle fuel sold or distributed by the supplier. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources, Agriculture and and Mining, 4458, 4461, 5865, 5866, 5931, 6063.

454 ....Revises certain provisions relating to land use planning. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1761, 2784, 2963, 3020, 3043, 3097, 3156, 3217, 3302*, 3627.

455 ....Revises provisions governing the participation by pupils and youths in certain sports activities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 1226, 1263, 3101, 3180, 3302*, 3444, 3627.

456 ....Revises provisions governing the attendance of pupils and graduation from high school. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Education, 888, 892, 3101, 3184, 3302, 3348*, 3796, 4187, 4457, 4458.

459 ....Makes various changes relating to gaming enterprise districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 888, 893, 3220, 3421, 3562*, 3794.

463 ....Provides an expedited process for the forfeiture of certain seized vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1761, 2784, 3684, 3869, 4291*, 4453.

464 ....Ratifies certain technical corrections made to NRS and Statutes of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 627, 637, 888, 1224, 1576, 1734, 2420, 2786, 2816, 2830*, 2867.

471 ....Revises provisions relating to enterprise funds. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Government Affairs, 2772, 2784, 3795, 3797, 3865, 4242, 4252, 4315*, 4460, 4490.

472 ....Revises provisions relating to youth shelters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1761, 2784, 2963, 3020, 3043, 3097, 3156, 3217, 3327*, 3627.

473 ....Revises provisions governing elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 2772, 2784, 4189, 4253, 4267, 4315, 4316*, 4550, 6548.

474 ....Creates the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 2772, 2785, 4455, 4507, 4513, 4942, 4943*.

475 ....Makes a supplemental appropriation to the Nevada Supreme Court for an unanticipated shortfall in Fiscal Year 2010-2011 relating to a third judicial selection process. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 2944, 2945.

476 ....Revises provisions relating to the Trust Fund for the Education of Dependent Children. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 5710, 5711, 5865, 5871*, 6548.

477 ....Revises provisions relating to the administration of the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 1226, 1263, 3065, 3144, 3217, 3295, 3348*, 3682.

478 ....Revises the limitation on the principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to finance certain projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 888, 893, 3219, 3421, 3562*, 3794.

480 ....Makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the completion of the takeover phase of the Medicaid Management Information System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 2846, 2847, 2967, 3029, 3097, 3156, 3217, 3327*, 3627.

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481 ....Makes an appropriation to the Nevada Highway Patrol Division of the Department of Public Safety to replace certain fleet vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 2944, 2945, 3101, 3209, 3327*, 3627.

483 ....Makes a supplemental appropriation to the State Distributive School Account for unanticipated shortfalls in Fiscal Year 2010-2011 in certain tax revenue. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3065, 3069, 3157, 3295, 3334, 3335*, 3627.

484 ....Makes various changes relating to unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 5750, 5751, 5865, 5871*, 6548.

486 ....Makes an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for the replacement of critical equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 2964, 4951, 4965, 5584*, 6548.

487 ....Makes appropriations to the State Board of Examiners for employee retirement buyouts and terminal leave payments for eliminated positions. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 6062, 6063, 6177, 6354*, 6548.

489 ....Revises provisions governing compensation for travel expenses for certain persons employed at certain correctional institutions or facilities within this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3632, 3633, 4292, 4294, 4316*, 4453.

490 ....Makes an appropriation to the Legislative Fund for major computer projects for the Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 2887, 2894, 2895, 4951, 4965, 5585*, 6548.

491 ....Makes an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for major repair and renovation work on certain crew carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 2964, 4951, 4965, 5585*, 6548.

492 ....Makes appropriations to the Legislative Fund for dues to national organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 2887, 2894, 2895, 4951, 4965, 5585*, 6548.

493 ....Provides a temporary waiver from certain minimum expenditure requirements for school districts, charter schools and university schools for profoundly gifted pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 2964, 4951, 4965, 5445, 5585*, 6548.

494 ....Makes appropriations to restore the balances in the Stale Claims Account, Emergency Account, Reserve for Statutory Contingency Account and Contingency Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 5709, 5711, 5865, 5871*, 6548.

495 ....Makes an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for necessary services and equipment to transition the State's Very High Frequency radio system from wideband to narrowband in accordance with the Federal Communications Commission mandate. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 2964, 4951, 4965, 5585*, 6548.

497 ....Makes supplemental appropriations to the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 4458, 4461, 4492, 4861, 5586*, 6548.

498 ....Eliminates the requirement for the administration of norm-referenced examinations in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 2846, 2847, 3101, 3209, 3327, 3328*, 3685, 4186, 4187, 4459, 5790, 5798, 6548.

500 ....Temporarily revises distribution of revenue from certain licensing fees for slot machines. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 2887, 2894, 2895, 3065, 3068, 3443, 3674, 3702, 3704*, 4410.

501 ....Provides for an audit of the fiscal costs of the death penalty. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 1761, 2785, 3333, 3554, 3555, 3682, 3702, 3704*, 4292, 4410.

503 ....Revises certain provisions governing the use of money in the Wildlife Obligated Reserve Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture and and Mining, 4550, 4773, 5789, 5851, 5871, 5872, 5916, 6162, 6163, 6354*, 6548.

504 ....Revises provisions governing delinquent taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation, 888, 893, 3631, 3694, 3699, 3895, 4166, 4291*, 4842, 6548.

508 ....Revises provisions governing mopeds. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation, 2772, 2785, 3684, 3869, 4267.

511 ....Revises certain provisions governing transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 4458, 4461, 5865, 5916, 5931*, 6062, 6548.

515 ....Revises certain provisions governing the Nevada Junior Livestock Show Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 4458, 4461, 4492, 4861, 5586*, 6548.

519 ....Makes various changes relating to the Office for Consumer Health Assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 2968, 3443, 3674, 3702, 3704*, 4410.

521 ....Consolidates certain funds and accounts of the Division of Insurance of the Department of Business and Industry into the Fund for Insurance Administration and Enforcement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3158, 3443, 3674, 3702, 3704, 3705*, 4410.

523 ....Revises provisions relating to the coverage of dependents under the health care plans of the State and local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 888, 893.

524 ....Increases certain fees for residential and general appraisers to cover an increase in federal registry fees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 888, 893, 4545, 4812, 4943*, 5397, 5800, 5923, 6489, 6548.

525 ....Makes various changes relating to the financial management of the Department of Wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 4292, 4294, 4545, 4817, 4943*, 5397, 5800, 5923, 6277, 6480, 6489, 6548.

526 ....Revises the requirement for the State Fire Marshal to inspect state buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 5709, 5711, 5865, 5922*, 6548.

527 ....Makes an appropriation for the implementation and operation of a principal leadership training program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 5923, 6061, 6159*, 6548.

528 ....Authorizes the transfer of money received to carry out provisions relating to the medical use of marijuana for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3632, 3633, 4292, 4293, 4413, 4453, 4463*, 6548.

529 ....Revises provisions relating to the Fund for Hospital Care to Indigent Persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Ways and Means, 3632, 3633, 4455, 4513, 4943*, 5788.

530 ....Revises provisions relating to stale claims by state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3632, 3633, 4292, 4294, 4316*, 4453.

531 ....Revises provisions governing the Fund for Manufactured Housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3632, 3633, 4423, 4462, 4544, 4549*, 4550, 5788.

533 ....Provides certain financial protections for residents of group homes and similar facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 888, 893, 3064, 3144, 3148, 3217, 3328*, 3444, 3627.

534 ....Increases penalties for operating certain group homes without a license. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 2846, 2847, 3064, 3148, 3217, 3328*, 3627.

535 ....Revises provisions governing the referral of persons to residential facilities for groups. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 1226, 1263, 3064, 3148, 3152, 3217, 3328, 3329*, 3444, 3627.

536 ....Revises provisions relating to background checks for certain persons who work with children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 5710, 5711, 5922, 5931, 5932*, 6548.

No. *Summary, Introducer and Page Reference*

537 ....Revises provisions governing prohibited acts for certain health care practitioners. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor, 1226, 1263, 2832, 2854, 2885, 2886*, 2962.

538 ....Revises provisions governing the regulation of pawnbrokers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 1761, 2785, 2845, 2884, 2894, 2895, 2941, 2961*, 3020.

542 ....Provides for the licensing and operation of craft distilleries in Nevada. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor, 5396, 5399.

544 ....Provides for uniformity in the naming of group homes and similar facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 1761, 2785, 2963, 3020, 3043, 3097, 3156, 3217, 3329*, 3627.

545 ....Makes changes to the population basis for the exercise of certain powers by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1761, 2785, 3333, 3555, 3556, 3557, 3558, 3559, 3560, 3678, 3702, 3705*, 4421, 4459.

546 ....Makes various changes to provisions governing early childhood care and education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 4458, 4461, 4951, 4965, 5586*, 6548.

549 ....Revises various provisions governing homeland security. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 2772, 2785, 3795, 3797, 3870, 3879, 4267, 4316*, 4550, 6548.

550 ....Directs the Legislative Commission to conduct an interim study concerning state ports of entry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 5923, 6062, 6159*, 6160, 6548.

551 ....Requires school districts to assess the feasibility of consolidation of services, functions and personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means, 1226, 1263, 3021, 3094, 3156, 3217, 3295, 3348, 3349*, 3682.

552 ....Revises provisions related to the collection of biological specimens for genetic marker analysis. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Ways and Means, 3685, 5396, 5397.

553 ....Revises provisions governing subsidies for the coverage of certain persons under the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 5923, 6061, 6160, 6161, 6163*, 6548.

556 ....Changes the fund into which certain subsidies paid for coverage under the Public Employees' Benefits Program are deposited. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 888, 893, 2845, 2884, 2894, 2895, 2941, 2961*, 3020.

560 ....Makes various changes relating to the compensation and benefits of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 5710, 5711, 6061, 6063, 6100, 6103, 6163*, 6548.

561 ....Makes various changes concerning governmental financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 1074, 1081, 1082, 1083, 1084, 5750, 5751, 5789, 5854, 5855, 5856, 5857, 5858*, 6548.

562 ....Revises provisions relating to the subsidy for coverage of certain retired persons under the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3632, 3633, 5297, 5367, 5370, 5586*, 6062, 6548.

563 ....Establishes for the next biennium the amount to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Executive Budget. Committee on Ways and Means, 4458, 4462, 4951, 4965, 5586*, 6548.

564 ....Makes various changes to allow for the use of the most recent technology by various business associations, corporations and other entities in carrying out their powers and duties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 1761, 2785, 3065, 3153, 3217, 3329*, 3627.

565 ....Temporarily delays the statutory deadline for notifying certain school employees of reemployment status. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 865, 879, 887, 888, 893, 894*, 1224.

566 ....Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. Fiscal Note: Effect on Local

Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 3098, 3157, 3295, 3334, 3335, 3336*, 3348, 3627, 4424.

568 ....Ensures sufficient funding for K-12 public education for the 2011-2013 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 2894, 2895, 2896, 2935, 2941*, 3029, 3030, 3055.

570 ....Revises the districts from which the members of the Board of Regents of the University of Nevada are elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 3702, 3703, 4423, 4462, 4544, 4550*, 5788.

571 ....Revises provisions governing prohibitions on smoking tobacco. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 5710, 5711, 6061, 6160, 6161, 6162, 6163*, 6548.

572 ....Revises the use by police departments of certain sales and use tax proceeds in Clark County. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means, 4458, 4462, 4841, 4861, 5441, 5800, 5922*, 6548.

573 ....Revises the districts from which members of the State Board of Education are elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 3702, 3703.

574 ....Revises Assembly Bill No. 144 of this session . Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 4841, 4953, 4965, 5396, 5693*, 6548.

575 ....Makes various changes relating to the Legislature and the Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Legislative Operations and Elections, 4550, 4773, 5789, 5858*, 6548.

576 ....Revises provisions relating to the Legislative Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 5710, 5711, 5789, 5858, 5859*, 6548.

577 ....Makes various changes concerning bill draft requests. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 5710, 5711, 5789, 5859*, 6548.

578 ....Revises the interim committee structure of the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 5710, 5712, 6062, 6063, 6103, 6158, 6163*, 6548.

579 ....Ensures sufficient funding for K-12 public education for the 2011-2013 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 5396, 5398, 5446, 5449, 5466, 5574, 5575, 5576*, 6548.

580 ....Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 5397, 5398, 5446, 5576*, 6548.

581 ....Revises provisions relating to the Account for Foreclosure Mediation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 5923, 6061, 6161*, 6548.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Proposes to amend certain provisions of the Nevada Constitution related to the assessment and collection of property taxes to authorize the Legislature to provide by law for the calculation of the taxable value of improvements to real property upon the transfer, sale or conveyance of the property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 2772, 2785, 2964, 3020, 3043, 3097, 3156, 3217, 3329*, 3627.

5 ....Urges the Federal Government to engage in discussions regarding the mitigation and containment of water contamination in Nevada which resulted from certain nuclear activities that were conducted in this State by the Federal Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Aizley, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Sherwood, Stewart, Woodbury; Senators Hardy, Cegavske, Gustavson, Halseth, Rhoads and Settelmeyer, 417, 3684, 3879, 4291*, 4842, 6548.

6 ....Requests that Congress and the Federal Highway Administration designate a portion of U.S. Route 93 as an interstate highway. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 888, 889, 3796, 3797, 3881, 4291*, 4453.

7 ....Proposes to amend the Nevada Constitution to create an intermediate appellate court. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 888, 889.

9 ....Urges Congress to enact the Unemployment Insurance Solvency Act of 2011. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Oceguera and Senator Horsford, 1735, 1740, 1741*, 2770.

ASSEMBLY JOINT RESOLUTIONS OF THE 75TH SESSION

No. *Summary, Introducer and Page Reference*

5 ....Proposes to amend the Nevada Constitution to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Mortenson, Ohrenschall, Horne, Kihuen and Segerblom, 207, 3157, 3295, 3349*, 3682.

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Adopts the Joint Standing Rules of the Senate and Assembly for the 76th Session of the Legislature. Committee on Legislative Operations and Elections, 30, 42, 43, 95.

2 ....Provides for the voluntary transfer of a portion of Legislators' salaries to the State General Fund. Assemblyman Oceguera and Senator Horsford, 43, 44, 45, 46, 101.

3 ....Urges proactive protection and restoration of the population and habitat of the greater sage grouse in Nevada. Committee on Natural Resources, Agriculture and and Mining, 159, 2896, 2944, 3020.

4 ....Expresses support for economic development in Nevada in the sectors of logistics, supply chain management and renewable energy technology. Committee on Commerce and Labor, 147, 249, 281, 288, 309.

7 ....Honors Nevadans who have lost their lives in the Global War on Terrorism. Assemblymen Grady, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart, Woodbury; Senators McGinness, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, Parks, Rhoads, Roberson, Schneider, Settelmeyer and Wiener, 304, 305, 367.

8 ....Makes a formal request for the Governor to establish an open, fair and public process to fill the vacancy in the Office of United States Senator. Committee on Legislative Operations and Elections and Committee on Legislative Operations and Elections, 1735, 2770.

No. *Summary, Introducer and Page Reference*

9 ....Memorializes Nevada's first acupuncturist, Dr. Yee Kung Lok. Assemblymen Segerblom, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Sherwood, Smith, Stewart, Woodbury; Senators Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer and Wien, 2824, 2867.

10 ....Directs the Legislative Committee on Health Care to create a task force to develop a state plan to address Alzheimer's disease. Assemblywoman Smi, 3685, 4492, 4843, 5788.

11 ....Amends the Joint Standing Rules of the Senate and Assembly for the 76th Session of the Nevada Legislature to extend the second House passage deadline from May 27, 2011, until May 30, 2011. Committee on Legislative Operations and Electio, 3301, 3329, 3330, 3333, 3682.

12 ....Directs the Legislative Commission to conduct an interim study concerning the structure and operations of the Nevada Legislature. Committee on Legislative Operations and Electio, 5750, 6062, 6548.

13 ....Provides for compensation of the clergy and the coordinator of the clergy for services rendered to the Assembly and Senate. Committee on Legislative Operations and Electio, 6062, 6548.

ELECTED OFFICERS OF THE NEVADA STATE SENATE

Seventy-sixth session, 2011

Title	*Name*	*Mailing Address*
President	Brian K. Krolicki	101 North Carson Street, Suite No. 2, Carson City 89701-4747
President Pro Tempore	Michael A. Schneider	6381 Sandpiper Way, Las Vegas 89103-2110
Secretary of the Senate	David A. Byerman	401 South Carson Street, Room 1207 Carson City 89701-4747

PERSONNEL OF THE NEVADA SENATE
Seventy-sixth Session, 2011

District	*Names and Party*	*Mailing Address*
Capital Senatorial District	Settelmeyer, James (R)	2388 Highway 395, Minden 89423-8923
Central Nevada Senatorial District	McGinness, Mike (R)	770 Wildes Road, Fallon 89406-7843
Clark, No. 1	Lee, John J. (D)	3216 Villa Pisani Court, North Las Vegas 89031-7267
Clark, No. 2	Denis, Mo (D)	3204 Osage Avenue, Las Vegas 89101-1838
Clark, No. 3	Wiener, Valerie (D)	3540 West Sahara Avenue, No. 352, Las Vegas 89102-5816
Clark, No. 4	Horsford, Steven A. (D)	3450 West Cheyenne Avenue, Suite 100, North Las Vegas 89032-8223
Clark, No. 5	Breeden, Shirley A. (D)	284 Kershner Court, Henderson 89074-4178
Clark, No. 5	Roberson, Michael (R)	P.O. Box 97251, Las Vegas 89193-7251
Clark, No. 6	Copening, Allison (D)	1821 Montvale Court, Las Vegas 89134-6683
Clark, No. 7	Manendo, Mark A. (D)	4629 Butterfly Circle, Las Vegas 89122-6149
Clark, No. 7	Parks, David R. (D)	P.O. Box 71887, Las Vegas 89170-1887
Clark, No. 8	Cegavske, Barbara K. (R)	6465 Laredo Street, Las Vegas 89146-5272
Clark, No. 9	Halseth, Elizabeth (R)	8022 South Rainbow Boulevard, Suite 140, Las Vegas 89139-6477
Clark, No. 10	Kihuen, Ruben (D)	P.O. Box 427, Las Vegas 89125-0427
Clark, No. 11	Schneider, Michael A. (D)	6381 Sandpiper Way, Las Vegas 89103-2110
Clark, No. 12	Hardy, Joseph P. (R)	P.O. Box 60306, Boulder City 89006-0306
Rural Nevada Senatorial District	Rhoads, Dean A. (R)	Box 8, Tuscarora 89834-0008
Washoe, No. 1	Leslie, Sheila (D)	825 Humboldt Street, Reno 89509-2009
Washoe, No. 2	Gustavson, Don (R)	P.O. Box 51601, Sparks 89435-1601
Washoe, No. 3	Brower, Greg (R)	200 South Virginia Street, 8th Floor, Reno 89501-2405
Washoe, No. 4	Kieckhefer, Ben (R)	10045 Goler Wash Court, Reno 89521-3029

SESSION STAFF OF THE NEVADA STATE SENATE

Seventy-sixth Session, 2011

Name	Title	City
Sherry L. Rodriguez	Assistant Secretary of the Senate	Minden
Janet Coons…….	History Clerk	Gardnerville
Mary R. Phillips	Journal Clerk	Gardnerville
Molly Dondero	Recording Clerk	Reno
Susan S. Whitford	Media Clerk	Dayton
Lydia J. Lee	Document Clerk	Washoe Valley
Shannon Chambers	Executive Assistant	Reno
Ruth B. Pierini	Personnel Assistant	Carson City
Kenneth C. Evans	Sergeant at Arms	Las Vegas
Jerry Pieretti	Deputy Sergeant at Arms	Carson City
John Gould	Assistant Sergeant at Arms	Carson City
Rebecca Harris	Assistant Sergeant at Arms	Carson City
Timothy Taycher	Assistant Sergeant at Arms	Las Vegas
Shelle Grim-Brooks	Director of Senate Staffing	Reno
Ardyss Canon	Committee Minutes Coordinator	Reno
Paula M. Saponaro	Executive Assistant to President pro Tempore	Carson City
Julie Mogensen	Executive Assistant to Majority Leader	Las Vegas
Tim Hogan	Executive Secretary to Majority Leader	Las Vegas
Jeanne Baret	Executive Assistant to Assistant Majority Leader	Carson City
Sheri Carlsen	Majority Leadership Receptionist	Sparks
Juliet W. Newman	Committee Manager to Majority Whip	Reno
Delia John	Senior Secretary to Assistant Majority Whip	Dayton
Bonnie Hoffecker	Sr. Committee Manager to Assistant Majority Whip	Carson City
Ricka Benum	Executive Assistant to Minority Leader	Gardnerville
Terri Miller	Executive Secretary to Assistant Minority Leader	Carson City
Maureen Brower	Senior Secretary to Minority Whip	Carson City
Laura Adler	Senior Committee Secretary	Carson City
Judi Anker-Nissen	Senior Committee Secretary	Virginia City
Michael Archer	Senior Finance Committee Proofreader	Reno
Frank Baird	Proofreader	Reno
Martha Barnes	Committee Secretary	Minden
Wade Beavers	Committee Secretary	Minden
Stella Blood	Executive Assistant	Carson City
Katie Bowen	Secretary	Carson City
Billie Brinkman	Executive Secretary	Carson City
Debra Carmichael	Committee Secretary	Reno
Jackie Cheney	Finance Committee Secretary	Carson City
Cindy Clampitt	Finance Committee Secretary	Carson City
Cynthia Cook	Data Information Technician	Carson City
Patricia Devereux	Senior Committee Secretary	Stagecoach
Suzanne Efford	Senior Committee Secretary	Carson City
Michelle A. Ené	Committee Secretary	Sparks
Linda Fehr	Committee Secretary	Dayton
Sonia Folsom	Committee Manager	Reno
Vicki J. Folster	Senior Committee Secretary	Gardnerville
Susan Gaither	Executive Assistant	Reno
Denise Geissinger	Committee Manager	Gardnerville
Mike Geissinger	Committee Secretary	Gardnerville
Linda Gentry	Senior Committee Manager	Carson City

SESSION STAFF OF THE NEVADA STATE SENATE —*Continued*

Name	Title	City
John Griffin	Proofreader	Carson City
Lynn Hendricks	Senior Committee Secretary	Carson City
Gail Herstead	Senior Proofreader	Carson City
Linda Hiller	Committee Secretary	Carson City
Joyce Hollister	Proofreader	Genoa
Barbara Honey	Proofreader	Carson City
Sandra Hudgens	Senior Committee Secretary	Dayton
Judy C. Jackson	Senior Secretary	Carson City
Betty Kaminski	Senior Committee Manager	Minden
Shauna Kirk	Senior Committee Secretary	Washoe Valley
Sherry Loncar	Committee Manager	Carson City
Maudie Long	Executive Secretary	Carson City
Roberta McCollum	Senior Secretary	Carson City
Billie McMenamy	Committee Secretary	Carson City
Janet Meredith	Document Management Clerk	Carson City
Mollie Miller	Executive Secretary	Sparks
Arzella Moots	Senior Finance Committee Proofreader	Carson City
Barbara Moss	Committee Manager	Carson City
Patricia O'Flinn	Finance Committee Secretary	Carson City
Madison Piazza	Committee Secretary	Carson City
Gena Plummer	Committee Assistant	Dayton
Jodene Poley	Committee Manager	Minden
Annette Ramirez	Committee Secretary	Carson City
Diane M. Ramsey	Senior Finance Committee Proofreader	Carson City
Gayle Rankin	Committee Secretary	Carson City
Emily Rhodenbaugh	Committee Manager	Incline Village
Stephanie Robbins	Committee Assistant	Carson City
Cynthia Ross	Senior Committee Secretary	Carson City
Marion Sandoval	Senior Finance Committee Manager	Reno
Leslie Sexton	Committee Secretary	Dayton
Sandy Small	Senior Committee Secretary	Carson City
Jerry Stacy	Secretary	Carson City
Kathleen Swain	Senior Committee Secretary	Dayton
Judith Toscano	Committee Manager	Gardnerville
Lela Uptergrove	Document Management Clerk	Carson City
Norman Wessel	Senior Proofreader	Reno
April West-Kieckhefer	Senior Secretary	Reno
Mike Wiley	Senior Committee Secretary	Carson City
Marian Williams	Committee Secretary	Las Vegas

Journal

OF THE

SENATE OF THE STATE OF NEVADA

SEVENTY-SIXTH SESSION

THE FIRST DAY

CARSON CITY (Monday), February 7, 2011

Senate called to order at 11:08 a.m.

President Krolicki presiding.

President Krolicki requested that his remarks be entered in the Journal.

Good morning, everyone. The Senate for the Seventy-sixth Session of the Nevada Legislature will please come to order. You all look bright and cheery today. I appreciate all of the flowers. I wish to make a special welcome to the 11 new Senators in this Chamber. We have new faces, but I know most of you are highly familiar with this building and this process. Welcome. It is my pleasure and privilege to be here presiding over the Senate. We have much serious business to do. There are some heavy issues to consider. The eyes of Nevada are upon us.

We have a few new faces at the front desk. Welcome Mr. Byerman. Let us now be about our business.

Prayer by Chairman Arlen Melendez of the Reno-Sparks Indian Colony.

Let us pray,

Gracious, Heavenly Father, maker of Heaven and earth, creator of everything, we come into Your presence with thanksgiving and we ask Your blessing.

We give thanks for the beautiful day and for all of the people who are gathered here this morning. We ask a blessing for our nation today for the President of the United States, for our Congressional leadership.

We ask for protection for our country. We pray for the countries that are in conflict in Egypt. We ask that we provide a way for our American citizens to get home safely. We ask for Your blessing on the men and women who serve in our military, those who are in harm's way, we ask for protection and we ask that You get them home safely to their families.

We ask for a special blessing for our Governor, Brian Sandoval and his wife, our first lady, Kathleen and his children. We ask for a special blessing on all of our government leaders, our city leaders, our county leaders, our tribal leadership and for all the leaders who are here today.

Father, we ask that You remind us of the great responsibility and trust that has been bestowed upon our leaders by the people and by You. We ask that You help us to walk in a manner worthy of Your calling.

Help us to walk in integrity. Help us to behave justly and to show mercy and compassion and to walk humbly before You. Remind us to treat one another with kindness and respect though we may disagree at times, but the foundation of our debate be that of a peacemaker.

As we begin this journey of this Legislative Session, though the road may seem difficult, at times impassible, and at times impossible, we are reminded that we have a God that does

impossible things. He is a God who makes the way when there seems to be no way. He is the God who makes rivers in the desert and roadways in the wilderness. He is the same yesterday, today, and forever.

Lord, we ask that You strengthen us when we grow weary, lift us up with Your right hand so that we will renew our strength when we wait on You.

Help us to soar like eagles that we can run and not grow weary, walk and not faint. Help us to trust in You with our heart and lean not on our own understanding, but in all our ways acknowledge You and You will make our paths straight.

We ask for Your blessing on everyone here, in the Name of the Father, the Son, and the Holy Spirit.

AMEN.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:13 a.m.

SENATE IN SESSION

At 11:14 a.m.

President Krolicki presiding.

Quorum present.

REMARKS FROM THE FLOOR

PRESIDENT KROLICKI:

We are delighted to have the Douglas High School Jr. ROTC, whose members include the following: Master Sergeant Gary M. Collier, United States Army, Retired, Junior Reserve Officers' Training Corps (ROTC) Instructor, Cadet Lieutenant Rand Moguel-Sanchez (Commanding), Cadet Lieutenant Matthew Aarons, Cadet Lieutenant Aidan McMackin, Cadet Staff Sergeant Melissa Holcomb and Cadet Private Terance Hinson. They will present the colors.

Presentation of the colors by the Douglas High School Jr. ROTC Color Guard.

Pledge of Allegiance to the Flag.

PRESIDENT KROLICKI:

It is my pleasure to announce that the National Anthem will be presented by Heidi Staudenbaur.

PRESIDENT KROLICKI:

It is my pleasure to announce that *Home Means Nevada* and *We Are the Young* presented by the Billinghurst Middle School Concert Choir directed by Kris Engstrom and accompanied by Clark Kent. The members of the choir are Kenidee Barner, Tess Brown, Chelsea Candela, Kenzee Clairborne, Jacob Cole, Mikaela Daly, Grace Desilets, Hailey Dobbs, Aidan Druitt, Michelle Duan, Kathryne Fillion, Jessica Foote, Jaylan Franklin, John Giammona Wilber, Aimee Gonda, Jeffery Harrison, Shawn Hartwell, Zachary Herbert, Nicole Johnson, Max Khamis, Elvis Kim, Janelle Kinavey, Gina King, Jacob Kuhnmuench, Ethan Labowe, Zachary Lawrence, Chaeyoung Lee, Kyra Liessman, Kylie Lohmeyer, Rachel Luck, Anthony Mareno, Haylie Mathis, Conor Mink, Mike Myers, Sarah Noori, Randi Owens, Moriah Pera, Kyle Ress, Megan Roser, Kendra Santana, Summer Santos, Cody Toreson, Luis Virrey-Reyes, Annelise Warren, Sequoia Wess and Sophia Zhang.

Also in attendance is Mr. Ken Cervantes, Sierra School of Performing Arts (SSPA) of Nevada, and Middle School Principal of the Year.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:24 a.m.

SENATE IN SESSION

At 11:38 a.m.
President Krolicki presiding.
Quorum present.

Mr. President requested Mr. David A. Byerman to serve as temporary Secretary of the Senate and Mr. Kenneth C. Evans to serve as temporary Sergeant at Arms.

Mr. President instructed the temporary Secretary to call the roll of the holdover Senators.
Roll called.
All holdover Senators present.

Mr. President appointed Senators Schneider, Lee and McGinness as a temporary Committee on Credentials.

Mr. President announced that if there were no objections the Senate would recess subject to the call of the Chair while credentials of the newly-elected Senators were examined by the temporary Committee on Credentials.

Senate in recess at 11:39 a.m.

SENATE IN SESSION

At 11:46 a.m.
President Krolicki presiding.
Quorum present.

COMMUNICATIONS

January 18, 2011

THE HONORABLE ROSS MILLER, *Secretary of State,* Capitol Complex, Carson City, Nevada 89710

RE: Appointment of Senator, Washoe Senate District 3

Dear Mr. Miller:

In compliance with NRS 218A.250 (3), please consider this letter as certification that at the January 18, 2011 meeting of the Washoe County Board of Commissioners Greg Brower was appointed to fill the unexpired term of William Raggio, Washoe Senate, District 3.

Sincerely
Amy Harvey
Washoe County Clerk

REPORTS OF COMMITTEES

Mr. President:

Your temporary Committee on Credentials has had the credentials of the newly-elected and appointed Senators under consideration and begs leave to report that the following persons have been and are duly elected and qualified members of the Senate of the Seventy-sixth Session of the Legislature of the State of Nevada: Senators Greg Brower, Barbara K. Cegavske,

Moises Denis, Don Gustavson, Elizabeth Halseth, Joseph P. Hardy, M.D., Ben Kieckhefer, Ruben Kihuen, Shelia Leslie, Mark A. Manendo, Michael Roberson and James Settelmeyer.

MICHAEL A. SCHNEIDER
JOHN J. LEE
MIKE MCGINNESS

MOTIONS, RESOLUTIONS AND NOTICES

Senator Schneider moved that the report of the temporary Committee on Credentials be adopted.

Motion carried.

Mr. President appointed Senators Wiener, Copening and Cegavske to escort Chief Justice Michael L. Douglas of the Supreme Court of Nevada to the rostrum to administer the oath of office to the newly-elected Senators.

Mr President announced that if there were no objections the Senate would recess subject to the call of the Chair.

Senate in recess at 11:47 a.m.

SENATE IN SESSION

At 12:03 p.m.

President Krolicki presiding.

Quorum present.

Chief Justice Douglas administered the oath of office to the newly-elected and appointed Senators.

Mr. President announced that if there were no objections the Senate would recess subject to the call of the Chair.

Senate in recess at 12:09 p.m.

SENATE IN SESSION

At 12:26 p.m.

President Krolicki presiding.

Quorum present.

Mr. President instructed the temporary Secretary to call the roll of the Senators.

Roll called.

All Senators present.

A committee from the Assembly composed of Assemblywoman Kirkpatrick, Assemblymen Atkinson and Grady appeared before the bar of the Senate and announced that the Assembly was organized and ready for business.

Mr. President declared that nominations were in order for Secretary of the Senate.

Senator Horsford nominated Mr. David A. Byerman to be the Secretary of the Senate.

Senator McGinness moved that the nominations be closed.

Motion carried.

Mr. President declared that Mr. David A. Byerman to be the Secretary of the Senate.

Chief Justice Douglas administered the oath of office to the newly-elected Secretary of the Senate.

Senator Denis moved that Chief Justice Douglas be extended a unanimous vote of thanks for administering the Oath of Office to the newly-elected and appointed Senators and newly-elected Secretary of the Senate.

Motion carried unanimously.

Mr. President declared that nominations were in order for President Pro Tempore.

Senator Horsford nominated Senator Michael A. Schneider for President Pro Tempore.

Senator McGinness moved that the nominations be closed.

Motion carried.

Mr. President declared Senator Michael A. Schneider to be President Pro Tempore of the Senate.

Senator Horsford moved that the organization of the Senate for the Seventy-sixth Session of the Nevada Legislature be established as follows.

PRESIDENT PRO TEMPORE OF THE SENATE—
SENATOR MICHAEL A. SCHNEIDER
MAJORITY FLOOR LEADER—
SENATOR STEVEN A. HORSFORD
ASSISTANT MAJORITY FLOOR LEADER—
SENATOR VALERIE WIENER
MAJORITY WHIP—
SENATOR JOHN J. LEE
ASSISTANT MAJORITY WHIP—
SENATOR MO DENIS
ASSISTANT MAJORITY WHIP—
SENATOR SHELIA LESLIE
MINORITY FLOOR LEADER—
SENATOR MIKE MCGINNESS
ASSISTANT MINORITY FLOOR LEADER—
SENATOR BARBARA CEGAVSKE
MINORITY WHIP—
SENATOR JAMES SETTELMEYER
SECRETARY OF THE SENATE—
DAVID A. BYERMAN
SERGEANT AT ARMS—
KENNETH C. EVANS

Remarks by Senator Horsford.

Motion carried.

Senator Horsford moved that the Secretary of the Senate be instructed to insert the Seventy-sixth Session Organization into the Journal of the Senate.

Motion carried.

Mr. President appointed Senators Parks, Kihuen and Settelmeyer as a committee of three to inform the Assembly that the Senate is organized and ready for business.

Mr. President appointed Senators Breeden, Leslie and Rhoads as a committee of three to inform the Governor that the Senate is organized and ready for business.

Senator Horsford moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: ASSOCIATED PRESS: Sandra Chereb, Rich Pedroncelli, Cristina Silva; CAPITAL CHRONICLE: Todd Bailey; CARSON NOW: Kirk Caraway; CITADEL BROADCASTING CO.: Rick Worthington; CLARITY DIGITAL GROUP LLC DBA EXAMINER.COM: Brenda Green; COVEREDGE TELEVISION NEWS SERVICE: Tyler Anderson, Tracey Frohn, Richard Travis; DAILY SPARKS TRIBUNE: Jessica Carner; EL MUNDO NEWSPAPER: Frank Alejandre, Edmundo Escobedo; EVANS BROADCAST CO.: William Mott; FOX NEWS 99.1 FM TALK KKFT: Eddie Floyd; GREENSPUN CORP.: Jon Ralston; KLAS-TV: Matthew Adams, Nathan Baca, Alex Brauer, Richard Czarny, Jonathan Humbert, George Knapp, Mark Mutchler; KNPB-TV: Benjamin Asnis, Jeremy Dunn, Michael Hagerty, Alex Muench, Elizabeth Rittiman; KOLO-TV: Edward Barnett, Sholeh Moll, Ed Pearce; KRNV-TV: Edward (Ted) Brightman, Victoria Campbell, Ryan Coleman, Ford Corl, Roger du Plessis, David Feher, John Finkbohner, Karen Griffin, Chuck King, Warren Mackenzie, Matthew McConico, Steven Neils, Gary Stone, Erik Strom, Lawrence Vosper, Mackenzie Warren; KSNV-TV: Hetty Chang, Richard Gacovino, Ian Lash, Scott Pinkerton, Miles Smith, Jim Snyder, Robert Stoldal; KTNV-TV: Annette Arreola, Rikki Cheese, Katie Crowther, Brad Driver, Jim Flint, Jason Harvey, Jamie Joyce, Drew Karedes, Heather Klein, Travis Marshall, Blake McCoy, John Neis, Kris Oman, Tina Patel, Jay Romano, Steven Smallwood, Ken Takahashi, Marco Villarreal, Will Walton, Clint Webb, Jason Wilger; KTVN-TV: Arianna Bennett, Bill Brown, Christopher Ciarlo, John Cruz, Wendy Damonte, Jeffrey Foss, Brad Horn, Paul Nelson, Jason Nobles, John Pasco, John Potter, Gene Vance; KUNR 88.7 FM: Brandon Rittiman; KVBC-TV: Ian Lash; KVVU-TV: Kevin Bolinger, Justin Grant. Jason Westerhaus; LAS VEGAS REVIEW-JOURNAL: John Locher, Laura Myers, Steve Sebelius, Benjamin Spillman; LAS VEGAS SUN: Anjeanette Damon, Cy Ryan, David Schwartz; LISA J. PHOTOGRAPHY: Lisa Tolda; LOS ANGELES TIMES – LAS VEGAS BUREAU: Ashley Powers; NEVADA APPEAL: Geoff Dornan, Brian Duggan, Jim Grant, Sandi Hoover, Shannon Litz,

Sue Morrow, Francine Piccolino, Peggy Santoro, Teri Vance; NEVADA BROADCASTERS ASSOCIATION: Adam Sandler; NEVADA NEWS BUREAU: Elizabeth Crum, Andrew Doughman, Sean Whaley; NEVADA NEWSMAKERS AND VEGAS PBS: Samantha Stone; RADIO INNOVACION 1590 AM KQLO: Laura Calzada, Ricardo Garcia, Xiomara Rodriguez, Ramon Suro; RENO GAZETTE-JOURNAL: Andy Barron, Guy Clifton, Julie Dawes, Tim Dunn, Ray Hagar, Elizabeth Margerum, Marilyn Newton, David Parker; RENO SPARKS VIDEO PRODUCTIONS: Marc Mulry, James Parker, William G. Pearce, Rhode Roberts; SPARKS TRIBUNE: Nathan Orme, Joshua Silavent; TASMAN PACIFIC MEDIA GROUP: Donna Andres, Peter Hutchinson; UNIVISION: Anya Arechiga, Manuel Climaco, Cesar Perez, Estefania Ramirez and Gabriela Tafolla.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:35 p.m.

SENATE IN SESSION

At 1:10 p.m.

President Krolicki presiding.

Quorum present.

Senator Parks reported that his committee had informed the Assembly that the Senate is organized and ready for business.

Senator Breeden reported that her committee had informed the Governor that the Senate is organized and ready for business.

REMARKS FROM THE FLOOR

Senator Horsford requested that his remarks be entered in the Journal.

Welcome, Mr. President, newly-elected members of the Senate, colleagues with whom I have had the honor of working during past legislative sessions, family members and guests. Good morning and welcome to the opening of the Seventy-sixth Session of the Nevada Legislature.

We are here today because we love this State, from the Reno Arch to the Eureka Opera House; from the neighborhoods of West Las Vegas to the rich farmland of Yerington, from the suburbs of Henderson to the rural counties of Elko, and everywhere in between--we are blessed with an abundance of resources.

Like all of you, I take my position seriously and want to do what is best for the people I represent. Like all of you, I want to make Nevada a better place to live, to raise our families and to work. So to my colleagues, I am grateful for your service and proud to be here with you.

To Governor Sandoval, as I have said to you privately and as I again say today, I congratulate you on your election as our State's 30th Governor. You have been elected at a critical time in Nevada's history. All of us in this Chamber, all of us in this State, no matter his or her political affiliation, want you to succeed as our Governor. I will do everything I can to ensure that we work together to restore The Nevada Dream.

Putting Nevadans back to work must be Job One of this Legislature. We passed a blueprint during the February 2010 Twenty-sixth Special Session showing how the Legislature can spark private sector job creation. Senate Bill No. 5, of the Twenty-sixth Special Session, is successfully funding some 20 projects, providing more than 2,500 private sector jobs in the hardest-hit industry in this recession, construction.

Working together, we can follow through on recommendations from the Vision Stakeholder Group, Nevada 2.0, the Lieutenant Governor's Economic Development Task Force and the Nevada Jobs Coalition, to put more Nevadans back to work.

I call on this Legislature to make the Creating Nevada Jobs Initiative a top priority within the first 30 days of this Seventy-sixth Session, and the Governor should sign it so we can quickly put as many as 5,000 Nevadans back to work. It can be done.

A job offers a sense of self-worth, dignity and purpose. I applaud the Governor's Silver State Works Initiative and I will make it a priority for approval by this Chamber.

Helping to provide job training and employment placement for our veterans, those on public assistance, ex-offenders, our young people and the disabled will make a real difference in the lives of the people we represent. With proper training and guidance, all Nevadans can contribute in a meaningful way. It can be done.

Much has already been predicted and much will be said about this Seventy-sixth Session. From the pundits who will portray it in columns of winners and losers, to those who express optimism, to those who call for a return to a time of prosperity, a time that may have existed for some, but not all Nevadans.

My belief, however, is that this Seventy-sixth Session will only be fairly judged years from now. Our children will judge it. It will be judged by their success or failure, and the success or failure of the State in the years to come.

Did you know, for the first time in our nation's history, our children's generation may not do as well as ours? Think about that for moment.

Despite all of our challenges as a nation, from slavery, to the Great Depression, through world wars, to the equal and civil rights era to now, this may be the first time that a generation does worse than those who came before.

Now, we may complain that this new generation is spoiled, doesn't work as hard and doesn't always appreciate what they do have, at least that is what I say to my children, but the hard facts are, when it comes to educational achievement, health, and income, our children may not do as well as we have.

As an elected official, and a father of three, I find this unacceptable and will not accept this for their future.

Our local communities, our State and our nation will not prosper if our children do not prosper. We cannot grow our economy or develop new, innovative industries if our children are not prepared to compete globally. We will not have thriving or safe communities if our children lack hope.

Besting the education achievement scores of Mississippi, let alone those of Virginia or Maryland, can no longer be the goal. In this Seventy-sixth Legislative Session we must think globally, about a knowledge-based economy where our children can compete for jobs and succeed against children in China and India.

It is with that eye to the future that Governor Sandoval committed to strengthening and preserving the Millennium Scholarship Program created by the late Governor Kenny Guinn, and I commend him for that. That is why we must keep our promise to our students and their families and not making the Guinn Scholarship less secure by increasing college tuition to unreasonable levels.

Of course, the Governor and I do not agree on everything, but let me make clear that when I disagree with the Governor, I do so not for political gain or advantage, but from a sense of obligation and purpose to do my part, however small, to turn the focus away from all of us and our current situation and toward our children and their future.

The Governor and some in this Chamber suggest that Nevada's kids can withstand deep and severe cuts to their education. Some believe that the solution is to cut to the extreme, wait for the economy to recover and only then, perhaps, rebuild. That theory for achieving success has been tried and disproven. You cannot build a strong economy or a strong future on a foundation that is faulty and frail.

Consider Virginia: Fifty years ago, they were in much the same situation we find ourselves in today. Their schools struggled. Their educational achievement was at a national low and per capita earnings were at the bottom.

But they invested in their schools, colleges and universities. They invested in their kids. They invested in their future. And today, Virginia has some of the best schools in the country. Schools that power a thriving, diverse economy, with high educational achievement and high per capita incomes.

We must work just as hard for the future here in Nevada. We will win if those of us in this Chamber give our kids the tools today to build a thriving State tomorrow. We know this to be true and it can be done.

And so, to the Governor and those who have supported his position of no new revenue, I ask this one fundamental question:

Will you work with us to build a more balanced budget for our children, one that protects their futures and the future of our State?

If we are to build a bright future for the people of this State, Nevada cannot sustain two billion dollars in cuts.

Now, I know that government cannot and should not be all things to all people. I agree with the Governor that we cannot turn to government to solve all of our problems. More than anything, it will always be strong families that build strong communities and a strong State and nation.

But providing a quality education for every Nevada child is a constitutional requirement that we have all sworn an oath to uphold.

Yes, we can have a discussion about how to remove bad teachers and principals from our schools, but we should also applaud the great educators, the men and women who help lay the foundation for our children's future success.

For me, it was the late Mr. Cozine, my fifth grade teacher at Ruth Fyfe Elementary in Las Vegas, who helped me to realize the importance of critical thinking. Mr. Kelly, my tenth grade English teacher, who opened my world to literature. It was my Speech and Debate teacher, Ms. Statom, who challenged me to find my voice, something we all must have to succeed.

They and many more teachers like them are my heroes. Every educator who works each and every day teaching reading, math and science to our children deserves our honor, our respect, our gratitude, and a promise that we will not cut their salaries by 10 percent.

Who was that great teacher and mentor in your life? We all have them. That is why we must find ways to improve education without devaluing the role of those who are educators. It can be done.

And of course, it is not just our elementary, middle and high school students we need to consider: companies need an educated and trained workforce. We cannot cut our colleges and universities and expect to grow our economy. It just doesn't work that way. Look around the country, states that have invested and protected higher education have thrived economically; states that have cut education have suffered economically.

Students camped out overnight just a few weeks back to register for classes at one of our colleges because they could not all be accommodated. These young people know they can succeed and contribute if they get the right training.

Educating, and the training of our workforce is as important to economic development as promoting a low-tax climate because it all matters to a business' bottom line. It can be done.

Economic development and recruiting new businesses to Nevada is also about ensuring a high quality of life for citizens.

Consider this: investing in community-based senior centers improves the chances our parents and grandparents get the attention and care they need, and saves all of us as taxpayers by minimizing the need for nursing homes and hospitals. Building a more balanced budget will allow us to invest in and benefit from community-based resources for those family members we love so much.

Let us never forget the needs of our family members who suffer from mental illness, substance abuse and alcoholism. Building a more balanced budget will ensure we do not just triage those with mental disorders and then send them back into our communities without support. It will ensure that we support parents whose children are diagnosed with autism. Too much progress has been made to turn our backs on parents who know, that with treatment, their children can lead full lives. It can be done.

It is time for us to put aside the partisan battling and electoral talk and come together as Nevadans.

We know that our State will not prosper if our children do not prosper. We know that we cannot grow our economy, or develop innovative industries, or stay at the cutting edge of technology, if we slash our schools.

Protecting those interests and the interests of our most vulnerable citizens is our challenge in these next 120 days.

And here is our opportunity. For decades, other leaders were unable to make the change our State so desperately needs. Instead of opting for Band-Aids and sunsetting fixes, our opportunity is to tackle the structural changes needed so that our businesses and the people of Nevada can thrive.

Building a balanced budget for our children's future, it will not be easy. The decisions will be tough. Cuts will be necessary.

But if we leave the elections and partisanship aside, if we work as Nevadans to find real, meaningful, lasting solutions to the structural problems that continue to exist, if we build a balanced budget for our kids, their futures and the future of the State, we will position Nevada for success for generations to come.

I know that this Governor, working with the leadership of this Legislature, in both parties across both Chambers, can do it.

It can be done.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 1:45 p.m.

SENATE IN SESSION

At 2:29 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Horsford and McGinness:

Senate Resolution No. 1—Adopting the Standing Rules of the Senate for the 76th Session of the Legislature.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the Senate Standing Rules are hereby adopted for the 76th Session of the Legislature as follows:

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. President.

The President shall take the chair and call the Senate to order precisely at the hour appointed for meeting, and if a quorum is present shall cause the Journal of the preceding day to be read. The President shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the Senate Chamber, shall order the Sergeant at Arms to suppress it, and may order the arrest of any person creating any disturbance within the Senate Chamber. The President may speak to points of order in preference to members, rising from the President's seat for that purpose, and shall decide questions of order without debate, subject to an appeal to the Senate by two members, on which appeal no member may speak more than once without leave of the Senate. The President shall sign all acts, addresses and joint resolutions, and all writs, warrants and subpoenas issued by order of the Senate; all of which must be attested by the Secretary. The President has general direction of the Senate Chamber.

Rule No. 2. President Pro Tem and Other Presiding Officers.

1. Except as otherwise provided in subsection 2:

(a) The President Pro Tem has all the power and shall discharge all the duties of the President during his or her absence, inability or unwillingness to discharge the duties of his or her office.

(b) In the absence or inability of the President Pro Tem to discharge the duties of the President's office, the Chair of the Standing Committee on Legislative Operations and Elections shall serve as the presiding officer. In the absence or inability of the Chair, the Vice Chair of the Standing Committee on Legislative Operations and Elections shall serve as the presiding officer. In the absence or inability of the Vice Chair of the Standing Committee on Legislative Operations and Elections, the Senate shall elect one of its members to serve as the presiding officer. A member who is serving as the presiding officer has all the power and shall discharge all the duties of the President until the absence or inability which resulted in the member serving as the presiding officer has ended.

2. When the President Pro Tem or another member is serving as the presiding officer, the President Pro Tem or other member may vote on any question for which he or she is otherwise qualified to vote as a member. If the Senate is equally divided on the question, the President Pro Tem or other member may not give an additional deciding vote or casting vote pursuant to Senate Standing Rule No. 31 or Section 17 of Article 5 of the Nevada Constitution.

Rule No. 3. Secretary.

1. The Secretary of the Senate is elected by the Senate, and shall:

(a) Interview and recommend to the Standing Committee on Legislative Operations and Elections persons to be considered for employment to assist the Secretary.

(b) See that these employees perform their respective duties.

(c) Administer the daily business of the Senate, including the provision of secretaries to its committees.

(d) Unless otherwise ordered by the Senate, transmit at the end of each working day those bills and resolutions upon which the next action is to be taken by the Assembly.

2. The Secretary is responsible to the Majority Leader.

Rule No. 4. Sergeant at Arms.

1. The Sergeant at Arms shall attend the Senate during its sittings, and execute its commands and all process issued by its authority. The Sergeant at Arms must be sworn to keep the secrets of the Senate.

2. The Sergeant at Arms shall:

(a) Superintend the upkeep of the Senate's Chamber, private lounge, and meeting rooms for committees.

(b) Interview and recommend to the Standing Committee on Legislative Operations and Elections persons to be considered for employment to assist the Sergeant at Arms.

3. The Sergeant at Arms is responsible to the Majority Leader.

Rule No. 5. Assistant Sergeant at Arms.

The Assistant Sergeant at Arms shall be doorkeeper and shall preserve order in the Senate Chamber and shall assist the Sergeant at Arms. The Assistant Sergeant at Arms shall be sworn to keep the secrets of the Senate.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The President shall call the Senate to order each day of sitting at 11:00 o'clock a.m., unless the Senate has adjourned to some other hour.

Rule No. 11. Call of Senate—Moved by Three Members.

A Call of the Senate may be moved by three Senators, and if carried by a majority of all present, the Secretary shall call the roll and note the absentees, after which the names of the absentees shall again be called over. The doors shall then be closed and the Sergeant at Arms directed to take into custody all who may be absent without leave, and all Senators so taken into custody shall be presented at the bar of the Senate for such action as to the Senate may seem proper.

Rule No. 12. Absence—Leave Required.

No Senator shall absent himself or herself from the service of the Senate without leave, except in case of accident or sickness, and if any Senator or officer shall so absent himself or herself, the per diem of the Senator shall not be allowed to him or her.

Rule No. 13. Open Meetings.

1. Except as provided in the Constitution of the State of Nevada and in subsection 2 of this Rule, all meetings of the Senate and its committees must be open to the public.

2. A Senate committee meeting may be closed to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

1. If any Senator, in speaking or otherwise, transgresses the rules of the Senate, the President shall, or any Senator may, call him or her to order. If a Senator is so called to order, he or she shall not proceed without leave of the Senate. If such leave is granted, it must be upon the motion, "That he or she be allowed to proceed in order," and the Senator shall confine himself or herself to the question under consideration and avoid personality.

2. Every decision of points of order made by the President is subject to appeal, and a discussion of a question of order may be allowed only upon the appeal of two Senators. In all cases of appeal, the question must be, "Shall the decision of the Chair stand as the judgment of the Senate?"

Rule No. 21. Breaches of Decorum.

1. In cases of breaches of decorum or propriety, any Senator, officer or other person is liable to such censure or punishment as the Senate may deem proper.

2. If any Senator is called to order for offensive or indecorous language or conduct, the person calling the Senator to order shall report the offensive or indecorous language or conduct to the presiding officer. No member may be held to answer for any language used on the Floor of the Senate if business has intervened before exception to the language was taken.

3. Indecorous conduct or boisterous or unbecoming language is not permitted in the Senate Chamber.

Rule No. 22. Reserved.

Rule No. 23. Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Senate appointed by the Majority Leader from the majority political party;

(b) One member of the Senate appointed by the Minority Leader from the minority political party; and

(c) Four qualified electors of the State, two of whom are appointed by the Majority Leader, one who is appointed by the Minority Leader, and one who is appointed by the other members appointed to the Committee, and none of whom is a present member of the Legislature or employed by the State of Nevada.

➥ Not more than four members of the Committee may be members of the same political party.

2. The Majority Leader shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Majority Leader shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The members of the Committee shall appoint an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 by the same appointing authority shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The Committee:

(a) May hear requests brought by Senators for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by Senators and others on specific questions of alleged breaches of ethics and conflicts of interest.

6. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the content of an opinion of the Committee at any time after his or her hearing; or

(c) Discloses the content of an advisory opinion issued to him or her by the Committee.

7. A complaint which alleges a breach of ethics or a conflict of interest must be:

(a) Made in writing on a form provided by the Secretary of the Senate;

(b) Signed and verified under penalty of perjury by the person making the allegation; and

(c) Filed with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair. The Chair or Vice Chair, as appropriate, shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

8. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

9. Except as otherwise provided in subsection 10, if a Legislator knows he or she has a conflict of interest pursuant to subsection 8, the Legislator shall make a disclosure of the conflict of interest on the record in a meeting of a committee or on the Floor of the Senate, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the Floor of the Senate, in the Journal.

10. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the Floor of the Senate, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

11. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 8, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

12. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

13. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

14. Except as otherwise provided in the Joint Standing Rules, the standards and procedures set forth in this Rule which govern whether and to what extent a Senator has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the Senator has a conflict of interest pursuant to subsection 8:

(a) Are exclusive and are the only standards and procedures that apply to Senators with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters.

15. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Recorded Vote—Three Required to Call For.

1. A recorded vote must be taken upon final passage of a bill or joint resolution, and in any other case when called for by three members. Every Senator within the bar of the Senate shall vote "yea" or "nay" or record himself or herself as "not voting," unless excused by unanimous vote of the Senate.

2. The votes and names of those absent or recorded as "not voting" and the names of Senators demanding the recorded vote must be entered in the Journal.

Rule No. 31. President to Decide—Tie Vote.

A question is lost by a tie vote, but when the Senate is equally divided on any question except the passage of a bill or joint resolution, the President may give the deciding vote.

Rule No. 32. Manner of Election—Voting.

1. In all cases of election by the Senate, the vote must be taken viva voce. In other cases, if a vote is to be recorded, it may be taken by oral roll-call or by electronic recording.

2. When a recorded vote is taken, no Senator may:

(a) Vote except when at his or her seat;

(b) Explain his or her vote or discuss the question while the voting is in progress; or

(c) Change his or her vote after the result is announced.

3. The announcement of the result of any vote must not be postponed.

The next rule is 40.

V. LEGISLATIVE BODIES

Rule No. 40. Standing and Select Committees.

1. Except as otherwise provided in subsection 2, the standing and select committees of the Senate and their respective jurisdiction for the reference of bills and resolutions are as follows:

(a) Commerce, Labor and Energy, seven members, with jurisdiction over measures affecting primarily titles 52-56 of NRS, and chapters 97-100, 118-119, 119B, 459A, 461, 461A, 489, 679A-693A, 694A-704B, 707, 711 and 712 of NRS, except measures affecting primarily state and local revenue.

(b) Education, seven members, with jurisdiction over measures affecting primarily chapters 378-380A, 385, 386 and 388-399 of NRS, except measures affecting primarily state and local revenue.

(c) Finance, seven members, with jurisdiction over measures primarily affecting chapters 1A, 387 and 400 of NRS, appropriations, operating and capital budgets, state and federal budget issues and bonding, except measures affecting primarily state and local revenue, and over any measures carrying or requiring appropriations and favorably reported by any other committee.

(d) Government Affairs, five members, with jurisdiction over measures affecting primarily titles 20-22, 25, 27, 28, 30, 31, 36 and 37 of NRS, and chapters 223-228, 232-237, 238-242, 289, 381, 384, 472-474, 477, 532-534, 538, 540A, 541, 693B, 708-710 and 720 of NRS, except measures affecting primarily the provisions of the Nevada Administrative Procedure Act that govern the adjudication of contested cases, state and local revenue and state and federal budget issues.

(e) Health and Human Services, seven members, with jurisdiction over measures primarily affecting titles 38 and 39 of NRS, and chapters 439-444, 446-458, 460 and 583-585 of NRS, except measures affecting primarily state and local revenue.

(f) Judiciary, seven members, with jurisdiction over measures affecting primarily the provisions of the Nevada Administrative Procedure Act that govern the adjudication of contested cases, titles 2-7, 9, 11-16 and 41 of NRS, and chapters 1, 2-7, 101-104A, 111-117, 119A, 120, 120A, 458A, 475 and 719 of NRS, except measures affecting primarily state and local revenue.

(g) Legislative Operations and Elections, five members, with jurisdiction over measures affecting primarily titles 17, 24 and 29 of NRS, and chapters 281-288 of NRS, and the operation of the legislative session, except measures affecting primarily state and local revenue.

(h) Natural Resources, five members, with jurisdiction over measures primarily affecting titles 26, 45-47, 49 and 50 of NRS, and chapters 383, 407, 444A-445D, 459, 488, 534A-537, 539, 540, 543, 544, 581, 582 and 586-590 of NRS, except measures affecting primarily state and local revenue.

(i) Revenue, seven members, with jurisdiction over measures affecting primarily title 32 of NRS and state and local revenue.

(j) Transportation, seven members, with jurisdiction over measures affecting primarily title 44 of NRS, and chapters 403-405, 408, 410, 476, 480-487, 490, 705 and 706 of NRS, except measures affecting primarily state and local revenue.

(k) Select Committee on Economic Growth and Employment, seven members, with jurisdiction over measures affecting primarily chapters 231 and 237A of NRS, except measures affecting primarily state and local revenue.

2. The Chair of the Standing Committee on Finance may assign any portion of a proposed executive budget to any of the other standing or select committees of the Senate for review. Upon receiving such an assignment the standing or select committee shall complete its review expeditiously and report its findings and any recommendations to the Standing Committee on Finance for its independent evaluation.

Rule No. 41. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his or her duties, the Majority Leader shall appoint an alternate of the same political party to serve in the chair's or the member's place for such time as is determined by the Majority Leader.

Rule No. 42. Committee Expenses.

No committee shall employ assistance or incur any expense, except by permission of the Senate previously obtained.

Rule No. 43. Duties of Committees.

The several committees shall acquaint themselves with the interests of the State specially represented by the committee and shall present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the State.

Rule No. 44. Committee on Legislative Operations and Elections.

The Standing Committee on Legislative Operations and Elections shall recommend by resolution the appointment of the staff of the Senate not otherwise provided for by law. It may suspend any staff of the Senate for incompetency or dereliction of duty, pending final action by the Senate.

Rule No. 45. Reserved.

Rule No. 46. Forming Committee of the Whole.

In forming the Committee of the Whole, the Senator who has so moved shall name a Chair to preside. All amendments proposed by the Committee shall be reported by the Chair to the Senate.

Rule No. 47. Rules Applicable to Committee of the Whole.

The Rules of the Senate shall apply to proceedings in Committee of the Whole, except that the previous question shall not be ordered, nor the yeas and nays demanded, but the Committee may limit the number of times that any member may speak, at any stage of proceedings, during its sitting. Messages may be received by the President while the Committee is sitting; in which case the President shall resume the chair and receive the message. After receiving the message, the President shall vacate the chair in favor of the Chair of the Committee.

Rule No. 48. Motion to Rise Committee of the Whole.

A motion that the Committee rise shall always be in order, and shall be decided without debate.

Rule No. 49. Reference to Committee.

When a motion is made to refer any subject, and different committees are proposed, the subject may be referred to the committee with jurisdiction over the subject as set forth in Senate Standing Rule No. 40, or to a different committee, upon a majority vote of the Senate.

Rule No. 50. Return From Committee.

1. Any bill or other matter referred to a committee of the Senate must not be withdrawn or ordered taken from the committee for consideration by the Senate, for re-referral, or for any other reason without a two-thirds vote of the Senate, and at least one day's notice of the motion therefor.

2. No such motion is in order:

(a) If the bill to be withdrawn or ordered taken from the committee may no longer be considered by the Senate; or

(b) On the last day of the session, or on the day preceding the last day of the session.

3. This Rule does not take from any committee the rights and duties of committees provided for in Senate Standing Rule No. 43.

Rule No. 51. Reserved.

Rule No. 52. Reserved.

Rule No. 53. Committee Rules.

1. The rules of the Senate, as far as applicable, are the rules of committees of the Senate. Procedure in committees, where not otherwise provided in this Rule, must follow the procedure of the Senate. For matters not included in the rules of the Senate or these rules, Mason's Manual of Legislative Procedure must be followed.

2. A majority of any committee constitutes a quorum for the transaction of business.

3. A meeting of a committee may not be opened without a quorum present.

4. In addition to regularly scheduled meetings of a committee or those called by the chair of the committee, meetings may be set by a written petition of a majority of the committee and filed with the chair of the committee.

5. A bill may be passed from a committee only by a majority of the committee membership. A simple majority of those present and voting is sufficient to adopt committee amendments.

6. Subcommittees may be appointed by the chair of a committee to consider subjects specified by the committee and shall report back to the committee. If a subcommittee is so appointed, the committee shall determine whether the subcommittee shall keep minutes of its meetings. Any minutes required to be kept pursuant to this subsection must comply with the provisions of subsection 12.

7. A committee shall act only when together, and all votes must be taken in the presence of the committee. A member shall not be recorded as voting unless the member was actually present in the committee at the time of the vote. The chair of the committee must be present when the committee votes to take any final actions on bills or resolutions, but the chair is not required to vote. Upon approval of the Chair, a committee may meet together by video conference. A member who is actually present in the committee at a posted video conference location is present and in attendance at the meeting for all purposes. The provisions of this subsection do not prohibit the prefiling of legislative bills and resolutions on behalf of a committee in the manner prescribed by the Legislative Commission.

8. All committee and subcommittee meetings are open to the public, except as otherwise provided in Senate Standing Rule No. 13.

9. Before reporting a bill or resolution to the Senate, a committee may reconsider its action. A motion to reconsider must be made by a member who voted with the prevailing side.

10. The chair of a committee shall determine the agenda of each meeting of the committee except that a member of the committee may request an item for the agenda by communicating with the chair at least 4 days before the meeting. A majority of a committee may, by vote, add an item to the agenda of the next regularly scheduled meeting.

11. Secretaries to committees shall give notices of hearings on bills to anyone requesting notices of particular bills.

12. All committees shall keep minutes of meetings. The minutes must cover members present and absent, subjects under discussion, witnesses who appear, committee members' statements concerning legislative intent, action taken by the committee, as well as the vote of individual members on all matters on which a vote is taken. Any member may submit to the secretary additional remarks to be included in the minutes and records of committee meetings. At the conclusion of the legislative session, the Secretary of the Senate shall deliver all minutes and records of committee meetings in his or her possession to the Director of the Legislative Counsel Bureau.

13. In addition to the minutes, the committee secretary shall maintain a record of all bills, including:

(a) Date bill referred;

(b) Date bill received;

(c) Date set for hearing the bill;

(d) Date or dates bill heard and voted upon; and

(e) Date report prepared.

14. Each committee secretary shall file the minutes of each meeting with the Secretary of the Senate as soon as practicable after the meeting.

15. All committee minutes and any subcommittee minutes required to be kept pursuant to subsection 6 are open to public inspection upon request and during normal business hours.

Rule No. 54. Review of State Agency Programs.

In addition to or concurrent with committee action taken on specific bills and resolutions during a regular session of the Legislature, each standing committee of the Senate is encouraged to plan and conduct a general review of selected programs of state agencies or other areas of public interest within the committee's jurisdiction.

The next rule is 60.

VI. RULES GOVERNING MOTIONS

A. MOTIONS GENERALLY

Rule No. 60. Entertaining.

1. No motion may be debated until it is announced by the President.

2. By consent of the Senate, a motion may be withdrawn before amendment or decision.

Rule No. 61. Precedence of Motions.

When a question is under debate no motion shall be received but the following, which shall have precedence in the order named:

1. To adjourn.

2. For a call of the Senate.

3. To recess.

4. To lay on the table.

5. For the previous question.

6. To postpone to a day certain.

7. To refer to committee.

8. To amend.

9. To postpone indefinitely.

➥ The first four shall be decided without debate.

Rule No. 62. When Not Entertained.

1. When a motion to refer to committee, to postpone to a day certain, or to postpone indefinitely has been decided, it must not be again entertained on the same day.

2. When a question has been postponed indefinitely, it must not again be introduced during the session unless this Rule is suspended by a two-thirds vote.

3. There must be no reconsideration of a vote on a motion to postpone indefinitely.

B. PARTICULAR MOTIONS

Rule No. 63. To Adjourn.

A motion to adjourn shall always be in order. The name of the Senator moving to adjourn, and the time when the motion was made, shall be entered in the Journal.

Rule No. 64. Lay on the Table.

A motion to lay on or take from the table shall be carried by a majority vote.

Rule No. 65. Reserved.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution has precedence over a motion to refer to committee or to amend. If a motion to strike out the enacting clause of a bill or resolution is carried, the bill or resolution is rejected.

Rule No. 67. Division of Question.

1. Any Senator may call for a division of a question.

2. A question must be divided if it embraces subjects so distinct that if one subject is taken away, a substantive proposition remains for the decision of the Senate.

3. A motion to strike out and insert must not be divided.

Rule No. 68. To Reconsider—Precedence of.

1. A motion to reconsider has precedence over every other motion, including a motion to adjourn if the motion is to reconsider a final vote on a bill or resolution. A motion to reconsider a final vote on a bill or resolution shall be in order only on the day on which the final vote is taken and the vote on such a motion to reconsider must be taken on the same day.

2. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn. When the Senate adjourns while a motion to reconsider is pending, or before passing the order of Motions and Resolutions, the right to move for reconsideration continues to the next day of sitting.

Rule No. 69. Explanation of Motion.

Whenever a Senator moves to change the usual disposition of a bill or resolution, he or she shall describe the subject of the bill or resolution and state the reasons for requesting the change in the processing of the bill or resolution.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

1. Every Senator who speaks shall, standing in his or her place, address "Mr. or Madam President," in a courteous manner, and shall confine himself or herself to the question before the Senate. When the Senator has finished, he or she shall sit down.

2. No Senator may speak:

(a) More than twice during the consideration of any one question on the same day, except for explanation.

(b) A second time without leave when others who have not spoken desire the Floor.

3. Incidental and subsidiary questions arising during debate shall not be considered the same question.

Rule No. 81. Previous Question.

The previous question shall not be put unless demanded by three Senators, and it shall be in this form: "Shall the main question be put?" When sustained by a majority of Senators present it shall put an end to all debate and bring the Senate to a vote on the question or questions before it, and all incidental questions arising after the motion was made shall be decided without debate. A person who is speaking on a question shall not while he or she has the Floor move to put that question.

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. GENERALLY

Rule No. 90. Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Senate in all cases in which they are applicable and in which they are not inconsistent with the standing rules and orders of the Senate, and the joint rules of the Senate and Assembly.

Rule No. 91. Suspension of Rule.

No standing rule or order of the Senate shall be rescinded or changed without a vote of two-thirds of the Senate and one day's notice of the motion therefor; but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called for, and after due notice from the President no objection is offered, the President can announce the rule suspended and the Senate may proceed accordingly; but this shall not apply to that portion of Senate Standing Rule No. 109 relating to the third reading of bills, which cannot be suspended.

Rule No. 92. Notices of Bills, Topics and Public Hearings.

Adequate notice shall be provided to the Legislators and the public by posting information relative to the bills, topics and public hearings which are to come before committees. Notices shall include the date, time, place and agenda, and shall be posted conspicuously in the legislative building, shall appear in the daily history, and shall be made available to the news media.

This requirement of notice may be suspended for an emergency by the affirmative vote of two-thirds of the committee members appointed.

Rule No. 93. Protest.

Any Senator, or Senators, may protest against the action of the Senate upon any question, and have such protest entered in the Journal.

Rule No. 94. Privilege of the Floor.

1. To preserve decorum and facilitate the business of the Senate, only the following persons may be present on the Floor of the Senate during formal sessions:

(a) State officers;

(b) Officers and members of the Senate;

(c) Employees of the Legislative Counsel Bureau;

(d) Staff of the Senate; and

(e) Members of the Assembly whose presence is required for the transaction of business.

2. Guests of Senators must be seated in a section of the upper or lower gallery of the Senate Chamber to be specially designated by the Sergeant at Arms. The Majority Leader may specify special occasions when guests may be seated on the Floor of the Senate with a Senator.

3. A majority of Senators may authorize the President to have the Senate Chamber cleared of all persons except Senators and officers of the Senate.

4. The Senate Chamber may not be used for any business other than legislative business during a legislative session.

Rule No. 95. Material Placed on Legislators' Desks.

1. Only the Sergeant at Arms and officers and employees of the Senate may place papers, letters, notes, pamphlets and other written material upon a Senator's desk. Such material must contain the name of the Legislator requesting the placement of the material on the desk or a designation of the origin of the material.

2. This Rule does not apply to books containing the legislative bills and resolutions, the daily histories and daily journals of the Senate or Assembly, or Legislative Counsel Bureau material.

Rule No. 96. Reserved.

Rule No. 97. Petitions and Memorials.

The contents of any petition or memorial shall be briefly stated by the President or any Senator presenting it. It shall then lie on the table or be referred, as the President or Senate may direct.

Rule No. 98. Reserved.

Rule No. 99. Reserved.

Rule No. 100. Reserved.

Rule No. 101. Reserved.

Rule No. 102. Objection to Reading of Paper.

Where the reading of any paper is called for, and is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

Rule No. 103. Questions Relating to Priority of Business.

All questions relating to the priority of business shall be decided without debate.

B. BILLS AND RESOLUTIONS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

Skeleton bills may be introduced after the beginning of a session when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

Rule No. 107. Information Concerning Bills.

1. Bills introduced may be accompanied by information relative to witnesses and selected persons of departments and agencies who should be considered for committee hearings on the proposed legislation. At the time of or after introduction of a bill, a list of witnesses who are proponents of the bill together with their addresses and telephone numbers may be given to the secretary of the committee to which the bill is referred. This information may be provided by:

(a) The Senator introducing the bill;

(b) The person requesting a committee introduction of the bill; or

(c) The chair of the committee introducing the bill.

2. The secretary of the committee shall deliver this information to the chair of the committee to which the bill is referred. Members of the committee may suggest additional names for witnesses.

3. The Legislator may provide an analysis which may describe the intent, purpose, justification and effects of the bill, or any of them.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

1. Every bill must receive three readings before its passage, unless, in case of emergency, this rule is suspended by a two-thirds vote of the Senate.

2. The first reading of a bill is for information, and if there is opposition to the bill, the question must be, "Shall this bill be rejected?" If there is no opposition to the bill, or if the question to reject is defeated, the bill must then take the usual course.

3. No bill may be referred to committee until once read, nor amended until twice read.

4. The third reading of every bill must be by sections.

Rule No. 110. Second Reading File—Consent Calendar.

1. All bills or joint resolutions reported by committee must be placed on a Second Reading File unless recommended for placement on the Consent Calendar.

2. A committee shall not recommend a bill or joint resolution for placement on the Consent Calendar if:

(a) An amendment of the bill or joint resolution is recommended;

(b) It contains an appropriation;

(c) It requires a two-thirds vote of the Senate; or

(d) It is controversial in nature.

3. A bill or joint resolution recommended for placement on the Consent Calendar must be included in the Daily File listed in the Daily History of the Senate at least 1 calendar day before it may be considered.

4. A bill or joint resolution must be removed from the Consent Calendar at the request of any Senator. A bill or joint resolution so removed must be immediately placed on the Second Reading File for consideration in the usual order of business.

5. When the Consent Calendar is called:

(a) The bills remaining on the Consent Calendar must be read by number and summary, and the vote must be taken on their final passage as a group.

(b) No remarks or questions are in order and the bills remaining on the Consent Calendar must be voted upon without debate.

Rule No. 111. Publications.

1. An appropriate number of copies of all bills and resolutions of general interest must be printed for the use of the Senate and Assembly. Such other matter must be printed as may be ordered by the Senate.

2. Bill books will not be prepared for legislators unless they qualify for and request the service. The service, if approved, will be limited to the provision of one full set of bills, journals, histories and indexes for the Senator's desk in the Senate Chamber. Bill books will not be prepared for a Senator for individual committees.

3. A Senator may request the provision of bill book service pursuant to subsection 1 if either:

(a) The Senator has served in the Senate for 10 or more years; or

(b) A physical or medical condition requires the Senator to use the bill books rather than viewing bills on a laptop computer.

4. A request for bill book service must be made to the Majority Leader of the Senate. If the Majority Leader determines that the Senator qualifies for the service, the Majority Leader shall direct the Legislative Counsel Bureau to provide the service.

Rule No. 112. Sponsorship.

1. A Senator may rise and request that his or her name be added as a sponsor of a bill or resolution that is introduced in the Senate if the Senator has submitted to the Secretary of the Senate a statement approving the request signed by the Senator who introduced the bill or resolution. A Senator may make a request to have his or her name added as a sponsor of:

(a) A resolution of the Senate, at any time after the resolution is introduced in the Senate and before the resolution is passed by the Senate.

(b) A bill or a joint or concurrent resolution:

(1) At any time after the bill or resolution is introduced in the Senate and before the bill or resolution is passed out of the Senate to the Assembly; and

(2) At any time after the bill or resolution is returned to the Senate following passage by the Assembly and before the bill or resolution is enrolled.

2. A Senator who is a sponsor of a bill or resolution that is introduced in the Senate may rise and request that his or her name be removed as a sponsor of the bill or resolution. A Senator may make a request to have his or her name removed as a sponsor of:

(a) A resolution of the Senate, at any time after the resolution is introduced in the Senate and before the resolution is passed by the Senate.

(b) A bill or a joint or concurrent resolution:

(1) At any time after the bill or resolution is introduced in the Senate and before the bill or resolution is passed out of the Senate to the Assembly; and

(2) At any time after the bill or resolution is returned to the Senate following passage by the Assembly and before the bill or resolution is enrolled.

Rule No. 113. Reading of Bills—General File.

1. Upon reading of bills on the Second Reading File, Senate and Assembly bills reported without amendments must be ordered to the General File. Committee amendments reported with bills must be considered upon their second reading and such amendments may be adopted by a majority vote of the members present. Bills so amended must be reprinted, engrossed or reengrossed, and ordered to the General File. The File must be made available to members of the public each day by the Secretary.

2. Any member may move to amend a bill during its reading on the Second Reading File or during its third reading and the motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and engrossed or reengrossed.

3. An appropriate number of copies of all amended bills must be printed.

Rule No. 114. Referral of Bill With Special Instructions.

A bill may be referred to committee with special instructions to amend at any time before taking the final vote.

Rule No. 115. Reconsideration of Vote on Bill.

1. A vote may be reconsidered on motion of any member.

2. Motions to reconsider a vote upon amendments to any pending question and upon a final vote on a bill or resolution may be made and decided at once.

Rule No. 116. Reserved.

Rule No. 117. Different Subject Not Admitted as Amendment.

No subject different from that under consideration shall be admitted as an amendment; and no bill or resolution shall be amended by incorporating any irrelevant subject matter or by association or annexing any other bill or resolution pending in the Senate, but a substitute may be offered at any time so long as the original is open to amendment.

Rule No. 118. Certain Resolutions Treated as Bills.

1. Resolutions addressed to Congress, or to either House thereof, or to the President of the United States, or the heads of any of the national departments, or proposing amendments to the State Constitution are subject, in all respects, to the foregoing rules governing the course of bills.

2. A joint resolution proposing an amendment to the Constitution must be entered in the Journal in its entirety.

Rule No. 118.2. Memorial Resolutions.

Once the sponsor has moved for the adoption of a memorial resolution, not more than one member from each caucus, and, upon request of a member of the body and the approval of the Majority Leader, one additional member may speak on the resolution.

Rule No. 119. Certain Resolutions Treated as Motions.

Except as otherwise provided in Senate Standing Rules Nos. 118 and 118.2, resolutions must be treated as motions in all proceedings of the Senate.

Rule No. 119.2. Return From the Secretary of State.

A Senate resolution may be used to request the return from the Secretary of State of an enrolled Senate resolution for further consideration.

C. ORDER OF BUSINESS, SPECIAL ORDERS AND OTHER MATTERS

Rule No. 120. Order of Business.

1. Roll Call.
2. Prayer and Pledge of allegiance to the Flag.
3. Reading and Approval of the Journal.
4. Reports of Committees.
5. Messages from the Governor.
6. Messages from the Assembly.
7. Communications.
8. Waivers and Exemptions.
9. Motions, Resolutions and Notices.
10. Introduction, First Reading and Reference.
11. Consent Calendar.
12. Second Reading and Amendment.
13. General File and Third Reading.
14. Unfinished Business.
15. Special Orders of the Day.
16. Remarks from the Floor; Introduction of Guests. A Senator may speak under this order of business for a period of not more than 10 minutes.

Rule No. 121. Privilege.

Any Senator may rise and explain a matter personal to himself or herself by leave of the President, but the Senator shall not discuss any pending question in such explanation.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Preference to Speak.

When two or more Senators rise at the same time the President shall name the one who may first speak—giving preference, when practicable, to the mover or introducer of the subject under consideration.

Rule No. 125. Special Order.

The President shall call the Senate to order on the arrival of the time fixed for the consideration of a special order, and announce that the special order is before the Senate, which shall be considered, unless it be postponed by a two-thirds vote, and any business before the Senate at the time of the announcement of the special order shall go to Unfinished Business.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.
Rule No. 129. Reserved.

D. CONTESTS OF ELECTIONS

Rule No. 130. Procedure.

1. The Senate shall not dismiss a statement of contest for want of form if any ground of contest is alleged with sufficient certainty to inform the defendant of the charges he or she is required to meet. The following grounds are sufficient, but are not exclusive:

(a) That the election board or any member thereof was guilty of malfeasance.

(b) That a person who has been declared elected to an office was not at the time of election eligible to that office.

(c) That illegal votes were cast and counted for the defendant, which, if taken from the defendant, will reduce the number of legal votes below the number necessary to elect him or her.

(d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.

(e) That the defendant has given, or offered to give, to any person a bribe for the purpose of procuring his or her election.

(f) That there was a possible malfunction of any voting or counting device.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Senate may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 5 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Senate or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The contestant has the burden of proving that any irregularities shown were of such nature as to establish the probability that the result of the election was changed thereby. After consideration of all the evidence, the Senate shall declare the defendant elected unless the Senate finds from the evidence that a person other than the defendant received the greatest number of legal votes, in which case the Senate shall declare that person elected.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Senate, or any of its committees, shall be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

Senator Horsford moved the adoption of the resolution.

Remarks by Senators Horsford and Lee.

Senator Horsford requested that the following remarks be entered in the Journal.

SENATOR HORSFORD:

Senate Resolution No. 1 provides for the adoption of the Standing Rules of the Senate for the Seventy-sixth Session. These rules have been drafted primarily based upon the Senate Standing Rules that were adopted for the 75th Regular Session in 2009. However, the resolution includes some additional amendments.

Senate Rule No. 23, revises, upon the recommendation of the Legislative Counsel, and codifies the current interpretation of the rule governing ethics so that a member is not required to make an ethics disclosure if the member does not have an interest that is greater than any other member of the general business, profession, occupation or group. In addition, it also codifies the current interpretation of "immediate family" for purposes of determining whether a member has a conflict to apply to only the people whom a member is most likely to know about; his or her spouse and his or her spouse's children and parents.

Senate Rule No. 40 is amended to adjust the composition and jurisdiction of the Senate Standing Committees to accommodate videoconferencing.

Senate Rule No. 53 is revised to provide that a member is actually present for all purposes of the meeting and therefore the committee can take action at a meeting that is videoconferenced.

Senate Rule No. 61 adds a motion to recess to the list of the precedents of motions.

Senate Rule No. 111 reflects the implementation of the new NELIS system that replaces bill books. This Seventy-sixth Session we are moving to an electronic version. This rule applies to a Senator who must have served for at least eight years in the Senate or have a physical or mental condition that requires the Senator to use bill books. That modification was made at the request of the Senator from District No. 8.

New Senate Rule No. 118 (2) limits the number of members that can speak on a memorial resolution. There cannot be more than one member from each caucus and one additional member upon approval. This is to expedite our time.

SENATOR LEE:

If a Legislator has a question that he or she is interested in finding out if something the member would like to do in the future or perhaps something they may potentially be involved in already, where would they go to ask for a decision? Has that been contemplated?

Is there a place for them to go or is it simply up to the member to realize what he or she should know to be a conflict of interest?

SENATOR HORSFORD:

I believe that rule to be customary; members should seek advice from legal counsel where is the natural conflict of interest or disclosures that members should make.

I think what this rule change does is it helps to clarify, specifically, if an ethics disclosure is made if it does not have an interest that is greater than any other ember of the general business, profession, occupation, or group.

I think this is a standard that we have generally used but has not been reflected in our rules. But, for issues that only members may now about I think that always siding with legal counsel is always the best course of action.

Resolution adopted unanimously.

By Senators Horsford and McGinness:

Senate Resolution No. 2—Providing allowances to the leadership and other members of the Senate for periodicals, stamps, stationery and communications.

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

Senator Horsford requested that his remarks be entered in the Journal.

Thank you, Mr. President. This resolution provides an allowance for leadership and other members of the Senate for periodicals, postage, stationery and communications for this Seventy-sixth Session.

Resolution adopted unanimously.

By the Committee on Legislative Operations and Elections:

Senate Resolution No. 3—Providing for the appointment of the Senate session staff.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the following persons are elected as senate staff of the Senate for the 76th Session of the Legislature of the State of Nevada: Sherry L. Rodriguez, Ann-Berit Moyle, Janet Coons, Mary R. Phillips, Molly Dondero, Susan S. Whitford, Lydia J. Lee, Shannon Chambers, Ruth B. Pierini, Kenneth C. Evans, Jerry Pieretti, John Gould, Becky Harris, Timothy Taycher, Shelle Grim-Brooks, Ardyss Canon, Paula M. Saponaro, Julie Mogensen, Tim Hogan, Jeanne Baret, Sheri Carlsen, Juliet W. Newman, Delia John, Bonnie Borda Hoffecker, Ricka Benum, Mollie Miller, Terri Miller,

Maureen Brower, Laura Adler, Judi Anker-Nissen, Michael Archer, Frank Baird, Martha Barnes, Wade Beavers, Stella Blood, Katie Bowen, Billie Brinkman, Debra Carmichael, Jackie Cheney, Cindy Clampitt, Cynthia Cook, Patricia Devereux, Suzanne Efford, Michelle A. Ené, Sonia Folsom, Vicki J. Folster, Susan Gaither, Denise Geissinger, Mike Geissinger, Linda Gentry, John Griffin, Lynn Hendricks, Gail Herstead, Linda Hiller, Joyce Hollister, Barbara Honey, Sandra Hudgens, Judy C. Jackson, Betty Kaminski, Shauna Kirk, Sherry Loncar, Maudie Long, Roberta McCollum, Billie McMenamy, Janet Meredith, Arzella Moots, Barbara Moss, Patricia O'Flinn, Madison Piazza, Gena Plummer, Jodene Poley, Annette Ramirez, Gayle Rankin, Emily Rhodenbaugh, Stephanie Robbins, Cynthia Ross, Marion Sandoval, Leslie Sexton, Sandy Small, Jerry Stacy, Kathleen Swain, Judith Toscano, Lela Uptergrove, Norman Wessel, April West-Kieckhefer, Mike Wiley and Marian Williams.

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

Senator Horsford requested that his remarks be entered in the Journal.

Senate Resolution No. 3 provides for the appointment of session staff for the 2011 Seventy-sixth Session. I want to commend our Secretary of the Senate, our Director of Staffing and others involved in the selection of legislative staff for this session. They have done a tremendous job of helping to maintain consistency by bringing back members with previous experience while at the same time recruiting new people to the process. We look forward to their contribution to this legislative session. We cannot do any of what we do without all of these people who are recognized in this resolution.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Horsford and McGinness:

Senate Bill No. 1—AN ACT making an appropriation to the Legislative Fund for the costs of the 76th Legislative Session; and providing other matters properly relating thereto.

Senator Horsford moved that all necessary rules be suspended, that the reading of the bill so far be considered to have fulfilled the requirement for first reading, and that Senate Bill No. 1 be declared an emergency measure under the Constitution and placed on third reading and final passage on this legislative day.

Senator Horsford requested that his remarks be entered in the Journal.

This bill is the general appropriations bill for the cost of the Seventy-sixth Legislative Session.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Roll call on Senate Bill No. 1:

YEAS—21.

NAYS—None.

Senate Bill No. 1 having received a constitutional majority, Mr. President declared it passed.

Senator Horsford moved that all necessary rules be suspended and that Senate Bill No. 1 be immediately transmitted to the Assembly.

Motion carried unanimously.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA 89701

June 4, 2009

THE HONORABLE ROSS MILLER, *Secretary of State,* Capitol Building, Carson City, NV 89701

RE: Senate Bill 376 of the 75th Legislative Session

Dear Secretary Miller,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 376, which is entitled:

AN ACT relating to labor; making various changes relating to the establishment of the prevailing rates of wages in each county; and providing other matters properly relating thereto.

This bill pertains to prevailing wage requirements for county public works projects. By expanding the scope of projects considered by the Labor Commissioner in setting prevailing wage rates, this bill would effectively increase the costs of all county public works projects. Senate Bill No. 376 continues the distressing practice of the 75th Legislative Session of increasing government spending while ignoring the economic recession gripping our state and nation. Our citizens deserve better from their government.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill No. 376.

Sincerely,

JIM GIBBONS

Governor of Nevada

June 9, 2009

THE HONORABLE ROSS MILLER, *Secretary of State,* Capitol Building, Carson City, NV 89701

RE: Senate Bill No. 143 of the 75th Session.

Dear Secretary Miller:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 143, which is entitled:

AN ACT making an appropriation to the Interim Finance Committee for allocation to pay costs relating to the implementation of certain legislation; and providing other matters properly relating thereto.

Senate Bill No. 143 appropriates $500,000 to the Interim Finance Committee "to pay costs relating to the implementation of legislation concerning state revenue enacted during the 75th Session of the Nevada Legislature." As an initial matter, this bill ostensibly provides funding for a tax study as discussed during the conclusion of the 75th Session of the Nevada Legislature. However, the wording of the bill itself is broad and would allow the funds to be allocated for nearly any purpose pertaining to taxes.

Of greater significance is the fact that the Legislature has chosen to appropriate a half million dollars during a recession to study further tax increases. Nevada's economy was vibrant for many years and allowed dramatic and, in hindsight, unfortunate increases in state spending. With this bill, however, the Legislature has focused on ways to sustain and even increase that level of spending instead of reducing spending to match existing revenues. Nearly every state in the nation has been impacted by the current recession and has taken steps to address those decreased revenues. We don't need an expensive study to tell us that government revenues will decline during a recession. We don't need an expensive study to justify maintaining unsustainable levels of spending by increasing taxes while our citizens struggle to get by. What we do need is responsible government that puts the needs of its citizens above its own wants.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill No. 143.

Sincerely,
JIM GIBBONS
Governor of Nevada

June 9, 2009

THE HONORABLE ROSS MILLER, *Secretary of State,* Capitol Building, Carson City, NV 89701

RE: Senate Bill No. 396 of the 75th Legislative Session

Dear Secretary Miller,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 396, which is entitled:

AN ACT relating to peace officers; revising provisions governing the review by a peace officer of administrative or investigative files maintained by a law enforcement agency; revising provisions governing investigations of or hearings concerning peace officers that are conducted by a law enforcement agency; and providing other matters properly relating thereto.

Senate Bill No. 396 would inhibit the ability of a law enforcement agency to timely investigate alleged misconduct of a peace officer. For example, this bill would require a law enforcement agency, before conducting an investigation, to provide a forty-eight hour notice to any peace officer believed to possess knowledge relating to the alleged misconduct. While the vast majority of peace officers serve their communities well and deserve the utmost respect of all Nevadans it is sometimes necessary to immediately investigate allegations of wrongdoing in the name of public safety. Senate Bill No. 396 would slow this process down, especially given the fact that adequate due process procedures are in place to protect peace officers against unfounded accusations.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill No. 396.

Sincerely,
JIM GIBBONS
Governor of Nevada

March 10, 2010

THE HONORABLE ROSS MILLER, *Secretary of State,* Capitol Building,, Carson City, NV 89701

RE: Senate Bill No. 3 of the 26th Special Session

Dear Secretary Miller,

I am, herewith, forwarding you, for filing within the constitutional time limit and without my approval, Senate Bill No. 3 of the 26th Special Session, which is entitled:

AN ACT relating to governmental administration; providing for a temporary reduction in salary in lieu of furlough leave for state employees who are exempt from taking unpaid furlough leave; requiring the approval of a plan for additional overtime to be approved before the overtime is worked; providing for a temporary reduction in compensation for employees of the Senate and Assembly; providing for the closing of state offices on certain days and the revision of the workweeks of state employees with certain exceptions and exemptions; temporarily authorizing school districts to require employees to take unpaid furlough leave; prohibiting certain additional compensation for and adjustments to the salaries of newly hired classified state employees; and providing other matters properly relating thereto.

For many reasons, including those mentioned in this letter, I am convinced that the action taken by the Legislature with Senate Bill No. 3 is not in the best interest of the State and its employees.

Although in theory certain aspects of Senate Bill No. 3 appear to be a good idea, in practice, Senate Bill No. 3 is unworkable and does not accomplish the flexibility that is needed with the least possible negative impact. Instead of creating flexibility for the State's agencies to implement innovative work schedules that would save the State money, Senate Bill No. 3 will

actually cost the State time, money and manpower to implement. Additionally, sections of Senate Bill 3 are redundant and unnecessary as current law already provides a solution. In sum, Senate Bill 3 creates confusion, uncertainty and inequity among employees.

Further, Senate Bill No. 3 dictates that any exemption from the mandatory furlough is ineffective unless approved the by Interim Finance Committee. Thus, the Legislative Branch is not only declaring what the law is but with this legislation gives itself authority to administer and execute the law in violation of the separation of powers provision in the *Nevada Constitution* (Article 3, Section 1).

Finally, Section 13.5 of the bill relates to subjects outside those designated in my proclamations for this special session. Section 9 of Article 5 of the *Nevada Constitution* gives me exclusive authority to set the agenda for a special session and "*the Legislature shall transact no legislative business, except that for which they were specifically convened, or such other legislative business as the Governor may call to the attention of the Legislature.*" (Emphasis added.)

Section 13.5 seeks to overturn a directive I recently issued. In order to reduce the State's spending, I issued a directive last month to departments, agencies, boards and commissions to terminate certain permissive additional compensation and adjustments to the salaries of certain employees. Section 13.5 of Senate Bill No. 3 deliberately and blatantly contravenes my directive and states in relevant part:

> Sec. 13.5 1. Notwithstanding any contrary order, directive, policy or request made by any other officer or agency of the Executive Department of the State Government, the Department of Personnel or other responsible officer or agency shall administer, carry out and make payments pursuant to NRS 209.183 and 281.121 and NAC 284.206, 284.208. 284.210, 284.214 and 284.218, as those provisions existed on February 23, 2010 to any employee as defined in this section.

I called upon the Legislature to make fiscally responsible reductions to the State's spending. Section 13.5(1) will not reduce the State's spending. Recalling my directive will actually cost the State millions of dollars. Nowhere in the proclamations for this session did I call this matter to the attention of the Legislature and the Constitution prohibits legislation upon subjects outside those designated in a proclamation.

Therefore, I hereby exercise my constitutional grant of authority and veto Senate Bill No. 3.

Sincerely,

JIM GIBBONS
Governor of Nevada

February 1, 2011

THE HONORABLE STEVEN HORSFORD, Nevada State Senate, Majority Leader
3450 West Cheyenne Ave., Suite 100
North Las Vegas, NV 89032

DEAR MAJORITY LEADER HORSFORD:

Today, I received formal notice from the Clerk of the U.S. House of Representatives that our State is entitled to four Representatives in the 113th Congress. It is with great pleasure that I transmit to you, for lodging in the record of the 76th Regular Session of the Nevada Legislature, a copy of the Certificate of Entitlement. As I said in my State of the State message, I hope we can work together to redraw our State's congressional districts without regard for political agenda. I know you agree, and I look forward to working with you toward that end.

Sincere regards,

BRIAN SANDOVAL
Governor

February 3, 2011

THE HONORABLE SENATOR STEVEN A. HORSFORD
THE HONORABLE ASSEMBLYMAN JOHN OCEGUERA Nevada Legislature,
Legislative Building, Nevada 89701

DEAR MAJORITY LEADER HORSFORD AND SPEAKER OCEGUERA:

Enclosed please find my message to the 76th Session of the Nevada Legislature, delivered pursuant to Article 5, Section 10 of the *Nevada Constitution*. As you know, I delivered the message on Monday, January 24, 2011, to a special committee of the Legislature and other guests in the Assembly Chamber in Carson City. Thank you in advance for lodging my message in the record of the 76th Legislative Session. My staff and I look forward to working with all of you in the months ahead.

Sincere regards,
BRIAN SANDOVAL
Governor

COMMUNICATIONS

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
DEPARTMENT OF STATE
CARSON CITY, NEVADA,

December 28, 2010

DAVID A. BYERMAN, *Secretary of the Senate,* 401 S. Carson Street, Carson City, Nevada 89701-4747

DEAR MR. BYERMAN:

This letter is in acknowledgment of the transfer of Senate Joint Resolution No. 1 of the 75th Legislative Session (SJR 1*) pursuant to NRS 218.390(2). SJR 1* is from the 75th Legislative Session and was assigned file number 80. Pursuant to your request, this joint resolution's engrossed and enrolled originals were transferred from the Elections Division to your office on Tuesday, December 28, 2010.

In addition, this is also a transmittal letter for Senate Bills Nos. 143, 376 and 396 (all from the 75th Legislative Session), which were vetoed by the Governor in the 75th Legislative Session. The enclosed, engrossed and enrolled copies of Senate Bill No. 143 (of the 75th Session), Senate Bill No. 376 (of the 75th Session), and Senate Bill No. 396 (of the 75th Session) are being transferred to the 76th Legislative Session pursuant to NRS 218.430(2).

If you have any questions in this regard, please do not hesitate to contact the Elections Division at (775)684-5705.

Respectfully,
ROSS MILLER
Secretary of State
By: KRISTI GEISER,
Program Officer III

January 14, 2011

DEAR MR. BYERMAN:

This letter is in acknowledgment of the transfer of Senate Bill No. 3 (of the 26th Special Legislative Session NRS 218.390(2), which was vetoed by the Governor is being transferred to the 76th Legislative pursuant to NRS 218.390(2).

If you have any questions in this regard, please do not hesitate to contact the Elections Division at (775)684-5705.

Respectfully,
ROSS MILLER
Secretary of State
By: KRISTI GEISER,
Program Officer III

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 7, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 1.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 1.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly for the 76th Session of the Legislature are hereby adopted as follows:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice

sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

VETOES

Rule No. 8. Special Order.

1. Bills which have passed the Legislature, and which are returned after the Governor's disapproval, or veto of the same, shall:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received or, if made a special order, when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the Secretary of the Senate and the Chief Clerk of the Assembly shall, without interruption, read the message and the bill consecutively, the bill following the message; and the message and the bill must not be read upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?"

3. It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after 1 a.m. Pacific Daylight Saving Time on the 121st calendar day of session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. Any action taken in violation of subsection 2 shall be deemed out of order.

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House. If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Responsibility for Measures.

The Committee on Legislative Operations and Elections of the Senate and the Committee on Legislative Operations and Elections of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. These committees are hereby designated as the "redistricting committees" for the purposes of this Rule and Joint Standing Rules Nos. 13.1, 13.2, 13.3, 13.4, 13.5, 13.6 and 14.6.

Rule No. 13.1. Equality of Representation.

1. Congressional Districts: The population of each of the Nevada congressional districts must be as nearly equal as practicable.

2. State Legislative Districts: The population of the state legislative districts must be substantially equal. In order to meet constitutional guidelines, a plan, or a proposed amendment thereto, will not be considered if the plan or proposed amendment results in an overall range of 10 percent or more, or a relative deviation in excess of plus or minus 5 percent, from the ideal district population.

3. Districts for the State Board of Education, the Board of Regents of the University of Nevada and Petition Districts: Equality of population in accordance with the standard for the state legislative districts is the goal of redistricting for the State Board of Education and the Board of Regents of the University of Nevada and for the establishment of petition districts in accordance with NRS 293.127561.

Rule No. 13.2. Population Database.

1. The total state population, and the population of defined subunits thereof, as determined by the 2010 federal decennial census must be the exclusive database for redistricting by the Nevada Legislature.

2. Such 2010 census data, as validated by the staff of the Legislative Counsel Bureau, must be the exclusive database used for the evaluation of proposed redistricting plans for population equality.

Rule No. 13.3. Districts.

All district boundaries created by a redistricting plan must follow the census geography.

Rule No. 13.4. Procedures of the Redistricting Committees and Exemptions.

1. A legislator or member of the public may present to the redistricting committees any plans or proposals relating to redistricting, including proposals for redistricting specific districts or all of the state legislative districts, congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education or petition districts for consideration by the redistricting committees.

2. Bill draft requests, including bills in skeletal form, setting forth specific boundaries of the state legislative districts, congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education or petition districts, and amendments affecting a majority of the state legislative districts, may only be requested by the chairs of the redistricting committees.

3. The chairs of the redistricting committees are limited to one request each for a bill draft setting forth the specific boundaries of the state legislative districts, one request each for a bill draft setting forth the specific boundaries of the congressional districts, one request each for a

bill draft setting forth the specific boundaries of the districts for the Board of Regents of the University of Nevada, one request each for a bill draft setting forth the specific boundaries of the districts for the State Board of Education and one request each for a bill draft setting forth the specific boundaries of the petition districts. At the direction of the chair of a redistricting committee, the bill draft requests setting forth the specific boundaries of the state legislative districts, the congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education and petition districts may be combined in any manner.

4. All bill drafts and measures requested by a redistricting committee pursuant to subsection 3 are exempt pursuant to subsection 4 of Joint Standing Rule No. 14.6.

Rule No. 13.5. Compliance with the Voting Rights Act.

1. A redistricting committee will not consider a plan that the redistricting committee determines is a violation of section 2 of the Voting Rights Act, 42 U.S.C. § 1973(a), which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. A redistricting committee will not consider a plan that the redistricting committee determines is racially gerrymandered. Racial gerrymandering exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) The Legislature subordinates traditional districting principles to racial considerations.

3. For the purpose of analyzing the 2010 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that will be reported to Nevada by the United States Census Bureau as part of the federal decennial census.

Rule No. 13.6. Public Participation.

1. The redistricting committees shall seek and encourage:

(a) Public participation in all aspects of the reapportionment and redistricting activities; and

(b) The widest range of public input into the deliberations relating to those activities.

2. Notices of all meetings of the redistricting committees must be transmitted to any member of the public who so requests, without charge.

3. All interested persons are encouraged to appear before the redistricting committees and to provide their input regarding the reapportionment and redistricting activities. The redistricting committees shall afford a reasonable opportunity to any interested persons to present plans for redistricting, or amendments to plans for redistricting, unless such plans demonstrably fail to meet the minimally acceptable criteria set forth in this rule and Joint Standing Rules Nos. 13, 13.1, 13.2, 13.3, 13.4 and 13.5.

4. Each of the redistricting committees shall fully utilize available videoconferencing capabilities and shall, either jointly or separately, hold at least one hearing in the southern portion of the State and at least one hearing in a rural portion of the State to allow residents throughout the State an opportunity to participate in the deliberations relating to the reapportionment and redistricting activities.

5. The Legislative Counsel Bureau shall make available to the public copies of the validated 2010 census database for the cost of reproducing the database.

6. The redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

(a) Two requests from each Assemblyman and Assemblywoman; and

(b) Four requests from each Senator,

➥ *for the drafting of a bill or resolution.*

2. Except as otherwise provided in subsection 4 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 19th calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 19th day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

6. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

7. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

8. If two or more measures are being considered in the same House which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

9. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

Rule No. 14.1. Secondary Deadlines for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Legislator before a regular session has convened, the Legislator who submitted the request shall, by the 15th calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Legislator on or before the 8th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the Legislator who submitted the request shall, by the 23rd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

3. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a standing committee of the Assembly or Senate on or before the 19th calendar day of the legislative session pursuant to subsection 2 of Joint Standing Rule No. 14, the chair of the standing committee or his or her designee shall, by the 33rd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

4. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

5. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator, either individually or as the chair of a standing committee, who is or will be serving during the legislative session.

6. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the Floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

(d) A bill draft or measure requested by a redistricting committee pursuant to subsection 3 of Joint Standing Rule No. 13.4.

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

Rule No. 15. Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President Pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President Pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblyman or Assemblywoman designated to be the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 89th calendar day of the regular session.

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful

harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

5. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

7. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

8. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

9. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

10. This policy does not create any enforceable legal rights in any person.

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

Senator Horsford moved the adoption of the resolution.

Remarks by Senators Horsford and Hardy.

Senator Horsford requested that the following remarks be entered in the Journal.

SENATOR HORSFORD:

Assembly Concurrent Resolution No. 1 provides for the adoption of the Joint Standing Rules of the Senate and Assembly for the Seventy-sixth Session of the Legislature. These rules have been drafted primarily based upon the Joint Standing Rules which were adopted for the Seventy-fifth Regular Session in 2009, with a few changes as well as the additional rules for reapportionment and redistricting.

Joint Rule No. 1 is amended to prohibit a conference committee from recommending any action which would cause the creation of more than one reprint or the creation of more than one bill or resolution.

Joint Rule No. 6 reflects the implementation of the NELIS system by stating that bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the LCB, the press and the general public on the Nevada Legislature's website.

Joint Rule No. 7 eliminates the use of a concurrent or single house resolution for congratulating or commending a person or organization. A concurrent or single House resolution may still be used for memorializing a former member of the Legislature or other notable person upon death.

Joint Rule No. 9.5 is updated to reflect the case law holding that 1:00 a.m. Pacific Daylight Saving Time is the latest time on the 121st calendar day after the commencement of the session by which the Legislature may take action on a bill or resolution.

Joint Rules Nos. 13-13.6 set forth the rules relating to reapportionment and redistricting. With some revision, these rules are based upon the recommendations of the Interim Committee on Reapportionment and Redistricting, which used the Joint Standing Rules governing reapportionment and redistricting of the 2001 regular and special sessions to make its recommendations.

Joint Rule No. 13 designates the Committee on Legislative Operations and Elections in each House as the "redistricting committees"; these committees will handle the bills for drawing Nevada's congressional districts, legislative districts, districts for the State Board of Education, the Board of Regents and initiative petition districts.

Joint Rule 13.1 sets forth the legal standards of population equality for the drawing of the districts to ensure equality of representation.

Joint Rule 13.4 authorizes legislators and members of the public to present redistricting plans and proposals to the redistricting committees. However, only the chairs of the redistricting committees are authorized to request bill drafts and amendments for the specific district boundaries and each chair is limited to one bill draft for each type of district, although the bill drafts can be combined in any manner. The redistricting bills are exempt from the deadlines for action that are otherwise set forth in these rules.

Joint Rule 13.5 prohibits a redistricting committee from considering a plan that it determines violates the federal Voting Rights Act or is racially gerrymandered.

Joint Rule No. 13.6 sets forth requirements to encourage and ensure public participation in the redistricting process, including full utilization of videoconferencing capabilities and the holding of at least one hearing in the southern portion of the State and at least one hearing in a rural portion of the State.

Finally, pursuant to recommendations of the Committee to Consult with the Director, Joint Rule No. 14.1 imposes secondary deadlines for the submission of details for BDRs. This rule requires a legislator who has requested a BDR to provide sufficient details to the Legislative Counsel by the deadlines set forth in the Rule. If sufficient details are not provided by the prescribed time, the BDR will lose its priority for drafting.

Joint Rule No. 19 is revised, based upon the recommendation of the Legislative Counsel, to reflect the current legal practices relating to the prohibition of sexual harassment and other unlawful harassment.

SENATOR HARDY:

I am unable to see these on-line. Are these the things you outlined available on-line or is that what we are doing right now is putting them on-line?

SENATOR HORSFORD:

They should be available on-line to you.

Resolution adopted.

Senator Horsford moved that all necessary rules be suspended and that Assembly Concurrent Resolution No. 1 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 7, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 2.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Assembly Concurrent Resolution No. 2, with Senator Horsford as Chair and Senator Wiener as Vice Chair.

Motion carried.

Mr. President announced if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 3:00 p.m.

IN COMMITTEE OF THE WHOLE

At 3:01 p.m.

Senator Horsford presiding.

Assembly Concurrent Resolution No. 2 considered.

The Committee of the Whole was addressed by Senator Horsford; Senator Wiener; Senator McGinness; Senator Settelmeyer; Senator Hardy; Senator Breeden and Senator Denis.

SENATOR HORSFORD:

I will open the discussion on Assembly Concurrent Resolution No. 2, the resolution introduced to voluntarily take a 4.6 percent reduction in our legislative pay in recognition of the sacrifice that has been made by State workers and teachers.

SENATOR WIENER:

Several weeks before returning to the Legislature, I received a telephone call from an unhappy constituent. He asked a question which I will attempt to quote, "How does this work? My compensation for services I provide the State has been cut up to 50 percent. You legislators are going to get a pay hike."

I took this message seriously, both in my head and in my heart. I know what our State employees have done and are being asked to continue to do. We have processed this economic condition for several years. We have taken some dramatic steps. After the last session, many of us legislators did the voluntary right thing. We wrote checks back to the Legislature in the amount comparable to the cut that State employees took. I thank my colleagues for doing that. I was proud to do that. I know how difficult that reduction in pay was for those people who work long hours for the people of Nevada.

The resolution before us is asking us to do the same thing, to do the honorable thing, to stand with our colleagues in State government, those people who, like us, serve the people of our fair State.

We have this opportunity in this resolution to make a statement to do the right thing. As I was proud to write my check last time, I am proud to support this measure this time and look forward again to saying that I am willing to take the cut to do the work for the people of our State. I encourage my colleagues to support this resolution as we go forward on this legislative day. Thank you.

SENATOR MCGINNESS:

We would all like to stand up and say, "Yes, we are with you." I would like to say a word of "thanks" to the State employees who provide such great services for our State. I think we should stand with the Governor and do 5 percent instead of the 4.6 percent.

SENATOR SETTELMEYER:

I appreciate this motion. In the Assembly, our caucus all gave back the 4.6 percent last session. We felt it was improper for anyone not to take the cut the workers were taking as well. May we change the wording of the motion so that the cut would be equal to whatever the State workers were being cut in the future? For now we are under last years budgetary cycle which is 4.6 percent. Whatever the decision of this body ends up being in the final budget, as it affects the State workers, it should automatically affect us equally as well.

SENATOR HORSFORD:

Thank you, and that will be the intent as we proceed throughout the rest of the Seventy-sixth Legislative Session. Whatever decision comes from the budget process for the upcoming biennium we would need to bring a measure that allows the legislative pay to be commensurate with whatever the State workers are asked. That has not been decided. The Governor has proposed an approach, but we have the budget process to go through first. This addresses the current biennium we are in.

SENATOR HARDY:

Would the 4.6 percent be going forward, or would it be retroactive as we address the current biennium we are in?

SENATOR HORSFORD:

As the language reads, it says, "the Legislature hereby directs the accounting unit of the Legislative Counsel Bureau to withhold 4.6 percent of each legislator's pay for the Seventy-sixth

Regular Session of the Nevada Legislature and that the accounting unit of the LCB pay the total amount of such withholdings to the State Treasurer for credit to the unrestricted balance of the State General Fund and that the accounting unit of the LCB shall not reduce the salary of any legislator who did not vote in favor of passage of this resolution or who notifies the Director of the Legislative Counsel Bureau that they do not wish to have that withhold made." It is going forward.

SENATOR BREEDEN:

I also stand in support of this measure. I believe that not only all of us support the State workers, but I believe we need to stand along side them as well. I urge each one of you to support this measure.

SENATOR DENIS:

Thank you. Last year when we went through this process, we talked about shared sacrifices. We wanted everyone to do his or her part. This gives us the opportunity to do that. I am one of the few legislators who is also a State employee. I am on unpaid leave of absence. It is not a huge amount, but what we are doing here is important. We need to stand with our workers who work so hard. We ask them to do more and we give them less.

Senator Lee moved to pass Assembly Concurrent Resolution No. 2.

Senator Kieckhefer seconded the motion.

Motion carried.

On the motion of Senator Wiener and second by Senator Parks, the Committee did rise, and report back to the Senate.

SENATE IN SESSION

At 3:12 p.m.

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee of the Whole, to which was referred Assembly Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

STEVEN A. HORSFORD, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 2.

WHEREAS, The State of Nevada faced a staggering budgetary deficit for the 2009-2011 biennium as a result of the impact of a prolonged national recession on Nevada's economy; and

WHEREAS, To meet its constitutional duty to balance the State's budget for this biennium, the 75th Regular Session of the Nevada Legislature was required to make difficult decisions, including, without limitation, making significant cuts to the State's budget and imposing furlough requirements on state employees which amounted to a 4.6 percent reduction in salaries; and

WHEREAS, Despite the financial burden of the salary reduction, public employees of this State have continued to perform their duties with diligence, dedication and professionalism; and

WHEREAS, The *Nevada Constitution* prohibits the increase or decrease of the salaries of state officers during their terms of office; and

WHEREAS, In recognition of the financial sacrifice of our State's public workforce during this biennium, the members of the 76th Regular Session of the Nevada Legislature pledge to voluntarily take a comparable 4.6 percent reduction in their salaries for the session; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislature hereby directs the Accounting Unit of the Legislative Counsel Bureau to withhold 4.6 percent of each Legislator's salary for the 76th Regular Session of the Nevada Legislature; and be it further

RESOLVED, That the Accounting Unit of the Legislative Counsel Bureau shall pay the total amount of such withholdings to the State Treasurer for credit to the unrestricted balance of the State General Fund; and be it further

RESOLVED, That the Accounting Unit of the Legislative Counsel Bureau shall not reduce the salary of any Legislator who did not vote in favor of passage of this resolution and who notifies the Director of the Legislative Counsel Bureau that the Legislator does not wish to have the withholding made from his or her salary.

Senator Horsford moved the adoption of the resolution.

Remarks by Senators Horsford and Settelmeyer.

Senator Horsford requested that the following remarks be entered in the Journal.

SENATOR HORSFORD:

Based on everything said in the Committee of the Whole, this is a small sign of solidarity with us, as legislators, working on behalf of, and with our State workers and teachers who have already taken this reduction in their pay.

SENATOR SETTELMEYER:

I appreciate the information in the resolution. Once you add in the rest of the information the Taxpayers Association has indicated with the loss of per diem and not taking an increase, overall, this will be about a 12.4 percent hit to us and I am in full agreement. Other entities have had to do the same, so should the Legislature.
Thank you.

Resolution adopted unanimously.

Senator Horsford moved that all necessary rules be suspended and that Assembly Concurrent Resolution No. 2 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

COMMUNICATIONS

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES
Washington, DC 20515-6001

THE HONORABLE BRIAN SANDOVAL, *Governor,* State of Nevada 101 North Carson Street
Carson City, Nevada 89701

DEAR GOVERNOR SANDOVAL:

Pursuant to the provisions of Section 2a(b) of Title 2 of the United States Code, I am hereby transmitting to you a certificate stating the number of representatives to which your State is entitled in the United States House of Representatives in the 113th Congress and in each subsequent Congress until a new reapportionment takes effect.

Sincerely,
Karen L. Haas, Clerk
U.S. House of Representatives

CERTIFICATE OF ENTITLEMENT
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
WASHINGTON, D.C.

I, Karen L. Haas, clerk of the House of Representatives of the United States, Hereby Certify, Pursuant to the Provisions of Title 2, United States Code, Section 2a (b), That the State of

NEVADA

Shall be Entitled, in the One Hundred Thirteenth Congress and in Each Congress Thereafter Until a Subsequent Reapportionment Shall Take Effect Under Applicable Statute, to

FOUR REPRESENTATITVES

in the House of Representatitves of the Congress of the United States.

In Witness Whereof I Hereto Affix
My Name and the Seal of the House of
Representatives of the United States of
America this Eleventh Day of January,
Anno Domini 2011, in the City of
Washington, District of Columbia
Karen L. Haas,
Clerk of the House of Representatives
Of the United States

UNITED STATES SENATE
WASHINGTON , DC 20510-7012

January 28, 2011

THE HONORABLE STEVEN A. HORSFORD, *Senate Majority Leader,* State of Nevada Senate,
Legislative Building , 401 S. Carson Street, Carson City, Nevada 89701-4747

DEAR SENATOR HORSFORD:

I am writing to request the honor of speaking before both Houses of the Nevada State Legislature at 11 a.m. on February 22, 2011.

My Reno office will be coordinating the details of my visit. Please contact Mary Conelly at 775-686-5750 if you have any questions.

Thank you for kind consideration.

With all best wishes.

Sincerely
HARRY REID
Majority Leader
United States Senate

SUPREME COURT OF NEVADA
MICHAEL L. DOUGLAS, CHIEF JUSTICE
201 SOUTH CARSON STREET
CARSON CITY, NEVADA 89701-4747

February 1, 2011

SPEAKER JOHN OCEGUERA
Nevada Legislature, Legislative Building,
401 South Carson Street, Carson City, Nevada 8970-4747

RE: State of the Judiciary

DEAR SPEAKER OCEGUERA:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Nevada Supreme Court in 2011, to address a joint session of the Legislature on the State of the Judiciary on March 7, 2011, at 5:30 p.m. Also, immediately following, the Court will be hosting its annual reception for the legislators in the court's rotunda.

Your consideration of this request is greatly appreciated.

Sincerely
MICHAEL L. DOUGLAS
Chief Justice

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that in accordance with the provisions of Article 5, Section 10 of the *Nevada Constitution*, that Governor Sandoval's State of the State Address to the Nevada Legislature, as presented to the special committee to receive the Governor's State of the State Address on January 24, 2011 be entered in the Senate Journal for this legislative day.

Motion carried.

Mr. Speaker, Mr. President, distinguished members of the Legislature, honorable Justices of the Supreme Court, Constitutional Officers . . . my fellow Nevadans:

It is a special honor to be here for my first State of the State with so many new members of the Legislature. Nevada is fortunate to have these leaders take office when we are in such a time of need. Welcome, all of you.

Welcome to all of the many guests who have joined us here in the Assembly Chamber. Kathleen and I are honored that you are willing to share this evening with us. Please also allow me to express my special gratitude to the Douglas County High School Junior ROTC, Captain Hal Woomer, LeAyer Dante, and Manuel Mederos for their contributions to tonight's program.

Ladies and gentlemen, as we gather here in Carson City, countless Nevadans are watching on television or the Internet. It is as if the collective Nevada family has gathered around the table—each member leaning forward in his or her chair, eager to hear the news. In this time of sacrifice, our Nevada family looks to us for reassurance, for solutions, and for leadership.

And so I begin with the story of two men in uniform whose leadership in times of sacrifice can inspire us all.

Lieutenant Colonel Tony Millican is stationed at Nellis Air Force Base. He was awarded the Bronze Star and the prestigious 2010 Air Force Lance P. Sijan Award for his heroism in Afghanistan. Lieutenant Colonel Millican survived a blast from a 700-pound explosive device that exploded less than 50 yards away from his location. His story of courage is echoed in the tale of Specialist Ernesto Padilla from Gardnerville. Specialist Padilla is assigned to the First of the Two-Twenty-First Cavalry of the Nevada National Guard. He left his pregnant wife in May 2008 and deployed to Afghanistan, where his vehicle was sliced in half in an explosion. He was severely injured and he earned a Purple Heart.

These are but two examples of the sacrifices made by our men and women in uniform every day. Gentlemen, God bless you both, and thank you for putting service above self.

As our family gathers tonight, Nevadans are confronted on all sides with bad news. Our friends have seen their credit ruined. Someone in our family has lost a job. The house around the corner stands vacant. A neighbor has closed her business. A relative is one trip to the doctor away from financial or physical ruin.

Some believe government is the only solution to our current plight. I disagree. Unemployment, foreclosures, bankruptcy—the cure is not more government spending, but helping businesses to create jobs. The key is to get Nevada working again.

The Silver State has a long history of economic peaks and valleys. But the state of our State this evening should not be described as just another dip in the road. Instead, we find ourselves on the new terrain of a changed global economy, and the crossing is hard. The Nevada family looks to us to understand how we will navigate this new path. Certainly, there are short-term solutions—some of them painful. But true success lies in making a fundamental course correction and declaring, in the words of Abraham Lincoln: "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew."

We begin with the State budget. When my staff and I first arrived at the State Capitol, we were told that the State General Fund must spend $8.3 billion in the coming biennium instead of the $6.2 billion we are spending today. We rejected that premise. The population of Nevada has declined, yet the proposed budget would have increased State spending by 34 percent. That kind of math made no sense. Like any Nevada family or business, we began the budget process by looking at how much money we had to spend, not at automatic spending increases. We sought to

return spending to 2007 levels, before the current economic crisis. And when the Economic Forum released its forecasts in December, revenues for the next biennium were projected to be only $5.3 billion. So we started there.

We examined each department on a case-by-case basis. Medicaid and other Health and Human Services caseloads have grown exponentially, requiring an additional $245 million. Moreover, Nevada is now responsible for providing an extra $190 million toward the federal Medicaid match. We also must begin paying the $66 million in interest on money Nevada has borrowed for unemployment benefits.

The previous budget included $450 million in stimulus funds from the federal government. Of course, stimulus spending was intended to be only a one-time contribution to our State budget, so it was not available for the next biennium. Finally, due to reductions in local revenues, the State must contribute an additional $440 million to our public schools.

In total, there was a $1.2 billion hole in the budget. We were confronted with the difference between immediate priorities and long-term investment. That required us to reform our overall spending plan, and I can tell you the process was as painful as it was necessary.

The budget I am submitting to the Legislature represents an 8 percent reduction in total spending from the current biennium. My budget recommends the consolidation, elimination, or centralization of 20 departments and agencies. From the consolidation of the Departments of Personnel, Information Technology, Public Works and Administration to the smaller but nonetheless important streamlining of energy policy, we will make state government more efficient and more responsive.

State employees have been told that merit pay and longevity pay will remain frozen, and salaries will be reduced by 5 percent. I believe this is a far better alternative than the mass lay-offs chosen by other state and local governments. Positions are eliminated in this budget, and lay-offs will occur, but not on the scale seen in other states. My plan also eliminates the cumbersome furlough program. Administrators and employees alike told me furloughs make it difficult to manage an agency and nearly impossible to provide high-quality customer service.

Basic Support in our K-12 schools is reduced by $270 per pupil. The change in total support from current spending is just over 9 percent. While this is not ideal, I believe the reductions are within reason if the education establishment is willing to make real changes in how those dollars are spent.

State, local, and student revenue for the Nevada System of Higher Education is reduced by less than 7 percent. With the loss of one-time stimulus dollars, the total reduction is 17.66 percent. However, the Regents have the option of bringing tuition and fees more in line with other western states, so many of these funds can be recovered.

In Health and Human Services and Public Safety, we identified over $100 million in State spending for what are essentially local programs. The State can no longer afford to pick up this tab, so some of these responsibilities must be transferred to the local level.

Nevadans need to know we did not blindly accept the cuts requested by the prior administration. In the Department of Health and Human Services alone, $118 million in spending for essential programs was restored. My budget preserves nearly $55 million for personal care services, $4 million in adult day health care, and $8 million in benefits to two-parent households on Temporary Assistance to Needy Families. We also preserved funds for traumatic brain injury services, autism, early intervention services, independent living, medically necessary dentures, prosthetics and orthotics—the list goes on. These programs are preserved, and overall spending is still reduced.

However, spending cuts alone could not do the work of balancing the State budget in a reasonable, thoughtful manner. Therefore, we made $1 billion of public money work harder so as to mitigate cuts to services and programs. None of this money comes from new taxes. We made better use of existing dollars. The public does not think of revenue as yours or mine. All of it, every last penny, is theirs. Whether it is in this bucket or that bucket does not matter.

My budget continues to redirect 9 cents of property tax from Clark and Washoe Counties. I will restrict this money to the support of universities and community colleges in these counties, because property values rise and economic growth occurs where universities contribute to economic development.

We are turning to the school districts, but not to capture capital construction dollars already allocated to projects. Instead, we propose to change the level of reserves required for debt service in all those counties with bond funds. School improvements, maintenance, and equipment purchases will continue—which means no construction jobs will be lost. Simply put, these tax dollars were unnecessarily locked away in one of those separate buckets. We will use $425 million of these funds to offset the $440 million in lost local funding I mentioned earlier. The money will stay in education and be used in the district of origin. And I have committed that the State will replenish these funds over time as the Local School Support Tax rebounds.

We must also make temporary use of room tax revenue now slated for teacher salaries in order to defray the costs of overall education spending. I had planned to use that money to reward teacher performance through merit, but we must live with current realities. Pay-for-performance is still included in my budget, just on a different scale.

Finally, I am proposing to raise $190 million by monetizing the State insurance premium tax proceeds. This solution is not perfect, but it is sound, and it prevents further reductions to education and human services.

When all was said and done, the proposed General Fund expenditures in my budget total just over $5.8 billion over the next two years—within 1 percent of General Fund spending in 2007.

We not only balanced the budget, we restored many of the cuts our constituents feared most. We also addressed some long-standing issues and some emerging challenges.

For example, in 2001, former Speaker Barbara Buckley led the charge to integrate the child welfare systems in Clark and Washoe Counties. In 2003, former Senator Bill Raggio also pushed toward an integrated funding plan. My budget will finish the job with block grants to Washoe and Clark Counties for the basic operation of child welfare services with local autonomy. In addition, we provide $7 million for incentive payments if child welfare agencies achieve their stated goals.

My budget responds to the national health care reform legislation passed by Congress last year. I firmly believe that many aspects of the law are unconstitutional, and I will continue to fight to have them overturned. In the meantime, however, the law imposes many deadlines, and we cannot wait until litigation is resolved. We must plan for a major expansion of Medicaid, which may cost Nevadans $574 million between 2014 and 2019. We must also plan for a health insurance exchange so that we—and not the federal government—control the program. My budget includes funding to address these issues, and I have submitted legislation to address the operation and oversight of a Nevada Health Insurance Exchange.

These initiatives, and the overall approach we took to balancing the budget, are not about being liberal or conservative. A governor's responsibility is to provide solutions to the problems of the day, and because of Nevada's current reality, I have met this challenge through hard decisions, all the while remaining conscious of the current realities.

On Friday, Nevada's unemployment rate increased yet again—another clear indication that businesses are in a fragile state. Despite what some would have you believe, businesses are sharing in the necessary sacrifices of our times. Whether it's through increased health insurance premiums, the steadily increasing federal costs for unemployment insurance, or even the decreased Medicaid reimbursements to health care providers necessary under my budget, every Nevada business finds it harder and harder to make a profit—and thereby keep workers employed.

I recently received a thoughtful letter from a woman who works for a small dental practice in Las Vegas. For the first time in 20 years, they lost money. She wrote, "The assault on our practice's finances comes from everywhere—insurance companies, the State, the federal government, OSHA regulations, EPA regulations, payroll taxes and the cost of dental products and supplies." She begged me to "help set new directions . . . that free up some of our time and money." Otherwise," she said . . . a lot of small businesses . . . will decide that it is not worth it to sacrifice the time and effort they do now . . ."

Ladies and gentlemen, it is worth it. I want that dental practice and other Nevada businesses, as well as their employees and families, to succeed. That is exactly what I'm fighting for.

Fellow Nevadans, you and I know that the budget alone will not solve the State's current crisis. If anything, the budget is only a symbol of the challenges presented by our economic situation. In order for Nevada to fully recover, we must focus our energy on job creation. We

must ensure long-term improvements in our education system and do everything in our power to guarantee that the people can respect the government that serves them. Therefore I will spend the balance of my time tonight talking with the Nevada family about three policy areas: economic development, education, and responsive government.

For at least the last 100 years, Nevada governors have called for the creation of economic development agencies or state publicity offices to foster what Assemblywoman Alice Towle in 1922 called "the up-growth of new industries." In 1983, then-Governor Richard Bryan proposed an overhaul of the Department of Economic Development to create the current structure. In so doing, he said, "our efforts at economic diversification must emphasize our favorable investment climate, tax structure, labor force and Nevada's unique resources for solar and geothermal power." He was right then. He is right now, and we owe it to Nevadans to renew our economic development efforts for the realities of today.

Working with Senate Majority Leader Steven Horsford and Speaker John Oceguera, I propose a complete overhaul of our state's economic development program. Minority Leaders Mike McGinness and Pete Goicoechea also lend their support, and, of course, Lieutenant Governor Brian Krolicki will play a key role in the modernizing of our State's system of job creation and business diversification.

We propose to redesign the Nevada Commission on Economic Development and recommend a 50 percent increase in General Fund dollars to run it. A new entity, Nevada Jobs Unlimited, will be a public-private partnership existing largely outside state government. With a private sector mentality, it will be more nimble. It will be a Cabinet-level agency, with the Governor joining the Lieutenant Governor, Senate Majority Leader, Assembly Speaker, and representatives of higher education and other critical stakeholders on the board. A majority of the board members will come from the private sector to ensure the focus is squarely on jobs.

Nevada Jobs Unlimited will pursue strategies that grow jobs within existing Nevada businesses, as well as recruit companies from out-of-state. But we will do so with a new sense of urgency, coordination, and accountability. Collaboration and tighter performance indicators will be the metrics of this new system.

We are also proposing a $10 million catalyst fund to provide much-needed resources to close deals, finance infrastructure, and spur the growth of new jobs. The Fund will be continued in future budgets only if it delivers the kind of success we expect.

Our proposal builds upon the foundation laid by the New Nevada Task Force, which was convened by the Lieutenant Governor last summer, and has provided new ideas for the future of our State's economic development activities. Our future lies in business sectors like technology commercialization, bioscience, renewable energy asset development, and defense sector expansion. Innovation will drive tomorrow's economy, and so it must drive our decision-making as we rebuild our economic development infrastructure.

There's a treasure in our State that can launch this new focus on innovation: Switch, a two-million-square-foot technology ecosystem campus in Las Vegas. CNBC recently called the Switch SuperNAP "the best data center on the planet." For the last ten years, Switch has been building massive, secure, technology data centers in combination with a telecommunications hub that is unique to North America. Switch's vision and innovation are attracting many Fortune 1000 companies to Las Vegas, and they are bringing jobs to Nevada.

Switch is sponsoring an incentive program called the Nevada Advanced Technology Alliance. By moving employees and divisions to Nevada, companies will save 10 to 20 percent on nationwide telecommunications costs, no matter how big the corporation. This incentive is not funded by tax dollars, donations, or any other government efforts. It simply takes the technological innovations of Switch and extends those benefits to those who partner with Nevada by establishing operations here. This is an advantage unique to Nevada that we will be offering to businesses around the world. With us tonight are Switch CEO Rob Roy and his wife, Stella. Thank you, Rob, for raising the bar for innovation.

Let me tell you briefly about how innovation will also help drive change in broadband technology, the gaming industry, renewable energy, and the state's infrastructure needs.

We must continue to drive investment in broadband technology that fast-tracks job growth and provides a platform for spurring innovation across our state. My budget includes $3 million to help residents of rural Nevada use broadband access to start and grow businesses, or

telecommunicate to anywhere in the world. These improved broadband connections will also allow the electronic exchange of health information between providers and hospitals to improve the quality of care.

Since I completed my term as chairman of the Nevada Gaming Commission, the gaming entertainment industry has expanded to new states and many new corners of the world. Competitive forces demand a new approach from our regulatory infrastructure. In an increasingly competitive and global economy, Nevada will be "the" place for gaming innovation. Nevada started this industry. We shaped its development, and we must remain the undisputed leader in the gaming economy. Twenty-first century demands mandate that we provide a flexible environment for the technological resources that are the underpinning of modern gaming devices. I have asked the leadership of our regulatory bodies to begin immediately to process statutory and regulatory changes that sensibly reflect the modernization of the industry.

Nevada can strengthen our leadership role in the renewable energy and energy efficiency industries. The Nevada Retrofit Initiative is leading a ground-breaking partnership with higher education, non-profits, and local banks for the construction and financing of residential energy efficiency retrofits. In addition, our Renewable Energy Loan Fund is a successful low-interest loan program that provides financing for renewable energy projects. Over $8 million has been loaned to nine renewable energy projects throughout the State. Companies have used these revolving loans to expand manufacturing capacity and create new jobs. Nevada must also remove barriers and develop business models that allow for the export of renewable energy to California, while benefitting taxpayers here at home.

The Nevada Vision Stakeholders Group, conceived by Senator Horsford, recognized that our State's geography and economic development are intertwined and recommended that Nevada secure better access to federal land for renewable energy production and transmission projects. I support all efforts to make Nevada the renewable energy capital of the world.

Finally, we need to improve ground connections by linking Las Vegas to Phoenix via Interstate 11 and to southern California via high-speed rail. Both are critical for transportation and logistics, as well as tourism.

My message tonight is one of opportunity—certainly for Nevadans who care about our economic growth—but also for those listening outside our state. Nevada is a place you can call "home" and "headquarters" with equal measure. We are proud of our great cities and towns, low taxes, and our State's natural beauty. Many of our State's leaders are products of our schools and universities. Thanks to my Executive Order freezing most State regulations and requiring a complete regulatory review, we can promise you a stable regulatory environment. Nevada officials and agencies see their job as one of helping you do business, not slowing you down. We are uniquely situated for logistics and transportation. We have abundant natural resources and are home to preeminent cancer and brain institutes. We love our state, and you will too.

For businesses already operating in Nevada, we want you to know that our focus is on your growth. Roughly 80 percent of new jobs will be created by local businesses, and we need every one of them to put Nevadans back to work. New economic development initiatives will include rural manufacturing workforce development and business expansion programs for small, minority, and veteran businesses.

We will not leave behind those whose careers have been disrupted by the economic earthquake that has shaken our State. For many Nevadans, old skills will simply be inadequate for the new economic reality. I have therefore directed the Department of Employment Training and Rehabilitation and the Department of Health and Human Services to jointly develop a seamless service plan to put Nevadans to work and reduce reliance on social service programs.

The "Silver State Works" program will target veterans, unemployment benefit recipients, public assistance recipients, and ex-offenders. A primary goal is to promote a "work first" culture through employer hiring incentives, on-the-job training, and community service. We will invest $10 million over the next biennium in providing these services to 10,000 unemployed workers—and we will administer "Silver State Works" utilizing existing staff resources.

Ladies and gentlemen, each one of us has a role to play in Nevada's economic recovery. Our buying power matters. Whether we are buying a car, computer, or book, we should shop Nevada first.

I have said before that if Nevada were a stock, I'd buy it now. It is true. We have opportunities ahead of us, and plans to realize them. Education reform is the linchpin to a solid return on our investment, so let me share with you my plans for our public schools, colleges, and universities.

As Governor, part of my job is to tell people things they don't like to hear, and when it comes to education in our State, I want to level with the people of Nevada. Our education system is broken. Not the people, but the system. While many teachers, professors, and students are excelling, collectively they are held back by an antiquated system that emphasizes too many of the wrong things—and for which the only suggested answer has been more and more money. Educators who are effective at teaching students and leading schools are paid exactly the same as those who are failing. Graduation rates remain the worst in the nation. The achievement gap leaves too many students without hope or opportunity, and grade-level performance on national assessments lags.

I know that many students take personal responsibility for their education and succeed as a result. I want them to know they are not alone—that Nevada's system can and will support them.

Since the advent of the Nevada Class Size Reduction Act in the early 1990s, hundreds of millions of dollars have been provided to local school districts. The students who first participated in that program should now be graduating—yet many are not. I believe we have put too many constraints on local school districts. My budget proposes the creation of a "block grant program" that encourages districts to be innovative and results-oriented. If one district chooses to continue class size reduction, so be it. If another district wants to pursue other programs, we will no longer hold them back. Flexibility, local autonomy, and accountability are the keys.

The new Superintendent of Schools in Clark County, Dwight Jones, recently demonstrated why he is already a leader in our State. He wrote: "The downturn in the economy offers a real opportunity to change how we deliver our services. Yes, funding will be a challenge, but the greater imperative is outlining what we want to achieve."

I agree. Mr. Superintendent, I know you are in the room somewhere. I applaud you. So here is my outline of significant reforms in the way we manage our schools:

- End teacher tenure. An important first step is to eliminate the protection of seniority when decisions about force reductions must be made.
- Rely heavily on student achievement data in evaluating teachers and principals. As incentives, we will provide $20 million in performance pay for the most effective teachers.
- Eliminate costly programs that reward longevity and advanced degree attainment. Bill Gates, Secretary of Education Arne Duncan, and others have repeatedly noted this kind of spending does not improve student achievement.
- End social promotion. Students who cannot read by the end of third grade will not be advanced to the fourth grade. It is simple—until third grade, we learn to read. After that, we read to learn. Most kids who start behind stay behind. It has to stop.
- Improve accountability report cards and provide more parental choice: Open enrollment, better charter school options, and vouchers to make private school education a possibility for more families.
- Reform K-12 governance. I ask the Legislature to support the recommendations of Nevada's Promise to provide an improved governance model in which the Governor appoints the State Board of Education and the Superintendent of Public Instruction.

Finally, I am pleased to announce tonight that the Executive Budget includes an additional $10 million to preserve the Kenny C. Guinn Millennium Scholarship.

What of our colleges and universities? It is widely acknowledged that they are important for our State's economic development. But here again, the system has failed us. Graduation rates after six years at the State's public two-year colleges range from a high of 20 percent, to a dismal low of only 4 percent. Our four-year institutions have graduation rates below 50 percent.

There is concern that further budget reductions will require significant changes to the university and community college system. Perhaps a new system is precisely what we need in this new era. Therefore, I will move forward to grant autonomy over tuition to the Regents.

Nevada's tuition rates are well below our western neighbors—the Regents have long asked for the authority to raise them.

Universities and community colleges must develop a more strategic focus that connects degree programs and the State's economic development efforts. I would also ask that at least 15 percent of any increased tuition be reserved to ensure access for those who need financial aid. As we increase autonomy, we will also increase performance indicators so that graduation rates, completion times, and access are measures of success.

I know that none of this is easy to hear. So let me be clear: Nevada has many effective teachers in our schools. We have great principals and outstanding college professors. But there are also some who have no business teaching or serving as an administrator. It is unacceptable that children in classrooms literally across the hall from one another achieve at dramatically different levels because of the quality of their teacher. The current system cannot address this. It is too cumbersome and so focused on the wrong things that we lose students along the way.

There will be many debates about these issues in the coming weeks. And one who will debate them with us is here tonight as my guest. I am pleased that Michelle Rhee, former Chancellor of the Washington, D.C. public school system and the Founder and Chief Executive Officer of Students First, a national advocacy organization, is here tonight. Michelle is recognized throughout America as a leader in education reform. She will add her considerable voice to our debate, and I thank her for demonstrating the importance of finally having a frank and honest conversation about public education. Michelle, I know we will hear your voice as one for advocating for students first.

Just a little more than two weeks ago, the nation watched in horror as a gunman opened fire on a member of Congress, a federal judge, and other innocent people in Tucson, Arizona. This despicable act served as a stark and sobering reminder that civil discourse can vanish in a split-second. In Nevada, we must never allow this to happen. Isolated madness will not make us afraid of those we serve. Terror will not keep us from putting service above self, from treating each other with civility, and from working together to ensure public confidence in state government. We have the power to demonstrate to the people of Nevada that honest, civil, and responsive government is alive and well in Carson City.

We can begin by working together without political agenda to draw the lines for Nevada's Congressional seats and the State Senate and Assembly. The laws of our land are clear—and I will not sign a bill that favors one political party over another. Congressional seats and legislative districts should be drawn with a fair and proportional representation of constituents. Period.

We can rededicate ourselves to eliminating any sign of waste, fraud, or abuse in government. I will soon sign an executive order creating the Office of the Inspector General within the Executive Branch. The Inspector General will join the existing Division of Internal Audits in reviewing, auditing, and evaluating the expenditure of state funds.

I will work with legislative leadership to introduce a bill that "sunsets" every licensing and advisory board now on the books. More than 180 of these entities require gubernatorial appointments. Under our proposal, boards and commissions will sunset at the end of June 2013, giving us plenty of time to eliminate, consolidate, or improve functions among those that must remain.

I am also pleased to announce the "Priorities and Performance Budget" makes its debut in the documents transmitted to the Legislature this year. We articulate not only what level of priority each program or service carries, but the performance measures by which it will be judged. In the coming biennium, this initiative will expand to include public participation through websites and other tools as we ask Nevadans to further rank spending priorities. Even more robust performance indicators will therefore be established.

I am calling for the creation of a central grants office for state government. This office will identify federal and philanthropic opportunities that have for too long been overlooked. It will provide a targeted, coordinated effort to infuse additional outside dollars into worthy programs.

I will also work with Senator Dean A. Rhoads on his long-standing idea to provide bonuses to State workers whose agencies save money during the year so that innovative thinkers are rewarded.

Finally, I will explore resources and services available through the Nevada Judicial College, the Attorney General's Office, and other State agencies to ensure that all agencies with rule-making and regulatory authority take advantage of appropriate training.

Through continued hard work, transparency, and clarity, each and every one of us in this Chamber can take steps to send a clear message to our constituents: This is the people's government. We are but stewards, and Nevadans have every right to hold us to high standards of conduct and responsiveness.

In case we think there is no one to show us the way, we can stop and recognize employees like Trooper Chuck Allen. Trooper Allen was recently named the *Reno Gazette Journal's* "Citizen of the Year" in recognition of his volunteerism. By day, Trooper Allen is a public information officer with the Nevada Highway Patrol. He is proof that service is alive and well in our State. Thank you, Trooper.

Government employment is not just another job, nor is it an entitlement program. Frankly, we seem to have lost this sense of public service where collective bargaining is concerned. I hope this legislative session will see an open discussion of a more balanced approach to employee negotiations. Collective bargaining must be reformed if we are to change the course on which we find ourselves. I stand ready to work with local government officials and union leaders to ensure employee compensation does not hamper government performance.

We must also admit that Nevada's Public Employee Retirement System cannot sustain its current level of liability. Future employees must join Public Employee's Retirement System (PERS) under some form of a defined contribution plan. And the Public Employee Benefit Plan can no longer afford full health coverage for all retirees. New employees entering that system must do so under a new set of rules as well. I encourage the Legislature to send me a package of public employee retirement and benefit reforms as quickly as possible.

Together, we can create many more opportunities for improvement. I have directed my staff to explore a major consolidation of the Departments of Transportation, Motor Vehicles, and Public Safety. The objective is to streamline governance of these three agencies to more effectively and efficiently provide public service. Dollars saved will be reinvested, through the state highway fund, to create jobs and enhance public services.

In addition, I plan to continue the dialogue recently begun with cities, counties, and school districts. I firmly believe there are more opportunities for shared services, cooperation, and functional home rule. We must focus on accountability at every level, and we must reward success at every turn. The Nevada family expects us to succeed by working together.

Therefore, I end this speech where I began my inaugural address just three weeks ago: looking forward—yes, with optimism—to the promise of opportunity presented by the coming celebration of 150 years of statehood in 2014.

The current terrain is difficult, to be sure. Changing course is never easy, but I believe that by making the short-term sacrifices I have outlined, coupled with the long-term reforms that I have proposed, we will reach that milestone with pride.

My fellow Nevadans, I have no doubt that together we are changing the course of history. We are leading the Nevada family onto a new path, and I submit that it is one of progress and ultimate prosperity. If we have the courage to make the tough decisions, and there will be many, we will succeed. If we focus on new solutions that fundamentally change the way we do business, we will succeed. If we make supporting private sector job creation a way of life for all government agencies; if we control State spending; if we push forward with education reform; if we recognize that service above self is a way of life; if we do all of these things together, then truly Nevada will be Nevada again.

Thank you, God Bless you, and God bless the great State of Nevada.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 3:20 p.m.

SENATE IN SESSION

At 3:22 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS RESOLUTIONS AND NOTICES

By Senator Parks:

Senate Joint Resolution No. 1 of the 75th Session—Proposing to amend the *Nevada Constitution* to replace the State Board of Pardons Commissioners with the Clemency Board and to require the Legislature to provide for the organization and duties of the Clemency Board.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 14 of Article 5 of the *Nevada Constitution* be amended to read as follows:

Sec. 14. 1. ~~[The governor, justices of the supreme court, and attorney general, or a major part of them, of whom the governor shall be one,]~~ ***There is hereby created a Clemency Board.***

2. The Clemency Board consists of nine members, at least five of whom must have experience working in the criminal justice system. The Governor, the Chief Justice of the Supreme Court and the Attorney General shall each appoint three members to the Clemency Board. The Legislature shall provide by law for:

(a) The organization of the Clemency Board, including, without limitation, the qualifications and terms of the members of the Clemency Board; and

(b) The duties of the Clemency Board and its members.

3. The Clemency Board may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments, except as provided in subsection ~~[2,]~~ ***4,*** and grant pardons, after convictions, in all cases, except treason and impeachments, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

~~[2.]~~ ***4.*** Except as may be provided by law, a sentence of death or a sentence of life imprisonment without possibility of parole may not be commuted to a sentence which would allow parole.

~~[3.]~~ ***5. The Clemency Board shall meet at least quarterly.***

6. The Legislature is authorized to pass laws conferring upon the district courts authority to suspend the execution of sentences, fix the conditions for, and to grant probation, and within the minimum and maximum periods authorized by law, fix the sentence to be served by the person convicted of crime in said courts.

Senator Wiener moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Joint Resolution No.1—Proposing to amend the *Nevada Constitution* to allow the Legislature to authorize the operation of a state lottery for the support of public education.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 24 of Article 4 of the *Nevada Constitution* be amended to read as follows:

~~[Sec.:]~~ ***Sec.*** 24. 1. Except as otherwise provided in subsection 2, no lottery may be authorized by this State, nor may lottery tickets be sold ~~[.~~

~~2. The]~~ ***, and the*** State and the political subdivisions thereof shall not operate a lottery.

2. The Legislature may authorize ~~[persons]~~ ***:***

(a) Persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or non-profit activities in this State. A charitable or non-profit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The Legislature may provide by law for the regulation of such lotteries.

(b) A lottery to be operated by or on behalf of the State of Nevada. If the Legislature authorizes such a lottery, the Legislature shall, by law:

(1) Determine the appropriate manner of operation of the lottery;

(2) Provide for the disbursement of all money from the proceeds of the lottery, less expenses directly related to the operation of the lottery, to the school districts in this State in a fair and equitable manner; and

(3) Establish a committee to oversee the operation of the lottery and the distribution of the proceeds generated by the lottery.

Senator Wiener moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Hardy:

Senate Joint Resolution No. 2—Proposing to amend the *Nevada Constitution* by repealing the provision relating to the payment of minimum compensation to employees.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 16 of Article 15 of the *Nevada Constitution* is hereby repealed.

TEXT OF REPEALED SECTION

Sec. 16. **Payment of minimum compensation to employees.**

A. Each employer shall pay a wage to each employee of not less than the hourly rates set forth in this section. The rate shall be five dollars and fifteen cents ($5.15) per hour worked, if the employer provides health benefits as described herein, or six dollars and fifteen cents ($6.15) per hour if the employer does not provide such benefits. Offering health benefits within the meaning of this section shall consist of making health insurance available to the employee for the employee and the employee's dependents at a total cost to the employee for premiums of not more than 10 percent of the employee's gross taxable income from the employer. These rates of wages shall be adjusted by the amount of increases in the federal minimum wage over $5.15 per hour, or, if greater, by the cumulative increase in the cost of living. The cost of living increase shall be measured by the percentage increase as of December 31 in any year over the level as of December 31, 2004 of the Consumer Price Index (All Urban Consumers, U.S. City Average) as published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency. No CPI adjustment for any one-year period may be greater than 3%. The Governor or the State agency designated by the Governor shall publish a bulletin by April 1 of each year announcing the adjusted rates, which shall take effect the following July 1. Such bulletin will be made available to all employers and to any other person who has filed with the Governor or the designated agency a request to receive such notice but lack of notice shall not excuse noncompliance with this section. An employer shall provide written notification of the rate adjustments to each of its employees and make the necessary payroll adjustments by July 1 following the publication of the bulletin. Tips or gratuities received by employees shall not be credited as being any part of or offset against the wage rates required by this section.

B. The provisions of this section may not be waived by agreement between an individual employee and an employer. All of the provisions of this section, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this section. An employer shall not discharge, reduce the compensation of or otherwise discriminate against any

employee for using any civil remedies to enforce this section or otherwise asserting his or her rights under this section. An employee claiming violation of this section may bring an action against his or her employer in the courts of this State to enforce the provisions of this section and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including but not limited to back pay, damages, reinstatement or injunctive relief. An employee who prevails in any action to enforce this section shall be awarded his or her reasonable attorney's fees and costs.

C. As used in this section, "employee" means any person who is employed by an employer as defined herein but does not include an employee who is under eighteen (18) years of age, employed by a non-profit organization for after school or summer employment or as a trainee for a period not longer than ninety (90) days. "Employer" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts of employment.

D. If any provision of this section is declared illegal, invalid or inoperative, in whole or in part, by the final decision of any court of competent jurisdiction, the remaining provisions and all portions not declared illegal, invalid or inoperative shall remain in full force or effect, and no such determination shall invalidate the remaining sections or portions of the sections of this section.

Senator Wiener moved that the resolution be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Natural Resources:

Senate Joint Resolution No. 3—Urging Congress to enact legislation requiring the Secretary of the Interior to convey ownership of certain land to the State of Nevada to help fund education in Nevada.

WHEREAS, The State of Nevada and other western states face unique challenges in providing the best education to their residents due to vast acreages of untaxable federal lands within their borders; and

WHEREAS, Early in Nevada's history, the Congress of the United States recognized the importance of supporting public education in Nevada and established school trust lands in Nevada to help fund education in the State; and

WHEREAS, When the Territory of Nevada was admitted to statehood, the Federal Government provided Nevada with two sections of land in each township for the benefit of common schools, which amounted to 3.9 million acres, while other territories that were subsequently admitted to statehood received four sections of land in each township for the benefit of common schools; and

WHEREAS, The land originally granted by the Federal Government to Nevada for common schools was not providing sufficient revenue for education because the land included large sections that were undesirable or difficult to survey; and

WHEREAS, In 1880, it was necessary for Nevada to agree to exchange its 3.9 million acres for only 2 million acres of its own selection, as Nevada had an immediate need for public school revenues; and

WHEREAS, The disproportionately small amount of land received from the Federal Government for the benefit of common schools contributes only a small amount of revenue for the schools in Nevada in comparison to other states and places an excessive burden on the financial resources of each county in Nevada; and

WHEREAS, In Nevada, approximately 87 percent of the land, which amounts to approximately 61 million acres, is held by the Federal Government; and

WHEREAS, In 15 of the 17 counties in Nevada, more than 50 percent of the land is held by the Federal Government, and in 4 of the 17 counties, more than 90 percent of the land is held by the Federal Government; and

WHEREAS, The management and control of such an extensive amount of the land in Nevada by the Federal Government has an adverse effect on the ability of Nevada to provide a quality education to its residents; and

WHEREAS, Nevada and the other western states are falling behind in education funding as measured by the growth of expenditures per pupil; and

WHEREAS, The difficulty experienced by Nevada and the other western states in providing a quality education to their residents is exacerbated by projections that enrollment in public schools from 2007 to 2019 is expected to increase by approximately 34 percent in Nevada and the other western states, but increase by less than 1 percent in the remaining states in the United States; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature urge Congress and the Nevada Congressional Delegation to enact legislation requiring the Secretary of the Interior to convey ownership of federal land located in Nevada from the Federal Government to Nevada to help fund education for the residents of Nevada and to put the education system of Nevada in parity with that of the other states in the United States; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Wiener moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

Senator Horsford requested that his remarks be entered into the Journal.

Mr. President, in the interest of time, I move that the Secretary read through all of the bill summaries noting the appropriate committee referrals. Once that has been completed, Senator Wiener will make a motion that all bills previously read be referred to the committees as indicated all in one motion rather than have a Senator stand and move their own bills individually. If a Senator has an objection to a referral, it will be addressed after the reading of all prefiled bill summaries has been completed.

These bills have been prefiled and are available for everyone to review. A list of the prefiled bills is located in the addendum section of today's Agenda. If there are no objections, by the members, this will save us a great deal of time due to the number of bills we have ready.

The bills will be read in consecutive order.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Schneider:

Senate Bill No. 2—AN ACT relating to public education; making an appropriation to the State Distributive School Account to ensure that the amount of money expended per pupil in this State for the 2011-2013 biennium meets or exceeds the current national average; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Schneider:

Senate Bill No. 3—AN ACT relating to energy; requiring certain contractors to offer upgrades for renewable energy and energy efficiency;

requiring certain contractors assisting buyers in obtaining financing to offer, or work with lenders that offer, energy efficient mortgages; requiring licensees of the Real Estate Division of the Department of Business and Industry to make certain information about energy efficiency in residential property available to each party to a real estate transaction; revising continuing education requirements relating to energy efficiency for real estate brokers, real estate broker-salespersons, real estate salespersons, mortgage brokers and certified or licensed real estate appraisers; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Schneider:

Senate Bill No. 4—AN ACT relating to energy; revising certain provisions governing the administration of the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans; authorizing the Director of the Office of Energy to make loans from the Fund to qualified applicants for the construction of an energy efficiency project or an energy conservation project; authorizing a board of county commissioners or the governing body of a municipality to finance the acquisition, improvement, equipping, operation and maintenance of an energy efficiency improvement project, a public safety project or a renewable energy project through the issuance of bonds; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 5—AN ACT relating to grand juries; revising provisions governing the selection and summoning of grand jurors in certain counties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 6—AN ACT relating to courts; authorizing the electronic reproduction of the seal of a court; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Wiener:

Senate Bill No. 7—AN ACT relating to administrative regulations; requiring an agency, if practicable, to make a proposed emergency regulation available to the public before the agency adopts the emergency regulation; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 8—AN ACT relating to the state personnel system; revising provisions governing payment for unused sick leave upon the retirement, termination in certain circumstances or death of certain state employees; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 9—AN ACT relating to public safety; revising the duties of the personnel of the Capitol Police Division of the Department of Public Safety to include certain investigative powers; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 10—AN ACT relating to health care; requiring the approval of the Director of the Department of Health and Human Services before undertaking an expenditure to provide certain services relating to health care in certain larger counties; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 11—AN ACT relating to public school finance; revising the Nevada Plan for School Finance for funding school districts, charter schools and university schools for profoundly gifted pupils to include the establishment of weighted values for certain categories of pupils; requiring the establishment of weighted values for certain smaller school districts and schools; revising the manner by which apportionments are calculated to add the applicable weighted values to the basic support guarantee per pupil; requiring the establishment of a separate basic support guarantee for certain

schools that offer a program of distance education; removing the establishment of special education program units; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 12—AN ACT relating to air pollution; repealing certain reporting requirements for the emission of greenhouse gases; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 13—AN ACT relating to fuel taxes; authorizing the Department of Motor Vehicles to use electronic mail to serve notice of the determination of the deficient payment of certain taxes owed; repealing certain provisions that allow the Department to grant an extension of time to file reports and pay taxes on certain types of fuel; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Education:

Senate Bill No. 14—AN ACT relating to education; requiring the State Board of Education to develop a model curriculum for the subjects of English language arts and mathematics; providing for the dissemination of the model curriculum to school districts, charter schools and the regional training programs for the professional development of teachers and administrators; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 15—AN ACT relating to the Department of Motor Vehicles; requiring the Department to cancel the driver's license of a person convicted of driving under the influence of intoxicating liquor or a controlled substance under certain circumstances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 16—AN ACT relating to labor; making various changes relating to the establishment of prevailing wages in each county; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Wiener:

Senate Bill No. 17—AN ACT relating to drugs; authorizing an owner of an animal to donate certain drugs for reissuance by licensed veterinarians; establishing certain requirements for the reissuance of those drugs for certain animals; authorizing the Nevada State Board of Veterinary Medical Examiners to adopt regulations; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 18—AN ACT relating to contractors; authorizing the State Contractors' Board to discipline a licensed contractor for failure or refusal to comply with an order of the Board; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 19—AN ACT relating to contractors; requiring an applicant for a contractor's license or a licensed contractor to notify the State Contractors' Board if the applicant or licensee is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, certain crimes; providing that the failure of an applicant or a licensee to submit such notification constitutes grounds for disciplinary action by the Board; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 20—AN ACT relating to industrial insurance; requiring insurers to provide certain information about available benefits to survivors and dependents of deceased workers; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 21—AN ACT relating to industrial insurance; revising the requirements for reopening a claim of compensation for a permanent partial disability; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 22—AN ACT relating to counties; authorizing a board of county commissioners to prescribe certain fees by ordinance; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 23—AN ACT relating to the adoption of children; clarifying the entity responsible for carrying out certain duties relating to the adoption of a child with special needs; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 24—AN ACT relating to courts; revising provisions concerning writs of execution in justice courts; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 25—AN ACT relating to courts; revising the method used to determine the number of justices of the peace in a township in certain counties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 26—AN ACT relating to judicial administration; revising provisions governing the appointment of an attorney in criminal and juvenile court proceedings; revising provisions governing the collection of delinquent fines, administrative assessments, fees, restitution and other payments imposed in criminal and juvenile court proceedings; authorizing a juvenile court to establish a restitution contribution fund; authorizing the waiver of all or part of any fine or community service imposed by the juvenile court in exchange for a monetary contribution to a restitution contribution fund; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Wiener:

Senate Bill No. 27—AN ACT relating to child care facilities; requiring employees of certain child care facilities to complete training each year relating to the lifelong wellness, health and safety of children; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 28—AN ACT relating to criminal procedure; revising certain provisions relating to the psychological or psychiatric examinations used in determining the competence of a defendant; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 29—AN ACT relating to offenders; revising provisions relating to credits earned by an offender which reduce the term of imprisonment of the offender; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 30—AN ACT relating to common-interest communities; providing for the electronic transfer of money to the State Treasurer under certain circumstances; requiring the executive board of an association to establish certain procedures if the association uses electronic signatures to

withdraw money from certain accounts; revising provisions relating to the requirement that the executive board of an association make certain records available for review at a designated location; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 31—AN ACT relating to taxes; extending the period for the Department of Taxation or a county to bring an action in a court of competent jurisdiction for summary judgment against a person owing a delinquent tax or deficiency determination; extending the period for the Department or a county to record a tax lien; extending the period for the Department or a county to issue a warrant for the enforcement of a lien and collect a delinquent tax; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 32—AN ACT relating to the State Board of Equalization; extending certain deadlines for the Board to conclude the business of equalization; requiring the Board to post a schedule of certain meetings on the Internet website of the Department of Taxation; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 33—AN ACT relating to taxation; consolidating provisions requiring confidentiality of certain records and files of the Department of Taxation; clarifying the taxpayer information that is authorized to be made public concerning certain hearings of the Nevada Tax Commission; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 34—AN ACT relating to taxation; revising the provisions governing the administration of sales and use taxes to ensure continued compliance with the Streamlined Sales and Use Tax Agreement, apply the taxes to retailers whose activities have a sufficient nexus with this State and

provide for the rebuttal of certain presumptions regarding the application of use taxes to property delivered outside of or brought into this State; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Education:

Senate Bill No. 35—AN ACT relating to education; removing the requirement that certain information concerning paraprofessionals be maintained in the automated system of accountability information for Nevada; revising the manner in which the results of pupils on certain examinations are reported by charter schools to the Department of Education; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 36—AN ACT relating to podiatry; requiring each person licensed by the State Board of Podiatry to maintain a permanent mailing address with the Board; requiring each licensee to provide the Board with written notification of any change in his or her permanent address; requiring the Board to impose a fine if a licensee fails to notify the Board of a change in his or her permanent address; requiring a licensee who closes his or her office in this State to notify the Board of the location and custodian of the medical records of the patients of the licensee for a certain period; requiring an applicant for a license to practice podiatry or to practice as a podiatry hygienist to submit to a criminal background check; authorizing the Board to charge certain fees; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Wiener:

Senate Bill No. 37—AN ACT relating to health care; requiring a health care licensing board to refer certain complaints to another health care licensing board; requiring a health care licensing board to notify the appropriate health authority of certain public health emergencies or other health events; providing immunity from civil liability, under certain circumstances, to a health care licensing board or its agents or employees who make such referrals or provide such notifications; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Education:

Senate Bill No. 38—AN ACT relating to education; authorizing the Superintendent of Public Instruction to deduct from, withhold from or otherwise make adjustments to the quarterly apportionments paid to a school district, charter school or university school for profoundly gifted pupils under certain circumstances; revising provisions governing the calculation of apportionments which take into account the effect of the declining enrollment of pupils in a school district or charter school; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Senate Bill No. 39—AN ACT relating to educational personnel; removing probationary teachers and probationary administrators from the applicability of certain provisions governing certain disciplinary measures by school districts; revising provisions governing the demotion, suspension, dismissal and nonreemployment of certain employees; expanding the grounds for immediate dismissal and refusal to reemploy; revising provisions governing the probationary periods of teachers and administrators; providing that probationary teachers and probationary administrators are at-will employees; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 40—AN ACT relating to real property; requiring certain state agencies and officials to consult with the deputy manager for compliance and code enforcement before adopting regulations concerning the construction, maintenance, operation or safety of buildings and structures; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 41—AN ACT relating to labor; eliminating mandatory collective bargaining for local government employers; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 42—AN ACT relating to traffic laws; authorizing the testing of drivers involved in fatal vehicle accidents for the presence of alcohol; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 43—AN ACT relating to health care; requiring the Director of the Department of Health and Human Services to establish a health information exchange system in accordance with federal law; requiring the Director to establish or contract with one or more nonprofit entities to govern the administration of the health information exchange system; requiring the Director to prescribe standards to ensure the security and confidentiality of electronic health records; requiring the Director to take action necessary to comply with federal law concerning electronic health records and health information exchange systems; making various changes relating to electronic health records; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 44—AN ACT relating to mental health; requiring the Division of Mental Health and Developmental Services of the Department of Health and Human Services to adopt regulations defining eligibility for services; revising the term used to refer to persons who receive services from the Division; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 45—AN ACT relating to peace officers; revising provisions conferring the powers of a peace officer upon certain personnel of the Department of Public Safety; providing that certain personnel of the Department are category I peace officers; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 46—AN ACT relating to insurance; allocating a portion of the tax on the premiums of captive insurers to the Commission on Economic Development to promote the captive insurance industry; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 47—AN ACT relating to crimes; clarifying the definition of "minor" for the purposes of certain criminal statutes; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 48—AN ACT relating to vehicles; revising provisions relating to the issuance of permits for travel on the highways of this State for certain oversize or overweight vehicles; revising provisions regarding administrative fines and penalties for certain violations of such permits; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 49—AN ACT relating to public roads; providing that acceptance by the Department of Transportation of a map that includes a county road located on a certain right-of-way constitutes validation of the right-of-way by the State of Nevada; authorizing the board of county highway commissioners in certain counties to locate and determine the width of certain rights-of-way and to open those rights-of-way for public use; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 50—AN ACT relating to motor vehicles; revising certain provisions relating to the suspension of drivers' licenses; providing that a period in which a driver's license is revoked for certain offenses is not reduced while the former holder of the license is imprisoned; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 51—AN ACT relating to motor vehicles; revising provisions relating to the reporting of certain convictions for the violation of certain traffic laws; revising the penalties imposed for operating a commercial motor vehicle under certain circumstances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 52—AN ACT relating to vital statistics; revising provisions governing vital statistics and the maintenance of vital records; creating the Office of Vital Statistics within the Health Division of the Department of Health and Human Services; making various changes concerning the use and release of certain information relating to vital records; revising the authority of persons authorized to register certificates of vital records; revising the duties and authority of the State Registrar of Vital Statistics; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 53—AN ACT relating to child care facilities; excluding a location where a program is operated by a local government to supervise children during certain times from certain licensing requirements; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 54—AN ACT relating to nursing facilities; revising provisions governing the Fund to Increase the Quality of Nursing Care; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 55—AN ACT relating to older persons; revising the crimes against an older person that are subject to an additional civil penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 56—AN ACT relating to information technology; requiring that all state agencies, boards and commissions use the services and equipment of the Department of Information Technology; providing exceptions; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 57—AN ACT relating to children; expanding the circumstances pursuant to which a court is authorized to issue a warrant to take physical custody of a child; requiring an agency which provides child welfare services to place such a child in certain shelters; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 58—AN ACT relating to industrial insurance; providing for the punishment of an employer who knowingly misrepresents or conceals a material fact relating to a person's eligibility for industrial insurance benefits; granting certain immunities to persons who disclose information relating to such an employer; directing the Administrator of the Division of Industrial Relations of the Department of Business and Industry and the Fraud Control Unit for Industrial Insurance of the Office of the Attorney General to establish procedures concerning the reporting, notification of prosecution and sharing of information regarding such an employer; authorizing the Attorney General to prosecute criminal and civil actions relating to such an employer; providing that certain books, records and payrolls must be open to inspection under certain circumstances; providing that such an employer is liable for certain costs of investigation and prosecution; requiring a provider of health care to make certain health care records available for inspection during the investigation of such an employer; making various other changes relating to an employer who knowingly makes a false statement or representation or concealment of a material fact

regarding the eligibility of a person claiming industrial insurance benefits; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 59—AN ACT relating to public utilities; increasing the cumulative capacity of net metering systems operating within the service area of an electric utility; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 60—AN ACT relating to energy; revising certain provisions governing the administration of the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans; authorizing the Director of the Office of Energy to make loans from the Fund to qualified applicants for the construction of an energy efficiency project or an energy conservation project or the construction, expansion or operation of a renewable energy system; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 61—AN ACT relating to social work; providing for licensure of certain persons as masters social workers; recognizing degrees in social work issued by foreign colleges and universities under certain circumstances; authorizing the Board of Examiners for Social Workers to refuse to issue licenses under certain circumstances; requiring members of the staff of the Board to report certain acts committed by licensees; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 62—AN ACT relating to insurance; prohibiting a school which provides prelicensing education from being established within a certain distance from certain other locations; prohibiting a facility for an examination for a license from being established within a certain distance from certain other locations; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 63—AN ACT relating to industrial insurance; establishing provisions for the collection of certain amounts owed to the Division of Industrial Relations of the Department of Business and Industry for payments from the Uninsured Employers' Claim Account; revising provisions governing the penalty for failure to provide mandatory industrial insurance; prohibiting certain conduct by persons who fail to pay amounts owed to the Division for payments from the Uninsured Employers' Claim Account; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Select Committee on Economic Growth and Employment:

Senate Bill No. 64—AN ACT relating to state obligations; establishing a program for the investment of state money in certificates of deposit at a reduced rate of interest to provide qualified lending institutions with money for loans at a reduced rate of interest to certain eligible entities; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Select Committee on Economic Growth and Employment.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 65—AN ACT relating to local financial administration; revising provisions concerning the quarterly publication of certain financial information by an incorporated city; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 66—AN ACT relating to domestic violence; authorizing the Attorney General to organize or sponsor multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence under certain circumstances; revising provisions concerning such teams organized or sponsored by a court or an agency of local government; authorizing all such teams to receive data and information from certain reports and investigations and to use certain death certificates; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on. Judiciary

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 67—AN ACT relating to the Fund for the Compensation of Victims of Crime; revising provisions governing the disbursement of money from the Fund; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 68—AN ACT relating to water; requiring the State Engineer to allow a city, county or other political subdivision to participate in developing and carrying out a plan or conducting a study relating to the appropriation of water for beneficial use under certain circumstances; requiring the State Engineer to consider any comment, analysis or other information submitted by the city, county or other political subdivision in approving the plan or conducting or reviewing the results of the plan or study; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 69—AN ACT relating to cities; authorizing cities to issue business licenses before certain professionals and businesses obtain a license or permit from the State and approval from the health authority; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Senate Bill No. 70—AN ACT relating to education; removing the provisions creating an elected State Board of Education; providing for the appointment of an advisory State Board of Education; transferring the powers and duties of the elected State Board of Education to the Department of Education and the Superintendent of Public Instruction; providing for the appointment of the Superintendent of Public Instruction by the Governor; revising the powers and duties of the Superintendent of Public Instruction; revision the manner in which certain money in the State Distributive School Account for K-12 public education is disbursed to the school districts; revising provisions governing the regional training programs for the professional development of teachers and administrators; removing the

provisions creating certain boards, commissions and councils relating to public education; repealing the requirement for a certain ratio of pupils to licensed teachers for certain grades; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Finance:

Senate Bill No. 71—AN ACT relating to education; establishing the Encouraging Parental Involvement Through Choice in Education Program; authorizing certain private schools to apply for certification as schools eligible to participate in the Program; authorizing the parents and legal guardians of certain children to apply for participation in the Program; revising provisions governing the apportionment of money from the State Distributive School Account to provide for the payment of scholarships on behalf of children who participate in the Program; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 72—AN ACT relating to criminal offenders; revising provisions concerning the assignment of certain offenders who are imprisoned for causing death or serious bodily harm while driving under the influence of intoxicating liquor or a controlled substance to residential confinement; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Finance:

Senate Bill No. 73—AN ACT relating to state financial administration; authorizing the State Board of Examiners to delegate certain authority to a person designated by the Clerk of the Board; revising provisions concerning the approval of requests for the revision of work programs, the acceptance of certain gifts and grants, allocations of certain money from federal block grants and certain changes of positions; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 74—AN ACT relating to state financial administration; changing the designation of certain funds and accounts; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Select Committee on Economic Growth and Employment:

Senate Bill No. 75—AN ACT relating to public financial administration; establishing a program to provide private equity funding to businesses engaged in certain industries in this State; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Select Committee on Economic Growth and Employment.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 76—AN ACT relating to traffic laws; prohibiting a person from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 77—AN ACT relating to notaries public; subjecting a person to punishment for a category C felony if the person submits an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact; revising provisions relating to the requirements for appointment as a notary public, storage of the stamp and journal of a notary public, and liability and penalties for certain misconduct and violations of law by a notary public or an employer of a notary public; prohibiting a notary public from performing a notarial act on certain documents or from making or noting a protest of a negotiable instrument under certain circumstances; authorizing the Secretary of State to impose a civil penalty for certain violations; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 78—AN ACT relating to local governments; revising provisions governing collective bargaining between local government

employers and local government employees; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 79—AN ACT relating to tobacco; revising provisions relating to the Tobacco Master Settlement Agreement; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 80—AN ACT relating to manufactured housing; providing for the licensure of limited servicepersons by the Manufactured Housing Division of the Department of Business and Industry; revising certain provisions to provide for the regulation of limited servicepersons; prohibiting the Division from issuing certain certificates for certain manufactured housing; requiring certain persons repairing a manufactured home to enter into a written agreement with the person for whom the work is being performed; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 81—AN ACT relating to state financial administration; requiring professional and occupational licensing agencies to deny the issuance or renewal of licenses possessed by certain persons who owe debts to the State; requiring the State Controller to develop and operate with financial institutions a data-match system for the collection of certain debts owed to state agencies; revising the statutes of limitation for the State Controller to take action regarding the collection of certain debts owed to state agencies; providing for the electronic payment of certain payments; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 82—AN ACT relating to governmental administration; requiring the Chief of the Office of Information Security of the Department of Information Technology to investigate and resolve certain matters relating to security breaches of information systems of certain state agencies and

elected officers; authorizing the Director of the Department or the Chief of the Office of Information Security to inform members of certain governmental entities of such security breaches; increasing the membership and certain terms of office of the Information Technology Advisory Board; revising the authority of the Department to provide services and equipment to local governmental agencies; requiring certain agencies and officers that use the equipment and information services of the Department to report certain incidents to the Chief of the Office of Information Security; making various other changes relating to governmental information systems; authorizing the Chief of the Purchasing Division of the Department of Administration to publish certain advertisements for bids or proposals on the Internet website of the Purchasing Division; authorizing the Chief to purchase and acquire services from a vendor who has entered into an agreement with the General Services Administration; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 83—AN ACT relating to transportation; authorizing the Department of Transportation to enter into a public-private partnership to plan, design, construct, improve, finance, operate and maintain an eligible transportation facility; authorizing the Board of Directors of the Department of Transportation to establish user fees, administrative fines and other penalties and charges relating to the use of such a facility; making provisions regarding taxation of leasehold interests, possessory interests, beneficial interests and beneficial use of exempt property inapplicable to property used by a public-private partnership; requiring the Department of Motor Vehicles to place a hold on the renewal of the registration of a motor vehicle of a registered owner who fails to pay such a user fee; authorizing the Department of Motor Vehicles to establish certain administrative fees; revising provisions governing design-build projects of the Department of Transportation; authorizing the Department of Transportation to approve, upon request, the construction of a toll bridge or toll road by a person; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Manendo:

Senate Bill No. 84—AN ACT relating to highways; revising certain provisions relating to roadblocks; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 85—AN ACT relating to land use planning; revising provisions relating to the appeal of land use decisions; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Leslie, Breeden, Copening, Parks, Roberson, Schneider, Settelmeyer; Assemblymen Horne, Aizley, Anderson, Atkinson, Bobzien, Conklin, Flores, Frierson, Hardy, Kirkpatrick, Oceguera, Ohrenschall, Pierce, Segerblom, Smith:

Senate Bill No. 86—AN ACT relating to eminent domain; removing the authorization of a person who is not a public agency to exercise the power of eminent domain to acquire real property for mining, smelting and related activities; eliminating the use of the power of eminent domain to acquire real property for pipelines of the beet sugar industry; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 87—AN ACT relating to criminal procedure; enacting the Uniform Collateral Consequences of Conviction Act; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 88—AN ACT relating to real property; enacting the Uniform Real Property Transfer on Death Act; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator McGinness:

Senate Bill No. 89—AN ACT relating to common-interest communities; revising provisions governing the audit and review of financial statements of common-interest communities; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Hardy:

Senate Bill No. 90—AN ACT relating to school districts; creating in each school district an advisory fiscal affairs committee to review the financial affairs of the school district; providing the powers and duties of such an advisory committee; setting forth the qualifications of the members of such an advisory committee and providing for the appointment of those members; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Manendo:

Senate Bill No. 91—AN ACT relating to driving under the influence; revising provisions governing the participation of an offender in a program of treatment for the abuse of alcohol or drugs; revising provisions governing a court-ordered evaluation to determine whether an offender is an abuser of alcohol or drugs; revising provisions governing the court-ordered installation of a device to prevent an offender from starting his or her motor vehicle; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Hardy:

Senate Bill No. 92—AN ACT relating to community redevelopment; authorizing redevelopment agencies to expend money, subject to certain limitations, to improve schools located within certain cities or counties; requiring redevelopment agencies to file reports with their respective governing bodies and the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Lee:

Senate Bill No. 93—AN ACT relating to land use; requiring the inclusion of a military activities plan in a master plan in certain circumstances; requiring owners of property located in an area covered by a military activities plan to disclose certain information to any potential buyer of the property; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator McGinness:

Senate Bill No. 94—AN ACT relating to district courts; providing for the realignment of certain judicial districts; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Hardy:

Senate Bill No. 95—AN ACT relating to education; authorizing the Board of Regents of the University of Nevada to prescribe rules allowing a full-time tenured faculty member to request a part-time appointment with tenure to enable the faculty member to engage in personal entrepreneurial opportunities relating to business development; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By Senator Hardy:

Senate Bill No. 96—AN ACT relating to education; requiring a student to perform community service as a condition to receipt of a Governor Guinn Millennium Scholarship; requiring the Board of Regents of the University of Nevada to establish an appeal process for students who are unable to complete the required community service; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By Senator Wiener:

Senate Bill No. 97—AN ACT relating to health care; removing the prospective expiration of provisions governing the list of preferred prescription drugs to be used for the Medicaid program; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Hardy:

Senate Bill No. 98—AN ACT relating to local governments; revising provisions relating to mediation and arbitration during the process of collective bargaining; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Hardy:

Senate Bill No. 99—AN ACT relating to consumer protection; requiring the Consumer Affairs Division of the Department of Business and Industry to regulate the activities of grant writing services that do business in this State; requiring a grant writing service to register and deposit security with the Division before doing business in this State; requiring a grant writing service to provide certain statements to a buyer before the execution of a contract for grant writing services; prescribing certain mandatory terms of a contract for grant writing services; revising the definition of "goods and services" as that term relates to solicitations by telephone; revising criminal penalties for violations of provisions relating to solicitations by telephone; providing penalties; providing a fee; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Hardy:

Senate Bill No. 100—AN ACT relating to local improvement districts; authorizing certain modifications after a local improvement project has begun and assessments have been levied; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Manendo:

Senate Bill No. 101—AN ACT relating to marriage; revising certain provisions relating to the issuance of marriage licenses and the solemnization of marriage; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 102—AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to adopt regulations for the taking of antlers naturally shed by big game mammals; requiring the Commission to fix a price for the commercial taking of shed antlers; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 103—AN ACT relating to gaming; authorizing a licensed interactive gaming service provider to perform certain actions on behalf of an establishment licensed to operate interactive gaming; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Settelmeyer:

Senate Bill No. 104—AN ACT relating to state financial administration; requiring that a portion of the unrestricted balance in the State General Fund at the end of each biennium be deposited in the Public Employees' Retirement Fund and the Fund for the Public Employees' Benefits Program under certain circumstances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Settelmeyer:

Senate Bill No. 105—AN ACT relating to public health; eliminating provisions which authorize a person to possess and administer a controlled substance or dangerous drug pursuant to certain written agreements; authorizing an immediate family member of a person who is the ultimate user of a controlled substance or dangerous drug to possess and administer such medications on behalf of the ultimate user; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Settelmeyer:

Senate Bill No. 106—AN ACT relating to Nevada Magazine; expanding the purposes for which Nevada Magazine is authorized to trade its advertising services; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Select Committee on Economic Growth and Employment.

Motion carried.

By Senator Settelmeyer:

Senate Bill No. 107—AN ACT relating to education; revising provisions governing the Governor Guinn Millennium Scholarship Program; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 108—AN ACT relating to motorboats; increasing the fees for issuing certain numbers and validation decals for motorboats; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Parks:

Senate Bill No. 109—AN ACT relating to local financial administration; revising provisions governing limitations on fees for business licenses which may be imposed by a local government on a public utility; providing that any proceeds from the interstate sale of natural gas to a wholesale provider of electric energy are not considered revenue for the purposes of imposing certain fees for business licenses; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Lee:

Senate Bill No. 110—AN ACT relating to businesses; requiring each board of county commissioners to establish a centralized licensing office to issue business licenses in the county; requiring each city and town to cooperate with the board of county commissioners in operating the centralized licensing office and to assign certain proceeds of the city's or town's license taxes to the operating costs of the office; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Settelmeyer and Assemblyman Kite:

Senate Bill No. 111—AN ACT relating to the protection of children; revising provisions limiting the placement of certain children who are in protective custody in certain counties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 112—AN ACT relating to children; requiring certain records made by an agency which provides child welfare services to be provided to a juvenile court; limiting the use and disclosure of records provided to a juvenile court by an agency which provides child welfare services; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 113—AN ACT relating to children; requiring foster homes to develop and implement plans to care for children during a disaster; requiring the Division of Child and Family Services of the Department of Health and Human Services to develop a plan to care for certain children during a disaster; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 114—AN ACT relating to controlled substances; requiring certain reports made by the Investigation Division of the Department of Public Safety to be transmitted to the Legislative Committee on Health Care; authorizing the exchange of certain information concerning controlled substances with other states under certain circumstances; providing civil and criminal immunity to certain persons who provide to the State Board of Pharmacy and the Division certain information concerning controlled substances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 115—AN ACT relating to health care; requiring certain hospitals and physicians to accept certain rates as payment in full for the provision of certain services and care to certain patients; providing an exception under certain circumstances; requiring the submission of certain reports relating to policies of health insurance and similar contractual agreements by certain third parties who issue those policies and agreements; revising provisions relating to the duties of the Director of the Office for

Consumer Health Assistance; requiring the Commissioner of Insurance to study issues relating to policies of health insurance and similar contractual agreements; requiring the Commissioner to adopt related regulations; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Senate Bill No. 116—AN ACT relating to education; requiring the State Board of Education to prescribe an adjusted adult diploma and the requirements for receipt of such a diploma; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 117—AN ACT relating to physicians; allowing a resident who is enrolled in a postgraduate training program in this State to be considered for a license to practice medicine after completing 24 months of the program and committing in writing to complete the program; requiring an applicant for a license to practice medicine to submit proof of satisfactory completion of a postgraduate training program under certain circumstances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Finance:

Senate Bill No. 118—AN ACT making appropriations for the support and evaluation of the regional training programs for the professional development of teachers and administrators; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 119—AN ACT relating to hazardous materials; revising the scope of the duties and powers of the Executive Director of the Agency for Nuclear Projects; revising the scope of the duties of the Administrators of each Division of the Agency; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 120—AN ACT relating to hazardous materials; revising the scope of the duties of the Committee on High-Level Radioactive Waste; revising the name of the Committee; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 121—AN ACT relating to hazardous materials; revising the scope of the duties of the Commission on Nuclear Projects; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 122—AN ACT relating to public financial administration; creating the K-12 Public Education Stabilization Account; reallocating money reverted from the State Distributive School Account; revising provisions governing the setting aside of reserves out of appropriated or other funds to meet emergencies; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 123—AN ACT relating to the Office of State Public Defender; moving the Office from the Department of Health and Human Services to the Office of the Governor; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 124—AN ACT relating to local government; revising the areas in which an incorporated city may displace or limit competition in providing services; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 125—AN ACT relating to elections; revising the dates by which the contributions to or expenses of a campaign must be reported; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Settelmeyer and Lee:

Senate Bill No. 126—AN ACT relating to concealed firearms; revising certain provisions relating to permits to carry concealed firearms; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 127—AN ACT relating to guardianships; requiring, under certain circumstances, a guardian who is appointed for a ward who is a beneficiary of the Department of Veterans Affairs to handle certain other money payable to the ward in the same manner as money payable by the Department of Veterans Affairs; revising provisions relating to the compensation of a guardian of such a ward; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 128—AN ACT relating to guardianships; revising provisions governing the appointment, powers and duties of guardians; requiring certain guardians to submit to a background investigation as a condition of their appointment; requiring the Aging and Disability Services Division of the Department of Health and Human Services to adopt certain regulations; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 129—AN ACT relating to public health; requiring certain persons who operate or work in facilities for the dependent, facilities for intermediate care, facilities for skilled nursing and homes for individual

residential care to complete certain training; requiring the State Board of Health to adopt regulations concerning such training; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 130—AN ACT relating to off-highway vehicles; revising the prospective terms of the members of the Commission on Off-Highway Vehicles; revising the effective date of certain other provisions governing the titling and registration of off-highway vehicles; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 131—AN ACT relating to public health; prescribing priorities for the Health Division of the Department of Health and Human Services to consider when contracting with laboratories to perform certain tests of infants; authorizing the State Board of Health to require the Health Division to provide for services of laboratories to perform certain tests of infants; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 132—AN ACT relating to osteopathic medicine; removing the prospective expiration of the provisions governing licensure by endorsement of osteopathic physicians; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 3:54 p.m.

SENATE IN SESSION

At 4:04 p.m.
President Krolicki presiding.
Quorum present.

REMARKS FROM THE FLOOR

Mr. President announced that the following standing committees had been appointed, the first-named Senator being Chair and the second-named Senator being Vice-Chair.

COMMERCE, LABOR AND ENERGY—
Schneider, Breeden, Parks, Copening, Settelmeyer, Halseth, Roberson.
EDUCATION—
Denis, Kihuen, Wiener, Leslie, Cegavske, Gustavson, Brower.
FINANCE—
Horsford, Leslie, Parks, Denis, Rhoads, Cegavske, Kieckhefer.
GOVERNMENT AFFAIRS—
Lee, Manendo, Schneider, Hardy, Settelmeyer.
HEALTH AND HUMAN SERVICES—
Copening, Wiener, Leslie, Kihuen, Hardy, Kieckhefer, Brower.
JUDICIARY—
Wiener, Copening, Breeden, Kihuen, McGinness, Gustavson, Roberson.
LEGISLATIVE OPERATIONS AND ELECTIONS—
Parks, Denis, Horsford, Cegavske, Settelmeyer.
NATURAL RESOURCES—
Manendo, Parks, Lee, Rhoads, Roberson.
REVENUE—
Leslie, Horsford, Schneider, Denis, McGinness, Hardy, Halseth.
SELECT COMMITTEE ON ECONOMIC GROWTH AND EMPLOYMENT—
Kihuen, Lee, Wiener, Manendo, Gustavson, Kieckhefer, Brower.
TRANSPORTATION—
Breeden, Schneider, Lee, Manendo, Rhoads, McGinness, Halseth.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Jim Halsey, Mary Kaplan, Elliott Kleven, Jennifer Kleven, Julie Mogensen and Ed Long.

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Loren Brower, Kaitlin Brower, Hayley Brower, Carrie Ortiz, Chase Ortiz, Tom Ortiz and Matt Cluett.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Adam Cegavske, Bret Cegavske, Tim Cegavske, Judge Kenneth E. Pollock, Jessica Beall, Terri Miller, Alice Kiler, Joyce Terry, Carl Terry, Jim Hickey, Joan Hickey, June Deley and Tom Deley.

On request of Senator Copening, the privilege of the Floor of the Senate Chamber for this day was extended to Jordan Luttrell-Freeman, Susan Schrock and Kimberly Small.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to David Cook, Armando Denis, Dallin Denis, Daniel Denis, Denae Denis, Dustin Denis, Maritza Denis, Susan Denis, Michelle Denis, Diana Gale, Kylle Gale, Margaret Conger, Steve Conger, Staci Conger, Scott Conger, Shane Conger and Jacob Newsome.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Cathy Gustavson, Don G. Gustavson, Don V. Gustavson, Michelle Gustavson, Kerry Saulnier, Mark Saulnier, Donna Stoller, Mark Stoller, Hillary Riester, Patrick Riester and Jane Smith.

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Dana Halseth, Daniel Halseth, Jordan Halseth, Sierra Halseth, Kelly Smith, Nick Smith, Billy Smith, Candy Smith, Victoria Hensley, Candy Schworak and Pat Church.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Jill Hardy and Katie Bowen.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Sonya Horsford.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Gretchen Kieckhefer, Aspen Kieckhefer, Austin Kieckhefer, Cynthia Kieckhefer, Deborah West, April West-Kieckhefer, Richard West, Lincoln Kieckhefer, Rose West, Lucerene Kieckhefer, Rebecca Taylor, Gene Taylor, Robert Kieckhefer and Rosemary Taylor.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Abraham Camejo, Blanca Kihuen, Jorge Kihuen, Mariana Kihuen, Claritssa Sanchez, Debbie Carmichael, Jose Servin, Noemi Briseño and Leslie Sexton.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Shannon Lee Lueck, Marilyn Lee, Julie Newman and Gena Plummer.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to Mary Lee Fulkerson, Julia Leslie and Barbara McLaury.

On request of Senator Manendo, the privilege of the Floor of the Senate Chamber for this day was extended to Robin Reddle.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Brett McGinness, Dee McGinness, Sara McGinness, Ryan McGinness, Jamie Sei, Shannon McGinness-Sei, Aidan Sei, Katie Sei and George Herman McGinness.

On request of Senator Rhoads, the privilege of the Floor of the Senate Chamber for this day was extended to Rachel Cahill, Maliki McClain, Sharon Rhoads, Joe Cahill, Chandra Cahill, Willis Rodriquez, Shammy Rodriquez and Mamie Rodriquez.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Jocelyn Chung, Kelly Krueger, Chase Leavitt, Linda Leavitt, Mike Leavitt, Liberty Leavitt-Roberson, Karen Shamblin and Maudie Long.

On request of Senator Schneider, the privilege of the Floor of the Senate Chamber for this day was extended to Candy Schneider, Haley Hill and Linda Hill.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Sherese Settelmeyer.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to Charlotte Allen, Supreme Court Justice Mark Gibbons, Dr. Paul L. Knight, Withania Neal, Christian Neal and former Senator Joe Neal.

Senator Horsford moved that the Senate adjourn until Tuesday, February 8, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 4:13 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE SECOND DAY

CARSON CITY (Tuesday), February 8, 2011

Senate called to order at 11:07 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

God,

As You have established the very concept of government, I come to You on behalf of this branch of the government of the State of Nevada.

Lord, please bless these Senators in the months they will be here. Bless them with wisdom, patience, compassion and a spirit of cooperation. Please be with us as we need Your very presence.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 7, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 1.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Rhoads:

Senate Bill No. 133—AN ACT relating to initiative petitions; providing that petition districts from which signatures for an initiative petition must be gathered are conterminous with assembly districts; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Rhoads:

Senate Bill No. 134—AN ACT relating to the City of Elko; providing for the general municipal election to be held on the date for the state general election; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Rhoads:

Senate Bill No. 135—AN ACT relating to occupational diseases; revising provisions governing the presumption that certain occupational diseases arise out of the employment of certain persons; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Rhoads (by request):

Senate Bill No. 136—AN ACT relating to financial institutions; removing provisions requiring a bank annually to charge off a certain percentage of the value of certain real property held by the bank and acquired as a result of a debt owed to the bank; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to James Newcomb.

Senator Horsford moved that the Senate adjourn until Wednesday, February 9, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:13 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE THIRD DAY

CARSON CITY (Wednesday), February 9, 2011

Senate called to order at 11:07 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

I begin today by quoting the great American philosopher, Satchel Paige. "Don't pray when it rains if you don't pray when the sun shines." Well, today the sun shines, so let us pray.

Lord, most of the ceremonies are over. Now the hard work looms over us. We pray in the Name of the One who always helps.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Senate Bill No. 137—AN ACT relating to local governmental planning; providing for the construction of additional bus turnouts at certain locations in certain counties; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Lee:

Senate Bill No. 138—AN ACT relating to emergency medical services; authorizing the use in certain counties of unlicensed persons for the provision of emergency medical care under certain circumstances; revising provisions governing the operation of an ambulance or a vehicle of a fire-fighting agency which provides emergency medical care in certain counties; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 5.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 1; Senate Resolutions Nos. 1, 2, 3.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Judge David S. Gibson Sr.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Chief Judge Natalie Tyrrell.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to the following students from Glenn Duncan Elementary School: Lyssandra Aguirre, Mark Ramirez, Efrain Ojeda, Jamileth Jacinto, Oscar Armenta, Tierra Laupua, Mike Higgins, Daniel Castillo-Cruz, Johnadon Manriquez and Araceli Marquez.

On request of Senator Rhoads, the privilege of the Floor of the Senate Chamber for this day was extended to Stephen Meyers.

Senator Horsford moved that the Senate adjourn until Thursday, February 10, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:15 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FOURTH DAY

CARSON CITY (Thursday), February 10, 2011

Senate called to order at 11:10 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Yesterday Senator McGinness asked me for a Babe Ruth quote. Here it is: "Gee, it is lonesome in the outfield. It's hard to keep awake with nothing to do." Well, we have plenty to do here, so let's pray!

Father, we do not need to tell You that there are big problems facing our State. People are counting on us. Please give us the wisdom, understanding and stick-to-itiveness to find the solutions. And, please help us!

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources:

Senate Joint Resolution No. 4—Urging Congress to take certain actions concerning federal public lands in Nevada.

Senator Manendo moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Joint Resolution No. 5—Expressing opposition to certain proposed actions concerning wild horse and burro herds on federal public lands in Nevada and urging Congress to take certain actions concerning those herds.

Senator Manendo moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Concurrent Resolution No. 1—Expressing support for the Pine Forest Wilderness Study Area Working Group.

Senator Manendo moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Rhoads:

Senate Bill No. 139—AN ACT relating to property; requiring assignments of certain interests in property to be recorded; and providing other matters properly relating thereto.

Senator Rhoads moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Breeden, Schneider, Manendo, Parks, Denis, Copening, Horsford, Wiener and Assemblyman Segerblom, Atkinson, Munford and Smith:

Senate Bill No. 140—AN ACT relating to traffic laws; prohibiting a person from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 141—AN ACT relating to property; revising various provisions governing manufactured home parks; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 142—AN ACT relating to motor vehicles; prohibiting operators of tow cars from imposing certain fees under certain circumstances; requiring the use of competitive bidding for local government contracts for towing services; authorizing an insurer to tow and store a motor vehicle upon notification to its owner that the motor vehicle has been declared a total loss; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 143—AN ACT relating to insurance; removing the requirement that a resident producer of insurance maintain a place of

business in this State which is accessible to the public; providing that a certificate of insurance issued pursuant to a contract of insurance or policy of insurance must contain certain information; revising provisions governing verification by the Department of Motor Vehicles of required insurance coverage for certain vehicles; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 144—AN ACT relating to motor vehicles; requiring a garage that performs any repairs on a motor vehicle to also check the tire pressure of the vehicle and adjust the pressure to meet the specifications of the tire manufacturer, if necessary; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Manendo:

Senate Bill No. 145—AN ACT relating to traffic laws; prohibiting a minor from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle, except in certain emergency situations; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 47.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 5.

Bill read third time.

Remarks by Senators Cegavske, Wiener, Hardy and Parks.

Senator Wiener requested that the following remarks be entered in the Journal.

SENATOR CEGAVSKE:

Thank you, Mr. President. I would like to ask why there is a fiscal note from Washoe County, but not one from Clark County, Clark County stated it was a savings for them? Is the fiscal note for Washoe County a mistake or is it the same as Clark County, which is zero?

SENATOR WIENER:

Thank you, Mr. President. To my colleague from Clark County, yes, the only fiscal note that was presented to committee was for $200 from Washoe County. We were told during the committee meeting that note is being revised. Actually, there is a cost savings because of

postage savings and other efficiencies. This is more than revenue neutral. It will actually save money.

SENATOR HARDY:

Was there a comment in committee about random people who were chosen? Would those people be taken off the list for the next round of selection for a grand jury so that they would not get summoned twice?

SENATOR WIENER:

Thank you, Mr. President. To my colleague from the South, that was not part of the discussion. As to the next cycle of those who would be selected there was no testimony. The proponents' concern was that even when they start with 6,000 randomly selected people under current law, they often have trouble getting enough people to secure a grand jury. If they do not have enough people show up, they have to continue the selection process. This bill will allow them to expand the opportunity to bring enough people in early in the process to select the jury pool. The committee did not discuss subsequent grand jury selections.

SENATOR PARKS:

Thank you, Mr. President. In 1985, former Chief Judge of the New York Court of Appeals, Saul Wachtler, complained about the overreaching ability of district attorneys to achieve indictments before a grand jury. Justice Wachtler was quoted as saying, "Even a modestly competent district attorney can get a grand jury to indict a ham sandwich." Is there anything in Senate Bill No. 5 that would prohibit the indictment of a ham sandwich?

SENATOR WIENER:

To my colleague from Senate District No. 7, that was also not part of the committee discussion. I would not venture beyond the comments that were put on the record in committee as to what might be going on in the minds of the witnesses.

As we consider measures on the Floor, we are able, through increasingly more sophisticated technology, to create a greater transparency than has ever been seen before.

I believe it is important to read the Floor statements into the record so that people who are listening on the Internet and participating outside this building will have an understanding of what it is we are voting on. I will now read the Floor statement on Senate Bill No. 5 into the record:

Senate Bill No. 5 revises the process for selecting and seating grand juries in Clark and Washoe Counties by enlarging the pool of potential jurors to 50 or more, increasing from 12 to 14 the number of alternate jurors, and allowing flexibility in the number of proposed jurors who fail to appear before others must be summoned. The measure also requires the court, rather than the county sheriff, to summon proposed grand jurors. The measure is effective upon passage and approval.

Roll call on Senate Bill No. 5:

YEAS—21.

NAYS—None.

Senate Bill No. 5 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Concurrent Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to the following interns: Donna Randall, Lauren Wright, Jeremy Thompson and Natalia Beltz.

Senator Horsford moved that the Senate adjourn until Monday, February 14, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:32 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE EIGHTH DAY

CARSON CITY (Monday), February 14, 2011

Senate called to order at 11:06 a.m.
President Krolicki presiding.
Roll called.
All present.
Prayer by the Chaplain, Rajan Zed.

Om
Bhur bhuvah svah
tat Savitur varenyam
bhargo devasya dhimahi
dhiyo you nah prachodayat

We meditate on the transcendental Glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the Heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya
Tamaso ma jyotir gamaya
Mrityor mamrtam gamaya

Lead me from the unreal to the Real.
Lead me from darkness to Light.
Lead me from death to Immortality.

Anapekshah shuchirdaksha
udaaseeno gatavyathah
Sarvaarambhaparityaagee
yo madbhaktah sa me priyah

Speaking of true devotees, Lord says. He is detached, pure efficient, impartial, never anxious, selfless in all his undertakings, he is my devotee very dear to me. O Lord, as devoted public officials guide us to these values.

Trividham narakasyedam
dvaaram naashanamaatmanah
Kaamah krodhastathaa lobhah
Tasmaadetettrayam tyajet.

There are three gates to this self-destructive hell: lust, anger and greed. Please help us O Lord to renounce these three.

Om saha naavavatu
Saha nau bhunaktu
Saha viiryan karavaavahai
Tejasvi naavadhiitamastu
Maa vidhvishhaavahai

May we be protected together.
May we be nourished together.
May we work together with great vigor.
May our study be enlightening.
May no obstacle arise between us.

Om Shanti, Shanti, Shanti.

Peace, Peace, Peace be unto all.

Om.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN J. LEE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: Ahora Latino Journal: Mario DelaRosa; Associated Press: Michelle Rindels; Cox Communications: Steve Schorr, Honey Badger and Robert Mulvana; KLAS-TV: Kyle Zuelke; KOLO-TV: Ray Kinney; KTVN-TV: Byron Ellis and Kellene Stockwell; Las Vegas Review-Journal: Jessica Ebelhar; Las Vegas Sun: Sam Morris; Nevada Broadcasters Association: Adrienne Abbott Gutierrez; and "We the People": Shayne Del Cohen.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Revenue:

Senate Bill No. 146—AN ACT relating to special fuel; revising the definition of biodiesel; requiring under certain circumstances that all diesel fuel sold, offered for sale or delivered in this State contain a certain percentage of biodiesel; providing a penalty; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 147—AN ACT relating to industrial insurance; authorizing the imposition of civil penalties against a person who knowingly advises an employer or certain other persons to misrepresent the classification or duties of an employee; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 148—AN ACT relating to labor; creating a private right of action for an employee who has been improperly classified as an independent contractor by an employer; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 23.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 47.

Bill read third time.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Senate Bill No. 47 defines a "minor" as used in Title 15 of Nevada Revised Statutes (Crimes and Punishments) as a person under 18 years of age unless otherwise defined by a specific statute.

Various statutes in *Nevada Revised Statutes* (NRS) consider a "minor" a person under the age of 16 or the age of 18. Senate Bill No. 47 provides a default definition unless a statute specifically mentions a particular age. This clarifies the age of a minor to address situations that, in the past, have lacked clarity in judicial deliberations. If not specified in statute, Senate Bill No. 47 states that age of a minor will be under the age of 18.

This measure is effective on July 1, 2011.

Roll call on Senate Bill No. 47:

YEAS—21.

NAYS—None.

Senate Bill No. 47 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Dustin Denis and J. Gus Lister.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to David Brake, Cole Hanks, Brady Heusser and Travis Summers.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to the following intern: Brooklyn Andreasen.

Senator Horsford moved that the Senate adjourn until Wednesday, February 16, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:25 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE TENTH DAY

CARSON CITY (Wednesday), February 16, 2011

Senate called to order at 11:07 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

God of Grace and God of Glory, when we have prayed for guidance and it comes, let us not think it strange if it be something we would not have thought of, for Your thoughts are not our thoughts and our ways are not Yours.

Make us eager to follow Your will and Your way of dealing with situations, rather than devising our own plans and then asking You to bless them.

Then we will discover how much better Your way is and how happy are those who walk in it. In Your name we pray.

AMEN.

Prayer by Mujahid Ramadan.

Mr. Mujahid Ramadan of 100 Black Men of Las Vegas read a prayer from the State President's Report to Delegates given on Thursday, April 28, 1988 by Ina J. Hughs, Children's Defense Fund.

We pray for children who put chocolate fingers everywhere, who like to be tickled, who stomp in puddles and ruin their new pants, who sneak popsicles before supper, who erase holes in math workbooks, who can never find their shoes.

And we pray for those who stare at photographers from behind barbed wire, who can't bound down to the street in a new pair of sneakers, who never "counted potatoes," who are born in places we wouldn't be caught dead, who never go to the circus, who live in an x-rated world.

We pray for children who bring us sticky kisses and fistfuls of dandelions, who sleep with the dog and bury goldfish, who hug us in a hurry and forget their lunch money, who cover themselves with Band-Aids and sing off key, who squeeze toothpaste all over the sink, who slurp their soup.

And we pray for those who never get dessert, who have no safe blanket to drag behind them, who watch their parents watch them die, who can't find any bread to steal, who don't have any rooms to clean up, whose pictures aren't on anybody's dresser, whose monsters are real.

We pray for children who spend all their allowance before Tuesday, who throw tantrums in the grocery store and pick at their food, who like ghost stories, who shove dirty clothes under the bed and never rinse out the tub, who get visits from the tooth fairy, who don't like to be kissed in front of the carpool, who squirm in church or temple and scream in the phone, whose tears we sometimes laugh at and whose smiles can make us cry.

And we pray for those whose nightmares come in the daytime, who will eat anything, who have never seen a dentist, who aren't spoiled by anybody, who go to bed hungry and cry themselves to sleep, who live and move, but have no being.

We pray for children who want to be carried and for those who must, for those we never give up on and for those who don't get a second chance.

For those we smother…and for those who will grab the hand of anybody kind enough to offer it.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 17, 18, 19, 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801

February 15, 2011

THE HONORABLE STEVEN A. HORSFORD, *Senate Majority Leader,* State of Nevada Senate,
Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR MAJORITY LEADER HORSFORD:

I am writing to you today to express my desire to address both houses of the Legislature during the 2011 Legislative Session. It appears that April 20, 2011, is available and I would enjoy the opportunity to share my views with the Legislature on national issues and the challenges that confront us in the Congress. Many of these issues will affect Nevada citizens directly and the perspectives of the members of the Nevada Legislature are paramount to my decision making.

If you could let my staff know the details regarding my visit and address, I would appreciate it. I look forward to your response. Please direct any communication to my District Director, Tod Story. He can be reached at 702-220-9823.

Sincerely,
SHELLEY BERKLEY
Member of Congress

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Settelmeyer, McGinness, Hardy, Cegavske, Gustavson, Brower, Halseth, Kieckhefer, Rhoads, Roberson; Assemblymen Goicoechea, Grady, Hansen, Goedhart, Ellison, Hambrick, Hammond, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart and Woodbury:

Senate Joint Resolution No. 6—Claiming sovereignty under the Tenth Amendment to the U.S. Constitution.

WHEREAS, The Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, The Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, The scope of power defined by the Tenth Amendment means that the Federal Government was created by the states specifically to be an agent of the states; and

WHEREAS, Today, in 2011, the states are demonstrably treated as agents of the Federal Government; and

WHEREAS, Many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

WHEREAS, The Tenth Amendment ensures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the Federal Government may not usurp; and

WHEREAS, Section 4, Article IV, of the U.S. Constitution says, "The United States shall guarantee to every State in this Union a Republican Form of Government," and the Ninth Amendment states that, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and

WHEREAS, The United States Supreme Court has ruled in *New York v. United States*, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the Legislative Processes of the states by compelling the states to enact and administer federal programs; and

WHEREAS, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the 76th Legislature of the State of Nevada hereby claim sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the Federal Government by the Constitution of the United States; and be it further

RESOLVED, That this resolution serves as notice and demand to the Federal Government to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers; and be it further

RESOLVED, That all compulsory federal legislation which directs states to comply under threat of civil or criminal penalties or sanctions or which requires states to pass legislation or lose federal funding be prohibited or repealed; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate and the Speaker of the House of Representatives, and each member of the Nevada Congressional Delegation with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Settelmeyer moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Cegavske, Leslie, McGinness, Horsford, Schneider, Breeden, Brower, Copening, Denis, Gustavson, Halseth, Hardy, Kieckhefer, Kihuen, Lee, Manendo, Parks, Rhoads, Roberson, Settelmeyer and Wiener:

Senate Bill No. 149—AN ACT relating to persons with disabilities; establishing the policy of this State relating to the considerate and respectful treatment of persons with intellectual disabilities; revising the preferred manner of referring to certain persons with intellectual disabilities in the Nevada Revised Statutes and Nevada Administrative Code; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Schneider:

Senate Bill No. 150—AN ACT relating to liens; revising certain provisions governing liens of owners of facilities for storage; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Schneider:

Senate Bill No. 151—AN ACT relating to transportation; requiring certain governmental entities to work cooperatively to establish the Henderson to North Las Vegas Fixed Guideway Corridor; requiring those entities, to the extent practicable, to acquire any necessary rights-of-way for that purpose; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Schneider:

Senate Bill No. 152—AN ACT relating to insurance; revising provisions governing insurance adjusters; exempting certain persons from provisions of the Nevada Insurance Adjusters Law governing the licensing and regulation of adjusters; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 153—AN ACT relating to water; declaring the appropriation of certain water by a municipality or public utility to serve the present and reasonably anticipated future municipal, industrial or domestic needs of the municipality or public utility to be a beneficial use of that water; providing that certain provisions governing consideration by the State Engineer of the consumptive use of a water right do not apply to an application to appropriate water filed by a municipality under certain circumstances; revising the period within which an application of water for a certain municipal or quasi-municipal use must be made; setting forth the measure of reasonable diligence for determining whether a municipality is proceeding with good faith and reasonable diligence to perfect an appropriation of water for a beneficial use; revising the provisions which must be included in certain statements filed with the State Engineer concerning the application of water for municipal or quasi-municipal use; requiring the State Engineer to issue a certificate for a partially perfected application under certain circumstances; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Settelmeyer:

Senate Bill No. 154—AN ACT relating to motor vehicles; providing for the issuance of special license plates for family members of persons who died as a result of injuries sustained while on active duty in the Armed Forces of the United States; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator McGinness:

Senate Bill No. 155—AN ACT relating to zoning; allowing certain unincorporated towns the option to control planning and zoning; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Gustavson (by request):

Senate Bill No. 156—AN ACT relating to liability of persons; limiting the liability of certain persons involved with an off-road sporting event; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Wiener, Horsford, Denis, Parks, Breeden, Copening, Leslie and Manendo:

Senate Bill No. 157—AN ACT relating to elections; authorizing the donation of unspent campaign contributions to a governmental entity or fund of this State or a political subdivision of this State; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Gustavson:

Senate Bill No. 158—AN ACT relating to air pollution; revising provisions governing the frequency of required inspections of the emissions of certain motor vehicles; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Gustavson:

Senate Bill No. 159—AN ACT relating to offenders; requiring the Director of the Department of Corrections to provide to an offender upon his or her release information regarding employment assistance; authorizing a court to require the earnings of a probationer to be held in trust for certain purposes; authorizing a court to require certain offenders to complete an alternative program, treatment or activity as a condition of probation; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Gustavson:

Senate Bill No. 160—AN ACT relating to taxation; repealing the modified business tax; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Senator Gustavson:

Senate Bill No. 161—AN ACT relating to drivers' licenses; providing that any examination or test required to obtain a driver's license or motorcycle driver's license must be administered in the English language; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Gustavson:

Senate Bill No. 162—AN ACT relating to public employees; revising the subjects of mandatory bargaining; revising the matters reserved to the employer without negotiation; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Gustavson:

Senate Bill No. 163—AN ACT relating to crimes; revising provisions governing the procedure upon arrest of a person alleged to have committed a battery constituting domestic violence; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 9.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 23.

Bill read third time.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Senate Bill No. 23 clarifies that in the process of adopting a child with special needs, it is the child welfare or child placement agency with custody of the child that is responsible for scheduling necessary evaluations and providing certain assistance to the adoptive parents.

This particular measure is the result of a judicial review following the 2009 Legislative Session that indicated clarification was necessary to identify the responsible agency.

This measure is effective upon passage and approval.

Roll call on Senate Bill No. 23:

YEAS—21.

NAYS—None.

Senate Bill No. 23 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Larry Mosley.

On request of Senator Copening, the privilege of the Floor of the Senate Chamber for this day was extended to Tad Dillard and Willie Petteway.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Mike Fennell.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Ronald Grogan, Brian Pauling and Steve Schorr.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Ken Williams.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Mike Smith.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to Bill High and Dennis Obregon.

On request of Senator Manendo, the privilege of the Floor of the Senate Chamber for this day was extended to Mujahid Ramadan.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Mike Amie.

On request of Senator Schneider, the privilege of the Floor of the Senate Chamber for this day was extended to Derrick Berry.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to Shaundell Newsome.

Senator Horsford moved that the Senate adjourn until Thursday, February 17, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:46 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE ELEVENTH DAY

CARSON CITY (Thursday), February 17, 2011

Senate called to order at 11:03 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father, in times of confusion, when men and women doubt their beliefs and believe their doubts and are victims of ideologies that seek to divide and conquer, give to the women and men of this House a true appreciation of the great affirmations we hold in common.

Let us appreciate our agreements and have the courage and conviction to stand up for them, that we may stand united and fearless before the rest of this nation and before the world.

Direct those who govern in this great State that they may make it as hard as possible to do wrong and as easy as possible to do right. To that end, incline these Senators to the eternal truths You have revealed for today and for the rest of this Session.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Commerce, Labor and Energy.

MO DENIS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 16, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 7, 11, 28.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that Senate Bill No. 62 be re-referred to the Committee on Commerce, Labor and Energy.

Remarks by Senator Denis.

Motion carried.

By the Senate Committee on Legislative Operations, Elections and the Assembly Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 2—Directing the Office of the Attorney General, the Agency for Nuclear Projects and the State Department of Conservation and Natural Resources to conduct a joint investigation into

whether Nevada could potentially receive monetary compensation from the Federal Government for contamination as a result of certain military exercises, nuclear weapons testing and other activities conducted by the Federal Government in Nevada, to the extent that such an investigation would not cost those agencies any money or resources.

Senator Parks moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

Senator Settelmeyer has approved the addition of Senator Brower as a sponsor of Senate Joint Resolution No. 6.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Schneider:

Senate Bill No. 164—AN ACT relating to persons involved in the administration of insurance; requiring claims examiners for third-party administrators to be licensed; requiring vocational rehabilitation counselors for third-party administrators to be licensed; providing a penalty; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Roberson:

Senate Bill No. 165—AN ACT relating to arbitration; requiring, with certain exceptions, all arbitrators to be neutral and impartial; revising the qualifications for service as an arbitrator; revising certain provisions relating to disclosures by arbitrators; revising certain provisions relating to vacating awards in arbitral proceedings; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Leslie and Manendo:

Senate Bill No. 166—AN ACT relating to motor vehicles; revising provisions governing the installation of an ignition interlock device following a conviction of driving under the influence of alcohol or a controlled substance; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Leslie:

Senate Bill No. 167—AN ACT relating to the protection of children; authorizing an agency which provides child welfare services to make available reports of the abuse or neglect of children under certain

circumstances; providing a penalty; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Hardy and Gustavson:

Senate Bill No. 168—AN ACT relating to public health; revising provisions governing access to certain medical records; requiring a physician who performs an autopsy to submit a written report of the findings of the autopsy to the Board of Medical Examiners in certain circumstances; revising provisions governing the submission of certain reports concerning surgeries requiring conscious sedation, deep sedation or general anesthesia; revising provisions governing reports to the Board of a change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care; revising provisions governing the standard of proof in any disciplinary hearing before the Board; revising provisions governing access to and the data collected by the computerized program to track prescriptions of controlled substances developed by the State Board of Pharmacy and the Investigation Division of the Department of Public Safety; increasing certain fees; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Hardy, Gustavson, Roberson and Assemblyman Sherwood:

Senate Bill No. 169—AN ACT relating to public employees; prohibiting state and local government employers from assigning greater weight to the seniority of employees than to the service rating of employees when determining the order of layoffs; requiring certain collective bargaining agreements between local government employers and employee organizations to prohibit the local government employer from assigning greater weight to the seniority of employees than to the service rating of employees when determining the order of layoffs of certain employees; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Horsford and Assemblyman Oceguera:

Senate Bill No. 170—AN ACT relating to elections; requiring the formation of a petitioners' committee before commencing proceedings for statewide initiative or referendum; authorizing the withdrawal of a petition for statewide initiative or referendum in certain circumstances; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Leslie:

Senate Bill No. 171—AN ACT relating to weapons; revising the provisions governing the possession of dangerous weapons at certain locations; providing a penalty; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Parks (by request):

Senate Bill No. 172—AN ACT relating to public health; creating the Statewide Program for Public Education and the Prevention of Sudden Infant Death Syndrome; requiring the Health Division of the Department of Health and Human Services to develop and implement the Program; requiring certain providers of health care and certain medical facilities to distribute information concerning sudden infant death syndrome and sudden unexpected infant death to certain persons; requiring the Advisory Board on Maternal and Child Health to assist the Health Division in developing the Program; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Parks (by request):

Senate Bill No. 173—AN ACT relating to health districts; authorizing the board of county commissioners of certain counties to authorize the district board of health to establish and maintain an integrated system for the provision of certain health and social services; authorizing the board of county commissioners to place certain county agencies under the direct control and supervision of the district health department; authorizing the district board of health to adopt regulations; requiring the district board of health to make certain reports to the Governor and the Legislature concerning an integrated system for the provision of health and social services; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Copening:

Senate Bill No. 174—AN ACT relating to common-interest communities; authorizing appeals to the Commission for Common-Interest Communities and Condominium Hotels after certain actions by the Real Estate Division of

the Department of Business and Industry; revising provisions concerning the removal or abatement of a public nuisance on the exterior of a unit under certain circumstances; revising provisions relating to elections for members of an executive board; revising provisions concerning the removal of members of an executive board; revising provisions governing meetings of units' owners and meetings of an executive board; revising provisions governing the maintenance and repair of walls within a common-interest community; revising insurance and bond requirements for unit-owners' associations and community managers; revising provisions relating to the maintenance and investment of association funds; revising provisions concerning the assessment of certain common expenses against a unit's owner; revising provisions governing the withdrawal of money from the operating account of an association; revising provisions concerning liens on a unit for certain charges or fees; prohibiting a unit's owner from engaging in certain threatening conduct or retaliatory actions; revising provisions governing the award of punitive damages in certain circumstances; revising provisions governing management agreements and community managers; exempting certain associations from the requirement to obtain a state business license; making various other changes relating to common-interest communities; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Gustavson, Settelmeyer, Cegavske, Hardy, Kieckhefer, Lee, McGinness, Roberson; Assemblymen Ellison, Goedhart, Goicoechea, Hambrick, Hickey, Kirkpatrick, Kirner and McArthur:

Senate Bill No. 175—AN ACT relating to concealed firearms; providing for the confidentiality of certain records and other information relating to the holder of a concealed firearms permit; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Gustavson:

Senate Bill No. 176—AN ACT relating to concealed firearms; removing the prohibition against carrying a concealed firearm; repealing all provisions governing permits to carry concealed firearms; deleting certain provisions relating to the registration of firearms capable of being concealed; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Gustavson, Halseth, Cegavske, Lee, Manendo, Roberson, Settelmeyer; Assemblymen Ellison, Goedhart, Hambrick, Kirkpatrick and McArthur:

Senate Bill No. 177—AN ACT relating to motorcycles; revising provisions governing the wearing of protective headgear when operating motorcycles under certain circumstances; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senators Gustavson, Hardy, McGinness, Roberson, Settelmeyer; Assemblymen Hansen, Ellison, Goedhart, Goicoechea, Hambrick, Kirner and McArthur:

Senate Bill No. 178—AN ACT relating to foreign nationals; prohibiting the use of threats relating to the immigration status of a person to compel a person to perform certain acts; requiring a person to submit proof of citizenship to register to vote; prohibiting a person from voting when that person knows that he or she is not entitled to vote; providing that a person who is not a citizen of the United States is not eligible for a Governor Guinn Millennium Scholarship; providing that a person who is not a citizen of the United States is not eligible to receive certain state benefits; prohibiting the Department of Motor Vehicles from issuing a driver's license to a person who is not lawfully present in the United States; requiring a person who is applying for a driver's license to submit proof that he or she is lawfully present in the United States; providing penalties; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Gustavson:

Senate Bill No. 179—AN ACT relating to motor vehicles; providing for the issuance of special license plates indicating support for the rights guaranteed pursuant to the Second Amendment to the Constitution of the United States; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senators Parks, Breeden, Wiener; Assemblymen Aizley, Atkinson, Conklin and Oceguera (by request):

Senate Bill No. 180—AN ACT relating to crimes; providing an additional penalty for certain crimes motivated by the victim's gender identity or expression; expanding the aggravating circumstances for murder of the

first degree to include murder which was motivated by the victim's gender identity or expression; providing certain civil liability for a person who commits certain crimes motivated by the victim's gender identity or expression; revising provisions concerning the reporting of certain crimes; providing penalties; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 7.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 11.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 28.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 17.

Bill read second time and ordered to third reading.

Senate Bill No. 18.

Bill read second time and ordered to third reading.

Senate Bill No. 19.

Bill read second time and ordered to third reading.

Senate Bill No. 37.

Bill read second time and ordered to third reading.

Senate Bill No. 55.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 9 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Christine Flores.

Senator Horsford moved that the Senate adjourn until Friday, February 18, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:34 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE TWELFTH DAY

CARSON CITY (Friday), February 18, 2011

Senate called to order at 11:04 a.m.

President Krolicki presiding.

Roll called.

All present except Senators Cegavske, Hardy and Rhoads, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Dear God in Heaven. Today we pray for Your gift of contentment, that we may not waste our time desiring more, but learn to use and enjoy what we have.

We may not know everything, but we may know You and Your will. We need not be rich to be generous, nor have all wisdom to be understanding. Our influence may not be great, but it can be good. Our speech may not be eloquent, but it can be truthful and sincere. We cannot all have good looks, but we can have a good conscience, and having that, we shall have peace of mind and need fear no man.

May we be kind one to another, tender-hearted, forgiving one another, even as You, for Christ's sake, have forgiven us.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ALLISON COPENING, *Chair*

Mr. President:

Your Committee on Revenue, to which was referred Senate Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

SHEILA LESLIE, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
UNITED STATES SENATE
WASHINGTON, DC 20510-2805

February 14, 2011

THE HONORABLE STEVEN A. HORSFORD, *Senate Majority Leader,* State of Nevada Senate,
Legislative Building, 401 S. Carson Street, Carson City, Nevada 89701-4747

DEAR SENATOR HORSFORD:

I respectfully request that you allow me the honor and privilege of addressing a Joint Session of the Nevada State Legislature on Tuesday, March 22, 2011. I would greatly appreciate it if you would provide me the time slot from 5:00 p.m. until 6:00 p.m.

I look forward to addressing the Legislature.

Sincerely,
JOHN ENSIGN
United States Senator

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bills Nos. 9, 17, 18, 19, 37, 55, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Leslie moved that Senate Bill No. 146 be re-referred to the Committee on Natural Resources.

Remarks by Senator Leslie.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Robert Gong, M.D., Eileen Gong, Sara Gong and Brian Gong.

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Shari Grimes, Christian Grimes, Carter Grimes and Sawyer Grimes.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Jim deProsse and Diane O'Connor.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Nima Rezaie.

Senator Horsford moved that the Senate adjourn until Monday, February 21, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:18 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FIFTEENTH DAY

CARSON CITY (Monday), February 21, 2011

Senate called to order at 11:03 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, these are dark days and trying times for many Nevadans. Our Governor and these Legislators face a seemingly impossible task. For You, Father, nothing is impossible.

Provide these servants of Yours with the wisdom, courage and guidance needed to make the impossible possible. I pray in the Name of the One who can still multiply loaves and fishes.

AMEN

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 58, 132, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 18, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 144.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 181—AN ACT relating to energy; requiring certain contractors to offer upgrades for renewable energy and energy efficiency; requiring certain contractors assisting buyers in obtaining financing to offer, or work with lenders that offer, energy efficient mortgages; requiring licensees of the Real Estate Division of the Department of Business and Industry to make certain information about energy efficiency in residential property available to each party to a real estate transaction; revising continuing education requirements relating to energy efficiency for real estate brokers, real estate broker-salespersons, real estate salespersons, mortgage brokers and certified or licensed real estate appraisers; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Schneider:

Senate Bill No. 182—AN ACT relating to renewable energy; revising certain provisions governing the Solar Thermal Systems Demonstration Program; revising the prospective expiration dates of the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; revising the capacity goals of the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; requiring the Public Utilities Commission of Nevada to establish categories of participation in the Waterpower Energy Systems Demonstration Program for mining uses, municipalities and Indian tribes and tribal organizations; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 144.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 131.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 19 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 9.

Bill read third time.

Roll call on Senate Bill No. 9:

YEAS—21.

NAYS—None.

Senate Bill No. 9 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 17.

Bill read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Senate Bill No. 17 authorizes the owner of an animal to donate a drug dispensed for the animal but that will not be used by that animal, if certain conditions are met. The drug must be donated to a licensed veterinarian or a facility where veterinary medicine is practiced. The veterinarian may reissue the drug free of charge under certain circumstances, including economic need, but in no event may the reissued drug be sold or resold.

Roll call on Senate Bill No. 17:
YEAS—21.
NAYS—None.

Senate Bill No. 17 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 18.

Bill read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Senate Bill No. 18 authorizes the State Contractors' Board to discipline licensed contractors for failure or refusal to comply with an order of the Board.

Roll call on Senate Bill No. 18:
YEAS—21.
NAYS—None.

Senate Bill No. 18 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 37.

Bill read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Senate Bill No. 37 requires a health care licensing board that receives a complaint concerning a matter within the jurisdiction of another such board to refer the complaint to that board. The referral must be made within five days after the first board determines a referral is required. However, if the complaint involves an emergency situation, the referral must be made immediately.

Roll call on Senate Bill No. 37:
YEAS—21.
NAYS—None.

Senate Bill No. 37 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 55.

Bill read third time.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

State law currently provides that anyone found guilty of abuse, neglect, exploitation, or isolation of an older person is liable for a civil penalty in addition to a criminal penalty.

Under a separate statute, additional terms of imprisonment are imposed against anyone who commits certain crimes against a person age 60 years and older. These crimes include murder, attempted murder, assault, battery, kidnapping, robbery, sexual assault, embezzlement, obtaining money or property under false pretense, or taking money or property.

Senate Bill No. 55 adds the crimes that are subject to additional terms of imprisonment to the list of crimes subject to a civil penalty.

Roll call on Senate Bill No. 55:
YEAS—21.
NAYS—None.

Senate Bill No. 55 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Mikalee Byerman, Dylan Dahle and Jilleann Dahle.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Cathy Gustavson.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Joe Hardy Jr. and Joseph Hardy.

On request of President Krolicki, the privilege of the Floor of the Senate Chamber for this day was extended to Elizabeth Krolicki.

Senator Horsford moved that the Senate adjourn until Tuesday, February 22, 2011, at 10:45 a.m.

Motion carried.

Senate adjourned at 11:25 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 22, 2011

Senate called to order at 10:46 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Heavenly Father, You are light. Your Word is a lamp unto our feet and a light unto our path. Light our path with truth, knowledge, understanding, wisdom, courage and compassion. Help us to see issues clearly and to make good and wise decisions.

I pray in the Name of Jesus, the light of the world.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 21, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 87, 124.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Schneider:

Senate Bill No. 183—AN ACT relating to common-interest communities; requiring associations of certain planned communities to allow a unit's owner or a tenant of a unit's owner to store a recycling container on the premises of his or her unit under certain circumstances; requiring the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations pertaining to such recycling containers; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Schneider:

Senate Bill No. 184—AN ACT relating to energy; requiring the Public Utilities Commission of Nevada to establish the Renewable Energy Systems Development Program; requiring each provider of electric service in this State to participate in the Program; requiring the Commission to establish standard offers for the purchase and resale of electricity generated by certain

renewable energy systems; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Schneider:

Senate Bill No. 185—AN ACT relating to real property; providing for the regulation of private transfer fee obligations affecting real property; revising the disclosures that a seller of real property must make to a buyer to include certain information concerning private transfer fee obligations; revising provisions governing fees charged for products or services provided to owners of units in a common-interest community; prohibiting the use of information from radar guns as a basis for a fine or penalty in a common-interest community; requiring certain additional information to be included in the declaration of a common-interest community; amending provisions governing the composition of the executive board of an association of a common-interest community; revising provisions relating to hearings on alleged violations of the governing documents of a common-interest community; revising provisions governing civil actions commenced to protect health, safety and welfare within a common-interest community; amending provisions governing fees imposed by an association upon the sale of real property within a common-interest community; making various other changes relating to common-interest communities; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblywomen Smith and Bustamante Adams were at the bar of the Senate. Assemblywoman Smith invited the Senate to meet in Joint Session with the Assembly to hear Senator Harry Reid.

The President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 10:52 a.m.

IN JOINT SESSION

At 10:58 a.m.

President Krolicki presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblywomen Diaz and Flores and Assemblyman Ohrenschall, who were excused.

The President appointed a Committee on Escort consisting of Senator Wiener and Assemblyman Conklin to wait upon the honorable Senator Harry Reid and escort him to the Assembly Chamber.

Senator Reid delivered his message as follows.

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SIXTH SESSION, 2011

Governor Sandoval, members of the Legislature, guests, and friends. It is really great to be with you in this Joint Session. Of course, not everyone is here—but I think we can excuse Assemblywoman Diaz for her absence, and we congratulate her on the birth of her new son just last Sunday.

It is always a pleasure to come home to Carson City. It brings back many memories to be in this Chamber, which I voted to create as a very young Assemblyman. And it is a distinct honor to speak with you today. I am grateful to the people of Nevada for allowing me to represent them for more than three decades in legislative halls and for more than a decade in other government capacities.

Many of you are serving your first terms here in this body. Forty-two percent of the 42 Assemblymen are freshmen. An even greater proportion—nearly half—of our State Senators are new to the upper Chamber. You are just beginning to learn its rhythms and its hallways.

My first term here was a long time ago. Nixon was President and Nevada's population was not even a fifth of what it is today. But I remember vividly the emotions and excitement of my first session, when we were in the Capitol Building just across the Mall. I know you are like me: humbled by the opportunity you have been given to serve our State and enthusiastic about the possibilities.

As we work together to move Nevada forward and get Nevadans back on our feet, I will always do everything I can to support you. I know as well as you that Nevada is struggling at every level. Our cities and schools are struggling. Our statewide and national economic problems have done more than just hurt commerce—they have hurt confidence. We have had to make tough choices, and we will have to make many more, but that is really what leadership is all about. I wish you well and wish you wisdom as you make these decisions, and I hope you find your experience in this esteemed Legislature as rewarding as I did—at least most of the time. Let me explain.

Long before Richard Bryan and I served together in the United States Senate, we served together here in Carson City as Assemblymen. We were the only new Nevada Legislators that session. We quickly became friends, and our friendship has lasted many decades.

I introduced a lot of bills in my first term—really, a lot of bills. I am told I set the record for introducing the most legislation in a single session. One of those bills Senator Bryan and I introduced would crack down on firebombing—weapons like Molotov cocktails. We thought this was a real winner of an idea.

The bill flew through the Assembly. It flew through committee in the Senate. We were more than a little proud of ourselves. Then it came to the Senate Floor. Senator Bryan and I went to watch the Chairman of the Senate committee, Bill Farr, speak about it. When Bill was not serving in the Senate, he was the fire chief in Sparks. Senator Farr went on and on about how great our firefighting bill was and how smart those two young Assemblymen, Reid and Bryan, were in moving this legislation. We were elbowing each other; we were really quite happy. We could not contain our satisfaction. Then Senator Farr said, "In fact, this legislation was so good, we passed it last session."

So as you work to move Nevada ahead, heed my caution: Be cautious. That memory, however embarrassing, also taught me to pay a little closer attention to our history. Today, at this discouraging hour in our history, I am comforted by the conviction that Nevada is a State full of fighters. We were battle born. Our principles and priorities keep us balanced as the challenges

before us change. Our resolve is to recover, and we need to recover. That need to recover is as solid as the Sierras, and my belief in that determination is just as unmovable.

We have recovered in the past, and we will recover in the future. We have met crisis before, and we have prevailed. Winning is what we do. Winning is what we have to do.

But it also takes time. Our problems were not created in a day, and they will not be solved overnight. We know how to bounce back. Our challenge is great, but it is not new. Nevada has always been a work in progress.

I remember standing in this very Chamber as Lieutenant Governor and President of the Senate. I remember being here and thinking how much Nevada had changed, from the one I first knew in Searchlight to the one I was representing here in Carson City. It was a different State—unrecognizable. In fact, each time I have had the honor of addressing this body, Nevada has been a different place.

That transformation to today has been more profound. Some of that change has been positive and promising and some less so. Our charge is to ensure that the changes that will take place in the next generation do not take us backward. They must lead Nevada to a position of leadership and strength.

The last time I addressed this body, the stimulus was just one day old. President Obama had signed it into law only a few hours earlier. That emergency law has done a lot of good and prevented a lot of bad. It alone might not have cured every symptom we suffered, but it stabilized the patient.

I know the stimulus is an easy target. Those who do not like the current White House rush to accuse it of all the wrong in the world. But as the first resident of that White House, John Adams, said, "Facts are stubborn things." Yes, we have more work to do. But we do ourselves a disservice when we deny the good it has done for our State.

The stimulus cut taxes for more than one million Nevadans—a million just in Nevada alone. It kept thousands of teachers in the classroom and other education workers on the job to the tune of more than $500 million. On Friday I announced that our most struggling schools will get grants, made possible by the stimulus, so that our students, even in the weakest schools, can have a shot at college or a career. That law also secured for Nevada a bigger increase in Medicaid matching funding than every other state in the Union.

Solar and geothermal projects are heating up across the State because of stimulus funding. And just last week, another stimulus project took a giant leap forward: the transmission line that will connect the north and the south with electricity and connect Nevadans with good-paying jobs. Energy independence is coming, and it is bringing with it many hundreds of jobs now and in the future.

I am not saying the law was perfect, but I am saying it was necessary and it is working. It saved Nevada and our country from an economy much worse than what we have experienced.

The stimulus is not the only emergency action Congress took that is misunderstood. Let me say something briefly about the lifelines to the banking and auto industries.

First, the program that brought our economy back from the brink of collapse. No one wanted to help the banks that jeopardized our economy and crashed the housing market. Just like you, I had seen the foreclosure signs multiply across our State, and I had no sympathy for the greedy Wall Street bankers who forced them there.

But I will never forget the meeting we had—just a handful of us—with President Bush's Secretary of the Treasury, Hank Paulson, and Fed Chairman Ben Bernanke. I will never forget sitting in that room on that Thursday when they told us how close we were to not having an economy on Monday. They told us what we needed to do to save our country. They told us what we needed to do to save ourselves, and acting as partners rather than partisans, we did just that.

TARP, as it is called, started under a Republican President and ended under a Democratic President. But its virtue is not just that the story started with bipartisanship; it is also that it ended with success. We asked a lot of the American people, and now we are paying them back. The bailout is turning taxpayers a profit.

Second, many have asked why we would help a failing industry like the American car companies. But just like with the stimulus and TARP, the results belie its reputation. General Motors is back on its feet, in control of its own finances and adding jobs. Now it is giving its hourly workers profit-sharing checks worth thousands of dollars. Even Chrysler—the most

endangered of the Big Three auto companies—is bouncing back from bankruptcy and expects to make a profit this year. That is especially welcome news for the States and cities that build cars, but it is encouraging news for all of us. We should always be rooting for American companies to succeed—iconic industries and bright young entrepreneurs alike. Nevada never should root for failure.

These underrated successes aside, I did not come here to talk about the past. I did not come to re-fight the fights of the last few years. I am here to talk about our future—how we will move Nevada forward, how we will seize this unique, rare, and critical opportunity to lead not just the nation's economy, but the world's economy.

Some may question whether we can get there. Too many Nevadans are still looking for jobs. Too many families are still fighting to stay in their homes. But I know this State. I do not question whether Nevada can mature in this new decade and this young century and soon find ourselves in front once again. My only question is how quickly it will happen.

If we are going to talk about our future, let us start where our future starts, in our schools. Our responsibility to our children's education is solemn and serious.

Just a couple of years before I joined this Assembly, I was struggling through law school as a young father. I was a full-time policeman; I did not know if I was going to be able finish school. One day I went to the dean of students and told him I had a family, a broken car, and needed some financial help. I will never forget what he told me. He did not give me an ounce of sympathy or an inch of respect. Instead he said, "Mr. Reid, why don't you just quit?" I guess that was all I needed to hear. I knew I had to prove him wrong. I knew right then that I would graduate. Sometimes the people who motivate us the most are the ones who believe in us the least.

Right now, a lot of people out there do not believe in Nevada. The country does not look at us as leaders—it sees a State stuck in the last percentiles. If that does not make you want to work harder and harder, you are in the wrong line of work.

Nevada ranks fiftieth in state contributions to education—fiftieth. Our children really deserve better. We are not the only state that has had to make hard choices when it comes to budget cuts, but few have forced its K through 12 and higher education systems to cut millions from already tight budgets, as Nevada has. And we do this year after year.

We are beyond asking our schools and universities to trim their budgets or do more with less. These cuts, and calls for more cuts, undermine our most important goal: preparing Nevada's students for the global economy. If our priority is producing a workforce that can compete with the rest of the world, let us legislate that way.

And let us admit that a one-size-fits-all approach to education fits nobody. Our State is home to the fifth-largest school district in the country, as well as some of the smallest. There are almost four times as many schools in Clark County as there are students in Esmeralda County. That is why we are working to reform No Child Left Behind—so that it works better for our schools—and it is why we have signed on to the Common Core Initiative. That new program will help develop world-class standards for our students and make Nevadans more competitive.

Education funding has primarily been a State and local responsibility, and that is how it should be, but there is room for us to work together. And I will do everything I can to help ease the burdens on State and local school districts.

If we lag in education today, we are going to lose at everything tomorrow. We were not even in the running for the Race to the Top funds because we had fallen too far behind to even be considered. We have to approach these competitions like an athlete approaches a new season: We have to make the playoffs if we want any shot at the championship.

But before any of this can happen, we have to recognize that our children's education is not about tenure. It is not about teachers' unions. It is not about budgets or taxes or profits. It is not about yesterday's alliances or adversaries. It is not about us at all. It is about our children and our students and their future.

Nevada is not a last-place kind of place. We know this in our hearts. Together we can make the world believe it, too, but we are going to have to earn it.

As close as we are to the back of the line when it comes to education, we are at the forefront of the clean energy revolution. America is going to use nearly 20 million barrels of oil today. That is more than 20 percent of all of the oil the entire world will use today. But America has

less than 3 percent of the world's reserves, and they are going fast. And when it comes to how much that oil costs, we are at the mercy of OPEC. That is a strategy for yesterday, and we need a strategy for tomorrow.

The more we invest in and develop clean energy, the faster we will solve two of our toughest challenges: creating jobs and reducing our reliance on oil. The faster we act, the faster we will be energy independent.

Clean energy is one of the best investments we will ever make. Nevada is already the hub of renewable energy—our solar, wind, and geothermal potential is unbeatable. Our challenge, then, is to make Nevada the hub of the renewable energy industry. Now is our chance to turn that energy into jobs.

No place on Earth is better for this kind of development than right here. That is why we are attracting companies from countries like China—businesses that are building wind turbines and LED technology in our own State. They are coming to Nevada from halfway around the globe because they see good business opportunity here. We welcome them. Their plants will put Nevadans back to work and help plant the roots of our new future.

The transmission line I mentioned a minute ago is an example of a homegrown solution—a public-private partnership made possible by the stimulus. The One Nevada line will completely free us from having to import any electricity at all. In fact, with consumers like California next door and growing efforts to build a reliable electricity grid in the West, we are poised to become a net exporter of clean energy into the national marketplace.

We need to make sure spending cuts do not hold us back, and I will do everything I can to make it easier for businesses to develop affordable clean energy; to help families use that clean energy; and to make it easier for our cars, trucks, homes, and offices to run on clean energy. The future of our economy depends on it—and so does the future of our environment and our national security.

Stronger education and cleaner energy are two pieces to the same puzzle. Nevada will return to the top when we build a foundation that brings people and businesses here.

This State has always been a destination—from yesterday's pioneers, like my dad's parents, who came here to mine our rich minerals, to today's tourists, who enjoy the beauty of our deserts and mountains and entertainment. That is one of the reasons we killed Yucca Mountain, and it is the reason I worked so hard to pass a Travel Promotion Act. That bipartisan plan is taking the strategies that have made Las Vegas so successful and exporting them to our entire nation's tourism industry. It's already working. It is attracting visitors from around the globe and creating jobs right here in Nevada.

Tourism will always be our biggest industry, but it cannot be our only one. We have learned the hard way that when tourists stay away, jobs go away. So let us open more doors.

If we do not show the country we are serious about education, why would the best teachers and researchers come here to work? Why would parents put their children in our schools?

If we do not show the world we are serious about clean energy, why would the best scientists make our State their laboratory for the newest technologies?

And if we do not prove that we are a twenty-first century State, why would creative new companies—or a small business that can be tomorrow's biggest employer—set up shop here in Nevada?

I recently met with a group of businessmen who run data centers for technology companies. They visited Storey County to see about opening a facility there—a move that would have created desperately needed jobs. Storey County does a lot of things right. It is the home of the Tahoe-Reno Industrial Center, which is the largest of its kind in the entire country. But one of the businessmen in that meeting told me he simply could not believe that one of the biggest businesses in the county he was considering for his new home is legal prostitution. I have talked to families who feel the same way—parents who do not want their children to look out of a school bus and see a brothel or to live in a state with the wrong kind of red lights.

So let us have an adult conversation about an adult subject. Nevada needs to be known as the first place for innovation and investment—not as the last place where prostitution is still legal. When the nation thinks about Nevada, it should think about the world's newest ideas and newest careers, not about its oldest profession. We should do everything we can to make sure the world

holds Nevada in the same high regard you and I do. If we want to attract business to Nevada that puts people back to work, the time has come to outlaw prostitution.

I have talked about the jobs we need to create in the private sector. Allow me to speak shortly about the jobs our public servants do. We recognize Nevada's potential because we have learned from our past. We let our history inform our future, and that experience teaches us that we cannot throw out experience.

Nevada imposes term limits at every level of our government—for mayors, county commissioners, constitutional officers, and for all of you State Legislators—everyone except the Judiciary. In each case, they are counterproductive. These restrictions do not limit terms; they limit our ability to move forward.

I know many of you are serving today because your predecessor's term limits gave you the chance to run. But this issue is bigger than any one of us as individuals, and this is not just about political theory. We can see it with our own eyes, in the people we have served with, colleagues we know and respect, public servants whose expertise has made this State a better state and whose experience has made us better at our jobs.

When Dean Rhoads, a fine Republican, leaves the Senate after this term, so will his 35 years of hard-earned experience. When John Oceguera finishes his first term as Speaker of the Assembly, it will also be his last. Of course, he replaced another well-respected but term-limited Speaker, Barbara Buckley, who did so much for our State on education, health care, and other important issues. No one can say that Nevada—especially northern Nevada—would be better off had Bill Raggio's service been arbitrarily cut short. He could never have built the relationships or gained the institutional knowledge that helped him lead the Senate so well for so long. The North would never have known the clout it now has. And in the South, Oscar Goodman is an overwhelmingly popular mayor and always has been. Why should he have to step down if the people he represents don't want him to? For some, two years is too much. For others, 20 years is not long enough.

We do not need artificial term limits. After all, we already have natural ones. They are called elections. Anyone serving today should be able to serve at the will of the voters—the people of Nevada. I do not think anyone here believes our constituents lack the capacity or do not deserve the right to choose their own leaders. And if you do not believe they will exercise that right, just take a look at the United States Congress.

Remember what President Bush said in 2006? He said he got a *thumpin*? Or when the wheel of the majority turned again just this past November and President Obama said he got a *shellacking*? Both of these words were synonyms for remarkable, natural turnover. The voters take care of term limits for us.

One more word about learning from others' experiences, I served with Republican Gordon Smith in the United States Senate. Like all of us, he served in his state's legislature. When Gordon was the President of the Oregon State Senate, his number-one goal was to implement term limits. He succeeded but quickly came to regret it. He called it, in his own words, the biggest political mistake of his life. Oregon agreed; it no longer has term limits.

We should not turn away those who want to serve our State. We should not eliminate expertise that dedicated Nevadans have spent years earning. And in this part-time body charged with solving full-time problems, we should not forget that term limits leave behind a vacuum of institutional knowledge. The ones who fill that vacuum are unelected lobbyists, legislative staff, and other special interests. We should never get in the way of our own ability to move Nevada forward. It is up to you to protect our best leaders' contributions, not reject them. So I ask you to take this to the people and reverse our destructive term limits law.

Ours is a State of frontiersman and fighters. It is in our blood. That is why the story of America is the story of Nevada and of the West. In our country, *pioneer* is another word for *leader*, and *westward* means *forward.*

Lands that were once the frontier are now cities on the front lines of technology and industry. Where our towns were once dominated by homesteads, now they are dotted by energy efficient homes. The Old West has given way to the New West, and it is up to us to define what that means.

The question is whether we will direct our destiny or forfeit our future. I know our challenges are many, but our opportunity to prosper has not been this rich since my father's parents came here seeking gold and silver. The chance is ours, if we so choose.

The window in which we can seize this opportunity stands as open as the desert, but it may be as fleeting as the desert wind. The day to grow new jobs, attract new business, raise a strong generation, and breathe new life into our economy is today, if we take it.

Today is also the first President's birthday, George Washington. George Washington knew a thing or two about hardship and hard choices. At the height of the Revolution, long before we won our independence and Washington won his immortality, success was far from certain. When failure seemed the most likely fate, he wrote one of his generals the following: "We should never despair," Washington said. "Our situation before has been unpromising and has changed for the better—so I trust it will again." He reminded that general, a man by the name of Philip Schuyler, that new tests are merely an opening for new triumphs, and new problems a prompt for new ideas.

General Schuyler received Washington's letter and took it to heart. He did not despair—he believed. And once the colonies became a country, as the promise of a new nation lay before him, the general returned home to create change where it starts: He joined his state's legislature. You are going to create change, just like he did.

Thank you very much.

Senator Horsford moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Senator Reid to the bar of the Assembly.

Senator McGinness moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:31 a.m.

SENATE IN SESSION

At 11:41 a.m.

President Krolicki presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator McGinness:

Senate Bill No. 186—AN ACT relating to the recording of documents; revising provisions governing the recording of civil judgments; requiring the recording of letters testamentary and letters of administration; revising provisions governing the recording of letters of guardianship; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 187—AN ACT relating to parole; replacing the requirement for prisoners convicted of certain sexual offenses to be certified

by a panel before being released on parole with a process to evaluate such prisoners before their parole is granted or continued; authorizing the State Board of Parole Commissioners to request an evaluation of certain sex offenders; revising provisions relating to immunity from liability based upon certain actions of a panel; providing that certain meetings of a panel are subject to and exempt from the provisions of the Open Meeting Law; requiring the adoption of regulations; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Settelmeyer:

Senate Bill No. 188—AN ACT relating to correctional officers; authorizing correctional officers of the Department of Corrections to work a nontraditional workweek under certain circumstances; revising the calculation of overtime for such correctional officers to account for nontraditional workweeks; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Lee:

Senate Bill No. 189—AN ACT relating to real estate transactions; authorizing a party to a real estate transaction to terminate an agreement with a licensee under certain circumstances; requiring the Real Estate Division of the Department of Business and Industry to prepare certain forms and to distribute the forms to persons licensed pursuant to the provisions governing real estate brokers and salespersons; requiring a licensee who acts as an agent in a real estate transaction to provide certain forms to parties to a real estate transaction; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Denis:

Senate Bill No. 190—AN ACT relating to music therapy; providing for the licensure of music therapists by the State Board of Health; authorizing the Board to establish a voluntary Music Therapy Advisory Group; prohibiting a person from engaging in the practice of music therapy without a license; prescribing the requirements for the issuance and renewal of a license as a music therapist; establishing the grounds for disciplinary action against a music therapist; providing the disciplinary actions the Board may take against a music therapist; providing a penalty; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 87.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 124.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 58.

Bill read second time and ordered to third reading.

Senate Bill No. 132.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 19.

Bill read third time.

Remarks by Senators Horsford and Schneider.

Senator Schneider requested that the following remarks be entered in the Journal.

SENATOR HORSFORD:

Mr. President, I would like to ask the Chair of the committee if there is a due process, or an appeals process, for an applicant who feels that the Board makes a decision that is not in their interest on that measure?

SENATOR SCHNEIDER:

Mr. President, to the Majority Leader, yes, there is. The process is set up so that the applicant has ample time to respond. This is for applicants who do not respond to the Board.

Roll call on Senate Bill No. 19:

YEAS—21.

NAYS—None.

Senate Bill No. 19 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 131.

Bill read third time.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Senate Bill No. 131 authorizes the State Board of Health to require the Health Division to provide for the services of a laboratory to perform certain tests of infants. When contracting with a laboratory to provide those services, the Division must give first priority to the State Public

Health Laboratory, second priority to any other qualified laboratory in this State, and third priority to any qualified laboratory outside of this State. The measure also outlines the requirements for contracting with a laboratory in a lower category of priority.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 131:

YEAS—21.

NAYS—None.

Senate Bill No. 131 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to the following teachers, chaperones and students from the Mendive Elementary School: teachers: Stephanie Reddig, Pat Chaney and Marie Hooft; chaperones: Mary Anne Brown, Laura Cardenas, Terri Woodruff, Dennis Przybala, Julissa Strong, Monique Bandy, Meaghan Wood, Laura Alves and Vice Principal Laura Gingerich; students: Josh Alves, Krystal Anderson, Isaiah Bowden, Julianna Brown, Bryce Bryant, Crissey Cameron, Tymber Carroll, David Ferreira, McKayla Ford, Beau Franklin, Damaris Garcia, Marisa Hawthorne, Molly Higgins, Juliss Jacuinde, Jordan Jensen, Ashley Leighton, Carl Moller, Alex Moore, Olivia Nevarez-Salazar, Jared Paulding, Alyssa Sawyer, Nathan Schwartz, Alonso Segura Melendrez, Victor Serratos-Segura, Lain Sire, Gregg Symonds, Rachel Anne Uson, Emily Valle, Jake Vantress, Andrew Walter, Riley Watts, Kyle Wood, Meaghan Wood, Jewell Adamson, Tara Azevedo, Alyssa Bannister, Brenden Barry, Kianna Boc, Caleb Bottomley, Emily De La Cruz, Rachel Eves, Bowen Gamboa, Troy Gingerich, Max Hoyt, Jonathan Lawson, Elijah Lopez, Jake Marchant, Maricelly Martinez, Ali Miller, Austin Nagl, Vanessa Najarro, Erin Obrien, Adriana Ortega Dominguez, Ronny Arnold, Journey Artis, Chris Atienza, Matt Berrey, Ally Birchall, Alyssa Brown, Julian Cardenas, Tayton Clabaugh, Nathan Daylo, John Diaz, Gilbert Ferrer, Sonja Gentry, Jay Guerrero, Jamie Johnson, Tifanny Laguna, Christian Lin, Bri Loomis, Marcus Machuca, Wyatt Maeva, Kristian Maldonado, Malcom Malizia, Libby Mclean, Casey Merrill, Alex Mier, Brandon Miller, Jordyn Miller, Alyssa Palmer, Lexi Reel, Kailey Salter, Carla Sarabia-Barron, Maddy Topoian, Tatum Turner, Annette Woodruff, Alondra Perez, Emily Przybyla, Juan Rios Tavares, Nicole Robertson, Brady Sambrano, Marcel Soto, Cynthia Strong, Oscar Villegas, Kamille Williams, Shawn Pancho, Ben Peck, Quin Pferschy, Andrew Sehorn, Bryan Stacy, Nicky Stevens, Abby Taylor, Kyle Wallace and Cali Wanco.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to Emma Fulkerson.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Wendy Nelsen.

Senator Horsford moved that the Senate adjourn until Wednesday, February 23, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:55 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 23, 2011

Senate called to order at 11:19 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our loving Father. We have taken to heart Your eternal truths. It is more blessed to give than to receive. Dignity is to be found in work and honor to be found in service. Bless these men and women who have committed themselves to public service. Bless their efforts as they work to improve the quality of life for all Nevadans.

In Jesus' Name, I pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Select Committee on Economic Growth and Employment.

JOHN J. LEE, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ALLISON COPENING, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 22, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 15, 127.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Lee moved that Assembly Bill No.144 be re-referred to the Select Committee on Economic Growth and Employment.

Remarks by Senator Lee.

Motion carried.

By Senators Cegavske, Breeden, Brower, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Hammond, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury:

Senate Concurrent Resolution No. 3—Recognizing the month of February 2011 as a month to honor the contributions of Ronald Reagan.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America, earning the confidence of three-fifths of the electorate and achieving victory in 49 of the 50 states in the general election for his second term, a record unsurpassed in the history of American presidential elections; and

WHEREAS, In 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, During Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our Armed Forces contributed to the restoration of pride in America, and in her values and those cherished by the free world, and prepared America's Armed Forces to meet the challenges of the 21st century; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for countless numbers of people; and

WHEREAS, Throughout his years as President, Ronald Reagan displayed consistent optimism and the self-confidence that endeared him to millions, and even when personal danger touched him, as in the assassination attempt in 1981 that left him wounded, he was upbeat and reassuring; and

WHEREAS, The year 2011 marks the 100th anniversary of Ronald Reagan's birth and the 7th since his passing; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 76th Session of the Nevada Legislature do hereby declare February 2011 as a month to honor Ronald Reagan for his many contributions to our country; and be it further

RESOLVED, That the residents of the State of Nevada are urged to celebrate the centennial month of his birth and reflect on the life of this noble American who dedicated his life to the service of our great nation; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Nancy Reagan, Ronald Reagan's devoted and loving wife of 52 years.

Senator Cegavske moved the adoption of the resolution.

Remarks by Senator Cegavske.

Senator Cegavske requested that her remarks be entered in the Journal.

Mr. President and members of the Senate I rise to speak in favor of Senate Concurrent Resolution No. 3.

As the resolution notes, this year marks the 100th Anniversary of the birth of Ronald W. Reagan, the 40th President of the United States. Ronald Reagan was, in many ways, a typical American. He was born in a little apartment on the second floor of a commercial building in Tampico, Illinois. After he was elected President, he quipped that living upstairs in the White House was "just like living over the store again."

When he was nine, his family moved to the nearby town of Dixon. There he spent a happy childhood, playing on the Dixon High School football team, acting in the school plays, working as a lifeguard, and acquiring the popular nickname of "Dutch." After high school he attended Eureka College, a small liberal arts school where he excelled at sports, acting, and campus politics. Those early years in small town America nourished his sunny, optimistic disposition and his faith in the fundamental goodness of ordinary Americans, a faith that he carried with him to the presidency.

Ronald Reagan came to the presidency in 1980. It was a time much like the present, a time of economic turmoil and international unrest. He made the theme of his presidency "morning in America," and led our country to a successful conclusion of the Cold War, and the longest period of economic expansion in our nation's history.

To many of us, Ronald Regan is best remembered as the Great Communicator. We remember him as a powerful voice for freedom, patriotism, and self-reliance. Let me just share a few quotations that exemplify his keen insight and sharp and wit.

"A government bureau is the nearest thing to eternal life we will ever see on this earth."

"I do not believe in a government that protects us from ourselves. That is one of our sacred rights–to be stupid."

"Government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it."

"Politics is not a bad profession. If you succeed, there are many rewards; if you disgrace yourself, you can always write a book."

"I have left orders to be awakened at any time in case of national emergency, even if I am in a cabinet meeting."

Please join today in remembering a great President, a great commander, and a great American, Ronald W. Reagan.

Resolution adopted.

Senator Cegavske moved that all rules be suspended and that Senate Concurrent Resolution No. 3 be immediately transmitted to the Assembly.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Manendo (by request):

Senate Bill No. 191—AN ACT relating to pet crematories; repealing provisions which require a person who operates a crematory for pets to operate the crematory on the property of a cemetery for pets; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senators Horsford, Kihuen; Assemblymen Oceguera and Smith:

Senate Bill No. 192—AN ACT relating to governmental financial administration; requiring the submission of annual reports by certain governmental entities relating to the persons awarded contracts for the design or construction of public works and the compilation of such reports by the Commission on Economic Development; requiring certain local governments

to expend a sufficient amount to maintain their buildings in a serviceable condition on a continuing basis; requiring the distribution of a portion of the taxes ad valorem levied in certain counties to the regional transportation commissions in those counties and authorizing the distribution to be pledged for bonds and other securities issued for payment of the cost of regional transportation projects; declaring the policy of the State to use private sector services on public works; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Select Committee on Economic Growth and Employment.

Motion carried.

Assembly Bill No. 15.

Senator Wiener moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 127.

Senator Wiener moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 58.

Bill read third time.

Remarks by Senators Cegavske and Schneider.

Senator Schneider requested that the following remarks be entered in the Journal.

SENATOR CEGAVSKE:

Thank you, Mr. President. The fiscal note to the State shows "zero" impact. My real concern is did anyone testify about the cost to the employer?

SENATOR SCHNEIDER:

We asked about the fiscal note. They said there was no fiscal note to the State and there were no fiscal notes to the employers. This is what would be standard operating procedure in the healthcare business.

Roll call on Senate Bill No. 58:

YEAS—21.

NAYS—None.

Senate Bill No. 58 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 132.

Bill read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Senate Bill No. 412 from the 2007 74th Legislative Session authorized, for a period of four years ending on January 1, 2012, licensure of osteopathic physicians by endorsement. The intention was to see how the licensure by endorsement program worked during that four-year period, with the understanding that if it proved successful, the Legislature would consider making the program permanent. By repealing the prospective expiration date, this bill makes the licensure by endorsement program permanent.

Roll call on Senate Bill No. 132:
YEAS—21.
NAYS—None.

Senate Bill No. 132 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Stephanie Tang and Dr. Mitchell Forman.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Ty Cobb Sr. and Suellen Cobb.

On request of Senator Copening, the privilege of the Floor of the Senate Chamber for this day was extended to Jasmine Jia and Lindsay Smith.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Andrew Eisen and Arturo Hernandez.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Sonya Horsford.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Stephen Zaszkowiak and Anthony Marlon.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to the following students from the Faith Christian Academy: Kaitlyn Christensen, Cady Contreras, Madelynn Hall, Wyatt Hicks, Hogan Hunter, J.P. Kelly, Audrey Pierce, Amanda Rogers, Garret Ross and Weston Stulac.

Senator Horsford moved that the Senate adjourn until Thursday, February 24, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:54 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 24, 2011

Senate called to order at 11:10 a.m.

Senator Parks, Chair of the Standing Committee on Legislative Operations and Elections, presiding.

Roll called.

All present except Senator Schneider, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our loving, Heavenly Father, You are the very definition of love. As beloved children, we desire to be more like You, more loving, more forbearing, more forgiving, promoting the best interests of others before our own. During these trying times, help us always to think before we speak and to speak the truth in love.

AMEN.

Pledge of Allegiance to the Flag.

Senator Wiener moved that further reading of the Journal be dispensed with, and the Chair of the Standing Committee on Legislative Operations and Elections and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 23, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 3; Assembly Concurrent Resolution No. 4.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 4.

Senator Wiener moved that the resolution be referred to the Select Committee on Economic Growth and Employment.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Hardy; Assemblymen Hardy and Stewart:

Senate Bill No. 193—AN ACT relating to cosmetology; revising provisions relating to the regulation of sanitary conditions; revising provisions relating to the licensure of various cosmetology professionals and cosmetological establishments; repealing a provision relating to the provision of a surety bond by a school of cosmetology; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Hardy; Assemblymen Hardy and Stewart:

Senate Bill No. 194—AN ACT relating to civil practice; urging the Nevada Supreme Court to amend the Nevada Rules of Civil Procedure to require an attorney in certain class actions to provide a disclosure under certain circumstances; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Halseth, Gustavson, Kieckhefer, Kihuen, McGinness, Roberson; Assemblymen Brooks, Ellison, Goedhart, Hambrick and Kirner:

Senate Bill No. 195—AN ACT relating to common-interest communities; establishing limits on the amount which may be charged to a unit's owner to cover the costs of collecting a past due financial obligation; and providing other matters properly relating thereto.

Senator Halseth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Senate Bill No. 196—AN ACT relating to education; removing the restriction on the number of empowerment schools that may be established statewide; providing that an empowerment school is not required to revert certain grants of money made by the Legislature; removing the prospective expiration of the Program of Empowerment Schools; requiring a plan for each public school of a school district to convert to an empowerment school; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Senate Bill No. 197—AN ACT relating to education; creating the Nevada Commission on K-12 Public Education and prescribing the membership, duties and powers of the Commission; repealing the State Board of Education and providing for the election and appointment of Commissioners of the Nevada Commission on K-12 Public Education; revising the qualifications and duties of the Superintendent of Public Instruction; revising the components of the statewide plan to improve the academic achievement of pupils; repealing the Commission on Educational Excellence, the Commission on Educational Technology and the Council to Establish Academic Standards for Public Schools and transferring certain duties of those Commissions and the Council; revising the membership and duties of the Commission on Professional Standards in Education; repealing the Statewide Council for the Coordination of the Regional Training Programs and transferring certain duties of the Council to the Superintendent of Public

Instruction; revising provisions governing the budgets of the regional training programs for the professional development of teachers and administrators; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By Senator Roberson:

Senate Bill No. 198—AN ACT relating to financial institutions; removing provisions requiring a bank annually to charge off a certain percentage of the value of real property held by the bank and acquired as a result of a debt owed to the bank; revising provisions governing the review of certain applications for licensure by the Commissioner; revising provisions relating to the control of a retail trust company; revising provisions governing the assets which certain trust companies are required to maintain; revising provisions governing applications for a license to operate a retail trust company; authorizing certain persons to appeal certain decisions of the Commissioner; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 94.

Bill read second time and ordered to third reading.

Senate Bill No. 149.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to William Engel.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Paul Dudzinski.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Bryce Clutts, Charlie Stewart and Dennis Milk.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Nathaniel Larson and the following students and chaperones from the Nevada Virtual Academy: Brin Hill, Evan McCormick, Sam McCormick, Crystal Martinez, Jonathan Martinez, Sarah Miles, Kevin Miles, Caleb White, Justin Wood, Mallory Wakefield, Mary Elizabeth Reed, Emily Rebecca Reed, Anna Engel, Jessica Lyles, A.J. Danna, Laton Jones, Jaidyn Jones, Gina Balke, Paola Balke, Kevyn Moseley, Emily Bonilla, Catalina Salvatore, Mia Salvatore, Arousa Ahmed, Hania

Ahmed, Brad McCoy and Brinny Borders; chaperones: Lori Conforti, Kathleen Hill, Amy McCormick, Rosa Martinez, Jaime Martinez, Rebecca Miles, Sandra Zbella, Kathleen White, Ben Wood, Lori Wakefield, Laura Engel, Leslie Lyles, Theresa Danna, Constanze Falkenthal-Balke, Donna Anderson, Laura Balke, Leisa Moseley, Rosemary Salvatore, Nicholas Salvatore, Hina Ahmed, Akbar Ahmed and P.J. McCoy.

Senator Horsford moved that the Senate adjourn until Monday, February 28, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:30 a.m.

Approved: DAVID R. PARKS
Chair of the Standing Committee on Legislative Operations and Elections

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 28, 2011

Senate called to order at 11:04 a.m.

President Pro Tempore Schneider presiding.

Roll called.

All present except Senators Breeden, Cegavske, Denis, Horsford, Parks and Roberson, who were excused.

Prayer by the Chaplain, Doug Stewart.

God, open our hearts to peace and healing between all people. God, open our hearts to provide and protect for all children of the earth. God, open our hearts to respect for the earth, and all the gifts of the earth. God, open our hearts to end exclusion, violence and fear among all.

May Nevada use her blessings wisely and well. May our strength be always on the side of justice. May our leaders be strong enough to seek peace. May the great, strong hearts of our people be open. May our labors be of benefit to Nevada and the world. May our government act with soundness of judgment.

Bless Nevada this day and every day, with peace. We, each of us, are the guardians of Nevada's fate. We, the people, are the greatest strength of Nevada.

I bless Nevada this day and celebrate freedom.

In Your Name, dear God, we pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Wiener moved that further reading of the Journal be dispensed with, and the President Pro Tempore and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Select Committee on Economic Growth and Employment, to which was referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RUBEN J. KIHUEN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 24, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 40.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Settelmeyer, Hardy, Gustavson, Halseth, Roberson and Assemblyman Stewart:

Senate Bill No. 199—AN ACT relating to taxation; providing a deduction from the payroll tax for wages paid to newly hired employees under certain circumstances; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Senator Schneider:

Senate Bill No. 200—AN ACT relating to time shares; restricting the disclosure of certain information about owners of time shares; requiring certain mailings to owners of time shares upon request by an owner; allowing a notice of sale on the foreclosure of a time share to be given by posting on an Internet website under certain circumstances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Parks, Leslie, Breeden, Copening, Denis, Horsford, Kihuen, Manendo; Assemblymen Munford, Anderson, Atkinson, Bobzien, Carlton, Carrillo and Hogan:

Senate Bill No. 201—AN ACT relating to correctional institutions; establishing an Ombudsman for Offenders to receive and process complaints by offenders and certain other persons; establishing the powers and duties of the Ombudsman; requiring the Ombudsman to adopt regulations relating to the processing of such complaints; requiring the Ombudsman to make certain reports to the Department of Corrections, the Legislature and the Advisory Commission on the Administration of Justice; requiring the Director of the Department to adopt regulations which comply with certain standards; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Lee:

Senate Bill No. 202—AN ACT relating to the sale of contact lenses; requiring the governing body of a local government to solicit comments from the health authority before adopting a rule that affects businesses which sell contact lenses; allowing the sale of certain nonprescription contact lenses in certain circumstances; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Leslie:

Senate Bill No. 203—AN ACT relating to controlled substances; requiring the State Board of Pharmacy to classify certain precursors to methamphetamine as controlled substances which must not be dispensed

without a prescription; providing penalties; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Copening:

Senate Bill No. 204—AN ACT relating to common-interest communities; enacting certain amendments to the Uniform Common-Interest Ownership Act; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 40.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bills Nos. 94, 149, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President Pro Tempore and Secretary signed Senate Concurrent Resolution No. 3.

Senator Wiener moved that the Senate adjourn until Tuesday, March 1, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:14 a.m.

Approved:

MICHAEL A. SCHNEIDER
President Pro Tempore of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), March 1, 2011

Senate called to order at 11:14 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Doug Stewart.

Loving Heavenly Father,

We come to You this hour asking for your blessing and help as we are gathered together. We pray for guidance in the matters at hand and ask that You would clearly show us how to conduct our work with a spirit of joy and enthusiasm.

Give us the desire to find ways to excel in our work. Help us to work together and encourage each other to excellence. We ask that we would challenge each other to reach higher and farther to be the best we can be.

To end this prayer, this is a statement from an eighth grade student at St. Teresa's School. Thank you, good and gracious God, for all the blessings you have bestowed upon us. Protect us from anything that is hurtful as we walk the path of our faith.

We thank You for the nurturing environment that You have provided for us. Guide us as we teach others the goodness of God and help us live our lives as children of God.

Help us to make good choices as we continue our path to success. Lead us to be the best that we can be as we grow in body, mind and faith.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Leslie, Hardy; Assemblymen Mastroluca, Carlton and Bobzien:

Senate Bill No. 205—AN ACT relating to nursing; requiring national certification for a registered nurse to receive a certificate of recognition as an advanced practitioner of nursing; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Leslie:

Senate Bill No. 206—AN ACT relating to the Legislature; requiring legislative lobbyists to file reports concerning lobbying activities at the end of each calendar quarter in which the Legislature is not in session in addition to filing monthly reports during session; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 207—AN ACT relating to employment; authorizing the imposition of an administrative penalty against an employer who misclassifies an employee as an independent contractor; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 208—AN ACT relating to employee misclassification; requiring certain state agencies to share information relating to suspected employee misclassification under certain circumstances; creating the Task Force on Employee Misclassification; providing its duties; making various other changes relating to employee misclassification; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 209—AN ACT relating to public health; requiring certain reports relating to sentinel events to be made available to the public; revising provisions relating to the use and release of certain information submitted to the Internet-based surveillance system established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 210—AN ACT relating to food establishments; requiring a food establishment or food processing establishment that manufactures or processes food to comply with nationally recognized guidelines for the manufacturing and processing of food that are adopted by the State Board of Health or a local board of health by regulation; providing for the testing of such manufactured or processed food by an independent laboratory; providing a penalty; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Senate Bill No. 211—AN ACT relating to education; requiring the Legislative Committee on Education to conduct a study concerning the implementation of the Common Core State Standards in the public schools in this State; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Senate Bill No. 212—AN ACT relating to education; revising provisions relating to sponsorship of charter schools; creating the State Board of Charter Schools; prescribing the membership, duties and powers of the State Board of Charter Schools; repealing the Subcommittee on Charter Schools of the State Board of Education; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Education.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Lee moved that Senate Bill No. 192 be taken from the Second Reading File and placed on the Secretary's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 94.

Bill read third time.

The following amendment was proposed by Senator McGinness:

Amendment No. 13.

"SUMMARY—Provides for the realignment of certain judicial districts. (BDR 1-758)"

"AN ACT relating to district courts; providing for the realignment of certain judicial districts; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for this State to be divided into nine judicial districts. (Nev. Const. Art. 6, § 5; NRS 3.010) The *Nevada Constitution* authorizes the Legislature, under certain circumstances, to: (1) alter the boundaries or divisions of those judicial districts; (2) increase or diminish the number of those judicial districts; and (3) increase or diminish the number of judges in those judicial districts. (Nev. Const. Art. 6, § 5) **Section 2** of this bill increases the number of judicial districts in this State from 9 to 10 judicial districts. **Section 2** also removes Churchill County from the Third Judicial District and provides that Churchill County constitutes the Tenth Judicial District. (NRS 3.010) **Sections 1 and 3** of this bill decrease

the number of district judges in the Third Judicial District from three to two and provide that the Tenth Judicial District will have one district judge. (NRS 3.013)

~~[This]~~ **Section 4 of this** bill **: (1) clarifies that this bill** does not affect the current term of any district judge who is serving in that office on January 1, 2012 ~~[.]~~ **; and (2) provides that on January 1, 2012, the district judge who was serving in Department 1 of the Third Judicial District becomes the one district judge for the Tenth Judicial District and the district judges who were serving in Departments 2 and 3 of the Third Judicial District continue serving as the two district judges for the Third Judicial District.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

For the Tenth Judicial District there must be one district judge.

Sec. 2. NRS 3.010 is hereby amended to read as follows:

3.010 The State is hereby divided into ~~[nine]~~ ***10*** judicial districts, as follows:

First Judicial District. Carson City and the County of Storey constitute the First Judicial District.

Second Judicial District. The County of Washoe constitutes the Second Judicial District.

Third Judicial District. The ~~[Counties]~~ ***County*** of ~~[Churchill and]~~ Lyon ~~[constitute]~~ ***constitutes*** the Third Judicial District.

Fourth Judicial District. The County of Elko constitutes the Fourth Judicial District.

Fifth Judicial District. The Counties of Mineral, Esmeralda and Nye constitute the Fifth Judicial District.

Sixth Judicial District. The Counties of Lander, Pershing and Humboldt constitute the Sixth Judicial District.

Seventh Judicial District. The Counties of Eureka, White Pine and Lincoln constitute the Seventh Judicial District.

Eighth Judicial District. The County of Clark constitutes the Eighth Judicial District.

Ninth Judicial District. The County of Douglas constitutes the Ninth Judicial District.

Tenth Judicial District. The County of Churchill constitutes the Tenth Judicial District.

Sec. 3. NRS 3.013 is hereby amended to read as follows:

3.013 For the Third Judicial District there must be ~~[three]~~ ***two*** district judges.

Sec. 4. **1.** The amendatory provisions of this act do not abrogate or affect the current term of office of any district judge who is serving in that office on January 1, 2012.

2. On January 1, 2012:

(a) The district judge who was serving in Department 1 of the Third Judicial District before January 1, 2012, becomes the one district judge for the Tenth Judicial District; and

(b) The district judges who were serving in Departments 2 and 3 of the Third Judicial District before January 1, 2012, continue serving as the two district judges for the Third Judicial District.

Sec. 5. This act becomes effective on January 1, 2012.

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Senator McGinness requested that his remarks be entered in the Journal.

Senate Bill No. 94 creates a new judicial district by dividing up the Third Judicial District. The amendment clarifies which judge goes where upon realignment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 149.

Bill read third time.

Remarks by Senator Cegavske.

Senator Cegavske requested that her remarks be entered in the Journal.

I would like to thank you all, especially the Chair of the Committee. I wanted to let all of you know that I received e-mails from the parents of those who came to testify, both from the North and the South. They wanted to thank the Committee for their kindness and for their genuine sincerity by listening to their children testify in favor of this bill. I wanted to share this with you and to thank you very much.

Roll call on Senate Bill No. 149:

YEAS—21.

NAYS—None.

Senate Bill No. 149 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Dan Woodward and Lucy Woodward.

Senator Horsford moved that the Senate adjourn until Wednesday, March 2, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:29 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), March 2, 2011

Senate called to order at 11:06 a.m.

President Krolicki presiding.

Roll called.

All present except Senator Breeden, who was excused.

Prayer by the Chaplain, Doug Stewart.

God grant me the serenity to accept the things I cannot change; courage to change the things I can; and wisdom to know the difference. Living one day at a time; Enjoying one moment at a time; accepting hardships as the pathway to peace.

Taking, as He did, this sinful world as it is, not as I would have it; trusting that He will make all things right if I surrender to His will. Help me to know myself and my abilities as I think about my life's work.

God help me to see the many paths I can follow in response to Your love for me. That I may be reasonably happy in this life and supremely happy with You, and finally, give me the strength to do a good job whatever path I choose.

In Your name, we pray,

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 7, 92, 109, 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN J. LEE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 1, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 3.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 3.

Senator Wiener moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Schneider:

Senate Bill No. 213—AN ACT relating to employee leasing companies; revising the requirements for the issuance or renewal of a certificate of

registration to operate an employee leasing company in this State; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Hardy, McGinness, Rhoads; Assemblymen Stewart and Hardy:

Senate Bill No. 214—AN ACT relating to transportation; requiring the Department of Transportation to establish a demonstration project for a toll road in connection with the Boulder City Bypass Project and to enter into one or more public-private partnerships to design, construct, develop, finance, operate or maintain the demonstration project; providing for the establishment of tolls, administrative fines and penalties; requiring the Department of Motor Vehicles to place a hold on the renewal of the registration of a motor vehicle of a registered owner who fails to pay a required toll for the use of the demonstration project and to otherwise assist in the collection of such tolls, fines and penalties; authorizing the Department of Motor Vehicles to establish certain administrative fees; authorizing the issuance of revenue bonds or notes of the State; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Hardy; Assemblymen Hammond and Stewart:

Senate Bill No. 215—AN ACT relating to chiropractors' assistants; requiring the completion of certain continuing education requirements for the renewal of a certificate as a chiropractor's assistant; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Education:

Senate Bill No. 216—AN ACT relating to education; establishing a Reading Skills Development Center at the University of Nevada, Reno, and at the University of Nevada, Las Vegas; setting forth the duties of the Centers; making an appropriation for the use of each Center; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Education.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 94.

Bill read third time.

Roll call on Senate Bill No. 94:
YEAS—20.
NAYS—None.
EXCUSED—Breeden.

Senate Bill No. 94 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Emily Weaver.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to the following students from the Silver State Charter High School: Kelly Brandon, Crystal Thompson, Dominique Vietti, Lain Webb, Dennis Darter, Shayla Kahn and Blaine Spires.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Jack Prien and Fred Scruggs.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Douglas County Commissioner Lee Bonner and the following students from the Yerington High School: Maria Coba, Sonia Covian, Jessica Gonzalez, Daniela Hernandez, Ana Sanchez, Leslie Zarazua, Imelda Hernandez, Ann Martinez, Jessica Torres, Leonor Castillo, Maritza Hernandez, Patty Guerrero, Emily Ogle, Abby Ogle, Anna Meza, Toni Trout, Viviana Hernandez, Maribel Roman, Ines Fausto, Diana Arias and Lizzy Roman.

Senator Horsford moved that the Senate adjourn until Thursday, March 3, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:27 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), March 3, 2011

Senate called to order at 11:06 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Doug Stewart.

God, open our hearts to peace and healing between all people. God, open our hearts to provide and protect for all children of the earth. God, open our hearts to respect for the earth, and all the gifts of the earth. God, open our hearts to end exclusion, violence and fear among all.

May Nevada use her blessings wisely and well. May our strength be always on the side of justice. May our leaders be strong enough to seek peace. May the great, strong hearts of our people be open. May our labors be of benefit to Nevada and the world. May our government act with soundness of judgment.

Bless Nevada this day and every day, with peace. We, each of us, are the guardians of Nevada's fate. We, the people, are the greatest strength of Nevada.

I bless Nevada this day and celebrate freedom.

In Your name, dear God, we pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Wiener moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:09 a.m.

SENATE IN SESSION

At 11:26 a.m.

President Krolicki presiding.

Quorum present.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:30 a.m.

SENATE IN SESSION

At 11:40 a.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Gustavson, Halseth, McGinness, Settelmeyer; Assemblymen Goedhart, Goicoechea, Hammond, Hardy, McArthur, Sherwood and Stewart:

Senate Joint Resolution No. 7—Proposing to amend the *Nevada Constitution* to limit the total amount of property taxes that may be levied on real property.

Legislative Counsel's Digest:

This amendment to the *Nevada Constitution* limits the amount of property taxes which may be cumulatively levied per year on real property to 1 percent of the base value of the property. Additionally, this amendment provides that: (1) if one-half or more of the ownership interest in certain real property is transferred, the base value of the property becomes the cash value of the property on the date the ownership interest is transferred; (2) an improvement to real property increases the base value of the property by the cash value of the improvement, unless the improvement replaces certain improvements which were destroyed, protects the safety of the occupants or improves accessibility to persons with disabilities; (3) the base value of real property cannot increase from year to year by more than 2 percent, except as otherwise provided in this amendment; (4) an owner domiciled in Nevada who has attained the age of 62 years may transfer the base value of his or her principal residence to a new residence of comparable value; and (5) an owner whose real property is taken by the exercise of eminent domain may transfer the base value of the condemned property to a new property of comparable value.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 7, be added to Article 10 of the *Nevada Constitution* to read as follows:

Sec. 7. 1. The maximum amount of tax ad valorem that may be cumulatively levied per year on real property is 1 percent of the base value of the property. This limit does not apply to taxes ad valorem levied to pay the interest and principal of any bonded indebtedness incurred before the effective date of this section or approved thereafter by two-thirds of the votes cast by the voters voting on the question in the taxing district to which it applies.

2. Except as otherwise provided in subsections 3 to 6, inclusive, the base value of real property is the property's taxable value from which the assessed value for the Fiscal Year 2009-2010 was calculated.

3. Except as otherwise provided in this subsection and subsection 6, if one-half or more of an ownership interest in real property is transferred, the base value of the property becomes the cash value of the property as of the date of transfer of the ownership interest. The provisions of this subsection do not apply if the transfer of ownership interest is to the spouse, child or grandchild of the transferor, or if the transfer of ownership interest is to or from a separate legal entity of which the transferor is the beneficial owner.

4. Except as otherwise provided in subsection 6:

(a) If existing improvements to real property are materially enhanced or new improvements are constructed, except if constructed to replace existing improvements destroyed by natural disaster or other casualty, the base value of the property must be increased by the cash value of the enhancement or improvement, respectively.

(b) If real property is converted to another use, the base value of the property must be redetermined after the conversion by appraisal at its cash value in accordance with *the new use of the property.*

5. Except as otherwise provided in subsections 3, 4 and 6, the base value of real property must not be increased from year to year by any amount greater than the lesser of the increase caused by inflation, if any, or 2 percent. The base value of real property must be decreased from year to year by the decrease caused by disinflation, if any, or to reflect substantial damage, destruction or other causes of a decline in value, including, without limitation, economic or market conditions. For the purposes of this subsection, inflation and disinflation must be measured by the Consumer Price Index for All Urban Consumers compiled by the United States Bureau of Labor Statistics for the preceding calendar year. If the Index specified in this subsection ceases to be compiled, the Legislature shall provide by law for another appropriate method of measuring inflation and disinflation.

6. Notwithstanding any provision of this section to the contrary:

(a) An owner domiciled in this State who has attained the age of 62 years may replace his or her principal residence with another of comparable value and transfer to the new residence the base value of the old residence for the purpose of limiting the ad valorem tax on the new residence. If the cash value of the new residence exceeds the cash value of the old residence by more than 10 percent, the base value of the new residence must equal the base value of the old residence plus the amount by which the cash value of the new residence exceeds the cash value of the old residence.

(b) An improvement may be constructed or materially enhanced without changing the base value of real property if the construction or enhancement is necessary to protect the safety of the occupants or improve accessibility to persons with disabilities.

(c) An owner whose real property is taken by the exercise of eminent domain may replace the condemned property with property of comparable value and transfer to the new property the base value of the condemned property for the purpose of limiting the ad valorem tax on the property. If the cash value of the new property exceeds the cash value of the condemned property by more than 10 percent, the base value of the new property must equal the base value of the condemned property plus the amount by which the cash value of the new property exceeds the cash value of the condemned property.

7. The Legislature shall provide by law for:

(a) A uniform and just valuation of the base value of real property; and

(b) Any other measure necessary to implement this section.

8. If any provision of this section or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions or application of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

9. As used in this section:

(a) "Cash value" means the most probable price which property would bring in a competitive and open market under all conditions requisite to a fair sale.

(b) "Comparable value" means either a lower cash value or up to 10 percent more in cash value.

(c) "Condemned property" means property taken by the exercise of eminent domain.

And be it further

RESOLVED, That Section 1 of Article 10 of the *Nevada Constitution* be amended to read as follows:

Section 1. 1. ~~[The]~~ ***Except as otherwise provided in Section 7 of this Article, the*** legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation

of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in section 5 of this article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the state.

10. The legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

Senator Gustavson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senator Wiener moved that Senate Bill No. 192 be taken from the Secretary's desk and placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Roberson (by request):

Senate Bill No. 217—AN ACT relating to criminal defendants; requiring the publication by pretrial release agencies of certain information relating to

certain criminal defendants who are released from custody before trial; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 218—AN ACT relating to gaming; authorizing the Nevada Gaming Commission to provide by regulation for the operation of hosting centers and service providers; revising provisions relating to the transfer of certain ownership interests in a gaming operation; revising provisions relating to the licensing of persons who hold an ownership interest in certain business entities which hold a gaming license; authorizing the State Gaming Control Board to take certain actions regarding its operations without the approval of the Commission; making various other changes relating to the regulation of gaming; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Horsford, Kihuen; Assemblywomen Kirkpatrick and Smith:

Senate Bill No. 219—AN ACT relating to economic development; requiring certain organizations that receive grants of money for economic development to perform assessments of employed workers to determine the available workforce; providing for the Department of Employment, Training and Rehabilitation and its Workforce Investment Act partners to implement skills assessments of unemployment applicants and report results; making appropriations to the College of Southern Nevada and the Truckee Meadows Community College for performing skills assessments for unemployed persons; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Select Committee on Economic Growth and Employment.

Motion carried.

By Senators Kieckhefer, Cegavske, McGinness, Schneider, Horsford, Breeden, Brower, Copening, Denis, Gustavson, Halseth, Hardy, Kihuen, Lee, Leslie, Manendo, Parks, Rhoads, Roberson, Settelmeyer, Wiener; Assemblymen Oceguera, Smith, Conklin, Grady, Goicoechea, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Ohrenschall, Pierce, Segerblom, Sherwood, Stewart and Woodbury:

Senate Bill No. 220—AN ACT relating to education; establishing the Kenny C. Guinn Memorial Millennium Scholarship; providing for the

establishment of criteria for the annual selection of a recipient of the Scholarship; requiring the Board of Trustees of the College Savings Plans of Nevada to review applications for and select the recipient of the Scholarship; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 7.

Bill read second time and ordered to third reading.

Senate Bill No. 92.

Bill read second time and ordered to third reading.

Senate Bill No. 109.

Bill read second time and ordered to third reading.

Senate Bill No. 134.

Bill read second time and ordered to third reading.

Senate Bill No. 192.

Bill read second time.

The following amendment was proposed by Senators Horsford and Lee:

Amendment No. 23.

"SUMMARY—Makes various changes relating to job creation within the Nevada construction industry. (BDR 18-935)"

"AN ACT relating to governmental financial administration; requiring the submission of annual reports by certain governmental entities relating to the persons awarded contracts for the design or construction of public works and the compilation of such reports by the Commission on Economic Development; requiring **the capital improvement plan of a local government to include certain information regarding expenditures to maintain, renovate and replace capital assets; authorizing** certain local governments to expend ~~[a sufficient amount to maintain their buildings in a serviceable condition on a continuing basis;]~~ **certain taxes ad valorem to maintain, renovate and replace governmental buildings;** requiring the distribution of a portion of the taxes ad valorem levied in certain counties to the regional transportation commissions in those counties and authorizing the distribution to be pledged for bonds and other securities issued for payment of the cost of regional transportation projects; declaring the policy of the State to use private sector services on public works; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Local governments are required under existing law to submit an annual fiscal report to the Department of Taxation. (NRS 354.6015) **Section 6** of this bill requires a local government to include in that annual report the

percentage of contracts for the design and construction of public works that were awarded during the reporting period to contractors and design professionals in this State. **Sections 14 and 16** of this bill impose identical reporting requirements on the State Public Works Board and the Department of Transportation with respect to contracts for public works of the State. **Section 2** of this bill requires the Commission on Economic Development to compile those reports and transmit the compilation to the Legislature, or the Interim Finance Committee, if the Legislature is not in regular session.

Under existing law, a local government is required to prepare annually a 6-year capital improvement plan. (NRS 354.5945) Section 4.5 of this bill requires such a plan to include a separate listing of expenditures to maintain, renovate and replace capital assets, and a comparison of those expenditures to the amount of depreciation of those assets.

Existing law authorizes a county to levy a tax ad valorem for capital projects in the amount of 5 cents per $100 of the assessed valuation of the county and, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), requires the distribution of a portion of the proceeds of the tax among the county and the cities and towns within the county. (NRS 354.59815) ~~[Section 3 of this bill requires each of those local governments that receives such a distribution to include in its annual budget a sum for projects to maintain, renovate and replace its buildings in an amount which meets or exceeds the amount of depreciation of those buildings, and to demonstrate that those projects will maintain the buildings in a serviceable condition on a continuing basis.]~~ **Section 5** of this bill ~~[authorize]~~ **authorizes each of** those local governments **that receives such a distribution** to expend those tax receipts for ~~[those projects.]~~ **projects to maintain, renovate and replace its buildings.**

Section 7 of this bill requires the distribution to the regional transportation commission created in each county whose population is 100,000 or more (currently Clark and Washoe Counties) of the portion of the property taxes levied for operating purposes by that county at the rate of 2 cents per $100 of assessed valuation. **Section 15** of this bill authorizes this distribution to be used as pledged revenue for bonds and other securities issued by the county to pay the cost of regional transportation projects in the county.

Under existing law, if the estimated cost of a public work is $100,000 or less, the State or a local government is authorized to award the contract to a contractor or perform the work with its own employees if certain requirements are met. (NRS 338.1386, 338.1442) Similarly, under existing law, if the estimated cost of a public work is less than $35,000, the State or a political subdivision is authorized to prepare the maps, plans, specifications, reports and estimates for the public work itself. (NRS 625.530) The Department of Transportation is also authorized under existing law to perform limited work and improvements itself. (NRS 408.323) **Sections 8, 11, 17 and 18** of this bill add a legislative declaration to those provisions in

existing law, stating that, whenever possible, it is in the best interest of the State for those services on public works to be performed by the private sector.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares:

1. That infrastructure development is a critical component of this State's long-term economic development strategy.

2. It is paramount that the Nevada Legislature address the State's high unemployment rate through job creation that improves the State's infrastructure for purposes of economic development.

3. This measure is intended to facilitate the development of an integrated approach to Nevada's economic development strategy.

Sec. 2. Chapter 231 of NRS is hereby amended by adding thereto a section to read as follows:

On or before March 1 of each year, the Commission on Economic Development shall compile the reports relating to the persons awarded contracts for the design or construction of public works required pursuant to sections 6, 14 and 16 of this act and transmit the compilation to the Legislature, or the Interim Finance Committee, if the Legislature is not in regular session.

Sec. 3. ~~[Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The governing body of each county, city or town that will receive a distribution of tax revenue pursuant to paragraph (b) of subsection 2 of NRS 354.59815 for any fiscal year beginning on or after July 1, 2011, shall include:*~~

~~*(a) In the report concerning the capital improvements of that local government required for that fiscal year by NRS 354.5947, a schedule of depreciation for the buildings owned by that local government; and*~~

~~*(b) In the annual budget of that local government for that fiscal year:*~~

~~*(1) A sum for expenditure on projects for the maintenance, renovation and replacement of the buildings owned by that local government in an amount which is not less than the amount of the depreciation of those buildings for that fiscal year, as determined in accordance with the schedule of depreciation required by paragraph (a);*~~

~~*(2) A detailed list of the projects that the local government proposes for such expenditure for that fiscal year and for the next ensuing 5 fiscal years; and*~~

~~*(3) An analysis which demonstrates that the listed projects are substantially sufficient to maintain the buildings owned by that local government in a serviceable condition on a continuing basis.*~~

~~*2. To carry out the provisions of subsection 1 and the projects described therein, a local government to which those provisions apply may expend, without limitation, any tax revenue distributed to the local government*~~

~~*pursuant to paragraph (b) of subsection 2 of NRS 354.59815.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 354.470 is hereby amended to read as follows:~~

~~354.470 NRS 354.470 to 354.626, inclusive, *and section 3 of this act* may be cited as the Local Government Budget and Finance Act.]~~ **(Deleted by amendment.)**

Sec. 4.5. **NRS 354.5945 is hereby amended to read as follows:**

354.5945 1. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** each local government shall annually prepare, on a form prescribed by the Department of Taxation for use by local governments, a capital improvement plan for the fiscal year ending on June 30 of that year and the ensuing 5 fiscal years.

2. On or before August 1 of each year, each local government shall submit a copy of the capital improvement plan of the local government to the:

(a) Department of Taxation;

(b) Debt management commission of the county in which the local government is located; and

(c) Director of the Legislative Counsel Bureau.

3. Each local government shall file a copy of the capital improvement plan of the local government for public record and inspection by the public in the offices of:

(a) The clerk or secretary of the governing body; and

(b) The county clerk.

4. The total amount of the expenditures contained in the capital improvement plan of the local government for the next ensuing fiscal year must equal the total amount of expenditures for capital outlay set forth in the final budget of the local government for each fund listed in that budget.

5. The capital improvement plan must include the estimated or actual revenues and expenditures for each capital project and the estimated or actual date for completion of each capital project.

6. The capital improvement plan must reconcile the capital outlay in each fund in the final budget for the first year of the capital improvement plan to the final budget in the next ensuing fiscal year. The reconciliation must identify the minimum level of expenditure for items classified as capital assets in the final budget and the minimum level of expenditure for items classified as capital projects in the capital improvement plan. The reconciliation of capital outlay items in the capital improvement plan must be presented on forms created and distributed by the Department of Taxation.

7. ***The capital improvement plan must include:***

(a) A separate listing of estimated or actual expenditures for each year for capital projects to maintain, renovate and replace the capital assets of the local government; and

(b) A comparison of the total amount of those expenditures for each year with the total amount of depreciation of the capital assets of the local

government for that year, as determined in accordance with the schedules of depreciation used by the local government in the preparation of its audited financial statements.

8. Local governments that are exempt from the requirements of the Local Government Budget and Finance Act pursuant to subsection 1 of NRS 354.475 are not required to file a capital improvement plan.

Sec. 5. NRS 354.598155 is hereby amended to read as follows:

354.598155 1. Each local government that receives a portion of the revenue from the tax levied pursuant to the provisions of NRS 354.59815 shall establish a special ad valorem capital projects fund and shall deposit all revenue received pursuant to the provisions of NRS 354.59815 in that fund. All interest and income earned on the money in the fund must also be deposited in the fund.

2. The money in the fund may only be used for:

(a) The purchase of capital assets , including land, improvements to land and major items of equipment;

(b) ~~[The]~~ ***In a county:***

(1) Whose population is less than 100,000, the renovation of existing governmental facilities, not including normal recurring maintenance; ***or***

(2) Whose population is 100,000 or more:

(I) The maintenance, renovation and replacement of governmental buildings; and

(II) The renovation of other existing governmental facilities, not including normal recurring maintenance; and

(c) The repayment of a medium-term obligation issued to fund a project described in paragraph (a) or (b).

3. Money may be retained in the fund for not more than 10 years to allow the funding of projects without the issuance of bonds or other obligations. For the purpose of determining the length of time a deposit of money has been retained in the fund, all money withdrawn from the fund shall be deemed to be taken on a first-in, first-out basis.

4. The annual budget and audit report of each local government must specifically identify this fund and must indicate in detail the projects that have been funded with money from the fund. Any planned accumulation of the money in the fund must also be specifically identified.

Sec. 6. NRS 354.6015 is hereby amended to read as follows:

354.6015 1. Except as otherwise provided in subsection 3, the governing board of a local government shall:

(a) Submit electronically a fiscal report of the local government to the Department of Taxation ***and the Commission on Economic Development*** in accordance with the requirements prescribed by the Committee on Local Government Finance pursuant to subsection 2; and

(b) Publish a summary of the fiscal report, which must contain the information required by the Committee on Local Government Finance

pursuant to subsection 2, in a newspaper of general circulation in the county in which the local government is situated.

2. The Committee on Local Government Finance shall prescribe, by regulation:

(a) The dates and times for filing a fiscal report, which must require a local government to file at least one fiscal report per year;

(b) The content of a fiscal report, which must include, without limitation, revenues, expenditures, fund balances, cash balances, components of assessed value, debt schedules ***, the percentage of contracts that were awarded during the reporting period to a design professional who is registered or licensed, as applicable, in this State for the design of public works of the local government and to a contractor who holds a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to NRS 338.1389 or 338.147 for the construction of public works of the local government*** and any other information that the Committee on Local Government Finance determines to be appropriate for determining the financial status of a local government;

(c) The content for a summary of a fiscal report that must be published pursuant to subsection 1; and

(d) A uniform method for creating and submitting a fiscal report electronically pursuant to this section. The method must facilitate the storage and reproduction of the fiscal report in electronic format by the Department of Taxation.

3. The Committee on Local Government Finance may establish, by regulation, an exception to the requirement that a fiscal report be submitted to the Department of Taxation ***and Commission on Economic Development*** in electronic format. The exception must be limited to local governments that the Committee determines do not have the financial ability to comply with the method for submitting a fiscal report to the Department of Taxation ***and Commission on Economic Development*** prescribed by the Committee. If the Committee on Local Government Finance provides an exception pursuant to this subsection, the Committee shall provide, by regulation, specific standards that it will use to determine whether a local government qualifies for an exemption pursuant to this subsection.

4. The Committee on Local Government Finance shall adopt regulations pursuant to this section in the manner prescribed for state agencies in chapter 233B of NRS.

Sec. 7. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other statutory provision to the contrary, the county treasurer of each county whose population is 100,000 or more and in which a commission has been created pursuant to this chapter shall distribute quarterly to that commission, from the proceeds of the taxes ad valorem levied by that county for the operating expenses of the county, the amount of those proceeds attributable to the levy of those taxes on all

taxable property in the county at the rate of 2 cents per $100 of assessed valuation.

2. The proceeds distributed by the county treasurer of a county pursuant to this section must be expended for projects in the county in accordance with the provisions of this chapter and chapter 373 of NRS.

3. For the purposes of NRS 354.59811, the amount of the proceeds distributed by the county treasurer of a county pursuant to this section shall be deemed to constitute revenue received by the county.

Sec. 8. NRS 338.1386 is hereby amended to read as follows:

338.1386 ***1. The Legislature hereby finds and declares that it is in the best interest of the State for a public body to use private sector services for the performance of a public work, whenever possible, while maintaining an appropriate administrative, management and oversight role on the public work.***

2. If the estimated cost of a public work is $100,000 or less, this State or a local government shall:

~~[1.]~~ ***(a)*** Award a contract for the completion of the public work to a properly licensed contractor in accordance with NRS 338.13862; or

~~[2.]~~ ***(b)*** Perform the public work itself in accordance with NRS 338.13864.

Sec. 9. NRS 338.13862 is hereby amended to read as follows:

338.13862 1. Before this State or a local government awards a contract for the completion of a public work in accordance with ***paragraph (a) of*** subsection ~~[1]~~ ***2*** of NRS 338.1386, the State or the local government must:

(a) If the estimated cost of the public work is more than $25,000 but not more than $100,000, solicit bids from at least three properly licensed contractors; and

(b) If the estimated cost of the public work is $25,000 or less, solicit a bid from at least one properly licensed contractor.

2. Any bids received in response to a solicitation for bids made pursuant to this section may be rejected if the State or the local government determines that:

(a) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications;

(b) The bidder is not responsive or responsible; or

(c) The public interest would be served by such a rejection.

3. At least once each quarter, the State and each local government shall prepare a report detailing, for each public work over $25,000 for which a contract for its completion is awarded pursuant to paragraph (a) of subsection 1, if any:

(a) The name of the contractor to whom the contract was awarded;

(b) The amount of the contract awarded;

(c) A brief description of the public work; and

(d) The names of all contractors from whom bids were solicited.

4. A report prepared pursuant to subsection 3 is a public record and must be maintained on file at the administrative offices of the applicable public body.

5. The provisions of this section do not relieve this State from the duty to award the contract for the public work to a bidder who is:

(a) Qualified pursuant to the applicable provisions of NRS 338.1375 to 338.1382, inclusive; and

(b) The lowest responsive and responsible bidder, if bids are required to be solicited from more than one properly licensed contractor pursuant to subsection 1. For the purposes of this paragraph, the lowest responsive and responsible bidder must be determined in consideration of any applicable bidder's preference granted pursuant to NRS 338.13844.

Sec. 10. NRS 338.13864 is hereby amended to read as follows:

338.13864 1. If the State or a local government proposes to perform a public work itself in accordance with ***paragraph (b) of*** subsection 2 of NRS 338.1386, the public officer responsible for the management of the public works of the State or the local government, as applicable, must, if the estimated cost of the public work is more than $25,000 but not more than $100,000 and before work on the public work is commenced, prepare a signed attestation regarding the decision of the State or the local government to perform the public work itself.

2. An attestation prepared pursuant to subsection 1:

(a) Must set forth:

(1) The estimated cost of the public work;

(2) A general statement as to why the State or the local government has decided to perform the public work itself; and

(3) A general statement that the public work will adhere to the same quality and standards as would be required of a properly licensed contractor if the public work had been awarded to a properly licensed contractor; and

(b) Is a public record and must be maintained on file at the administrative offices of the applicable public body.

Sec. 11. NRS 338.1442 is hereby amended to read as follows:

338.1442 ***1. The Legislature hereby finds and declares that it is in the best interest of the State for a public body to use private sector services for the performance of a public work, whenever possible, while maintaining an appropriate administrative, management and oversight role on the public work.***

2. If the estimated cost of a public work is $100,000 or less, a local government shall:

~~[1.]~~ ***(a)*** Award a contract for the completion of the public work to a properly licensed contractor in accordance with NRS 338.1444; or

~~[2.]~~ ***(b)*** Perform the public work itself in accordance with NRS 338.1446.

Sec. 12. NRS 338.1444 is hereby amended to read as follows:

338.1444 1. Before a local government awards a contract for the completion of a public work in accordance with ***paragraph (a) of*** subsection ~~[1]~~ ***2*** of NRS 338.1442, the local government must:

(a) If the estimated cost of the public work is more than $25,000 but not more than $100,000, solicit bids from at least three properly licensed contractors; and

(b) If the estimated cost of the public work is $25,000 or less, solicit a bid from at least one properly licensed contractor.

2. Any bids received in response to a solicitation for bids made pursuant to this section may be rejected if the local government determines that:

(a) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications;

(b) The bidder is not responsive or responsible; or

(c) The public interest would be served by such a rejection.

3. At least once each quarter, a local government shall prepare a report detailing, for each public work over $25,000 for which a contract for its completion is awarded pursuant to paragraph (a) of subsection 1, if any:

(a) The name of the contractor to whom the contract was awarded;

(b) The amount of the contract awarded;

(c) A brief description of the public work; and

(d) The names of all contractors from whom bids were solicited.

4. A report prepared pursuant to subsection 3 is a public record and must be maintained on file at the administrative offices of the applicable public body.

5. The provisions of this section do not relieve a local government from the duty to award the contract for the public work to a bidder who is the lowest responsive and responsible bidder if bids are required to be solicited from more than one properly licensed contractor pursuant to subsection 1.

Sec. 13. NRS 338.1446 is hereby amended to read as follows:

338.1446 1. If a local government proposes to perform a public work itself in accordance with ***paragraph (b) of*** subsection 2 of NRS 338.1442, the public officer responsible for the management of the public works of the local government must, if the estimated cost of the public work is more than $25,000 but not more than $100,000 and before work on the public work is commenced, prepare a signed attestation regarding the decision of the local government to perform the public work itself.

2. An attestation prepared pursuant to subsection 1:

(a) Must set forth:

(1) The estimated cost of the public work;

(2) A general statement as to why the local government has decided to perform the public work itself; and

(3) A general statement that the public work will adhere to the same quality and standards as would be required of a properly licensed contractor if the public work had been awarded to a properly licensed contractor; and

(b) Is a public record and must be maintained on file at the administrative offices of the local government.

Sec. 14. NRS 341.191 is hereby amended to read as follows:

341.191 1. The Board shall submit reports and make recommendations relative to its findings to the Governor and to the Legislature. The Board shall particularly recommend to the Governor and to the Legislature the priority of construction of any buildings or other construction work now authorized or that may hereafter be authorized or proposed.

2. The Board shall submit before October 1 of each even-numbered year its recommendations for projects for capital improvements in the next biennium. The recommendations must, to the extent practicable, provide that each project which exceeds a cost of $10,000,000 be scheduled to receive funding for design and planning during one biennium and funding for construction in the subsequent biennium.

3. The Board shall, not later than December 31 of each year, submit to the Commission on Economic Development a report discussing the percentage of contracts that were awarded during the immediately preceding fiscal year:

(a) To a design professional who is registered or licensed, as applicable, in this State for the design of public works of the State.

(b) To a contractor who holds a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to NRS 338.1389 for the construction of public works of the State.

Sec. 15. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board may, after the enactment of any ordinance authorized by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, issue revenue bonds and other revenue securities, on the behalf and in the name of the county:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated ***distributions made to the commission in the county pursuant to section 7 of***

this act and the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066;

(b) Which must not be general obligations of the county or a charge on any real estate therein; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county is authorized to issue bonds without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county securities, and in connection with the undertaking or project, the board may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. ~~[Receipts]~~ ***Distributions made to the commission in the county pursuant to section 7 of this act and receipts*** of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065 and paragraphs (a) and (b) of subsection 1 of NRS 373.066 may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied

in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified.

Sec. 16. NRS 408.133 is hereby amended to read as follows:

408.133 1. The Board shall adopt a plan for measuring the performance of the Department, which must include separate sets of performance measurements for each division of the Department and for the Department as a whole.

2. The Director shall, not later than December 31 of each year:

(a) Prepare a report, based upon the relevant performance measurements adopted pursuant to subsection 1, on the level of achievement of each division of the Department and of the Department as a whole during the immediately preceding fiscal year. The report must include a discussion of:

(1) The goals and objectives of the Department, and the current status of the Department in relation to meeting those goals and objectives;

(2) Any applicable directives from the Board or Legislature since the most recent report prepared pursuant to this section;

(3) The scheduling, scope, cost and progress of any current or proposed highway projects;

(4) The sources, amount and expenditure of any funding received during the immediately preceding fiscal year;

(5) The rationale used to establish priorities for the completion of highway projects;

(6) The percentage of contracts that were awarded:

(I) To a design professional who is registered or licensed, as applicable, in this State for the design of works or improvements of the Department; or

(II) To a contractor who holds a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to NRS 338.1389 for the construction of works or improvements of the Department; and

[(6)] *(7)* Any recommendations for amendments to the plan adopted pursuant to subsection 1.

(b) Submit the report to:

(1) The Board;

(2) The Commission on Economic Development; and

[(2)] *(3)* The Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

Sec. 17. NRS 408.323 is hereby amended to read as follows:

408.323 1. ***The Legislature hereby finds and declares that it is in the best interest of the State for the Department to use private sector services for the performance of a work or improvement, whenever possible, while maintaining an appropriate administrative, management and oversight role on the work or improvement.***

2. Whenever it can be justified by the Director that limited work or improvements can be done in a more economical or other satisfactory manner than by contract under NRS 408.327, the Director may, with the approval of the Board, execute such work or improvements with Department facilities and employees.

[2.] *3.* In the event of disaster or great emergency the Director may, with the approval of the Board, hire, employ or contract for such labor, materials and equipment as are in the Director's opinion necessary to reroute, repair or replace any highway threatened or damaged by the emergency or disaster, and the provisions of NRS 408.327 and 408.367 do not apply.

Sec. 18. NRS 625.530 is hereby amended to read as follows:

625.530 ***1. The Legislature hereby finds and declares that it is in the best interest of the State of Nevada for the State and its political subdivisions to use private sector services for the performance of work involving the practice of professional engineering or land surveying on a public work, whenever possible, while maintaining an appropriate administrative, management and oversight role on the public work.***

2. Except as otherwise provided in NRS 338.1711 to 338.1727, inclusive, and 408.3875 to 408.3887, inclusive:

[1.] *(a)* The State of Nevada or any of its political subdivisions, including a county, city or town, shall not engage in any public work requiring the practice of professional engineering or land surveying, unless the maps, plans, specifications, reports and estimates have been prepared by, and the work executed under the supervision of, a professional engineer, professional land surveyor or registered architect.

[2.] *(b)* The provisions of this [section] ***subsection*** do not [:

(a) Apply] ***apply*** to any public work wherein the expenditure for the complete project of which the work is a part does not exceed $35,000 [.

(b)] ***if the public officer responsible for the management of the public works of the State or political subdivision, as applicable, prepares a signed attestation before the design of the public work is commenced regarding the decision of the State or political subdivision to prepare the maps, plans,***

specifications, reports and estimates for the public work itself. An attestation prepared pursuant to this paragraph:

(1) Must set forth:

(I) The estimated cost of the preparation of the maps, plans, specifications, reports and estimates for the public work;

(II) A general statement as to why the State or political subdivision has decided to prepare the maps, plans, specifications, reports and estimates for the public work itself; and

(III) A general statement that the maps, plans, specifications, reports and estimates for the public work will adhere to the same quality and standards as would be required of a professional engineer, professional land surveyor or registered architect if the maps, plans, specifications, reports and estimates for the public work had been prepared by a professional engineer, professional land surveyor or registered architect; and

(2) Is a public record and must be maintained on file at the appropriate administrative offices of the State or political subdivision.

(c) The provisions of this subsection do not:

(1) Include any maintenance work undertaken by the State of Nevada or its political subdivisions.

~~[(c)]~~ ***(2)*** Authorize a professional engineer, registered architect or professional land surveyor to practice in violation of any of the provisions of chapter 623 of NRS or this chapter.

~~[(d)]~~ ***(3)*** Require the services of an architect registered pursuant to the provisions of chapter 623 of NRS for the erection of buildings or structures manufactured in an industrial plant, if those buildings or structures meet the requirements of local building codes of the jurisdiction in which they are being erected.

~~[3.]~~ ***(d)*** The selection of a professional engineer, professional land surveyor or registered architect to perform services pursuant to ~~[subsection 1]~~ ***paragraph (a)*** must be made on the basis of the competence and qualifications of the engineer, land surveyor or architect for the type of services to be performed and not on the basis of competitive fees. If, after selection of the engineer, land surveyor or architect, an agreement upon a fair and reasonable fee cannot be reached with him or her, the public agency may terminate negotiations and select another engineer, land surveyor or architect.

Sec. 19. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2011, for all other purposes.

Senator Lee moved the adoption of the amendment.

Remarks by Senators Lee and Leslie.

Senator Lee requested that the following remarks be entered in the Journal.

SENATOR LEE:

Section 3 of Senate Bill No. 192 was a depreciation schedule reporting process that would have been onerous to the communities and would have had an additional expense to it. We have removed that section of new reporting language that was revised by all of the affected governments. They have to report, we just added that they include a few more pieces of information during the reporting process.

SENATOR LESLIE:

Thank you, Mr. President. I would like to thank my colleagues from southern Nevada for bringing forth the amendment. It goes a long way to dispel some of the concerns others and I had with the bill. I understand there are still some issues with the Regional Transportation Commission in my home county. I will be meeting with interested parties. I may be coming forward with an additional amendment before we vote on the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Tom Novotny.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Mike Gorman.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Shari Buck.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Suzan Kennedy.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to John McMillan.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Rob McCoy.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Walt Beck and Christine Roberto.

On request of Senator Rhoads, the privilege of the Floor of the Senate Chamber for this day was extended to Peggy Lindsey, Melissa Rowe, and Jason Bleak.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to William Hale and the following students from the Gardnerville Elementary School: Austin Ashe, Christian Barr, Hannah Brunsman, Brandon Caras, Sophia Colella, Faith Connely, Omar DeArcos, Bridgetta DiMartino, Austin Dunagan, Mariah Elmer, Marc Lobato, Mahiingan Mattson, Matthew Michielsen, Bryson Morrison, Hunter Moses, Isabelle Peterson, Rosealee Rieman, Alyssa Ryan, Gregory Sanotsky, Noah Sedgwick, Kaitlyn Smith-Peterson, Kylie Swan, Max Whear, Jessica Withrow and Sydney Woodward.

Senator Horsford moved that the Senate adjourn until Monday, March 7, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:54 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE TWENTY-NINTH DAY

CARSON CITY (Monday), March 7, 2011

Senate called to order at 11:06 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Our Father in Heaven,

A new week is upon us. Help us to put aside any arrogance, anger or bitterness and approach the week ahead of us with humility, zeal, compassion and unity.

I pray in the Name of the One who taught us to love.

AMEN

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 54, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

ALLISON COPENING, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 86, 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 157; Assembly Bills Nos. 15, 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 3, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 10, 88, 183.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, March 4, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 43, 66.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

March 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 2, 11, 71, 104, 118, 122.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 10, 43, 54, 64, 72, 75, 76, 87, 97, 99.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 54 be re-referred to the Committee on Finance.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Wiener and Assemblyman Segerblom:

Senate Bill No. 221—AN ACT relating to personal financial administration; providing for nonprobate transfers of property to take effect on the death of the owner of the property; establishing provisions relating to transfers of property which are found or presumed to be void and providing the effect of such transfers; providing for the independent administration of estates; revising provisions concerning the administration of trusts and estates; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Copening:

Senate Bill No. 222—AN ACT relating to common-interest communities; enacting provisions governing registration of tenants of units' owners with associations or their agents; prescribing the maximum amount of the fee which an association or agent may charge for the registration of a tenant; authorizing the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations prescribing the amount of such a fee; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Breeden, Parks, Manendo and Assemblyman Segerblom:

Senate Bill No. 223—AN ACT relating to animals; making certain willful and malicious acts of cruelty to an animal punishable as a felony; clarifying that a retailer, dealer or operator who separates a dog or cat from its mother is guilty of a misdemeanor under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senators Parks, Leslie, Denis, Wiener, Breeden, Copening, Halseth, Kihuen, Lee, Manendo, McGinness, Schneider, Settelmeyer; Assemblymen Hambrick, Oceguera, Smith, Frierson, Horne, Aizley, Anderson, Conklin, Hogan and Pierce:

Senate Bill No. 224—AN ACT relating to controlled substances; requiring the State Board of Pharmacy to include certain substances known as fake cocaine on the list of schedule I controlled substances; providing criminal and civil penalties; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Cegavske:

Senate Bill No. 225—AN ACT relating to public health; establishing provisions for the designation of certain hospitals as primary stroke centers; authorizing the State Board of Health to adopt regulations; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Leslie, Parks; Assemblymen Pierce and Carlton:

Senate Bill No. 226—AN ACT relating to trapping; making it unlawful for a person to trap a fur-bearing mammal within a certain distance of an occupied dwelling under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 10.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 43.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 66.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 88.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 183.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 7.

Bill read third time.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Senate Bill No. 7 requires a State agency that files an emergency regulation to, if practicable, make the regulation public no later than 9 a.m. on the first working day before the regulation is filed with the Office of the Secretary of State. A State agency must also make public, if practicable, an emergency regulation that is the subject of any agency hearing no later than 9:00 a.m. on the first working day before the hearing. The bill provides that the emergency regulation must be made public by providing a copy to a member of the public upon request and making a copy of the emergency regulation available on the agency's Internet website.

The bill is effective on October 1, 2011.

Roll call on Senate Bill No. 7:

YEAS—21.

NAYS—None.

Senate Bill No. 7 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 92.

Bill read third time.

Remarks by Senator Hardy.

Senator Hardy requested that his remarks be entered in the Journal.

Senate Bill No. 92 expands the permissible purposes for which money may be expended from a development revolving fund to include use by a redevelopment agency for the improvement, with certain limitations, of schools in a city or county with a redevelopment area within its boundaries. The bill also requires a redevelopment agency to file a report with its governing agency and with the Director of the Legislative Counsel Bureau, and sets forth the required contents of the report.

Roll call on Senate Bill No. 92:

YEAS—21.

NAYS—None.

Senate Bill No. 92 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109.

Bill read third time.

Remarks by Senator Parks.

Senator Parks requested that his remarks be entered in the Journal.

Senate Bill No. 109 excludes from the definition of "revenue" proceeds from the interstate sale of natural gas to a wholesale provider of electric energy for the purposes of cities and counties imposing the business license fee on public utilities.

Testimony indicated that a change in the definition of "revenue" in Nevada Revised Statutes 354.598818 to exclude "a wholesale provider of electric energy" would eliminate the collection of a franchise fee by a city or county from such wholesale providers.

This bill is effective on July 1, 2011.

Roll call on Senate Bill No. 109:

YEAS—21.

NAYS—None.

Senate Bill No. 109 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 134.

Bill read third time.

Roll call on Senate Bill No. 134:

YEAS—21.

NAYS—None.

Senate Bill No. 134 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 192.

Bill read third time.

Remarks by Senators Leslie, Kieckhefer, McGinness, Brower and Horsford.

Senator Horsford requested that the following remarks be entered in the Journal.

SENATOR LESLIE:

Thank you, Mr. President. I wanted to let the body know that I consulted with our Legal Counsel at the Legislative Counsel Bureau and with the Regional Transportation Commission (RTC) concerning Senate Bill No. 192. I was assured that the concerns were adequately addressed in the first reprint of the bill.

For the record, under the current provisions of Senate Bill No. 192, a Regional Transportation Commission may use any of the proceeds distributed to the RTC pursuant to Senate Bill No. 192 for any other projects that an RTC is currently authorized to undertake pursuant to Chapter 277A or 373 of Nevada Revised Statutes (NRS) which includes the repair renovation or other improvement of sewers, water lines and storm drains in conjunction with those projects.

Additionally, Mr. President, I have been reassured that this bill addresses the same two cents of operating tax rate that is already diverted in the Governor's budget and is not an additional two cents on top of that.

SENATOR KIECKHEFER:

Thank you, Mr. President. Unfortunately, I am speaking against this bill today. I appreciate my colleague from Clark County, District No. 4, for bringing up this bill to address the serious problem of unemployment in the construction industry. We all know what the ramifications of significant unemployment have been to our communities and the families affected.

There are several components of this bill I like. They are the attempt to generate jobs and to shift those dollars held in local governments to perform work outside of local governments and to the private sector. I agree it could best be utilized for the greatest efficiency as well.

There are several reasons why I cannot support the bill. The first is that the property tax dollars that are being utilized in this legislation are two cents that are otherwise being redirected to higher education in the Governor's budget. Not only does it create a significant shortfall in the Governor's proposed budget, but it creates another gap within our education system which we are all trying to figure out how to address throughout this budget process. There are jobs within higher education as well, so it could have an impact on employment within the system of higher education. We have talked regularly about where a property tax shift such as this would most appropriately fit within the system, whether university level or community colleges. That is an ongoing conversation I would like to see continue as many of the people who are unemployed in this State try to figure out how best to redirect their education to be able to ensure that they can find employment moving forward in our new economy. As a part of that, the effective date of this bill is July 1, 2011.

The money in this legislation is currently in our State budget in our general fund. We will be utilizing it throughout the rest of this fiscal year. I do not believe that the rush to get the legislation passed is necessary. We can have this conversation as a component of our overall budget discussion because the legislation does not take effect until the next fiscal year.

I would like to continue this discussion and I would ultimately be able to support this legislation, but as it fits into the Governor's budget, I cannot do so. With all due respect, I will be voting no.

SENATOR MCGINNESS:

Thank you, Mr. President. I appreciate the comments of my colleague from Washoe District No. 4. I will also be voting against this bill. This bill forces counties to allocate additional money for transportation projects. It also allows them to increase their bonding capacity, but the economy of Nevada at this time continues to struggle. Forcing counties to raise taxes is not the answer. Everyone is for jobs. We want to create jobs and get our fellow Nevadans back to work. This encourages a hole in the executive budget and I encourage my colleagues to vote "no."

SENATOR BROWER:

Thank you, Mr. President. I would like to associate myself with the remarks from the previous speakers.

I commend the Majority Leader and the other sponsors for bringing this bill forward, but as I said during the hearing which was held the same day the bill was introduced, when it comes to legislation, the devil is in the details. At that time, many of us had not had a chance to read it. As I have had a chance to look at the details of this bill, while it does have some worthy overall goals, there are some details that are problematic.

My colleague from Washoe County addressed some of those details. My colleague from Churchill County addressed some of the others. However, at this time, with the budget situation as it is, diverting further funds away from education is not an option. I would invite the sponsors to put the bill back on the Secretary's Desk. There may be a way to amend this bill further, to put it into a shape that can garner a bigger majority of support from this body and may allow it to fit into the Governor's overall proposed budget, and that does not further divert much needed funds from education. I invite the sponsors to consider that and if we could do that today, that would be great. We can then continue discussion on how to make the bill better. If we cannot do that, then, unfortunately, I will have to oppose the bill.

SENATOR HORSFORD:

Thank you, Mr. President. I appreciate the concerns of my colleagues who have spoken today as well as the information that was shared by the Chair of the Committee on Revenue.

Job creation is not a partisan issue. I do not take lightly the fact that there are members from the other side who support the Governor's approach to divert existing revenues from Clark County and Washoe County towards funding higher education, however, until we get our economy growing and put people back to work, we will not have money to pay for anything; whether it is K-12 or higher education, public safety or other vital services that our constituents depend upon.

To be clear, this measure, Senate Bill No. 192 does not increase any taxes, period. It diverts, as the Governor's plan does, a portion of the ad valorem tax for the creation of these private sector jobs. It is modeled after successful legislation that was, I believe, unanimously approved during the Twenty-sixth Special Legislative Session, legislation that has created 2,500 private sector jobs throughout the State in Clark County and Washoe County and is helping to address our infrastructure needs. This legislation does exactly the same thing with a little more money so that we can put more people who are on the unemployment lines back to work now. I respectfully appreciate the concerns of the members who have expressed their concerns about this bill.

Let us be clear, we have stated that job creation will be the number one priority of this Legislature. We will continue to work together to find ways to responsibly balance the budget that does not gut education. To suggest that we have to wait for job creation until we settle the budget is delaying a process that our constituents desperately need us to address now. That is job creation. This measure does that. I am committed, as others are, to find responsible ways to not just fund higher education the way the Governor proposes now, but to restore funding that has been proposed to be cut. That will take much more than this resource before us, today, can do. This measure simply puts people back to work now utilizing a successful model that this body approved during the Twenty-sixth Special Legislative Session. It does not raise revenue. It utilizes a portion of the ad valorem proceeds from Clark County and Washoe County for this purpose.

It includes a provision that asks our local government partners to do what they can with the limited resources that they have to ensure that every possible opportunity to contract out resources is done with the private sector. That will grow our economy. That will put people back to work, and that will improve the situation where by we will be able to fund education, public safety, health and human services and the other vital programs we are required to provide.

My colleague from Washoe Senate District No. 3 asked if I would be willing to put this back on the Secretary's Desk. With all due respect, to my colleague, this measure has been readily available for amendments. The Chair of the Committee on Government Affairs offered a very good amendment to not add an additional imposition on local governments. That amendment was adopted by this body. The Chair of the Committee on Revenue had a concern about how the measure would have impacted the Washoe RTC. As she indicated in her remarks, she received a legal opinion that the language in this bill addresses that concern. I have always been open to, and the Chair of the Select Committee on Economic Growth & Employment has been open to, receiving ideas and suggestions and we have had plenty of time to consider those recommendations. As I have said from the first day, creating jobs in this Session is our number one priority. That is why this measure needs to move forward. Thank you.

Roll call on Senate Bill No. 192:

YEAS—11.

NAYS—Brower, Cegavske, Gustavson, Halseth, Hardy, Kieckhefer, McGinness, Rhoads, Roberson, Settelmeyer—10.

Senate Bill No. 192 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that the Senate recess until 5:15 p.m.

Motion carried.

Senate in recess at 11:44 a.m.

SENATE IN SESSION

At 5:23 p.m.

President Krolicki presiding.

Quorum present.

Senator Wiener moved that the action whereby Assembly Bill No. 183 was referred to the Committee on Government Affairs be rescinded.

Remarks by Senator Wiener.

Motion carried.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 5:25 p.m.

SENATE IN SESSION

At 5:28 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblymen Segerblom and Hansen were at the bar of the Senate. Assemblyman Segerblom invited the Senate to meet in Joint Session with the Assembly to hear Chief Justice Michael L. Douglas.

The President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 5:29 p.m.

IN JOINT SESSION

At 5:32 p.m.

President Krolicki presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

The President appointed a Committee on Escort consisting of Senator Brower and Assemblyman Ohrenschall to wait upon the Supreme Court Justices and escort them to the Assembly Chamber.

The President appointed a Committee on Escort consisting of Senator Wiener and Assemblyman Horne to wait upon Chief Justice Michael L. Douglas and escort him to the Assembly Chamber.

Chief Justice Douglas delivered his message.

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SIXTH SESSION, 2011

Governor Sandoval, Lt. Governor Krolicki, Speaker Oceguera, Senator Horsford, Senator McGinness, Assemblyman Goicoechea, members of the Senate and the Assembly, and honorable Constitutional officers, and honored guests.

Tonight, I address you on behalf of my friends and colleagues on the Nevada Supreme Court: Associate Chief Justice Nancy Saitta, Justice Michael Cherry, Justice Mark Gibbons, Justice Kristina Pickering, Justice James Hardesty, and Justice Ron Parraguirre.

I also address you on behalf of the Nevada Judiciary—the municipal courts, the justice courts, and the district courts, as well as the nearly 2,000 Judicial Branch employees of the cities, counties, and State that make up those courts and provide service to the people of Nevada each day by affording a safe place for dispute resolution in civil, family, juvenile, and criminal proceedings to the individuals under emotional stress due to being entangled in the judicial system.

Also with us this evening are several of the State's judges including chief judges from our two urban judicial areas—Judge Steinheimer from Washoe County, and Judge Togliatti from Clark County, along with Chief Judge Bennett-Heron, Clark County Justice Court, their chief. Additionally, this evening we have Judge Tatro from Carson City Justice Court, who is also the President of the Nevada Judges of Limited Jurisdiction; Judge Montero, District Court Judge representing Humboldt, Pershing and Lander Counties; Judge Rogers, District Court Judge from Churchill and Lyon; Judge Deriso from Sparks Justice Court; Judge Richards from New River Justice Court; Judge Tiras from Incline Justice Court and Judge Nash-Holmes from Reno Municipal Court. Additionally with us is Steve Grierson, Chief Administrator of Clark County District Courts and Justice Court; Dean John White from the Boyd School of Law; Bill Dressel, President of the National Judicial College; Cam Ferenbach, President of the State Bar of Nevada, along with members of the Board of Governors.

Additionally, I would like to recognize Kathleen Harrington. Kathleen, I would like to ask you to stand. Kathleen just retired after 30-plus years of service to the State of Nevada, first with the Department of Prisons as its librarian; then with the National Judicial College; and thereafter, for 28 years, with the Nevada Supreme Court, the last eight of those years as the head librarian. It goes without saying that she will be missed by her coworkers, but more importantly by the people of Nevada whom she provided assistance to will miss you the most. Thank you for all that you did, and good luck and best wishes in the days ahead.

I have been provided with a challenge and opportunity to provide you with thoughts from the Nevada Judiciary. Since the Depression of the 1930s, we have not seen a more challenging time for the people of the State of Nevada than right now. Regardless of political parties and philosophies, one thing is clear—tough choices will be made as to the budget. To the extent necessary and possible, the Nevada Judiciary will do its share to support our State. The Supreme Court, an equal constitutional branch of Nevada government, has operated on less than 1 percent of the State's budget during the last budget cycle, and the Supreme Court has proposed its new budget with a 16.87 percent reduction that is $2.3 million for the years 2011 through 2013. It will be a challenge, but we will, once again, do more with less; we understand that Nevada is at a crossroads. No one envies the tough choices that have to be made by you, the Legislature, for the welfare of the people of Nevada, and it is clear that you have been chosen to find solutions—to

think outside the box, if you will—for the people of Nevada who need your leadership at this time.

We should not forget the obvious; we are the Battle Born State, and we operate under a Constitution and the rule of law that provides for stability and predictability for our free market and personal freedoms, unlike other places in the world. Under our State Constitution, each branch of government has its own responsibilities to the people. The Judicial Branch cannot pass laws like you, the Legislature, and the Judicial Branch cannot approve or veto laws like the Governor. The Judicial Branch interprets and honors laws as passed pursuant to our Constitution.

To fulfill that responsibility, the Judicial Branch must be independent of politics and personalities and concerns as to public popularity. The Judicial Branch, the Court, has but one true allegiance—that is to the Constitution and the rule of law. That belief is captioned in the words of the Pledge of Allegiance, and you can find those words in the top of your Nevada Supreme Court rotunda—"Liberty and Justice for All." It's just that simple.

Former United States Supreme Court Justice Lewis Powell once remarked: "It is perhaps the most inspiring ideal of our society. . . . It is fundamental that justice should be the same in substance and availability, without regard to status." Thus, the core function, if you will, of the Judicial Branch is to resolve disputes under the rule of law—our Constitution—in a fair, impartial, and timely manner.

That is the Judicial Branch's responsibility under the Constitution, which is what we must do, despite the budget challenges we face today. Thus, in light of our challenges, I will not offer you a new vision of Nevada's judicial future. What I will do is state that your Judicial Branch will continue to do its part and look at how we can better deliver dispute resolution service to the people of Nevada.

As to our service, dispute resolution, the Nevada Judicial Branch—municipal, justice, district and the Supreme Court—resolved over 2 million cases in years 2009 and 2010. The Nevada Supreme Court resolved 4,586 cases in that time period, with a 104 percent clearance rate. However, due to our caseload, we still had to carry forward 1,514 pending cases at the beginning of 2011, with the expectation that 2,050 new appeals will be filed in both 2011 and 2012. Thus, I note that old saying, "Justice delayed is justice denied."

Additionally, I would point out that our caseload and the case types of the district courts don't track the same. At the Supreme Court, 47 percent of our cases are criminal, 33 percent are civil, and 17 percent are others, with 3 percent being family and juvenile, while at the district courts, 51 percent of the cases are family, 28 percent are civil, 11 percent are juvenile, with 10 percent criminal—just something to think about.

But cases and case numbers don't tell the whole story. Each of those 2 million-plus cases requires a sensibility to the needs of someone's liberty and freedom, or the disposition of someone's property, or the custody of someone's children. The enormity of dealing with a person under stress with limited resources has become more daunting in these challenging times. Limited resources, increased work loads, greater case complexity, as well as more self-represented parties in court are just an overview of the issue. The nightly news provides pictures and sounds of the coming attractions for the court. Stories on the news related to drug use and violence, violent events, followed by stories of sagging businesses, unemployment, mortgage foreclosure, and child—domestic—and elder abuse, should give all of us pause as to the challenge of the State Judicial Branch.

That reality is that the State Judicial Branch must provide dispute resolution for all under the rule of law with limited funds. That will require us to think outside the box—outside of our normal comfort zone. That resolution requires more than just standing before judges or having jury trials.

In the criminal context, resolution might be a trip to specialty court. So what is specialty court? Specialty courts use problem solving processes designed to address the root causes of some criminal activity. Some of the prominent types of specialty courts are drug courts, mental health courts, DUI courts, and prison reentry courts. Specialty courts may additionally specialize to address the needs of adults, families, juveniles, and low-level repeat offenders directly affected by the root problem of drugs, alcohol, and mental health issues.

We have been blessed in Nevada by legislative support of the specialty court programs. Pioneer Judges like Peter Breen, Jack Lehman, John McGroarty, and Archie Blake have led the way. And new leaders like Judge Jackie Glass, Judge Andrew Puccinelli and Judge Cedric Kerns have followed with new programs to break the cycle of despair.

Specialty courts provide a direct benefit to all of us. Specialty courts benefit the county and State budget by reducing time in jail at taxpayers' expense and allowing the individual to return to being a contributing member of our local communities. In 2009 to 2010, Nevada specialty courts had 5,167 persons enrolled, graduated 2,542 persons, had 133 drug-free babies related to participants, with 2,700 cases continuing into the start of this year.

So let me tell you a quick story about Las Vegas Municipal Court Judge Cedric Kerns. He has the YO Court—that's Youth Offender Court. Individuals are both young and addicted to drugs. In one specific case, the female had been using crack, her mug shot from a year ago was that of a crack head. Her family had lost all hope. They thought she was going to die, but a new arrest and the YO court saved her. Judge Kerns created a year-long program with counseling, housing assistance, and court supervision that fights to keep the participants straight for a year with a plan on how to live. Judge Kerns says it's a fight—a struggle—"We save what we can save or we go down fighting." YO Court is a 20-defendant program; however they have 30 enrolled in the program, with funding provided by NRS 176.0613 and private funds. It is just one of the specialty courts within our state that tries to resolve disputes outside the box. All Nevada counties have a specialty court program through the Nevada courts.

In the civil context, before the Foreclosure Mediation Program, a desperate homeowner might have had a problem finding anyone in authority with his bank or a lender willing to listen to his home payment problem; conversely the banks and the lenders were not getting responses from homeowners in default. You, the Legislature, created a program in 2009 to address that problem and asked the Court to run it, to allow a new form of dispute resolution as to owner-occupied mortgage defaults. The program provided an opportunity for the homeowners and the lender to discuss, through the mediation program, alternatives to foreclosure—new payment plans, cash for keys, short sales. The program uses no State funds and is run, at its inception, outside the courthouse, with both sides having a right of judicial review. As to that Foreclosure Mediation Program, in 2010:

- 79,232 notices of default were filed in our State (non specific as to owner-occupied)
- 8,738 requests for mediation
- 6,614 were assigned to mediation
- 4,212 mediations were completed
- 89 percent of mediations avoided foreclosure
- 74 percent of homes were retained by the owner

This program has been hailed as cutting-edge and is now a model for other states; that is dispute resolution outside the box, and it is also branches of governments working together for all Nevadans.

I end now, not because I am finished, but due to time. I would love to tell you more about the Judicial Branch, about Law Day Live and texting; the Court Improvement Program (CIP) designed to help welfare families and foster kids; or Access to Justice, with the private Bar pro bono attorneys helping poor Nevadans; or Nevada's other program that has drawn national attention, related to improving indigent criminal defense; or our use of technology in the courts—webcast, public information portals, E-filing, E-tickets, and more. But, time is an issue. If I were to try to tell you about all the Judicial Branch does, we would be here until tomorrow, so if you have a question, give me or my fellow justices a call and we will be more than happy to talk with you about the courts' programs.

So let me close with this: remember, justice belongs to all the people, not to either political party, and not to any special interest. A system of justice, the rule of law, is necessary to support our economy and to support our personal freedoms under our Constitution. A system of justice can only exist as long as the people have trust and confidence that dispute resolution will be fair, impartial, and timely.

The Judicial Branch of Nevada is committed to "justice for all" and the rule of law for all the people of Nevada.

Thank you for listening, and I know you will answer the challenge for Nevada in the coming days.

Senator McGinness moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Douglas for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Chief Justice Douglas to the bar of the Assembly.

Senator Kihuen moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:59 p.m.

SENATE IN SESSION

At 6:06 p.m.

President Krolicki presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Phillip Regeski.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Sarah Gee.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Denise O. McGuinn and Daniel Greenspun.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to the following students and chaperones from Hug High School: Trevor Ray Bach, Guillermo Becerra, Arnold Adrian Cardenas, Brenda Cartagena, Luis Escalera, Xariius Hampton-Mckinney, William Hilliary, Joseph Jaevis Johnson, Briana Lucas, Hugo Jair Maza, Cecilia Rocio Mendoza, Abraham David Miguel Gomez, Brandon Lee Mikoleit, Treyon Montgomery, Joshua Placencia, Eric Prisciliano, Jasmin Prisciliano, Abel John Santos, Carmen Soto, Selisha Tae Steele, Pauline Acosta; chaperones: Mario Fitzpatrick and Estela Gerlinger.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Doug Hill.

Senator Horsford moved that the Senate adjourn until Wednesday, March 9, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 6:07 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), March 9, 2011

Senate called to order at 11:06 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by Valerie Wiener, RScP.

As we inhale and exhale that powerful Life Force that is God, we recognize and celebrate that God is all there is. The All in all. I rejoice in the truth that each of us is the magnificent, glorious, and spectacular individual expression of that One Power. Individually and collectively, we each have the ability to demonstrate all of the divine qualities that are ours for the claiming.

As we continue on this day, moment by moment, we have boundless opportunities to reveal the truth of who we are. It is harmony, love, wisdom, and intelligence that allow each of us to move forward. This is who we are, and for this, I am so grateful, I am thankful for each of us individually and collectively, working on behalf of the people we serve, now and in the future. And so we work, may we always place the best interests of Nevadans high and higher for this is the service we have pledged to do.

And so it is.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Senate Bill No. 84; Assembly Bill No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHIRLEY A. BREEDEN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 7, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 30, 33.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Rhoads, Brower, Cegavske, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, McGinness, Roberson and Settelmeyer:

Senate Joint Resolution No. 8—Urging the Federal Government and certain other governmental entities to expedite and streamline the requirements for conducting mining operations in this State.

Senator Rhoads moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Lee:

Senate Bill No. 227—AN ACT relating to state financial administration; creating the Account for Real Estate Administration in the State General Fund; requiring money that is collected from the imposition of certain fees and charges to be deposited into the Account; requiring money in the Account to be used to defray certain costs and expenses of the Real Estate Division of the Department of Business and Industry; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Settelmeyer, Hardy, Gustavson, Parks, Cegavske, Breeden, Brower, Copening, Denis, Halseth, Kieckhefer, Lee, Leslie, McGinness, Rhoads, Roberson, Schneider and Wiener:

Senate Bill No. 228—AN ACT relating to controlled substances; requiring the State Board of Pharmacy to include certain substances known as synthetic marijuana on the list of schedule I controlled substances; providing criminal and civil penalties; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Denis, Wiener, Breeden, Kihuen; Assemblymen Bobzien, Smith, Benitez-Thompson, Brooks, Bustamante Adams, Carrillo, Flores and Mastroluca:

Senate Bill No. 229—AN ACT relating to education; revising the elements and goals which must be included in the policy adopted by the State Board of Education to encourage parental and family involvement in supporting the education of their children; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Education.

Motion carried.

By Senators Denis, Wiener, Breeden, Kihuen; Assemblymen Bobzien, Benitez-Thompson, Brooks, Bustamante Adams, Carrillo and Flores:

Senate Bill No. 230—AN ACT relating to education; requiring the board of trustees of each school district and the governing body of each charter school to ensure that foods containing trans fats are not sold, made available or used at the school or at a school within the district; setting forth an exception for foods provided through certain programs of the Federal Government; and providing other matters properly relating thereto.

Senator Wiener moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Education.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Senate Bill No. 230 is a bill that prohibits the sale or provision of foods containing trans fats at public schools within this State. Though it is not the chapter of jurisdiction for the bill, it appropriately should go to the Committee on Education.

Motion carried.

By Senators Lee, Settelmeyer, Hardy, Manendo, Denis, Cegavske, Copening, Gustavson, Halseth, Roberson, Assemblymen Anderson, Hickey, Hambrick, Carrillo, Hansen, Daly, Flores, Goedhart, Goicoechea, Hammond, Kirner, Kite, Livermore and Ohrenschall:

Senate Bill No. 231—AN ACT relating to concealed firearms; authorizing a sheriff to provide certain information concerning the availability of certain courses relating to firearm safety; authorizing persons who hold permits to carry concealed firearms to carry concealed firearms on the property of the Nevada System of Higher Education; authorizing the Police Department for the System to provide certain information concerning the availability of certain courses relating to firearm safety; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 30.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 33.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 86.

Bill read second time and ordered to third reading.

Senate Bill No. 126.

Bill read second time and ordered to third reading.

Senate Bill No. 157.
Bill read second time and ordered to third reading.

Assembly Bill No. 15.
Bill read second time and ordered to third reading.

Assembly Bill No. 127.
Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Jim Overland.

Senator Horsford moved that the Senate adjourn until Thursday, March 10, 2011, at 11 a.m.
Motion carried.

Senate adjourned at 11:24 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 10, 2011

Senate called to order at 11:08 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Author Max Lucado observes: "If God had a refrigerator, your picture would be on it. If He had a wallet, your photo would be in it. He sends you flowers every spring and a sunrise every morning. Face it, friend, He is crazy about you!"

God, we do not deserve Your love, but we thank You for it. May we do all we can to spread that love. Even here. Even today.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: Associated Press: Deb Weinstein; Daily Sparks Tribune: Dan McGee; KSNV-TV: Matt Kozar, Rick Trujillo; Progressive Now Nevada: Brian Fadie; and Vegas PBS: Cade Cridland.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Lee, McGinness and Assemblyman Hammond:

Senate Bill No. 232—AN ACT relating to land use planning; removing certain tracts of local governmental and private land from the state definition of the Spring Mountains National Recreation Area; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senators Parks, Horsford; Assemblymen Oceguera and Conklin:

Senate Bill No. 233—AN ACT relating to grants; establishing the Office of Grant Procurement, Coordination and Management in the Office of the Governor; setting forth the duties of the Director; requiring all state and local agencies to notify the Office of Grant Procurement, Coordination and Management of any grants for which the agency applies and any which they receive; prohibiting state and local agencies from establishing certain programs; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Horsford:

Senate Bill No. 234—AN ACT relating to vehicles; prohibiting a manufacturer from requiring a dealer to alter substantially an existing facility of the dealer or construct a new facility; prohibiting a manufacturer from taking adverse action against a dealer relating to the exportation of a vehicle outside the United States except under certain circumstances; providing that it is an unfair act or practice for any manufacturer to refuse the return of or reduce the price of a part, accessory or assembled component under certain circumstances; providing for the licensure of an agent of a broker; revising provisions governing the modification or replacement of a franchise; revising provisions governing warranties for certain used vehicles; revising the provision regarding the compensation owed to a dealer upon the termination or discontinuance of a franchise; revising provisions relating to unfair practices; establishing fees; providing a penalty; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 84.

Bill read second time and ordered to third reading.

Senate Bill No. 205.

Bill read second time and ordered to third reading.

Assembly Bill No. 28.

Bill read second time and ordered to third reading.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:17 a.m.

SENATE IN SESSION

At 11:23 a.m.

President Krolicki presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 86.

Bill read third time.

Remarks by Senators Roberson, Settelmeyer and Leslie.

Senator Leslie requested that the following remarks be entered in the Journal.

SENATOR ROBERSON:

Senate Bill No. 86 removes mining and pipelines for the sugar beet industry from the list of uses for which eminent domain may be exercised.

I would like to thank my colleague from Washoe District No. 1 for bringing this bill before us.

James Madison understood that the protection of property is the foundation of all freedoms. He said that a man is said to have a right to his property. He may be equally said to have a property in his rights. Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person his faculties or his possessions. He also said government is instituted to protect property of every sort. This being the end of government. That alone is a just government which impartially secures to every man whatever is his own.

One other founding father, John Adams, said that the moment the idea is admitted into society that property is not as sacred as the laws of God and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. Property must be sacred or liberty cannot exist.

I encourage my colleagues to support Senate Bill No. 86.

SENATOR SETTELMEYER:

Thank you, Mr. President. I would also like to thank the sponsor of the bill from Washoe District No. 1 for bringing the bill forward protecting eminent domain issues. As a landowner, I have a certain view that property should never be taken for someone else's private, fiduciary interest. I was supportive, even in our Constitution, with the PISTOL initiative when it passed.

I would like to ask the sponsor of the bill why not include the railroads to make certain that they cannot take my land as well. Why not include the utilities to make certain that they cannot take my land as well because they are also inconsistent with our Constitution. Was there any discussion about why we cannot include them all?

SENATOR LESLIE:

Thank you, Mr. President. Thank you to my colleague from Gardnerville for the question. The issue for me is one of private corporations taking private property for their private good. You could add cemeteries, utilities and others listed in the statute to the examples that you gave of railroads. They are items of public good. They benefit all of us. The two specific areas addressed in this bill, sugar beet factories and mining companies, are not for the public good except in terms of economic development. They are for the private interest of private corporations.

It may be a good idea to debate the other issues that you raise and I encourage you to bring forth a bill to debate them. For reasons stated, that is why I chose those particular items.

I appreciate the eloquent remarks from my colleague in Clark District No. 5, for the remarks from James Madison were appropriate to this bill.

I want to remind the body that the mining industry was granted the power of eminent domain in 1875 because it was the paramount industry in our State. The sugar beet industry was given the power of eminent domain in 1907 when economic development interests wanted to promote the sugar beet industry in rural Nevada.

The purpose of this bill is to remind all of us that eminent domain should only be used for the greater good and never used for a private corporate interest of a privileged industry. These two industries have had the power of eminent domain for over 100 years in Nevada. While the sugar beet industry has been defunct for decades, the mining industry has used or threatened the use of eminent domain in a number of instances in recent years. The people in Silver City on the Comstock Lode are grappling with this issue even as we speak due to a mining operation in their community.

I believe both of these provisions are antiquated and should be repealed by the Legislature in the interests of private property rights of our citizens. I urge your support.

Roll call on Senate Bill No. 86:

YEAS—20.

NAYS—Rhoads.

Senate Bill No. 86 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 126.

Bill read third time.

Remarks by Senator Gustavson.

Senator Gustavson requested that his remarks be entered in the Journal.

Senate Bill No. 126 revises requirements for concealed firearms permits to allow a person to complete one application and obtain one permit to carry all firearms that would be carried in a concealed manner. The application must specify whether it pertains to revolvers, semi-automatics or both, and the applicant must demonstrate competence with each type of firearm. If approved, the permit would allow the permit holder to carry either or both any semi-automatic or any revolver that he is qualified under the permit to carry semi-automatic, revolver or both.

I urge your support for this bill and I thank my colleague from Gardnerville for bringing this forward.

Roll call on Senate Bill No. 126:

YEAS—21.

NAYS—None.

Senate Bill No. 126 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 157.

Bill read third time.

Roll call on Senate Bill No. 157:

YEAS—21.

NAYS—None.

Senate Bill No. 157 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 15.

Bill read third time.

Remarks by Senator Parks.

Senator Parks requested that his remarks be entered in the Journal.

Thank you, Mr. President. I thank my colleague from Gardnerville for bringing this forward. Assembly Bill No. 15 repeals the requirement that the Department of Administration compile and publish a biennial report containing various information on State departments and agencies and descriptions of recent trends in the population, economy, and environment of the State. The bill also repeals the requirement that the Department compile and publish a biennial statistical abstract containing information on State and local government, data provided by the federal government, and information on business and the economy of the State. These are all documents that are published elsewhere so this repetitive exercise.

This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 15:

YEAS—21.

NAYS—None.

Assembly Bill No. 15 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 127.

Bill read third time.

Remarks by Senators Parks and Lee.

Senator Parks requested that the following remarks be entered in the Journal.

SENATOR PARKS:

Assembly Bill No. 127 removes the requirement for the Senate and Assembly to print bill books and histories during each legislative session for Legislators, staff, the press, and the public.

SENATOR LEE:

Thank you, Mr. President. To the Chair of Legislative Operations and Elections I would like to place this on the record. The rule right now in our House is that if you have eight years in the current House you may have these bill books given to you. If you have special needs, such as a lack of computer skills, you may still receive these bill books. Each session the current Legislative body can change these rules. I would like clarification if that is how you see it. If we find next session there are people elected who do not have computer skills then can we change the rule again going back to bill books. Is that how you understand this bill?

SENATOR PARKS:

Thank you, Mr. President. To my colleague from Clark District No. 1, thank you for the question. The bill is quite simple in that it repeals Nevada Revised Statutes (NRS) 318A.420. It repeals the requirement that we assemble these bill books. It does not mean that the bills are not available. It does not mean that there are not other ways to get the information. Once, we had a legislator who was legally blind. We had to incorporate a procedure to accommodate that legislator's specific needs. This does not say that we cannot assemble the bill books; it says we do not have an obligation to do so.

SENATOR LEE:

I understand and thank you for that answer.

Roll call on Assembly Bill No. 127:

YEAS—21.

NAYS—None.

Assembly Bill No. 127 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Paul Wassgren, Candace Vandervaart, Paul Goecke and Tibi Ellis.

Senator Horsford moved that the Senate adjourn until Monday, March 14, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:47 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 14, 2011

Senate called to order at 11:03 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Rob Jennings-Teats.

Look graciously, O Lord, upon this State and on those who are elected to make its laws.

Where there is pride, subdue it. Where there is need, supply it. Where there is division, unite it. Where there is error, rectify it. Where there is misunderstanding, give pardon. Where there is despair, bring hope. Where there are those who are vulnerable and weak, bring compassion and justice. Where there is hatred, sow acts of kindness. Where there is callous disregard for the poor and the distressed, bring comfort and support.

And where there is the will to do the right and loving thing, support it.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MO DENIS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ALLISON COPENING, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Senate Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK A. MANENDO, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 10, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 50, 134.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, March 11, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 23; Assembly Joint Resolution No. 5 of the 75th Session.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 5 of the 75th Session.

Senator Wiener moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Senate Bill No. 235—AN ACT relating to traffic laws; deleting the provision which limits the issuance of a citation for a person's failure to wear a safety belt in a motor vehicle; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 236—AN ACT relating to highways; requiring the Director of the Department of Transportation to adopt regulations governing the use of recycled aggregate in the construction, reconstruction, improvement, maintenance and repair of the roads and highways in this State; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Wiener:

Senate Bill No. 237—AN ACT relating to education; revising certain provisions governing the Nevada Youth Legislature; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By Senator Manendo (by request):

Senate Bill No. 238—AN ACT relating to motor vehicles; increasing the membership and revising the duties of the Advisory Board on Automotive Affairs; establishing certain qualifications for membership on the Board; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Cegavske:

Senate Bill No. 239—AN ACT relating to education; authorizing the board of trustees of a school district to establish a program to provide scholarships to pupils who graduate early from high school; revising provisions governing the count of pupils for purposes of apportionments from the State Distributive School Account to include the count of pupils who receive the scholarships; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 50.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 134.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 124.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 84.

Bill read third time.

Remarks by Senators Manendo and Gustavson.

Senator Manendo requested that the following remarks be entered in the Journal.

SENATOR MANENDO:

Senate Bill No. 84 makes changes relating to administrative and temporary roadblock warning signs established by police officers. It creates two standards for the location of warning signs in the case of an administrative roadblock: one-quarter of a mile from the roadblock in rural areas, and 700 feet from the roadblock in urban areas.

SENATOR GUSTAVSON:

Thank you, Mr. President. To my colleague from Clark District No. 7, how do we determine what is the entrance to this roadblock? The bill changes language concerning the entrance instead of the other location.

SENATOR MANENDO:

Thank you, Mr. President. That was one clarification. We wanted to make certain that the signs were at the beginning of the roadblock. At this time, in some circumstances, the signs are half way through the roadblock. We thought it was appropriate to have the sign at the entrance. The sign will be at the beginning so drivers will have 700 feet and the quarter mile notice. That is where they will actually determine the entrance of the roadblock and where the signs will be placed instead of 300 feet in or 500 feet as an example. The signs will be at the beginning. That way, everyone knows. Thank you.

Roll call on Senate Bill No. 84:
YEAS—21.
NAYS—None.

Senate Bill No. 84 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 205.

Bill read third time.

Remarks by Senators Leslie and Roberson.

Senator Leslie requested that the following remarks be entered in the Journal.

SENATOR LESLIE:

Thank you, Mr. President. Senate Bill No. 205 brings Nevada into compliance with the national boards of nursing by requiring the certificate. There are only four states, including Nevada, that do not require this certificate. There is adequate notice to the advance practice nurses that this will be required. I urge your support. At the end of the bill, it states the act goes into effect on July 1, 2014.

SENATOR ROBERSON:

Senate Bill No. 205 provides that, in addition to existing requirements, in order for a registered nurse to obtain a certificate of recognition as an advance practitioner of nursing he or she must submit to the State Board of Nursing proof of certification as an advanced practitioner of nursing from a nationally recognized certification agency approved by the Board.

It is important to note there were hundreds of nurses here on the day we heard testimony. The nursing community is in support of this legislation. The Nevada Nursing Association is in support of it. I encourage my colleagues to vote "yes" on this bill.

Roll call on Senate Bill No. 205:
YEAS—21.
NAYS—None.

Senate Bill No. 205 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 28.

Bill read third time.

Remarks by Senator Lee.

Senator Lee requested that his remarks be entered in the Journal.

Assembly Bill No. 28 revises the definition of low-speed vehicles to more closely match the federal definition.

The definition of a low-speed vehicle is a vehicle that has at least four wheels and is motorized with speeds from 1-mile per hour and not to exceed 20-miles per hour. I urge passage of this bill. Thank you.

Roll call on Assembly Bill No. 28:
YEAS—21.
NAYS—None.

Assembly Bill No. 28 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bills Nos. 15, 127.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Sandra Mack and Dr. Esther Jones Langston.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Peggy Selma.

On request of Senator Copening, the privilege of the Floor of the Senate Chamber for this day was extended to LaVonne Lewis and Mae Worthy.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Verlia Davis-Hoggard.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Reba June Burton.

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to LeVerne Kelley.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Sandra Morgan.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Jacki Brown, Marian Burns and Verna Stringer.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Jean Lyon.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Janice Barkley, Diane Pollard and Saundrea Shropshire.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Yoanna Sotelo, Valerie Taylor, Alana Lee and Essie Williams.

On request of Senator Manendo, the privilege of the Floor of the Senate Chamber for this day was extended to Karoline Khamis, Hercilia Steneck, Marybel Ramos and Geraldine Agcaoili.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Shelby Knox and Laura Deitsch.

On request of Senator Rhoads, the privilege of the Floor of the Senate Chamber for this day was extended to Ray Jones.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Herbert E. Randall, Ed.D. and Sandra Mack.

On request of Senator Schneider, the privilege of the Floor of the Senate Chamber for this day was extended to Tara Brosnan, Ida Gaines and Sally Jordan.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Lorraine Bonaldi Moore and Shendry Thom.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Sonya Horsford, Gabrielle Amato and Amy Magnus.

Senator Horsford moved that the Senate adjourn until Wednesday, March 16, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:56 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 16, 2011

Senate called to order at 11:06 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

O gracious One, source of our life and stream of mercy, we come before You, trusting not in our own righteousness but in Your great and manifold mercies.

During this time of Christian Lent, we remember Jesus in His time in the wilderness, tempted by the powers of this world. Let us learn from Him, walking with Him as He stands on the side of the poor, the vulnerable, the powerless.

Help us to resist the temptations of selfish power. Help us to instead find ways to empower those in need. Help us use resources for the good of all, including the least among us.

Guide this body in Your wisdom, O heart of compassion, as we remember those around the world as well as those in our own communities struggling for daily bread.

In the name of love we pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Government Affairs.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Revenue, to which were referred Senate Bills Nos. 31, 32, 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Mr. President:

Your Committee on Transportation, to which was referred Assembly Bill No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHIRLEY A. BREEDEN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 14, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 217.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Schneider moved that Senate Bill No. 202 be re-referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator McGinness:

Senate Bill No. 240—AN ACT relating to mining; providing for the automatic renewal of certain permits required for the operation of small exploration projects and small mining operations; exempting applications for permits for small exploration projects and small mining operations certain provisions governing public hearings; providing that certain small exploration projects and small mining operations are not sources of air contaminants; providing for the commencement of alterations to a source of air contaminant before approval from the Director of the State Department of Conservation and Natural Resources under certain circumstances; exempting certain small exploration projects and small mining operations from the provisions governing mines; expanding the area of "small exploration project" and "small mining operation" from 5 to 10 acres for the purposes of exempting activities conducted on such land from existing provisions governing mining operations and exploration projects; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Rhoads:

Senate Bill No. 241—AN ACT relating to initiative petitions; providing that petition districts from which signatures for an initiative petition must be gathered are conterminous with the districts for electing the Board of Regents of the University of Nevada; and providing other matters properly relating thereto.

Senator Rhoads moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 242—AN ACT relating to industrial insurance; revising the definition of "independent contractor"; revising provisions relating to the posting of a notice identifying an employer's industrial insurer; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Copening:

Senate Bill No. 243—AN ACT relating to common-interest communities; revising provisions governing the imposition of fees on units' owners to cover the costs of collecting past due obligations; establishing limits on the amount which may be charged to a unit's owner to cover the costs of collecting a past due financial obligation; revising provisions governing the manner in which payments received from units' owners are accounted for and applied; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 244—AN ACT relating to motor vehicles; revising provisions governing special license plates, special or temporary parking placards and special or temporary parking stickers for certain persons with disabilities; authorizing a law enforcement officer to require the immediate surrender of special license plates, special or temporary parking placards or special or temporary parking stickers under certain circumstances; requiring a court to issue an order directing the Department of Motor Vehicles to suspend the drivers' licenses of certain persons who violate provisions governing special license plates, special or temporary parking placards and special or temporary parking stickers under certain circumstances; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senators Parks, Manendo, Copening, Denis and Assemblyman Anderson (by request):

Senate Bill No. 245—AN ACT relating to older persons; creating the Statewide Alert System for the Safe Return of Missing Older Persons; requiring the Department of Public Safety to administer and adopt regulations for the System; prescribing the circumstances under which a law enforcement agency may activate the System; providing immunity from civil liability for a broadcaster who broadcasts certain information pursuant to a notification of activation of the System; providing immunity from civil liability for certain persons who enter into agreements with the Department to establish or maintain an Internet website for the System; providing that a person who intentionally makes certain false or misleading statements to cause activation of the System is guilty of a category E felony; providing a penalty; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Leslie:

Senate Bill No. 246—AN ACT relating to protection of children; requiring the Administrator of the Health Division of the Department of Health and Human Services to approve or provide for training programs concerning the administration and management of medication for employees of certain entities that have custody of children pursuant to the order of a court; requiring an employee of certain entities that have custody of such children successfully to complete a training program before administering medication to a child; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Wiener:

Senate Bill No. 247—AN ACT relating to public schools; establishing the Program for School-Based Health Centers; requiring the State Health Officer to administer the Program to the extent that money is available; authorizing school districts and charter schools to establish school-based health centers; establishing the Fund for School-Based Health Centers; prescribing certain requirements for school-based health centers that receive money from the Fund; providing immunity from civil liability for school districts and charter schools that establish school-based health centers; providing immunity from civil liability for providers of health care who provide care at school-based health centers; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By Senators Parks, Lee, Breeden, Copening, Denis, Horsford, Kihuen, Leslie, Manendo, Schneider, Wiener and Assemblyman Anderson:

Senate Bill No. 248—AN ACT relating to motor vehicles; revising the manner in which drivers of motor vehicles may overtake and pass bicycles or electric bicycles; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senators Parks, Denis, Manendo and Assemblyman Anderson:

Senate Bill No. 249—AN ACT relating to the taxation of property; revising the provisions governing the administration of certain exemptions from taxation, the determination of the taxable value of the community units of a common-interest community, the conversion of mobile or manufactured homes from real to personal property, certain appeals of the taxable value of property on the unsecured tax roll, the payment of taxes on personal property in installments, and the determination of when an overpayment of taxes on personal property will not be refunded or a deficiency in the payment of such

taxes will be exempted from collection; postponing the prospective expiration of certain provisions for the funding of accounts for the acquisition and improvement of technology in the offices of county assessors; repealing certain requirements relating to the minimum valuation of certain land; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Revenue.

Motion carried.

Assembly Bill No. 217.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 12.

Bill read second time and ordered to third reading.

Senate Bill No. 35.

Bill read second time and ordered to third reading.

Senate Bill No. 225.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 124.

Bill read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Assembly Bill No. 124 requires a funeral director who obtains possession of the unclaimed human remains of a person who might be a veteran to report the name of that person to Nevada's Office of Veterans' Services (NOVS) within one year after obtaining possession of the remains. The NOVS must determine whether the deceased person is a veteran who is eligible for interment in a national cemetery or veterans' cemetery and notify the funeral director. The funeral director must arrange for the proper disposition of the veteran's remains. The funeral director is not liable for any act or omission in complying with these requirements.

Roll call on Assembly Bill No. 124:

YEAS—21.

NAYS—None.

Assembly Bill No. 124 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 23; Assembly Bill No. 28.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Zhan Okuda-Lim.

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Emmanuel Williams.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Alex Bybee.

On request of Senator Copening, the privilege of the Floor of the Senate Chamber for this day was extended to James "Hank" Combs.

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Taylor Beacham.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to SaDarius Clayton and Myra Wright.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Brian Newman.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Alexis Garduno.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Milton Glick and Dr. Marc Johnson.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to Amanda Marie Walters.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Jessica Ramirez and Stephen James Wood.

On request of Senator Rhoads, the privilege of the Floor of the Senate Chamber for this day was extended to Tyler Penn-Brown.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Erin Cranor.

On request of Senator Schneider, the privilege of the Floor of the Senate Chamber for this day was extended to Mike Ashe.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Haley Johnson and Ricardo Terriquez.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to Angelina Cook and Rene Yeckley.

Senator Horsford moved that the Senate adjourn until Thursday, March 17, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:51 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 17, 2011

Senate called to order at 11:08 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

O God of us all, mother and father of all creation, Your undying compassion never ends.

Help us to see Thee more clearly. Love Thee more dearly. Follow Thee more nearly day by day.

Help us to be co-creators with You in our care for all the people of this State.

Thinking globally, working locally, on behalf of all. We pray in love.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 16, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 17, 18, 103, 166, 193.

SUSAN FURLONG
Chief Clerk of the Assembly

COMMUNICATIONS

MESSAGES FROM THE SECRETARY OF STATE
STATE OF NEVADA
DEPARTMENT OF STATE
CARSON CITY, NV 89701

February 7, 2011

DAVID A. BYERMAN, *Secretary of the Senate,* 401 S. Carson Street, Carson City, Nevada, 89701-4747

DEAR MR. BYERMAN:

Pursuant to the *Nevada Constitution* Article 19, Section 2, this office is required to transmit any statutory Initiative Petition to the Nevada Legislature once it convenes. In compliance with

the laws of the State of Nevada, enclosed is the statutory Initiative Petition entitled "Building an Arena for a Stronger Future."

Respectfully,
ROSS MILLER
Secretary of State
By: Scott Gilles
Deputy Secretary for Elections

MOTIONS, RESOLUTIONS AND NOTICES

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:24 a.m.

SENATE IN SESSION

At 12:11 p.m.
President Krolicki presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Kieckhefer:

Senate Bill No. 250—AN ACT relating to state financial administration; revising provisions governing state budgeting; making various other changes relating to state financial administration; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 251—AN ACT relating to commissions; creating the Nevada Sunset Commission; providing for its membership; requiring the Commission to evaluate the necessity and efficacy of all governmental programs and services provided in this State; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Hardy:

Senate Bill No. 252—AN ACT relating to wages; providing an exception for caregivers who are employed by an agency to provide personal care services in the home from provisions requiring an employer to pay additional compensation for certain overtime worked by employees; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Hardy:

Senate Bill No. 253—AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide coverage for tobacco cessation treatment; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Copening:

Senate Bill No. 254—AN ACT relating to common-interest communities; revising procedures for alternative dispute resolution of certain claims relating to common-interest communities; authorizing an association to assess against a unit the common expenses incurred in defending against certain claims; revising provisions governing the review of certain books, papers and records of an association; revising provisions governing the confidentiality of certain documents and information obtained by the Real Estate Division of the Department of Business and Industry; revising the penalties for filing frivolous, false or fraudulent claims; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Breeden:

Senate Bill No. 255—AN ACT relating to taxation; reducing the amount of the governmental services taxes imposed on certain older motor vehicles; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Senators Hardy, Denis and Copening:

Senate Bill No. 256—AN ACT relating to controlled substances; prohibiting certain acts relating to the cultivation of marijuana; requiring the State Board of Pharmacy to include on the list of schedule I controlled substances certain substances which are known as synthetic marijuana; revising provisions relating to the medical use of marijuana; providing civil and criminal penalties; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Wiener:

Senate Bill No. 257—AN ACT relating to crimes; revising various provisions governing graffiti offenses; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Hardy:

Senate Bill No. 258—AN ACT relating to anesthesiology; providing for the licensure and regulation of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; requiring anesthesiologist assistants to work under the direct supervision of a supervising anesthesiologist; establishing the maximum fees for the licensure of anesthesiologist assistants and the renewal or registration of such licenses; providing penalties; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Schneider:

Senate Bill No. 259—AN ACT relating to licensed family trust companies; revising provisions governing the management of a trust by a licensed family trust company; specifying the applicability of the Uniform Prudent Investor Act to a trust managed by a licensed family trust company; requiring a licensed family trust company to administer a trust in this State except under certain circumstances; authorizing a licensed family trust company to engage in certain transactions involving the assets of the trust or take certain actions if the transaction or action is in the interest of the beneficiaries and complies with certain other requirements; authorizing a licensed family trust company and an interested person to enter into a nonjudicial settlement agreement to resolve any matter related to the management, administration or interpretation of a trust; requiring a licensed family trust company to provide an annual report to certain persons concerning the management of a trust; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Hardy and Assemblywoman Woodbury:

Senate Bill No. 260—AN ACT relating to local improvements; providing an alternative procedure for the creation of certain local improvement districts that include a renewable energy project; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Hardy and Assemblyman Hardy:

Senate Bill No. 261—AN ACT relating to fire protection districts; setting forth the notice requirements for certain hearings held by boards of county commissioners regarding the reorganization of certain fire protection districts; requiring, under certain circumstances, the board of county commissioners to submit the question of whether to reorganize certain fire protection districts to the electors of the districts; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Hardy and Assemblyman Hardy:

Senate Bill No. 262—AN ACT providing a charter for the City of Laughlin, in Clark County, Nevada; providing for an election to be held on the question of incorporation; making the incorporation of the City contingent upon approval of this act by qualified electors of the City; providing penalties; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 263—AN ACT relating to estates; authorizing a court to establish the validity of a will or trust before the death of the testator or settlor; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Leslie:

Senate Bill No. 264—AN ACT relating to public health; revising requirements for various reports concerning the care provided by certain medical and related facilities; requiring certain reports of adverse health events to be made public; revising provisions relating to administrative fines collected by the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Parks, Leslie and Denis:

Senate Bill No. 265—AN ACT relating to offenders; requiring the aggregation of certain consecutive sentences of imprisonment imposed on an offender; making credits earned by a prisoner to reduce his or her sentence applicable to an aggregated sentence; revising the manner in which credits are earned to reduce the minimum term of imprisonment; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 17.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 18.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 103.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 166.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 193.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 31.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 44.

"SUMMARY— ~~[Extends the period for the Department of Taxation or a county to take certain actions relating to delinquent]~~ **Makes various changes to provisions governing administration of** taxes. (BDR 32-434)"

"AN ACT relating to **the administration of** taxes**; clarifying provisions governing the determination and certification of population for apportionment purposes and requiring additional projections of population; revising provisions governing joint and several liability of**

certain responsible persons for taxes and certain waivers of penalties and interest; extending the period for the Department of Taxation or a county to bring an action in a court of competent jurisdiction for summary judgment against a person owing a delinquent tax or deficiency determination; extending the period for the Department or a county to record a tax lien; extending the period for the Department or a county to issue a warrant for the enforcement of a lien and collect a delinquent tax; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Department of Taxation to determine, and the Governor to certify, the annual population of each town, township, city and county in this State for purposes of the apportionment of taxes during the next fiscal year. (NRS 360.283, 360.285) Sections 2 and 3 of this bill clarify that this determination and certification is of the relevant population as of July 1 of the immediately preceding year. Section 1 of this bill additionally requires the Department to issue annual reports containing 5-year and 20-year projections of population.

The provisions of title 32 of NRS require the Department of Taxation to collect certain taxes imposed on property of an interstate or intercounty nature, the net proceeds of minerals, financial institutions and other businesses, live entertainment, liquor, tobacco, controlled substances, estates and generation-skipping transfers, and various sales and use taxes. (Chapters 361, 362, 363A, 363B, 368A, 369, 370, 372, 372A, 374, 374A, 375A-377B of NRS) Existing law imposes joint and several liability upon certain responsible persons who fail to collect or pay to the Department some of these taxes or any pertinent fees. (NRS 360.297) Section 4 of this bill limits this liability to the willful failure to pay or collect an applicable tax or fee and applies this liability to all of the taxes and fees required to be paid to the Department under title 32 of NRS.

Under existing law, the Department of Taxation is authorized to waive or reduce the interest and penalties imposed on a person whose failure to timely file a return or pay certain taxes collected by the Department is the result of circumstances beyond the person's control and occurred despite the exercise of ordinary care and without intent. (NRS 360.419) Section 5 of this bill extends that authority to all of the taxes and fees required to be paid to the Department under title 32 of NRS and to certain fees imposed on the lease of a passenger car by a short-term lessor.

If a person owes delinquent taxes or has a deficiency determination against him or her with respect to any tax administered by the Department of Taxation, existing law authorizes the Department to attempt collection of the tax or deficiency in certain ways. The Department may: (1) file an action in any court of competent jurisdiction for summary judgment for the amount due; (2) file a certificate in the office of any county recorder, at which time

the amount due becomes a lien upon all real and personal property the person owns or acquires in the county before the lien expires or is discharged; and (3) issue a warrant for the enforcement of a lien and for the collection of any delinquent tax or fee. (NRS 360.420, 360.473, 360.483) Existing law also allows a county to take such actions when any tax is delinquent on a transfer of real property in the county. (NRS 375.160, 375.170, 375.200) Such actions must occur within 3 years after the date the tax, fee or deficiency determination was due. Existing law allows the State Controller to take certain actions with respect to unpaid debts to the State within 4 years after the debt becomes due. (NRS 353C.140, 353C.150) ~~[This]~~ **Sections 6-11 of this** bill similarly ~~[extends]~~ **extend** the time by which the Department or county may take action to collect delinquent taxes, fees or deficiencies to within 4 years after payment was due.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Department shall:

(a) On or before March 1 of each calendar year, issue an annual report of the projected population of each town, township, city and county in this State as of July 1 of that year and the next succeeding 4 years; and

(b) On or before October 1 of each calendar year, issue an annual report of the projected population, as classified by age, sex, race and Hispanic origin, of each town, township, city and county in this State as of July 1 of that year and the next succeeding 19 years.

2. The Department shall post the annual reports required by subsection 1 on an Internet website maintained by the Department and, if the demographer employed pursuant to NRS 360.283 maintains a separate Internet website, require the demographer to post the annual reports required by subsection 1 on an Internet website maintained by the demographer.

Sec. 2. **NRS 360.283 is hereby amended to read as follows:**

360.283 1. The Department shall adopt regulations to establish a method of determining annually the population of each town, township, city and county in this State and estimate the population of each town, township, city and county pursuant to those regulations.

2. The Department shall ***, on or after July 1 of each year,*** issue an annual report of the estimated population of each town, township, city and county in this State ~~[.]~~ ***as of July 1 of that year.***

3. Any town, city or county in this State may petition the Department to revise the estimated population of that town, city or county. No such petition may be filed on behalf of a township. The Department shall by regulation establish a procedure to review each petition and to appeal the decision on review.

4. The Department shall, upon the completion of any review and appeal thereon pursuant to subsection 3, determine the population of each town, township, city and county in this State, and submit its determination to the Governor.

5. The Department shall employ a demographer to assist in the determination of population pursuant to this section ***and the projection of population pursuant to section 1 of this act,*** and to cooperate with the Federal Government in the conduct of each decennial census as it relates to this State.

Sec. 3. **NRS 360.285 is hereby amended to read as follows:**

360.285 1. For the purposes of this title, the Governor shall, on or before March 1 of each year, certify the population of each town, township, city and county in this state ***as of the immediately preceding July 1*** from the determination submitted to the Governor by the Department ~~[.]~~ ***pursuant to subsection 4 of NRS 360.283.***

2. Where any tax is collected by the Department for apportionment in whole or in part to any political subdivision and the basis of the apportionment is the population of the political subdivision, the Department shall use the populations certified by the Governor. The transition from one such certification to the next must be made on July 1 following the certification for use in the fiscal year beginning then. Every payment before that date must be based upon the earlier certification and every payment on or after that date must be based upon the later certification.

Sec. 4. **NRS 360.297 is hereby amended to read as follows:**

360.297 1. A responsible person who ***willfully*** fails to collect or pay to the Department any tax or fee ~~[imposed by this chapter, chapter 363A, 363B, 368A, 369, 370, 372 or 374 of NRS,]~~ ***required to be paid to the Department pursuant to this title,*** NRS 444A.090 or 482.313, or chapter 680B of NRS, or who attempts to evade the payment of any such tax or fee, is jointly and severally liable with any other person who is required to pay such a tax or fee for the tax or fee owed plus interest and all applicable penalties. The responsible person shall pay the tax or fee upon notice from the Department that it is due.

2. As used in this section, "responsible person" includes:

(a) An officer or employee of a corporation; and

(b) A member or employee of a partnership or limited-liability company,

➥ whose job or duty it is to collect, account for or pay to the Department any tax or fee ~~[imposed by this chapter, chapter 363A, 363B, 368A, 369, 370, 372 or 374 of NRS,]~~ ***required to be paid to the Department pursuant to this title,*** NRS 444A.090 or 482.313, or chapter 680B of NRS.

Sec. 5. **NRS 360.419 is hereby amended to read as follows:**

360.419 1. If the Executive Director or a designated hearing officer finds that the failure of a person to make a timely return or payment of ~~[a tax imposed pursuant to NRS 361.320 or chapter 361A, 362, 363A, 363B, 369, 370, 372, 372A, 374, 375A, 375B, 376A, 377 or 377A of NRS,]~~ ***any tax or***

fee required to be paid to the Department pursuant to this title or NRS 482.313 is the result of circumstances beyond his or her control and occurred despite the exercise of ordinary care and without intent, the Department may relieve the person of all or part of any interest or penalty, or both.

2. A person seeking relief must file with the Department a statement under oath setting forth the facts upon which the person bases his or her claim.

3. The Department shall disclose, upon the request of any person:

(a) The name of the person to whom relief was granted; and

(b) The amount of the relief.

4. The Executive Director or a designated hearing officer shall act upon the request of a taxpayer seeking relief pursuant to NRS 361.4835 which is deferred by a county treasurer or county assessor.

~~[Section 1.]~~ ***Sec. 6.*** NRS 360.420 is hereby amended to read as follows:

360.420 1. If, with respect to any tax or fee administered by the Department, a person:

(a) Fails to pay the tax or fee when due according to his or her own return filed with the Department;

(b) Fails to pay a deficiency determination when due; or

(c) Defaults on a payment pursuant to a written agreement with the Department,

➥ the Department may, within ~~[3]~~ ***4*** years after the amount is due, file in the office of the clerk of any court of competent jurisdiction an application for the entry of a summary judgment for the amount due.

2. The application must be accompanied by a certificate specifying:

(a) The amount required to be paid, including any interest and penalties due;

(b) The name and address of the person liable for the payment, as they appear on the records of the Department;

(c) The basis for the determination of the Department of the amount due; and

(d) That the Department has complied with the applicable provisions of law in relation to the determination of the amount required to be paid.

3. The application must include a request that judgment be entered against the person in the amount required to be paid, including any interest and penalties due, as set forth in the certificate.

~~[Sec. 2.]~~ ***Sec. 7.*** NRS 360.473 is hereby amended to read as follows:

360.473 1. If any tax or fee administered by the Department is not paid when due, the Department may, within ~~[3]~~ ***4*** years after the date that the tax or fee was due, file for record a certificate in the office of any county recorder which states:

(a) The amount of the tax or fee and any interest or penalties due;

(b) The name and address of the person who is liable for the amount due as they appear on the records of the Department; and

(c) That the Department has complied with all procedures required by law for determining the amount due.

2. From the time of the filing of the certificate, the amount due, including interest and penalties, constitutes a lien upon all real and personal property in the county owned by the person or acquired by the person afterwards and before the lien expires. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the filing of the certificate unless sooner released or otherwise discharged.

3. Within 5 years after the date of the filing of the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by filing for record a new certificate in the office of the county recorder of any county. From the time of filing, the lien is extended to all real and personal property in the county owned by the person or acquired by the person afterwards for 5 years, unless sooner released or otherwise discharged.

~~[Sec. 3.]~~ ***Sec. 8.*** NRS 360.483 is hereby amended to read as follows:

360.483 1. The Department or its authorized representative may issue a warrant for the enforcement of a lien and for the collection of any delinquent tax or fee which is administered by the Department:

(a) Within ~~[3]~~ ***4*** years after the person is delinquent in the payment of the tax or fee; or

(b) Within 5 years after the last recording of an abstract of judgment or of a certificate constituting a lien for the tax or fee.

2. The warrant must be directed to a sheriff or constable and has the same effect as a writ of execution.

3. The warrant must be levied and sale made pursuant to the warrant in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

~~[Sec. 4.]~~ ***Sec. 9.*** NRS 375.160 is hereby amended to read as follows:

375.160 1. If any tax imposed pursuant to this chapter is not paid when due, the county may, within ~~[3]~~ ***4*** years after the date that the tax was due, record a certificate in the office of the county recorder which states:

(a) The amount of the tax and any interest or penalties due;

(b) The name and address of the person who is liable for the amount due as they appear on the records of the county; and

(c) That the county recorder has complied with all procedures required by law for determining the amount due.

2. From the time of the recording of the certificate, the amount due, including interest and penalties, constitutes:

(a) A lien upon the real property for which the tax was due if the person who owes the tax still owns the property; or

(b) A demand for payment if the property has been sold or otherwise transferred to another person.

3. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the recording of the certificate unless sooner released or otherwise discharged.

4. Within 5 years after the date of recording the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by recording a new certificate in the office of the county recorder. From the time of recording the new certificate, the lien is extended for 5 years, unless sooner released or otherwise discharged.

~~[Sec. 5.]~~ ***Sec. 10.*** NRS 375.170 is hereby amended to read as follows:

375.170 1. If a person is delinquent in the payment of any tax imposed by this chapter or has not paid the amount of a deficiency determination, the county may bring an action in a court of this state, a court of any other state or a court of the United States that has competent jurisdiction to collect the delinquent or deficient amount, penalties and interest. The action:

(a) May not be brought if the decision that the payment is delinquent or that there is a deficiency determination is on appeal to a hearing officer pursuant to NRS 375.320.

(b) Must be brought not later than ~~[3]~~ ***4*** years after the payment became delinquent or the determination became final.

2. The district attorney shall prosecute the action. The provisions of the Nevada Revised Statutes, Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings. In the action, a writ of attachment may issue. A bond or affidavit is not required before an attachment may be issued.

3. In an action, a certificate by the county recorder showing the delinquency is prima facie evidence of:

(a) The determination of the tax or the amount of the tax;

(b) The delinquency of the amounts; and

(c) The compliance by the county recorder with all the procedures required by law relating to the computation and determination of the amounts.

~~[Sec. 6.]~~ ***Sec. 11.*** NRS 375.200 is hereby amended to read as follows:

375.200 1. The county or its authorized representative may issue a warrant for the enforcement of a lien and for the collection of any delinquent tax that is administered pursuant to this chapter:

(a) Within ~~[3]~~ ***4*** years after the person is delinquent in the payment of the tax; or

(b) Within 5 years after the last recording of a certificate copy constituting a lien for the tax.

2. The warrant must be directed to a sheriff or constable and has the same effect as a writ of execution.

3. The warrant must be levied and sale made pursuant to the warrant in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

Sec. 12. **NRS 4.065 is hereby amended to read as follows:**

4.065 1. The justice of the peace shall, on the commencement of any action or proceeding in the justice court for which a fee is required, and on the answer or appearance of any defendant in any such action or proceeding for which a fee is required, charge and collect a fee of $1 from the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.

2. On or before the first Monday of each month, the justice of the peace shall pay over to the county treasurer the amount of all fees collected by the justice of the peace pursuant to subsection 1 for credit to the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Executive Director of the Department of Taxation to administer the provisions of NRS 360.283 ~~[.]~~ ***and section 1 of this act.***

~~[Sec. 7.]~~ ***Sec. 13.*** This act becomes effective on July 1, 2011.

Senator Leslie moved the adoption of the amendment.

Remarks by Senator Leslie.

Senator Leslie requested that her remarks be entered in the Journal.

Amendment No. 44 to Senate Bill No. 31 makes three changes to the bill. Sections 1, 2 and 3 require the State Demographer to prepare 5-year and 20-year population projections on an annual basis that are based on the Governor's certified population estimates.

Section 4 authorizes the Department of Taxation to consider whether a person's failure to collect or pay any taxes or fees to the Department was "willful" with respect to determining if that person should be made jointly or severally liable for the payment of taxes.

Sections 4 and 5 extend the current authority provided to the Department of Taxation to waive penalties and interest in certain cases where good cause is shown. The amendment establishes that this authority applies to all taxes and fees administered by the Department.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 45.

"SUMMARY—Makes various changes relating to ~~[the meetings of the State Board of Equalization.]~~ **equalization of property valuations.** **(**BDR 32-433)"

"AN ACT relating to the ~~[State Board of Equalization;]~~ **equalization of property valuations; extending under certain circumstances the deadline for appeals to county boards of equalization;** extending certain deadlines for the **State** Board **of Equalization** to conclude the business of equalization; requiring the **State** Board to post a schedule of certain meetings on the

Internet website of the Department of Taxation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

A taxpayer who desires to appeal the valuation of his or her property to a county board of equalization must file the appeal on or before January 15. (NRS 361.340) Section 1 of this bill extends that deadline to the next business day if January 15 falls on a Saturday, Sunday or legal holiday.

The State Board of Equalization hears appeals from the actions of the county boards of equalization and is required to equalize property valuations in the State by reviewing the tax rolls of the various counties and raising or lowering assessed property values, if appropriate, to ensure a uniform and equal rate of assessment and taxation in this State. (NRS 361.395, 361.400) Existing law requires the State Board to conclude the business of equalization on or before April 15 on cases that in its opinion have a substantial effect on tax revenues, while cases having a less substantive effect on tax revenues may be heard at additional meetings before October 1. (NRS 361.380) ~~[This]~~ **Section 3 of this** bill instead requires that if a proposed equalization affects ~~[more than one]~~ local governmental ~~[entity]~~ **entities in more than one county** and is likely to have a substantial effect on tax revenues, the State Board must notify each **affected** local governmental entity of the proposed equalization on or before April 30. In addition, **sections 2 and 3 of** this bill ~~[extends]~~ **extend** the deadline for cases which have a less substantive effect, or those arising from decisions made in individual cases, to November 1. ~~[This bill]~~ **Section 3** also requires the State Board to post a schedule of its meetings concerning such equalization on the Department of Taxation's Internet website and removes the requirement that the State Board publish notice of meetings to be held in locations other than Carson City in a newspaper in the county where the meetings are to be held.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 361.340 is hereby amended to read as follows:**

361.340 1. Except as otherwise provided in subsection 2, the board of equalization of each county consists of:

(a) Five members, only two of whom may be elected public officers, in counties having a population of 15,000 or more; and

(b) Three members, only one of whom may be an elected public officer, in counties having a population of less than 15,000.

2. The board of county commissioners may by resolution provide for an additional panel of like composition to be added to the board of equalization to serve for a designated fiscal year. The board of county commissioners may also appoint alternate members to either panel.

3. A district attorney, county treasurer or county assessor or any of their deputies or employees may not be appointed to the county board of equalization.

4. The chair of the board of county commissioners shall nominate persons to serve on the county board of equalization who are sufficiently experienced in business generally to be able to bring knowledge and sound judgment to the deliberations of the board or who are elected public officers. The nominees must be appointed upon a majority vote of the board of county commissioners. The chair of the board of county commissioners shall designate one of the appointees to serve as chair of the county board of equalization.

5. Except as otherwise provided in this subsection, the term of each member is 4 years and any vacancy must be filled by appointment for the unexpired term. The term of any elected public officer expires upon the expiration of the term of his or her elected office.

6. The county clerk or his or her designated deputy is the clerk of each panel of the county board of equalization.

7. Any member of the county board of equalization may be removed by the board of county commissioners if, in its opinion, the member is guilty of malfeasance in office or neglect of duty.

8. The members of the county board of equalization are entitled to receive per diem allowance and travel expenses as provided for state officers and employees. The board of county commissioners of any county may by resolution provide for compensation to members of the board of equalization in its county who are not elected public officers as it deems adequate for time actually spent on the work of the board of equalization. In no event may the rate of compensation established by a board of county commissioners exceed $125 per day.

9. A majority of the members of the county board of equalization constitutes a quorum, and a majority of the board determines the action of the board.

10. A county board of equalization shall comply with any applicable regulation adopted by the Nevada Tax Commission.

11. The county board of equalization of each county shall hold such number of meetings as may be necessary to care for the business of equalization presented to it. Every appeal to the county board of equalization must be filed not later than January 15. ***If January 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.*** Each county board shall cause to be published, in a newspaper of general circulation published in that county, a schedule of dates, times and places of the board meetings at least 5 days before the first meeting. The county board of equalization shall conclude the business of equalization on or before the last day of February of each year except as to matters remanded by the State Board of Equalization. The State Board of Equalization may establish procedures for the county boards, including setting the period for hearing

appeals and for setting aside time to allow the county board to review and make final determinations. The district attorney or his or her deputy shall be present at all meetings of the county board of equalization to explain the law and the board's authority.

12. The county assessor or his or her deputy shall attend all meetings of each panel of the county board of equalization.

~~[Section 1.]~~ ***Sec. 2.*** NRS 361.360 is hereby amended to read as follows:

361.360 1. Any taxpayer aggrieved at the action of the county board of equalization in equalizing, or failing to equalize, the value of his or her property, or property of others, or a county assessor, may file an appeal with the State Board of Equalization on or before March 10 and present to the State Board of Equalization the matters complained of at one of its sessions. If March 10 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

2. All such appeals must be presented upon the same facts and evidence as were submitted to the county board of equalization in the first instance, unless there is discovered new evidence pertaining to the matter which could not, by due diligence, have been discovered before the final adjournment of the county board of equalization. The new evidence must be submitted in writing to the State Board of Equalization and served upon the county assessor not less than 7 days before the hearing.

3. Any taxpayer whose real or personal property placed on the unsecured tax roll was assessed after December 15 but before or on the following April 30 may likewise protest to the State Board of Equalization. Every such appeal must be filed on or before May 15. If May 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. A meeting must be held before May 31 to hear those protests that in the opinion of the State Board of Equalization may have a substantial effect on tax revenues. One or more meetings may be held at any time and place in the State before ~~[October]~~ ***November*** 1 to hear all other protests.

4. The State Board of Equalization may not reduce the assessment of the county assessor if:

(a) The appeal involves an assessment on property which the taxpayer has refused or, without good cause, has neglected to include in the list required of the taxpayer pursuant to NRS 361.265 or if the taxpayer has refused or, without good cause, has neglected to provide the list to the county assessor; or

(b) The taxpayer has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination authorized by NRS 361.260.

5. Any change made in an assessment appealed to the State Board of Equalization is effective only for the fiscal year for which the assessment was made. The county assessor shall review each such change and maintain or remove the change as circumstances warrant for the next fiscal year.

6. If the State Board of Equalization determines that the record of a case on appeal from the county board of equalization is inadequate because of an act or omission of the county assessor, the district attorney or the county board of equalization, the State Board of Equalization may remand the case to the county board of equalization with directions to develop an adequate record within 30 days after the remand. The directions must indicate specifically the inadequacies to be remedied. If the State Board of Equalization determines that the record returned from the county board of equalization after remand is still inadequate, the State Board of Equalization may hold a hearing anew on the appellant's complaint or it may, if necessary, contract with an appropriate person to hear the matter, develop an adequate record in the case and submit recommendations to the State Board. The cost of the contract and all costs, including attorney's fees, to the State or the appellant necessary to remedy the inadequate record on appeal are a charge against the county.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 361.380 is hereby amended to read as follows:

361.380 1. Except as otherwise provided in subsection 3, annually, the State Board of Equalization shall convene on the fourth Monday in March in Carson City, Nevada, and shall hold such number of meetings as may be necessary to care for the business of equalization presented to it. ~~[The]~~ ***If a proposed equalization affects ~~[more than one]~~ local governmental ~~[entity]~~ entities in more than one county and the equalization, in the opinion of the State Board of Equalization, is likely to have a substantial effect on tax revenues, the*** State Board of Equalization shall ~~[conclude the business]~~ ***notify each affected local governmental entity*** of ***the proposed*** equalization on ~~[cases that in its opinion have a substantial effect on tax revenues on]~~ or before April ~~[15. Cases having less than a substantial effect on tax revenues]~~ ***30.*** ~~*[This requirement does not apply to a decision of the State Board of Equalization in cases that require equalization of similarly situated property.]*~~ ***Cases*** may be heard at additional meetings which may be held at any time and place in the state before ~~[October]~~ ***November*** 1.

2. The publication in the statutes of the foregoing time, place and purpose of each regular session of the State Board of Equalization is notice of such sessions, or if it so elects, the State Board of Equalization may cause published notices of such regular sessions to be made in the press, or may notify parties in interest by letter or otherwise.

3. The State Board of Equalization may designate some place other than Carson City, Nevada, for any of the meetings specified in subsection 1. ~~[If such other place is so designated, notice thereof must be given by publication of a notice once a week for 2 consecutive weeks in some newspaper of general circulation in the county in which such meeting or meetings are to be held.]~~ ***In addition to any other notice required by law, the State Board of Equalization must post a schedule of each such meeting on the Internet website maintained by the Department.***

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 361.405 is hereby amended to read as follows:

361.405 1. The Secretary of the State Board of Equalization forthwith shall certify any change made by the Board in the assessed valuation of any property in whole or in part to the county auditor of the county where the property is assessed, and whenever the valuation of any property is raised, the Secretary of the State Board of Equalization shall forward by certified mail to the property owner or owners affected, notice of the increased valuation.

2. As soon as changes resulting from cases having a substantial effect on tax revenues have been certified to the county auditor by the Secretary of the State Board of Equalization, the county auditor shall:

(a) Enter all such changes and the value of any construction work in progress and net proceeds of minerals which were certified to him or her by the Department, on the assessment roll before the delivery thereof to the tax receiver.

(b) Add up the valuations and enter the total valuation of each kind of property and the total valuation of all property on the assessment roll.

(c) Certify the results to the board of county commissioners and the Department **.** ~~[on or before April 15 of each year.]~~

3. The board of county commissioners shall not levy a tax on the net proceeds of minerals added to the assessed valuation pursuant to paragraph (a) of subsection 2, but, except as otherwise provided by specific statute, the net proceeds of minerals must be included in the assessed valuation of the taxable property of the county and all local governments in the county for the determination of the rate of tax and all other purposes for which assessed valuation is used.

4. As soon as changes resulting from cases having less than a substantial effect on tax revenue have been certified to the county tax receiver by the Secretary of the State Board of Equalization, the county tax receiver shall adjust the assessment roll or the tax statement or make a tax refund, as directed by the State Board of Equalization.

~~[Sec. 4.]~~ ***Sec. 5.*** This act becomes effective upon passage and approval.

Senator Leslie moved the adoption of the amendment.

Remarks by Senator Leslie.

Senator Leslie requested that her remarks be entered in the Journal.

Amendment No. 45 to Senate Bill No. 32 makes two changes to the bill. Section 1 provides a technical amendment offered by the Legal Division. The amendment clarifies that if the January 15 deadline for filing an appeal to the County Board of Equalization should fall on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. This clarification to the deadline provides consistency with a number of existing statutes.

Section 3 provides more succinct language to accomplish the original intent of the bill as drafted, which is to make the distinction between the types of appeals filed by individual property owners versus broad-based equalization actions that may have a substantial effect on property tax revenues and may affect local governments in more than one county.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Leslie moved that Senate Bill No. 33 be taken from the Second Reading File and placed on the Secretary's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 43.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 12.

Bill read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Senate Bill No. 12 repeals statutory provisions that require certain facilities that generate electricity to report greenhouse gas emissions to the State Environmental Commission and voids any regulations adopted pursuant to those provisions.

This bill was requested by the Division of Environmental Protection. Testimony indicated that the United States Environmental Protection Agency adopted regulations for the reporting of greenhouse gases in the fall of 2009, and the Greenhouse Gas Reporting Program became effective this year. The reporting requirements in *Nevada Revised Statutes* (NRS) 445B.370 duplicate the federal reporting requirements. By repealing NRS 445B.370, this bill eliminates these duplicative requirements.

Roll call on Senate Bill No. 12:

YEAS—21.

NAYS—None.

Senate Bill No. 12 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 35.

Bill read third time.

Remarks by Senator Denis.

Senator Denis requested that his remarks be entered in the Journal.

Senate Bill No. 35 revises provisions relating to Nevada's public school accountability system by removing the requirement that paraprofessionals in public schools be linked to individual pupils within the State accountability database. The measure also requires that the report of achievement on proficiency exams and other information contained in a charter school's accountability report be submitted to the Department of Education through the sponsor of the charter school.

Roll call on Senate Bill No. 35:

YEAS—21.

NAYS—None.

Senate Bill No. 35 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 225.

Bill read third time.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Senate Bill No. 225 establishes provisions for the Health Division of the Department of Health and Human Services to acknowledge and prepare a list of hospitals that are designated as primary stroke centers. This bill also authorizes a State Board of Health to adopt regulations relating to such designations. The bill further provides that a licensed hospital which is not designated as a primary stroke center may not advertise that the hospital is a primary stroke center. The bill does not prohibit any hospital from providing care to a victim of stroke, even if the hospital does not receive such a designation. This passed unanimously out of the Committee on Health and Human Services.

Roll call on Senate Bill No. 225:

YEAS—21.

NAYS—None.

Senate Bill No. 225 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:36 p.m.

SENATE IN SESSION

At 12:40 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Revenue:

Senate Concurrent Resolution No. 4—Rejecting Initiative Petition No. 1.

WHEREAS, Initiative Petition No. 1 would impose an additional sales and use tax in certain areas of larger counties in Nevada for the construction, improvement, equipment, operation and maintenance of a sports and entertainment arena through public and private cooperation; and

WHEREAS, Initiative Petition No. 1 would result in a disparate rate of sales and use taxation within a single county; and

WHEREAS, The State of Nevada is facing a budget crisis that poses serious challenges to the residents of Nevada; and

WHEREAS, This Legislature is confronting issues daily that threaten the level of funding to essential services such as education, public safety and transportation; and

WHEREAS, The taxes generated by Initiative Petition No. 1 will not be available to support any of the services essential to the residents of Nevada; and

WHEREAS, The Board of County Commissioners of Clark County has declined on several occasions to adopt a tax increase for an arena as proposed by Initiative Petition No. 1; and

WHEREAS, Initiative Petition No. 1 circumvents the authority of the Board of County Commissioners of Clark County to make decisions that are traditionally the prerogative of local government, such as land use, zoning and transportation matters; and

WHEREAS, Initiative Petition No. 1 creates transportation and infrastructure costs to Clark County that are not covered by the proposed funding mechanisms; and

WHEREAS, Section 2 of Article 19 of the *Nevada Constitution* authorizes the Legislature to propose a competing measure to Initiative Petition No. 1; and

WHEREAS, There are alternatives to Initiative Petition No. 1 that could be proposed by the Legislature that would better serve the interests of the residents of the State of Nevada; and

WHEREAS, This Legislature intends to propose a competing measure for submission to the voters on the November 2012 general election ballot; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 76th Session of the Nevada Legislature hereby reject Initiative Petition No. 1; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Governor of the State of Nevada and the Secretary of State of the State of Nevada.

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

Senator Horsford requested that the following remarks be entered in the Journal.

Mr. President, this is not an appropriate issue for this body to take up at this time. We are not going to interject ourselves. This is a local issue that should be dealt with at the local level.

Initiative Petition No. 1 will be on the ballot in November 2012 when it can and should be decided by the voters. This Legislative Session is about creating jobs now and finding a balanced solution to the budget so that we preserve funding for education and other vital services. We are serious about cuts. We are serious about reform. That is the focus of this Legislative Session and will continue to be so for the remaining time in this Session.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to the following students from Liberty High School: Courtney Abraham, Gina Candalerio, Brianda Catalan, Paige Thomas, Jessica Peraza, Delea Keeling, Dallas Scott, Jessica Makay, Vanessa Portillo, Ivy Sampson, Xavier Adams, Nate Rollins, Kassandra Zepeda, Amber Aleman, Spencer Hill-Hale, Alexis Paredes, Thomas Smith, Rebecca Cruz, Lauren Smith, Chaz Murray, Hillary Franco, Jacob Wilkerson, Ryan Nimmo, Linsey Terry, Tashawna Nieto, Saquisha Woods, Mercedes Mines, Cory Chiders, Mary Lenard, Semaj Price, Brika Lennon, Makenzie Jones, Kiki Minor, Dustin Laub, Peter McCutchen, Dennis Navarez, Liz Starbuck, Teu Tai, and Jacob Boockoff.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Bill Lawry, Theresa Lawry, Dee McGinness, Dan Prockish and Diane Prockish.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Alice Martz.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Laird Noble Sanders.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to former Senator Denis Nolan.

Senator Horsford moved that the Senate adjourn until Friday, March 18, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 12:46 p.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FORTIETH DAY

CARSON CITY (Friday), March 18, 2011

Senate called to order at 11:10 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Dixie Jennings-Teats.

O Thou who art the center of every breath we take, put us into the center of Your creativity.

Give us visions of possibility, new ways of creative action that might care for Your people in this State.

Bless these Senators as they, with the whole body of the Nevada Legislature, stand on the forefront of what has not yet been created.

Help them maintain hearts of compassion, spirits of openness and courageous actions.

On behalf of all Your people in Nevada, including those at the margins, we pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Wiener moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which were referred Senate Bill No. 14; Assembly Bill No. 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MO DENIS, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 87, 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 45, 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Manendo, Breeden, Parks; Assemblymen Carrillo, Ohrenschall and Hogan:

Senate Bill No. 266—AN ACT relating to property; revising provisions governing the possession of pets by tenants of a manufactured home park; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Wiener:

Senate Bill No. 267—AN ACT relating to personal information; requiring a business entity or data collector to encrypt or destroy personal information that is stored on a copier, facsimile machine or multifunction device under certain circumstances; requiring an owner or lessor of certain copiers, facsimile machines or multifunction devices to destroy any personal information that is stored on the copier, facsimile machine or multifunction device under certain circumstances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Lee:

Senate Bill No. 268—AN ACT relating to public works; revising provisions relating to preferences when competing for contracts for certain public works projects; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Hardy:

Senate Bill No. 269—AN ACT relating to elections; authorizing write-in voting for state and federal offices under certain circumstances; providing requirements for becoming a write-in candidate for state or federal office; requiring write-in candidates to submit certain campaign contribution and expenditure reports and statements of financial disclosure; providing a penalty; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Denis and Hardy:

Senate Bill No. 270—AN ACT relating to health care practitioners; requiring certain practitioners who may prescribe or administer controlled substances and dangerous drugs to complete a course of instruction relating to prescription drug abuse and addiction as a condition of licensure or certification or the renewal of a license or certificate; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Lee, Settelmeyer; Assemblymen Hickey, Kirner and Kite:

Senate Bill No. 271—AN ACT relating to land use planning; providing for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Roberson:

Senate Bill No. 272—AN ACT relating to state financial administration; eliminating the required use of base budgets in the state budget process; removing the requirement that the proposed budget for the Executive Department of the State Government include information setting out the cost of continuing each program at the same level of service as the current year; removing the requirement that the proposed budget include information comparing proposed expenditures and anticipated income with expenditures and income for the last completed fiscal year and current fiscal year; removing the requirement that the Chief of the Budget Division of the Department of Administration provide the Fiscal Analysis Division of the Legislative Counsel Bureau with the adjusted base budgets for the Executive Department and an estimated range of the costs for continuing the operation of State Government and providing elementary, secondary and higher education at the current level of service; removing the requirement that the final proposed budget prepared by the Chief and submitted by the Governor to the Legislature include adjusted base budgets for the Executive Department and the costs for continuing each program at the current level of service; revising provisions relating to the Legislature's fundamental review of base budgets; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Copening:

Senate Bill No. 273—AN ACT relating to osteopathic medicine; authorizing an osteopathic physician to engage in telemedicine under certain circumstances; authorizing the State Board of Osteopathic Medicine to place any condition, limitation or restriction on a license under certain circumstances; requiring an osteopathic physician who performs an autopsy to submit a written report of the findings of the autopsy to the Board under certain circumstances; requiring the Board to submit to the Governor and to the Director of the Legislative Counsel Bureau certain reports compiling disciplinary action taken by the Board against physician assistants; revising provisions governing applications for licensure by the Board; revising certain provisions relating to the renewal of a license to practice osteopathic medicine; authorizing the Board to prorate the initial license fee for certain licenses; expanding the authority of the Board to discipline a physician

assistant for certain conduct; revising provisions requiring certain persons to report information relating to certain malpractice claims to the Board; expanding the authority of the Board to investigate a physician assistant for certain conduct; revising provisions governing certain complaints filed with the Board; authorizing the Board summarily to suspend the license of a physician assistant under certain circumstances; authorizing the Board to seek injunctive relief against an osteopathic physician or physician assistant for engaging in certain conduct; providing a penalty; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 274—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles, with respect to special license plates for the support of outreach programs and services for veterans and their families, to make available an alternative version of the plates indicating service as a female veteran; requiring the Department to ensure that all special license plates for veterans, if the veteran has suffered a 100-percent service-connected disability and desires such an indication, include indicia of the veteran's disabled status; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senators Leslie and Parks:

Senate Bill No. 275—AN ACT relating to pupils; revising the definition of bullying; prohibiting bullying, cyber-bullying, harassment or intimidation under certain circumstances; providing civil liability for failure to comply with certain provisions relating to safe and respectful learning environments; providing a penalty; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Education.

Motion carried.

By Senators Parks and Leslie:

Senate Bill No. 276—AN ACT relating to education; revising provisions governing safe and respectful learning environments in public schools; requiring the Department of Education to establish training programs for members of the State Board of Education, boards of trustees of school districts, anti-bullying school district coordinators and anti-bullying school specialists on the prevention of bullying, cyber-bullying, harassment and intimidation in public schools; requiring the Department of Education to assign a grade to each school district and public school based upon certain

reports on incidents of bullying, cyber-bullying, harassment and intimidation in public schools; creating the Bullying Prevention Fund in the State General Fund; requiring the board of trustees of each school district to appoint an anti-bullying school district coordinator; requiring the principal of each public school to appoint an anti-bullying school specialist and a school safety team; authorizing a parent or legal guardian of a pupil involved in an incident of bullying, cyber-bullying, harassment or intimidation to appeal a decision of the superintendent of schools of a school district or the board of trustees of a school district concerning the incident; requiring applicants for a license to teach and certain licensed teachers to complete course work in the prevention of bullying, cyber-bullying, harassment and intimidation in public schools; revising provisions governing the grounds for disciplinary action against teachers and administrators; encouraging private schools to adopt policies governing safe and respectful learning environments; authorizing the Board of Regents of the University of Nevada to adopt a policy prohibiting bullying, cyber-bullying, harassment and intimidation; requiring the Governor to annually proclaim the first week in October to be "Week of Respect"; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Education.

Motion carried.

By Senator Wiener:

Senate Bill No. 277—AN ACT relating to juveniles; prohibiting, under certain circumstances, a minor from using an electronic communication device to possess, transmit or distribute certain sexual images of a minor; clarifying the definition of "cyber-bullying" for the purposes of certain provisions relating to education; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Horsford and Hardy:

Senate Bill No. 278—AN ACT relating to health care; requiring the Commissioner of Insurance to establish a task force to study the use in this State of electronic identification cards that contain certain health insurance information; setting forth the powers and duties of the task force and the requirements of the study; requiring the Division of Insurance of the Department of Business and Industry to provide administrative support for the task force; prohibiting certain insurers and certain self-insured governmental entities from requiring prior authorization for medical and dental care under certain circumstances; revising provisions governing the modification of contracts between insurers and providers of health care under certain circumstances; requiring the Director of the Department of Health and Human Services to prescribe a minimum reimbursement rate for care and

services provided pursuant to state plans which provide medical assistance; revising the requirement that certain insurers and health care facilities accept a standardized form to obtain information relating to the credentials of a provider of health care; requiring a report concerning the results of the study of electronic identification cards by the task force and any recommendations for legislation to be provided to the Legislature; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 186.

Bill read second time and ordered to third reading.

Senate Bill No. 193.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 31.

Bill read third time.

Remarks by Senator Halseth.

Senator Halseth requested that her remarks be entered in the Journal.

Senate Bill No. 31, in its first reprint, requires the State Demographer to prepare 5-year and 20-year population projections each year based on the Governor's certified population estimates.

The bill authorizes the Department of Taxation to consider whether a person's failure to collect or pay any taxes or fees administered by the Department was "willful" with respect to determining if that person should be made jointly or severally liable for the payment of any taxes or fees.

The bill extends the Department of Taxation's current authority to waive penalties and interest in certain cases where good cause is shown by establishing that the authority applies to all taxes and fees administered by the Department.

Finally, the bill changes the period of time from three years to four years for which the Department of Taxation may take various actions with respect to the collection of delinquent taxes. This change provides consistency with the provisions governing the State Controller's Office with respect to taking these types of actions.

This act becomes effective on July 1, 2011

Roll call on Senate Bill No. 31:

YEAS—21.

NAYS—None.

Senate Bill No. 31 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 32.

Bill read third time.

Remarks by Senator Leslie.

Senator Leslie requested that her remarks be entered in the Journal.

Senate Bill No. 32, in its first reprint, establishes that if the January 15 deadline for filing an appeal to the County Board of Equalization falls on a weekend or holiday, the appeal may be filed on the next business day.

Due to increased caseloads, the deadline for the State Board of Equalization to perform its duties is extended from October 1 to November 1.

The bill includes provisions to make the distinction between appeals filed by an individual verses broad-based appeals that may impact more than one county. Additionally, if an equalization action is anticipated to have a significant impact on property tax revenues the State Board is required to provide notice to any affected local governments by April 30 to allow the local government time to address any potential impact within their budgets.

Lastly, the bill removes the requirement for the State Board to publish notices of meetings in the newspaper for meetings held outside of Carson City and instead requires all meeting notices to be posted on the Department of Taxation's website in addition to all other required postings.

Roll call on Senate Bill No. 32:

YEAS—21.

NAYS—None.

Senate Bill No. 32 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 43.

Bill read third time.

Remarks by Senator Breeden.

Senator Breeden requested that her remarks be entered in the Journal.

Assembly Bill No. 43 changes provisions regarding audits of traffic citation records. The bill provides that a fiscal officer of a government agency to which a traffic enforcement agency is responsible must audit every record annually, rather than semiannually.

Roll call on Assembly Bill No. 43:

YEAS—21.

NAYS—None.

Assembly Bill No. 43 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bill No. 124.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to former Senator Eric Beyer, Addison Cram, Jody Cram, Anthony Dyer, Zachery Johnson and Ryan Mann.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Aspen Kieckhefer and Debbie West.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to David White, DDS.

Senator Horsford moved that the Senate adjourn until Monday, March 21, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:39 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 21, 2011

Senate called to order at 11:11 a.m.

President Pro Tempore Schneider presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God and Father.

You have brought us to a new day in which to serve You and the citizens of the State of Nevada. Guide and lead us in our discussion and formulation of bills to be advanced for the well-being of the constituents that elected us to fulfill this important role.

Today we face the deadline for introduction of bills. We pray for Your gifts of wisdom, patience and good conscience that the work we do together may be done well and for the good of all. Keep us from making quick decisions because of time that might cause struggle for the citizens and the programs of this State.

Today we also come to You asking for Your help and assistance for the people of Japan as the death toll continues to rise, and the radioactive fallout from the damaged reactors not prove to be a grave difficulty for the citizens of the country. Guard and keep any military that is involved in the action being taken against the nation and leadership of Libya. Help us remember that all things are in Your sovereign and mighty hands.

All these things we bring to You trusting in Your love, grace and mercy which You showed us through Your Son, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President Pro Tempore and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Select Committee on Economic Growth and Employment, to which was referred Senate Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Select Committee on Economic Growth and Employment, to which was referred Assembly Concurrent Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

RUBEN J. KIHUEN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 18, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 4.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Lee:

Senate Joint Resolution No. 9—Proposing to amend the *Nevada Constitution* to require an affirmative vote of two-thirds of the members elected to each House of the Legislature to decrease revenues or reserves of or mandate that new or different services be performed by a local government.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 18 of Article 4 of the *Nevada Constitution* be amended to read as follows:

Sec. 18. 1. Every bill, except a bill placed on a consent calendar adopted as provided in subsection ~~[4,]~~ ***5,*** must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill is pending shall deem it expedient to dispense with this rule. The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** a majority of all the members elected to each House is necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and Clerk of the Assembly.

2. Except as otherwise provided in subsection 3, an affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.

3. A majority of all of the members elected to each House may refer any measure which creates, generates, or increases any revenue in any form to the people of the State at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

4. ***An affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill or joint resolution which decreases revenues or reserves collected by, distributed to, or held by a local government, or imposes fees on or mandates that new or different services be performed by a local government.***

5. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

Senator Lee moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion Carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Gustavson, Cegavske, Denis, Halseth, Hardy, Kieckhefer, Lee, McGinness, Rhoads, Roberson, Settelmeyer; Assemblymen Sherwood, Hansen, Aizley, Daly, Goicoechea, Grady, Hambrick, Hammond, Hickey, Horne, Kirner, Kite and McArthur:

Senate Bill No. 279—AN ACT relating to concealed firearms; revising provisions concerning the renewal of permits to carry concealed firearms; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Brower, Breeden, Manendo, McGinness; Assemblymen Anderson and Grady:

Senate Bill No. 280—AN ACT relating to veterans; revising provisions governing the use of money from the Gift Account for Veterans; and providing other matters properly relating thereto.

Senator Brower moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Schneider:

Senate Bill No. 281—AN ACT relating to energy; requiring the Public Utilities Commission of Nevada to establish the Electric Vehicle Demonstration Program; requiring the Commission to adopt regulations to carry out the Demonstration Program; requiring electric utilities to administer the Demonstration Program in their service areas; exempting from regulation as a public utility a person who owns or operates a charging station that provides electricity for recharging an electric vehicle; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Gustavson, Cegavske, Denis, Halseth, Kieckhefer, McGinness, Roberson, Settelmeyer; Assemblymen Sherwood, Aizley, Ellison, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hickey, Kirner, Kite and McArthur:

Senate Bill No. 282—AN ACT relating to crimes; prohibiting the intentional public posting or displaying of the social security number of another person; providing a penalty; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Gustavson:

Senate Bill No. 283—AN ACT relating to postconviction relief; revising provisions governing the appointment of counsel for a postconviction petition for habeas corpus in which the petitioner has been sentenced to death; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Gustavson:

Senate Bill No. 284—AN ACT relating to child custody; establishing a presumption concerning child custody and visitation orders for members of

the military under certain circumstances; authorizing a court to delegate the visitation rights of a member of the military to a family member of the member of the military under certain circumstances; requiring a court, under certain circumstances, to provide an expedited hearing concerning custody or visitation matters or allow participation in such a hearing by electronic means; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Leslie:

Senate Bill No. 285—AN ACT relating to health care; authorizing medical assistants to possess and administer dangerous drugs under certain circumstances; authorizing physicians to employ medical assistants; requiring notice of the employment of medical assistants; requiring the Board of Medical Examiners and the State Board of Osteopathic Medicine to adopt regulations relating to medical assistants; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Rhoads and Assemblywoman Smith:

Senate Bill No. 286—AN ACT relating to state employees; authorizing an award to a state employee or group of state employees who make a suggestion that results in savings to the State under certain circumstances; and providing other matters properly relating thereto.

Senator Rhoads moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Rhoads:

Senate Bill No. 287—AN ACT relating to wind power projects; expressing opposition to the location of a proposed wind power project on Mount Wilson and Table Mountain; making recommendations for future action regarding the project; and providing other matters properly relating thereto.

Senator Rhoads moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Settelmeyer:

Senate Bill No. 288—AN ACT relating to energy; revising the prospective expiration of the Waterpower Energy Systems Demonstration Program; revising provisions governing net metering systems that use waterpower to generate electricity; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Copening (by request):

Senate Bill No. 289—AN ACT relating to insurance; revising provisions relating to nonadmitted insurance; authorizing the Commissioner of Insurance to enter the Nonadmitted Insurance Multi-State Agreement; revising provisions relating to the assessment and disbursement of taxes on nonadmitted insurance; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Copening:

Senate Bill No. 290—AN ACT relating to deceptive trade practices; requiring certain disclosures in an offer for a sale or lease of certain goods or services pursuant to an automatic renewal contract; providing that certain acts relating to an automatic renewal contract constitute deceptive trade practices; providing a penalty; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Copening:

Senate Bill No. 291—AN ACT relating to tanning establishments; prohibiting an operator of a tanning establishment from allowing a person who is less than 18 years of age to use the tanning equipment of the establishment without obtaining the written consent of the parent or guardian of the person; authorizing a parent or guardian to bring an action against an owner or operator of a tanning establishment who fails to obtain such written consent; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Schneider (by request):

Senate Bill No. 292—AN ACT relating to insurance; providing for the licensure and regulation of persons who sell or offer coverage under a policy of portable electronics insurance; providing a fee; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Cegavske:

Senate Bill No. 293—AN ACT relating to nonprofit organizations; limiting the liability of nonprofit organizations which provide certain jobs and day training services or which operate certain rehabilitation facilities or workshops; requiring that an organization be approved by the Secretary of State as a bona fide nonprofit organization as a condition of participating in one of those programs; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Cegavske:

Senate Bill No. 294—AN ACT relating to public health; revising provisions governing persons authorized to possess and administer dangerous drugs; requiring physicians to notify the Board of Medical Examiners or State Board of Osteopathic Medicine of the employment status of medical assistants; revising provisions regarding certain acts of physicians; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Hardy:

Senate Bill No. 295—AN ACT relating to local financial administration; requiring the tentative and final budgets of school districts to include a division of the total budget into certain categories by total dollar amount approved for expenditure in each category; providing that, without advance approval of the Interim Finance Committee, the dollar amount in each category must not exceed by more than 5 percent the dollar amount in the same category from the immediately preceding fiscal year; requiring the Department of Taxation to prescribe an additional portion of the form for the tentative budgets of school districts on which to include the information required for the division of the budget of the school district into the prescribed categories; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator McGinness:

Senate Bill No. 296—AN ACT relating to local financial administration; creating the Pooled Fiscal Emergency Fund and the County Fiscal Emergency Board; authorizing certain counties to deposit money in the Fund and to apply to the Board for financial assistance from the Fund during a fiscal emergency; providing for the administration of the Fund by the State Treasurer; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Copening:

Senate Bill No. 297—AN ACT relating to public works; revising certain preferences relating to employment in the construction of a public work; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator McGinness:

Senate Bill No. 298—AN ACT relating to odors; authorizing a person to submit a written complaint to the Director of the State Department of Conservation and Natural Resources alleging the existence of a noxious odor; authorizing the Director to conduct an investigation concerning the existence and cause of the noxious odor; authorizing the State Environmental Commission to order the abatement of the noxious odor under certain circumstances; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Manendo (by request):

Senate Bill No. 299—AN ACT relating to animals; requiring the board of county commissioners of each county and the governing body of each incorporated city to adopt an ordinance requiring certain commercial breeders of dogs or cats to obtain a permit to act as a breeder; setting forth the requirements for the issuance of those permits; removing operators of animal shelters from the group of persons who must comply with certain standards of care for certain animals; providing that certain standards of care for animals apply to the care for all animals kept by certain persons; making various other changes to the standards of care for those animals; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Leslie:

Senate Bill No. 300—AN ACT relating to medical facilities; revising provisions governing billing and related practices of certain larger hospitals; revising requirements relating to notices of billing practices which must be provided to patients of certain hospitals; providing administrative penalties; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Settelmeyer:

Senate Bill No. 301—AN ACT relating to commodities; authorizing the State Dairy Commission to impound and dispose of certain milk or milk products; authorizing the Commission to impose a civil penalty for certain violations relating to fluid milk and fluid cream; requiring a member of the Commission to have a background in agriculture; authorizing the Commission to enter into an agreement to promote and develop the dairy industry in this State; revising the circumstances under which milk and milk products may be imported and sold in this State without inspection by the Commission; revising certain provisions governing distributors and producers of fluid milk and fluid cream; repealing certain provisions governing fees and sales of butter and margarine, inspection of dairy farms and hearings conducted by the Commission; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Hardy:

Senate Bill No. 302—AN ACT relating to crimes; prohibiting the sale of black powder and smokeless gunpowder to certain persons; providing a penalty; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator McGinness:

Senate Bill No. 303—AN ACT relating to motor vehicles; requiring a physician to submit to the Department of Motor Vehicles medical evidence in support of a certified statement that a person has a permanent disability; requiring the Department to provide written notice to the appropriate licensing board of the physician if the Department has reason to believe that a physician failed to submit such medical evidence; requiring the appropriate licensing board to investigate certain notices received from the Department and impose administrative fines under certain circumstances; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Leslie:

Senate Bill No. 304—AN ACT relating to redistricting; creating, contingent upon voter approval, a sixth ward for the City of Reno; requiring, contingent upon voter approval, that the candidates for Supervisor in Carson City and for Council Member in the City of Henderson, the City of Reno and the City of Sparks be voted upon in a primary or general election only by the registered voters of the ward that a candidate seeks to represent; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Cegavske:

Senate Bill No. 305—AN ACT relating to education; creating the P-20 Leadership Council and prescribing the membership, duties and powers of the Council; repealing the provisions creating the P-16 Advisory Council; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Copening:

Senate Bill No. 306—AN ACT relating to constructional defects; revising provisions governing an award of attorney's fees in causes of action for constructional defects; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Copening:

Senate Bill No. 307—AN ACT relating to real property; revising provisions governing the exercise of the power of sale under a deed of trust concerning owner-occupied property; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Schneider:

Senate Bill No. 308—AN ACT relating to gaming; authorizing charitable organizations to operate remote caller bingo games; requiring the Nevada Gaming Commission to adopt regulations governing the operation of remote caller bingo games; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Settelmeyer:

Senate Bill No. 309—AN ACT relating to animals; authorizing a person to remove from his or her property an animal for which he or she has, by contract, provided care and shelter under certain circumstances; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senators Cegavske and Hardy:

Senate Bill No. 310—AN ACT relating to public health; enacting the Freedom of Choice in Health Care Act to provide persons in this State with certain choices concerning the manner in which to obtain health care services; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Gustavson (by request):

Senate Bill No. 311—AN ACT relating to property; requiring recordation of assignments of certain interests in property; requiring a beneficiary of a deed of trust to disclose to authorized persons certain information regarding an assignment of a debt secured by the deed of trust; requiring satisfaction and discharge of a debt secured by a deed of trust upon payment of an amount less than the balance of debt under certain circumstances; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Gustavson (by request):

Senate Bill No. 312—AN ACT relating to transportation; providing for the deregulation of certain motor carriers; authorizing the limited regulation of certain providers of transportation services and other entities; eliminating the Nevada Transportation Authority; providing for the imposition of certain regulatory fees; providing for the transfer of the Southern Nevada Taxicab Authority to Clark County; declaring certain administrative regulations void; requiring the transfer to the State General Fund of certain money in the Nevada Transportation Authority Regulatory Fund and the Taxicab Authority Fund; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Schneider:

Senate Bill No. 313—AN ACT relating to energy; requiring the Nevada Energy Commissioner to prescribe minimum standards of energy efficiency for certain electrical devices; authorizing the Commissioner to charge and collect a fee from manufacturers of certain electrical devices for the costs of any tests to confirm that such electrical devices comply with the minimum standards of energy efficiency prescribed by the Commissioner; authorizing the Commissioner to impose administrative fines; requiring the Public Utilities Commission of Nevada, in evaluating a 3-year plan submitted by an electric utility, to give preference to certain measures and sources of electricity; requiring an electric utility to include in its 3-year plan at least one scenario of supply and demand which maximizes the achievable net benefits from energy efficiency and conservation measures and programs; requiring the Commission to adopt regulations which include the opportunity for an electric utility to earn a return on investment from the implementation of energy efficiency and conservation programs equal to the return on investment earned by the utility from investment in alternative supply-side resources; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Lee:

Senate Bill No. 314—AN ACT relating to residential property; providing for the registration and regulation of asset management companies; providing for the permitting and regulation of employees and independent contractors of asset management companies; prohibiting a purchaser of residential property from voluntarily waiving or being required to waive his or her right to a disclosure form; providing penalties; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Senator Horsford moved that the Senate recess until 2 p.m.

Motion carried.

Senate in recess at 11:54 a.m.

SENATE IN SESSION

At 2:30 p.m.

President Pro Tempore Schneider presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 14.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator McGinness moved that Senate Bill No. 186 be taken from the General File and placed on the Secretary's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 45.

Bill read second time and ordered to third reading.

Senate Bill No. 125.

Bill read second time and ordered to third reading.

Assembly Bill No. 87.

Bill read second time and ordered to third reading.

Assembly Bill No. 88.

Bill read second time and ordered to third reading.

Assembly Bill No. 183.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that the General File be placed on the next Agenda.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Kieckhefer:

Senate Bill No. 315—AN ACT relating to educational personnel; authorizing the board of trustees of a school district to allow certain persons to teach a course within the public schools of the school district for a provisional time without a license to teach issued by the Superintendent of Public Instruction; requiring the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Education.

Motion carried.

By Senators Roberson, Gustavson, Halseth, Hardy, Kieckhefer and Settelmeyer:

Senate Bill No. 316—AN ACT relating to education; requiring school districts, charter schools and university schools for profoundly gifted pupils to ensure that a certain percentage of money for public schools is expended for direct classroom expenditures; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Wiener:

Senate Bill No. 317—AN ACT relating to education; revising provisions governing plans for responding to a crisis in public schools of school districts, charter schools and private schools, so that such plans also address responding to an emergency; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By Senators Parks, Manendo; Assemblymen Pierce and Ohrenschall:

Senate Bill No. 318—AN ACT relating to motor vehicles; establishing provisions governing the permissible flammability of occupant seating in school buses and plastic components contained within the engine compartments of school buses; providing a penalty; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Education.

Motion carried.

By Senator Breeden (by request):

Senate Bill No. 319—AN ACT relating to abandoned vehicles; requiring an automobile wrecker to verify certain information regarding an abandoned vehicle on private property before removing the vehicle; requiring an automobile wrecker who removes an abandoned vehicle from private property to provide certain notices; limiting the fees that automobile wreckers may charge and collect for the removal and storage of abandoned vehicles; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Manendo (by request):

Senate Bill No. 320—AN ACT relating to motor carriers; requiring persons who wish to be employed as drivers for certain motor carriers subject to the jurisdiction of the Nevada Transportation Authority to obtain a driver's permit issued by the Authority; providing a fee; providing penalties; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Manendo (by request):

Senate Bill No. 321—AN ACT relating to taxicabs; requiring the Taxicab Authority to establish a system that uses radio or other electronic means to track taxicabs; providing for the use of an electronic security seal for a taximeter under certain circumstances; requiring the establishment of standards for a daily trip sheet in electronic form; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senators Settelmeyer, Hardy and Manendo:

Senate Bill No. 322—AN ACT relating to motor vehicles; revising provisions relating to enforcement of weight limits on vehicles; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Parks:

Senate Bill No. 323—AN ACT relating to vehicles; revising provisions governing registration of vehicles in this State by residents of this State; requiring certain nonresidents to register vehicles in this State; providing penalties; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 324—AN ACT relating to state financial administration; authorizing state agencies, under certain circumstances, to accept grants from the Federal Government without approval from the Interim Finance Committee; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Brower:

Senate Bill No. 325—AN ACT relating to governmental administration; creating the Office of Inspector General in the Department of Administration; setting forth the duties of the Inspector General; requiring a state agency to cooperate with and provide assistance to the Inspector General in carrying out those duties; and providing other matters properly relating thereto.

Senator Brower moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Lee:

Senate Bill No. 326—AN ACT relating to government affairs; authorizing county park and recreation commissions and city planning commissions to encourage and accept gifts, grants, donations and endowments for recreational, cultural and park facilities; requiring county park and recreation commissions and city planning commissions to use certain money to ensure that residents of this State may use recreational, cultural and park facilities free of charge; exempting residents of this State from paying certain fees to use recreational, cultural and park facilities; requiring the Department of Motor Vehicles to transfer a portion of the proceeds of the governmental services tax to fund state parks; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senators Settelmeyer and Hardy:

Senate Bill No. 327—AN ACT relating to buildings; prohibiting a governing body of a county or incorporated city in this State from adopting a building code or taking any other action on and after a certain date that requires the installation of an automatic fire sprinkler system in certain types of residential buildings; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Horsford:

Senate Bill No. 328—AN ACT relating to compensation; exempting creative professionals from requirements relating to compensation for overtime; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Breeden and Wiener:

Senate Bill No. 329—AN ACT relating to pharmacy; requiring practitioners to include on a prescription the symptom or purpose for which a drug is prescribed; authorizing a patient to choose whether the symptom or purpose for which a drug is prescribed be included on the label of the container of the drug; requiring a pharmacy to provide the contents of a prescription to a person authorized by the patient for whom the prescription was originally issued; providing a penalty; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Schneider:

Senate Bill No. 330—AN ACT relating to real estate; prohibiting an appraiser from preparing an appraisal under certain circumstances; authorizing the Commission of Appraisers of Real Estate and the Real Estate Administrator to adopt regulations relating to certain appraisals; allowing a person to request certain information relating to appraisals; prohibiting certain appraisals from including the value of certain property that is or was the subject of a foreclosure or short sale within a relevant period; prohibiting a lender from accelerating the payment of the balance of a home loan under certain circumstances; providing criminal and civil penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Leslie, Parks and Assemblyman Aizley:

Senate Bill No. 331—AN ACT relating to public accommodations; revising provisions relating to unlawful discrimination based on sex and gender identity or expression in places of public accommodation; providing a penalty; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Settelmeyer, Cegavske, Hardy, Gustavson, Brower, Halseth, Kieckhefer, McGinness and Roberson:

Senate Bill No. 332—AN ACT relating to compensation; revising provisions governing compensation for overtime; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 333—AN ACT relating to taxation; requiring the Department of Taxation to adopt regulations establishing the Nevada Job Creation Incentive Program to provide a deduction from the payroll tax for certain employers for wages paid to newly hired employees under certain circumstances; requiring the Department to report quarterly to the Legislative Commission concerning the Program; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Senator McGinness:

Senate Bill No. 334—AN ACT relating to state financial administration; requiring the creation on the State's Internet website of a searchable database of expenditures and funding actions by state agencies under certain circumstances; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Senator Parks; Assemblymen Pierce and Ohrenschall (by request):

Senate Bill No. 335—AN ACT relating to hypodermics; removing hypodermic devices from the list of paraphernalia that is prohibited for delivery, sale, possession, manufacture or use in this State; providing that hypodermic devices may be sold without a prescription if not prohibited by federal law; repealing a provision which makes it a crime to misuse a hypodermic device; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Schneider:

Senate Bill No. 336—AN ACT relating to prescription drugs; revising certain provisions relating to prescription drugs; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Kieckhefer and Copening:

Senate Bill No. 337—AN ACT relating to anatomical gifts; providing under certain circumstances that certain anatomical gifts pass to a family member of the donor who is a medically suitable recipient for the gift; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Breeden and Wiener:

Senate Bill No. 338—AN ACT relating to public health; requiring certain facilities for skilled nursing to submit information to the secure, Internet-based surveillance system established by the Division of Healthcare Quality Promotion of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services; requiring reports and publication of certain information relating to the readmission of patients who received care in hospitals; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Breeden and Wiener:

Senate Bill No. 339—AN ACT relating to public health; requiring medical facilities to provide to patients and to post certain information relating to facility-acquired infections; revising requirements for patient safety plans adopted by medical facilities; requiring medical facilities to designate an infection control officer; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Breeden and Wiener:

Senate Bill No. 340—AN ACT relating to public health; requiring hospitals and surgical centers for ambulatory patients to report certain information relating to physicians who perform surgical procedures; requiring the Department of Health and Human Services to post on an Internet website certain information relating to physicians who perform surgical procedures; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Parks, Copening, Schneider, Wiener, Breeden, Leslie, Manendo; Assemblymen Ohrenschall and Pierce:

Senate Bill No. 341—AN ACT relating to state financial administration; directing the Legislative Commission to appoint a subcommittee to conduct an interim study concerning the establishment of a bank that is owned, controlled and operated by this State; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Roberson, Cegavske, Brower, Gustavson, Halseth, Kieckhefer and Settelmeyer:

Senate Bill No. 342—AN ACT relating to local government; revising provisions related to the deduction of dues for an employee organization; prohibiting representatives of employee organizations from receiving public money to perform activities or duties related to representation of an employee organization; prohibiting supervisory employees and administrative employees from inclusion in bargaining units; requiring the publication of initial and final offers; making various other changes relating

to collective bargaining between local government employers and employees; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Roberson, Halseth and Settelmeyer:

Senate Bill No. 343—AN ACT relating to local governments; eliminating binding fact-finding in negotiations between local governments and employee organizations; authorizing the governing body of a local government employer to impose employment conditions on certain employee organizations with which it has been negotiating under certain circumstances; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Parks, Horsford; Assemblymen Conklin, Hogan and Oceguera:

Senate Bill No. 344—AN ACT relating to elections; enacting the Agreement Among the States to Elect the President by National Popular Vote; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Denis:

Senate Bill No. 345—AN ACT relating to courts; providing that the family courts have the same jurisdiction as the jurisdiction set forth in the *Nevada Constitution* for the district courts; revising provisions concerning the appointment of bailiffs and deputy marshals in district courts in this State; revising provisions authorizing certain persons to carry a concealed weapon under certain circumstances; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Breeden and Assemblyman Segerblom:

Senate Bill No. 346—AN ACT relating to real property; revising provisions governing the award of a deficiency judgment after the foreclosure of a mortgage or deed of trust on certain residential property; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Denis:

Senate Bill No. 347—AN ACT relating to older persons; authorizing the issuance of a subpoena to compel the production of certain financial records and other documents in an investigation of the exploitation of an older person under certain circumstances; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Roberson, Cegavske, Gustavson, Halseth, McGinness and Settelmeyer:

Senate Bill No. 348—AN ACT relating to property; eliminating limits on the amounts of certain property that is exempt from execution; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Horsford; Assemblymen Frierson, Horne and Neal:

Senate Bill No. 349—AN ACT relating to criminal offenders; requiring Clark County to establish a community court pilot project to provide an alternative to sentencing a person who is charged with a misdemeanor; requiring defendants who are transferred to the community court to complete certain services or treatment and community service; providing that the sentence imposed on a defendant in justice court will not be executed or recorded if the defendant successfully completes the conditions imposed by the community court; making an appropriation; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 193.

Bill read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Senate Bill No. 193 addresses multiple aspects of the practice of cosmetology, including: authorizing the State Board of Cosmetology to adopt regulations governing sanitary conditions in the practice of threading; requiring an applicant for licensure to be a citizen of the United States or lawfully entitled to remain and work in the United States; providing that the license of every cosmetology establishment expires two years after its issuance or renewal; and repealing the requirement that a school of cosmetology post a surety bond with the Board as part of the licensure process.

The requirement of United States citizenship or lawful work status for licensure is common in many other Nevada occupational and professional licensing chapters and is consistent with existing legislative policy regarding licensure.

Surety bonds have become increasingly expensive and many bonding companies no longer offer them. The Board has found that surety bonds are frequently allowed to lapse before the Board becomes aware that a school is in financial difficulty so that the bonding requirement does little to protect students or creditors of the establishment.

Roll call on Senate Bill No. 193:
YEAS—21.
NAYS—None.

Senate Bill No. 193 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senator Horsford moved that the Senate recess until 5:30 p.m.

Motion carried.

Senate in recess at 3:18 p.m.

SENATE IN SESSION

At 6:02 p.m.

President Pro Tempore Schneider presiding.

Quorum present.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON D.C. 20515-2802

March 16, 2011

THE HONORABLE STEVEN HORSFORD, *Senate Majority Leader,* State of Nevada Senate,
Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SENATOR HORSFORD:

This letter serves as a formal request to address the joint session of the Nevada Legislature on Thursday, April 21, 2011, at 5:00 p.m. It is my understanding that this date and time are available.

Should you have any questions or comments, please contact Ashley Carrigan, my district director, at 775-686-5760.

I thank you in advance for this opportunity.

Sincerely,
DEAN HELLER
Member of Congress

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Roberson, Cegavske, Halseth, Gustavson, Brower, Hardy, Kieckhefer, McGinness, Rhoads and Settelmeyer:

Senate Joint Resolution No. 10—Proposing to amend the *Nevada Constitution* to establish that the payment of public funds to a person, in accordance with a plan established by the Legislature, to be used for the education of a child during kindergarten through grade 12 in a school of the person's choice, other than a public school, shall not be deemed to be used for a sectarian purpose, notwithstanding that the person may choose a school affiliated with a sectarian institution.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 10 of Article 11 of the *Nevada Constitution* be amended to read as follows:

[Section Ten] ***Sec. 10. 1.*** No public funds of any kind or character whatever, State, County or Municipal, shall be used for sectarian purpose.

2. The payment of public funds to a person, in accordance with a plan established by the Legislature, to be used for the education of a child during kindergarten through grade 12 in a school of the person's choice, other than a public school, shall not be deemed to be used for a sectarian purpose, notwithstanding that the person may choose a school affiliated with a sectarian institution.

Senator Roberson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion Carried.

By Senator Hardy:

Senate Joint Resolution No. 11—Proposing to amend the *Nevada Constitution* to authorize the Governor to reduce or veto appropriations or authorizations to expend money.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That section 35 of article 4 of the *Nevada Constitution* be amended to read as follows:

Sec: 35. ***1.*** Every bill which may have passed the Legislature, shall, before it becomes a law be presented to the Governor. If he approve it, he shall sign it, but if not he shall return it with his objections, to the House in which it originated, which House shall cause such objections to be entered upon its journal, and proceed to reconsider it; If after such reconsideration it again pass both Houses by yeas and nays, by a vote of two thirds of the members elected to each House it shall become a law notwithstanding the Governors objections. [If] ***Except as otherwise provided in subsections 2 and 3, if*** any bill shall not be returned within five days after it shall have been presented to him (Sunday excepted) exclusive of the day on which he received it, the same shall be a law, in like manner as if he had signed it, unless the Legislature by its final adjournment, prevent such return, in which case it shall be a law, unless the Governor within ten days next after the adjournment (Sundays excepted) shall file such bill with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next Session, in like manner as if it had been returned by the Governor, and if the same shall receive the vote of two-thirds of the members elected to each branch of the Legislature, upon a vote taken by yeas and nays to be entered upon the journals of each house, it shall become a law.

2. If any bill so presented to the Governor contains one or more appropriations of money from the treasury or authorizations to expend money drawn from another source, the Governor may reduce or strike from the bill any or all of these without objecting to the bill as a whole. If the Governor so reduces or strikes out, the Governor shall:

(a) Append to the bill a statement of the items reduced or stricken out and of the reasons for the reduction or striking out; and

(b) Within 48 hours after the bill is presented to the Governor and before the Legislature finally adjourns, transmit a copy of the statement to the House in which the bill originated.

➥ Each appropriation or authorization not reduced or stricken out becomes law in the same manner as a bill to which the Governor does not object. If the Governor fails to transmit a copy of the statement to the House in which the bill originated within the time allowed or before the Legislature finally adjourns, each appropriation or authorization reduced or stricken out likewise becomes law.

3. The Legislature may, by the same vote as for bills to which the Governor objects:

(a) Cause any one or more of the individual appropriations or authorizations to become law notwithstanding the Governor striking it out; or

(b) Restore the original amount appropriated or authorized, or insert any other amount not less than that approved by the Governor or more than that originally appropriated or authorized, notwithstanding the Governor reducing it.

➥ If the Legislature does not so act, any appropriation or authorization stricken from the bill by the Governor shall be deemed not appropriated or authorized and any amount to which an appropriation or authorization was reduced by the Governor shall be deemed so appropriated or authorized.

Senator Hardy moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion Carried.

By Senator Cegavske:

Senate Concurrent Resolution No. 5—Directing the Legislative Commission to conduct an interim study concerning the laws of this State governing the protection of children.

Senator Cegavske moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Hardy:

Senate Bill No. 350—AN ACT relating to insurance; prohibiting a contract between a health insurer and a dentist from setting fees for services provided by the dentist that are not covered by the policy of health insurance or health care plan; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Hardy (by request):

Senate Bill No. 351—AN ACT relating to contractors; authorizing the State Contractors' Board to take disciplinary action against a contractor for nonpayment of taxes, fees or unemployment compensation contributions under certain circumstances; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Denis, Kihuen; Assemblymen Carrillo, Diaz, Benitez-Thompson, Brooks, Bustamante Adams and Flores:

Senate Bill No. 352—AN ACT relating to employment; prohibiting retaliation or discrimination by an employer against certain employees and other persons who exercise certain rights or report certain violations;

providing a private right of action to an employee who is subjected to unlawful retaliation or discrimination; revising provisions governing awards in certain actions brought by an employee against an employer; revising provisions relating to certain employment policies, wages and benefits; revising provisions governing the period in which an employee may bring an action to recover wages; providing a penalty; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Leslie:

Senate Bill No. 353—AN ACT relating to secondhand dealers; exempting a person who engages in the business of buying and selling coins and collectibles from state and local regulation as a secondhand dealer; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Schneider:

Senate Bill No. 354—AN ACT relating to professions; making changes to the number and duties of public members appointed to various boards and commissions; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Denis, Kihuen; Assemblymen Flores, Bustamante Adams, Benitez-Thompson, Brooks, Carrillo and Diaz:

Senate Bill No. 355—AN ACT relating to criminal procedure; prohibiting a peace officer from inquiring about a person's immigration status under certain circumstances; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Halseth, Gustavson, Cegavske, Copening, Breeden, Brower, Denis, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener and Assemblyman Anderson:

Senate Bill No. 356—AN ACT relating to crimes; establishing the crime of stolen valor; providing a penalty; and providing other matters properly relating thereto.

Senator Halseth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Roberson (by request):

Senate Bill No. 357—AN ACT relating to judgments; eliminating certain property from the list of property exempt from execution; providing that such exemptions do not apply to a judgment that has been determined to be nondischargeable by a bankruptcy court; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Denis and Brower:

Senate Bill No. 358—AN ACT relating to regional transportation commissions; revising provisions pertaining to vending stands provided for by such a commission; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senators Horsford, Denis, Kihuen, Leslie, Parks; Assemblymen Flores, Frierson, Brooks, Atkinson, Bustamante Adams, Horne and Neal:

Senate Bill No. 359—AN ACT relating to public financial administration; prohibiting a governmental entity from entering into a contract with an independent contractor unless the independent contractor agrees to a code of conduct; requiring an independent contractor to disclose certain information relating to a contract with a governmental entity; limiting the duration of a sole source contract with a governmental entity; prohibiting a governmental entity from extending a contract with an independent contractor unless the contract is first opened to competitive bidding; requiring the periodic renegotiation of contracts with a governmental entity that exceed 2 years; requiring the reporting and posting of certain information relating to sole source contracts; requiring a person who is awarded a contract for a public work to gather and report to the public body which awards the contract certain information concerning the applicants for employment on the public work; requiring a public body which awards a contract for a public work to gather and report to the State Public Works Board certain information concerning the bidders for the contract; requiring the State Public Works Board to gather and maintain certain information concerning public works reported to it by various public bodies; requiring the State Board of Examiners to review and approve in advance each contract for the provision of professional services entered into by the Department of Transportation; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senators Horsford, Parks; Assemblymen Atkinson, Bobzien, Kirkpatrick and Neal:

Senate Bill No. 360—AN ACT relating to redevelopment of communities; revising requirements for the submission of an employment plan; requiring a redevelopment agency to withhold a portion of any incentive provided to a developer unless the developer satisfies certain conditions; requiring the reporting of certain information relating to the redevelopment project by certain developers; requiring an employment plan to include information relating to preferences for hiring persons from the redevelopment area; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Rhoads:

Senate Bill No. 361—AN ACT relating to water; authorizing the issuance of a temporary permit to appropriate water to establish fire-resistant vegetative cover in certain areas; and providing other matters properly relating thereto.

Senator Rhoads moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Schneider (by request):

Senate Bill No. 362—AN ACT relating to water; requiring the State Engineer to designate certain groundwater basins as critical management areas; requiring the State Engineer to grant a request for an extension of time to work a forfeiture in certain circumstances; revising the fee required for an extension in those circumstances; requiring the use of such fees for the retirement of certain water rights; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Rhoads:

Senate Bill No. 363—AN ACT relating to applications for water rights; revising certain notice and publication requirements for certain applications for water rights; and providing other matters properly relating thereto.

Senator Rhoads moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Copening:

Senate Bill No. 364—AN ACT relating to cruelty to animals; prohibiting a person from engaging in horse tripping for enjoyment, entertainment, competition or practice; prohibiting a person from knowingly organizing, sponsoring, promoting, overseeing or receiving admission money for a horse tripping event; repealing a requirement that any ordinance passed by a board of county commissioners creating an offense relating to horse tripping must impose a criminal penalty for the offense; providing a penalty; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator McGinness:

Senate Bill No. 365—AN ACT relating to education; eliminating the requirement for the Superintendent of Public Instruction to prepare a memorandum on newly enacted laws and to disseminate the information to the school districts and charter schools; eliminating certain requirements imposed by statute on school districts and public schools in this State; eliminating the requirement for school districts, public schools and private schools to develop crisis response plans; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Education.

Motion carried.

By Senators Cegavske, Gustavson, Roberson, Halseth, Settelmeyer, Hardy, Kieckhefer and McGinness:

Senate Bill No. 366—AN ACT relating to education; authorizing certain parents and legal guardians to submit a petition to the board of trustees of a school district to implement intervention actions at a public school that is designated as demonstrating need for improvement; requiring the board of trustees of a school district that receives a petition signed by a certain percentage of parents and legal guardians to implement the intervention actions within a prescribed time; revising provisions governing the apportionment of money from the State Distributive School Account and the count of pupils for the purposes of basic support to provide for the payment of vouchers for certain pupils to attend certain private schools; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Education.

Motion carried.

By Senators Cegavske and Hardy:

Senate Bill No. 367—AN ACT relating to health care practitioners; requiring certain health care practitioners to communicate certain information to the public; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Parks and Leslie (by request):

Senate Bill No. 368—AN ACT relating to housing; prohibiting discrimination in housing and certain other transactions involving real property on the basis of sexual orientation or gender identity or expression; providing a penalty; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Hardy:

Senate Bill No. 369—AN ACT relating to employment; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to establish a program of shared work unemployment compensation upon approval of the Secretary of Labor; requiring employers who wish to participate in the program to submit plans of work sharing to the Administrator for approval; establishing eligibility and other requirements for workers affected by an approved plan of work sharing to receive benefits under the program; exempting from certain taxes wages paid by certain employers to workers affected by an approved plan of work sharing; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Horsford, Leslie; Assemblymen Frierson and Horne:

Senate Bill No. 370—AN ACT relating to child welfare; requiring a school district to develop an individualized plan of instruction for foster children to assist such children in achieving academic success through high school; requiring the licensee of a foster home to obtain a written explanation of the need for and effect of any prescription medication provided to a foster child; providing that placement with a relative or fictive kin must be given priority over other placements when a child is removed from his or her home; requiring the Department of Corrections to allow a prisoner who has a child that has been placed in foster care to maintain contact with the child in certain circumstances; requiring the State Board of Parole Commissioners to include a plan for reunification with a child who is in foster care as a condition of parole for certain prisoners; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Cegavske:

Senate Bill No. 371—AN ACT relating to children; requiring the nomination and appointment of a person who is legally responsible for the health care of a child who is placed in the custody of an agency which provides child welfare services; establishing the duties and responsibilities of such a legally responsible person; imposing criminal and civil liability on a legally responsible person for certain acts committed by or harm occurring to a child under certain circumstances; revising provisions governing the provision of mental health care to children in the custody of agencies which provide child welfare services; revising provisions relating to the health care records of children who are placed in the custody of such an agency; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Horsford, Denis, Parks; Assemblymen Oceguera, Smith and Bobzien:

Senate Bill No. 372—AN ACT relating to education; revising the manner in which money received by school districts and charter schools from the State Supplemental School Support Fund is used to improve the achievement of students; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Roberson:

Senate Bill No. 373—AN ACT relating to elections; requiring photographic identification for voting; requiring county clerks to issue voter identification cards under certain circumstances; requiring persons who apply for absent ballots to provide certain information to county and city clerks; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Lee:

Senate Bill No. 374—AN ACT relating to local government; temporarily redirecting a portion of the taxes ad valorem levied in Clark County to support the College of Southern Nevada; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Senators Cegavske and Schneider:

Senate Bill No. 375—AN ACT relating to renewable energy corridors; authorizing the governing bodies of cities and counties to create renewable energy corridors; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senators Cegavske, Breeden, Brower, Gustavson, Halseth, Hardy, Kihuen, Lee, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider and Settelmeyer:

Senate Bill No. 376—AN ACT relating to crimes; increasing the penalty for certain technological crimes; providing penalties; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Hardy:

Senate Bill No. 377—AN ACT relating to public-private partnerships; authorizing a public agency to enter into a public-private partnership for certain projects; setting forth requirements for such public-private partnerships; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senators Gustavson, Settelmeyer; Assemblymen Hardy, Ellison, Hammond, Hickey and Livermore:

Senate Bill No. 378—AN ACT relating to taxation; revising the provisions governing the calculation of governmental services taxes due annually for used vehicles; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 379—AN ACT relating to public health; requiring the Health Division of the Department of Health and Human Services, under certain circumstances, to extend the period between periodic inspections and to reduce certain fees for certain facilities and offices regulated by the Health Division; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Gustavson, Cegavske, Halseth, McGinness, Settelmeyer; Assemblymen Hansen, Hardy, Ellison, Goedhart, Hickey and Livermore:

Senate Bill No. 380—AN ACT relating to immigration; providing under certain circumstances for the verification of the immigration status of persons who are arrested and booked; requiring certain applicants for the issuance or renewal of a state business license to submit with the application a copy of certain tax forms; requiring the Office of the Attorney General to negotiate and implement a cooperative law enforcement agreement with the Attorney General of the United States regarding the enforcement of federal immigration laws by certain state and local employees; requiring public employers to use E-Verify to verify eligibility for employment for current and prospective employees; requiring contractors and subcontractors on a public work to use E-Verify to verify eligibility for employment for workers on the public work; prohibiting the misclassification of unauthorized aliens as legal aliens; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Manendo:

Senate Bill No. 381—AN ACT relating to marriage; revising provisions regarding who may issue a marriage license; authorizing a certified marriage licensing agent to issue a marriage license in certain circumstances; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Cegavske:

Senate Bill No. 382—AN ACT relating to children with disabilities; designating the Health Division of the Department of Health and Human Services as the agency to cooperate with the federal authorities to administer early intervention services; requiring the Health Division to provide certain early intervention services to infants and toddlers with disabilities and their families through certain private providers; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Cegavske:

Senate Bill No. 383—AN ACT relating to economic development; authorizing the partial abatement of certain taxes in enterprise zones; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Revenue.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Erika Arballo.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Diana Denis and Dustin Denis.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Juan Ortega, Ricardo Cornejo, Astrid Silva, Joseph Hill, Alicia Sanchez and Christopher Mendez.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Professor John Marini, Tatiana Kosyrkina, Justin McAffee, John Thomas Creedon Jr., and Aimee Riley.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to former Senator Joe Neal, Dr. Sonya Horsford, Gabrielle Amato, and Amy Magnus.

Senator Horsford moved that the Senate adjourn until Tuesday, March 22, 2011, at 4:45 p.m.

Motion carried.

Senate adjourned at 6:42 p.m.

Approved: MICHAEL A. SCHNEIDER
President Pro Tempore of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 22, 2011

Senate called to order at 4:52 p.m.

President Pro Tempore Schneider presiding.

Roll called.

All present.

Prayer by the Chaplain, Sherry Rodriguez.

Lord,

We ask that You give the members of this body and those who share in the work, courage, wisdom and the clarity of an open heart. For those making difficult decisions, we ask that You give them peace of mind.

We thank You for these men and women who serve the great State of Nevada. We ask that You give them insight to solve the issues before us.

For these things we pray.

AMEN

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President Pro Tempore and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 7, 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 21, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 5.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Assembly Concurrent Resolution No. 4 be taken from the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

Senator Wiener moved that Senate Bill No. 219 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Senator Wiener moved that Senate Bills Nos. 14, 45, 125; Assembly Bills Nos. 87, 88, 183 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

The Sergeant at Arms announced that Assemblyman Bobzien and Assemblywoman Woodbury were at the bar of the Senate. Assemblyman Bobzien invited the Senate to meet in Joint Session with the Assembly to hear Senator John Ensign.

The President Pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:57 p.m.

IN JOINT SESSION

At 5 p.m.

Speaker Oceguera presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

The President Pro Tempore appointed a Committee on Escort consisting of Senator McGinness and Assemblyman Sherwood to wait upon the Honorable Senator John Ensign and escort him to the Assembly Chamber.

Senator Ensign delivered his message as follows.

MESSAGE TO THE LEGISLATURE OF NEVADA

SEVENTY-SIXTH SESSION

Governor, Speaker, Majority Leader, members of the Senate and Assembly, and other Constitutional officers, distinguished guests, and my fellow citizens. Let me start by saying that I guess this is the last time you will have to put up with me speaking here, and if you nod off, I will excuse you this time. I want to wish those who are playing in the basketball game tonight good luck. I was noticing in the Speaker's office—I think he has been practicing ahead of time. I noticed a little Nerf basketball in there, so I think he has been practicing. I am not sure how well that is going to go over, but we will see how the three-point shot works tonight.

It is wonderful to be back here. I always enjoy these visits, especially now when we are facing such incredible challenges here in our State. These challenges are not small. We all realize that. But neither is the dedication that you will each need to show in the coming months to get Nevada back on the right track into the future.

Driving across Nevada today is somewhat reminiscent of our State's past when population booms, spurred by mining, put this part of the country on the map. Towns were springing up in Nevada almost overnight, and people were coming from across the world to share in the profits from our State's earth. I recall this time in our State's history because the mining bubble burst. These once vibrant towns succumbed to a less desirable fate, and the ghost towns that still stand today are a reflection of that time in our State's history.

When the mining bubble burst, Nevada changed direction by diversifying its economy so that gambling became the reason that so many came to our lovely State. Nevada survived the mining bust and thrived. The toll that the economic recession of the last few years has taken on our State has brought ghost towns back to our State once again.

In exchange for the rowdy ghost towns of the past, though, the ones that we drive by today are entire neighborhoods that are in foreclosure or for sale, plots of land that have been left undeveloped, and buildings that have been abandoned before completion. The cause of these ghost towns was the bursting of the housing bubble.

Throughout the better part of the last couple of decades, our State experienced a population boom much like it did in the glory days of the mining industry. Nevada's vibrant economy brought people and businesses from all over the country to our State. Low property values meant that people were buying up homes faster than they could be built and property prices were inflated rapidly as a result.

Unfortunately, when the housing market went bust, so did our economy. A state plagued by ghost towns does not have to be our future; we can change our State's path into the future just as Nevadans generations before us did when their economic prospects dried up. So how do we do this? Well, we need to diversify our economy. I think we can all agree upon that.

As members of the Nevada Legislature, you are required by law to balance your budget. Unfortunately, the United States government is not required to do the same, despite efforts by myself and many others who have tried to change this in Washington. I don't think this makes sense to anybody around the country, nor should it make sense to any of us. Families are required to balance their budgets, businesses are required to, states are required to do the same, and yet the United States government is under no such requirement to ensure that the money it spends is not outweighing the money that it takes in.

Today, our country is truly living on borrowed money. Our spending levels have rapidly increased, and our need to borrow money to float our dollar has increased as well. China owns more of our debt than any other single entity.

I'm certain that those of you who are here today have seen the news stories, at least one or two, about the budget battles that we are dealing with back in Washington. The core fight on this issue is not whether we should make important spending cuts to the federal government's budget; the question is how much. President Obama has reiterated his pledge to get the United States on a path toward fiscal responsibility, but without his leadership on entitlement reform, negotiations in the House and the Senate have unfortunately left only Republicans at the table. In fact, many of my Democratic colleagues have been grumbling that he has not been leading on this issue of spending cuts. The nation's struggling economy is not just a one-party problem; it is an American problem that requires a bipartisan solution.

So how do I think that we need to get our economy back on track? Well, I actually think the answer is not simple, but we need to start by reducing government spending to allow the private sector to grow and to create jobs. I believe that more government spending is not the answer to our economic woes; investment in the private sector is.

To paraphrase a great president, Ronald Reagan, he said that the best way to eternal life in Washington, D.C. is to become a government agency, and I am sure you experience this here in this State. Every time we create a new agency or department, it creates a constituency that lobbies for its continued existence. Well, I do not believe cutting government spending while increasing the tax burden on the American people is how we jump-start this economy. Increasing taxes on small businesses—these are our nation's job creators—means that employers will be faced with a choice either to hire some of our nation's unemployed or to pay more money to the government.

We cannot afford to get this thing wrong. We cannot balance our budgets, state or federal, by raising taxes and stifling job creation. For the United States, this would mean that companies will outsource more of their jobs overseas, and our struggling economy will further sour. For our State of Nevada, balancing the budget with tax increases will mean that our friends and our neighbors will remain unemployed. More businesses will go out of business, and companies looking to move to a business-friendly climate may not come to our State. I know that you have your work cut out for you, but I believe you have a great leader in Governor Sandoval to lead the way. He is willing to make the tough choices and he is willing to stand beside you as you make those tough choices in getting Nevada back on track.

Unfortunately, though, if we do not improve education in our State and in our country, the spending cuts that we make at all levels will matter little if we have an undereducated workforce. But we have to be honest in this State about our K-12 system. It is not measuring up. All you

have to do is talk to our universities and our community colleges. Talk to them about folks who receive the Millennium Scholarship, and they tell you that even the people who receive those scholarships, many of them still have to take remedial courses.

Now I am going to talk about education, not as a United States Senator but as a Nevadan and as a parent, because I do not want to see the changes that need to happen in education being mandated from Washington. Education is a state and a local issue. It needs to remain a state and a local issue and have the federal government get out of the way. Instead of the mandates that the Department of Education hands down, I believe the Department of Education should be more like a think tank, sharing the good ideas that are working in certain parts of the country so that you can implement those good ideas at the local and the state level. Sharing ideas is really what we should be doing in Washington, not mandating what we think is best from Washington. We all know that I am not telling you anything you do not know—that we are dead last when it comes to graduation rates. How do we begin to bring companies to our State when there just is not an adequate job pool for them to hire from? We cannot.

As a member of the Senate Commerce Committee, I speak with technology companies from all over the country. You all know we have a company called Intuit that is located in Reno. I met with those folks today, and I asked them the same question I ask everybody: What would it take to bring more of your business, either expanding or to bring new businesses, to the State of Nevada when it comes to technology businesses? I am constantly hearing the same response. People are afraid to come here because of our K-12 system. They are afraid to bring their employees here—that their kids would not have good enough schools to go through here in the State of Nevada. That is what I hear from them.

I also believe, though, we should not paint all educators with the same broad brush. We know that there are great examples of passionate, skilled educators across our State. However, the small percentage of bad administrators and bad teachers is bringing our whole K-12 system down here in this State. I believe in paying educators who improve student performance more. I also believe that if educators are doing a lousy job, they need to find something else to do than ruin our kids' education. It is time to end this idea of teacher tenure or principal tenure. It is time to end that idea here in the State of Nevada.

Recently, Bill Gates penned an op-ed for *The Washington Post* on how teacher development could revolutionize our schools. I want to quote from him. He said, "We know that of all the variables under a school's control, the single most decisive factor in student achievement is excellent teaching. It is astonishing what great teachers can do for their students." He went on to say, "The United States spends $50 billion a year on automatic salary increases based on teacher seniority. It is reasonable to assume that teachers who have served longer are more effective, but the evidence says that is not true. After the first few years, seniority seems to have no effect on student achievement."

Well, Governor, I know that you are fighting to end teacher tenure in our State. I believe it is the right thing to do, because Nevada's education system is an important focus, I know, for you and for all of you in this room. I also believe you are correct in ending this idea of social promotion. The idea that somebody can not read by the third grade and we are going to pass them on to the fourth grade is outrageous.

I will tell you a personal story on this. I joined the Big Brothers Big Sisters program many years ago. I met my little brother Donzale when he was in the third grade. He could not read a *Cat in the Hat* book, and guess what they did? They passed him on to the fourth grade, and the fifth grade, and on and on and on it went. Well, those kids—we can't afford to do that to them. They are too precious. These children are our future, and we need to care enough about them to make sure that they get that basic education that every child in the United States should have a right to.

I previously mentioned the need to diversify our State's economy to get back on track. Less dependence on tourism means that when the nation's economy takes a dip, Nevada can hold its own. But if our children cannot compete with those in other states let alone those in other countries, our State will continue to be dependent on tourism. The reality is, though, that dumping more money into a bad system is not going to help. In fact, it may even make a bad system even worse.

Education in America, unfortunately, has become less about the students than it is about the adults. I know, Mr. Speaker, we both watched together the documentary called *Waiting for Superman*. If you haven't watched it and you care about education, I implore you to watch it. It talks about the problems in education and the solutions in education. By the way, if you happen to be of the left-leaning persuasion of the political spectrum, this documentary was made by progressives, not by conservatives. The answers are there to education. We just have to have the political will to enact those reforms that we need.

We all know that teachers in Nevada get tenure after one year. We all know that. It is not called teacher tenure in our State; it is called a contract, but it is basically the same thing. Unfortunately, we have had too many people for too long fighting to preserve the career of a teacher instead of preserving the education of a student. I believe we have been going down the wrong path, and failure to reverse course means that we might as well seal our fate as a dwindling world power today. We are competing in a global economy, and education is a key to our children's future, economically as well as socially.

I believe that teachers need to be incentivized to teach and to teach children well. The days when teachers were paid the same regardless of performance should be in the past. I believe that merit pay should be part of our future, but this merit pay should not be determined from Washington, D.C. It should be determined mostly at the local level.

A child's education should also not be based on family income level. We know that bad schools actually lead to bad neighborhoods, not the other way around, and if you can fix the schools, you can fix the neighborhoods. I do not believe that we should write off these children just because they happen to live in a bad neighborhood.

The last time I spoke here, I mentioned an amazing school in Las Vegas called West Prep. Dr. Mike Barton, at the helm, has taken this school in our education system by storm, so much so that I recently spoke at his first graduation class. He had 42 children graduate. This school was the worst school in Nevada when it was a junior high. He turned it into a K-12 system. Of the 42 children—100 percent of whom qualified for the free school lunch program, 100 percent of whom are minorities—of the 42 seniors, 42 out of 42 are going to college. That is something to be applauded. The school valedictorian is from the Philippines. Four years ago she could not even speak English. When she spoke about the faculty, she broke down crying because of the amazing journey that she had had at this school.

Let me tell you about one of the other fine students at West Prep, Lazaro Cesar. He is a shining example of the promise that is hidden away in our State's schools. I first met him at that graduation. He was the eighth grade speaker speaking to the seniors who were graduating. The young man walks up to me and sticks out his hand. He was incredibly impressive, not only on a one-on-one basis, but he amazed everybody in the room. So I started thinking about him. What is the future going to hold for this young man? Well, he came to Washington as part of a school visit to Washington and inquired with my office about doing an internship. Now this young man is only 13 years of age, and we do not do internships for 13-year-olds. Well, after thinking about him for about a week or two, I called my state director, Sonja, and I said "Sonja, call Lazaro; offer him an internship."

Now this young man had to sometimes take two buses to get to our office. He showed up on time every day in a suit that he could not afford and made sure that he was there learning. He was one of the best interns that we have ever had. A good story to tell about Lazaro, by the way, is that he was just accepted to the elite Phillips Exeter Academy in New Hampshire. Those are the kinds of kids that we cannot afford to give up on their education. They are here in Nevada, and we need to make sure they have the best possible education that we can so that we do not lose those kids to dropout or to some other life of crime.

The United States, in our K-12 system, has been falling behind as well. We are concerned here in our own State, but we have to also be concerned about our whole country because it truly is the future—whether or not we are going to compete in the world economy if we have a good K-12 system.

Many of you have heard of a man named Andre Agassi. Andre Agassi has Agassi Prep down in southern Nevada. We spent quite a bit of time on the phone because I talked to Andre about his ideas of education. He is so passionate. He has about 650 kids going to his school, but he said to me, "Senator, that is not my goal—to educate 650 kids. I care about this State. I want to

take what we are doing here to scale, but I am finding it very difficult." One of the things he said to me—because you hear today a lot about charter schools—he said, "You know, a bad charter school is just as bad as a bad public school." Charter schools are not necessarily the answer to our education woes. They can be part of the answer, but they are not a silver bullet. But I do want to tell you that Nevada has one of the worst charter school laws in the country, and only you can change that.

There are great charter school operators around the country. They are best-in-class operators. And this is not a Republican or a Democratic issue. It is not a union or a non-union issue. One of the best charter school operators is called Green Dot. It is a union charter school. But we have a law on the books that says to the best charter school operators, "We don't want you to come to our State." And that is why they do not come to Nevada.

We need to change our charter school laws, work with those who know the details of this, and work to change our charter school law so we can attract the best charter school operators in this State. It is not going to change our whole education system, but what it will do is show us some of the answers to hopefully help us change the rest of the public school system to make it work for all of the children across the State of Nevada.

Let me turn toward what I am trying to do back in Washington, D.C. to help our State as far as its economy. I mentioned our mining industry before. We know that our mining industry is incredible. It produces a huge amount of jobs—really, really high paying jobs. It could do much, much more. I am actually working on something right now that would help streamline the regulations for the mining industry. You see, right now when you talk to the mining industry, they will tell you it takes eight to ten years to open a new mine in the State of Nevada. Eight to ten years. If we were able to streamline those regulations—we do not have to get rid of any of them—if we could streamline them down to a couple of years, we literally could produce thousands and thousands of high-paying jobs right here in the State of Nevada in the next couple of years. Thousands and thousands—the average salary is between $80,000 and $100,000—that could help be a real economic boom to our State. And by the way, these mining companies contribute to the schools, to the local economies, and the last time I checked, they contribute to the State budget as well. So if we can have more mining jobs, that is less people on unemployment and that is more revenue coming into the state government, which just maybe would help your budget problems as well.

The last thing I want to mention on the economy has to do with energy. We are seeing what is happening with gasoline prices. That is not good for a state that is so dependent on tourism. We are approaching $4 a gallon, and I am afraid that $4 a gallon actually could go to $5 a gallon. That could have a decimating affect on our economy here in the State of Nevada.

We have tremendous renewable energy resources in our State; we know that. The problem today is getting the permits, which even for renewable energy is very difficult. We need to streamline the permitting process for renewable energy so that Nevada can create more jobs. But for the rest of the country—I do not know how you feel watching things going on in Libya and around the world—we spend a lot of money for our military ensuring that oil flows freely from the Middle East. I would rather be dependent on American energy than I would on energy coming from places in the world that are not necessarily stable and do not necessarily like us.

In Alaska alone, there are three areas, including ANWR, which is the Arctic National Wildlife Refuge area—those three areas alone have enough oil to supply the United States with the same amount of oil that we get from the Persian Gulf for the next 65 years, and yet the current administration is blocking us from going up there.

We have natural gas reserves that we have discovered that are massive in this country. We have coal deposits—we are the Saudi Arabia of coal. All of these types of things can help as we transition to more renewable energy. I would rather be dependent on American fossil fuels than I would be on fossil fuels coming from dangerous parts of the world that are not necessarily friendly to us.

For Nevada's economy and for the economy of the United States, we need to have more American supplies of energy so we can become less dependent on this dangerous foreign oil that we have.

In conclusion, for the next 21 months that I have left in office, I am committing to you that I am going to work as hard as I have ever worked to ensure that our State gets better and that our country gets better. I believe in reducing government spending and working toward balancing the federal budget and improving education in America. These are my top priorities over the next 21 months.

I know that we are facing very difficult times here in the State of Nevada, but with difficult times come great opportunity. That is what you and I have right now—is a great opportunity. We do not have to let the history books be written about this time that you and I failed as leaders. Together, I truly believe, as the Governor said in his State of the State speech, that the best days for Nevada truly can be ahead of us. And I say "can be" because they only will be if we make the right choices—if we work together, regardless of party affiliation, for the betterment of our State.

I am willing to join you in whatever way I can to partner with you from that big city back in Washington, D.C. and do whatever we can there. I will be praying for you and hoping that you can solve our State's budget problems and helping to turn this State around both educationally and economically so that Nevada's best days truly are ahead of us.

God bless all of you. God bless the great State of Nevada.

Senator Lee moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Ensign for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Senator Ensign to the bar of the Assembly.

Senator Settelmeyer moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:31 p.m.

SENATE IN SESSION

At 5:34 p.m.

President Pro Tempore Schneider presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President Pro Tempore and Secretary signed Senate Concurrent Resolution No. 4; Assembly Bill No. 43.

Senator Horsford moved that the Senate adjourn until Wednesday, March 23, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 5:35 p.m.

Approved:

MICHAEL A. SCHNEIDER
President Pro Tempore of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 23, 2011

Senate called to order at 11:12 a.m.

President Pro Tempore Schneider presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

We know deep down in our hearts that without Your guidance we can do nothing, but with You we can accomplish all things. Let us not be frightened by the problems that confront us, but rather give You thanks that You have matched us with this hour. May we resolve, God helping us, to be part of the answer and not part of the problem.

We ask this in Your Name.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President Pro Tempore and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 4.

Resolution read.

Senator Kihuen moved the adoption of the resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Wiener moved that Senate Bill No. 33 be taken from the Secretary's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 33.

Bill read second time.

The following amendment was proposed by Senator Halseth:

Amendment No. 78.

"SUMMARY—Consolidates provisions requiring confidentiality of certain taxpayer-specific records. (BDR 32-435)"

"AN ACT relating to taxation; consolidating provisions requiring confidentiality of certain records and files of the Department of Taxation; **allowing the disclosure of information in such records and files to a federal agency under certain circumstances;** clarifying the taxpayer information that is authorized to be made public concerning certain hearings of the Nevada Tax Commission; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law makes confidential and privileged certain records and files of the Department of Taxation which concern the administration of certain laws of this State and which contain information specifically related to a taxpayer subject to certain specific exemptions. (NRS 360.795, ~~[361.044, 361.7384,]~~ 363A.100, 363A.110, 363B.090, 363B.100, ~~[368A.180,]~~ 372.750, 374.755, 375A.835, 375B.450) **Section 1** of this bill consolidates the various provisions providing for such confidentiality and privilege and makes the confidentiality and privilege applicable to all records and files of the Department relating to the administration and collection of a tax, fee, assessment or other amount required by law to be collected, subject to the specific exceptions**. In addition, section 1 allows the Department to disclose in confidence information in those records and files to a federal agency upon request for use in a federal prosecution or criminal investigation.**

Existing law requires a public body to provide to members of the public upon request a copy of any supporting material provided to members of the public body for an item on an agenda of an open meeting at the same time the supporting materials are provided to the members of the public body, except certain confidential materials and materials which pertain to a closed portion of such a meeting. (NRS 241.020) **Section 2** of this bill makes an exception to this requirement when a taxpayer takes an appeal to the Nevada Tax Commission by prohibiting the Commission from providing members of the public with copies of any supplemental materials that the Commission receives relating to a taxpayer's appeal until after the time by which the taxpayer is authorized to request a closed hearing so that the materials are not made public before the taxpayer is able to make such a request.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section and NRS 239.0115 and 360.250, the records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected are confidential and privileged. The Department, an employee of the Department and any other person engaged in the administration or collection of any tax, fee, assessment or other amount required by law to be collected or charged with the custody of any such records or files:

(a) Shall not disclose any information obtained from those records or files; and

(b) May not be required to produce any of the records or files for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files of the Department concerning the administration and collection of any tax, fee, assessment or other amount required by law to be collected are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding before the Nevada Tax Commission, the State Board of Equalization, the Department or any court of this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to the provisions of any law of this State.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases ~~***[.]***~~ ***, or disclosure in confidence to any federal agency that requests the information for the use of the agency in a federal prosecution or criminal investigation.***

(e) Disclosure in confidence to the Governor or his or her agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding relating to a taxpayer , or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to an agreement between the Nevada Tax Commission and any county fair and recreation board or the governing body of any county, city or town.

(g) Upon written request made by a public officer of a local government, disclosure of the name and address of a taxpayer who must file a return with the Department. The request must set forth the social security number of the taxpayer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and privileged and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

(h) Disclosure of information as to amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties to

successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested.

(i) Disclosure of relevant information as evidence in an appeal by the taxpayer from a determination of tax due if the Nevada Tax Commission has determined the information is not proprietary or confidential in a hearing conducted pursuant to NRS 360.247.

(j) Disclosure of the identity of a person and the amount of tax assessed and penalties imposed against the person at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the person a penalty for fraud or intent to evade a tax imposed by law becomes final or is affirmed by the Nevada Tax Commission.

3. The Executive Director shall periodically, as he or she deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which the Executive Director has a record. The list must include the mailing address of the business as reported to the Department.

4. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out his or her duties with respect to the administration or collection of any tax, fee, assessment or other amount required by law to be collected. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

5. As used in this section:

(a) "Records" or "files" means any records and files related to an investigation or audit, financial information, correspondence, advisory opinions, decisions of a hearing officer in an administrative hearing and any other information specifically related to a taxpayer.

(b) "Taxpayer" means a person who pays any tax, fee, assessment or other amount required by law to the Department.

Sec. 2. NRS 360.247 is hereby amended to read as follows:

360.247 1. Except as otherwise provided in this section, any appeal to the Nevada Tax Commission which is taken by a taxpayer concerning his or her liability for tax must be heard during a session of the Commission which is open to the public. Upon request by the taxpayer, a hearing on such an appeal ~~[may]~~ ***must*** be closed to the public to receive proprietary or confidential information.

2. ***A taxpayer may request a closed hearing pursuant to subsection 1 by submitting the request in writing to the Nevada Tax Commission:***

(a) Not later than 14 calendar days before the date of the hearing; or

(b) If authorized by the Executive Director for good cause shown, not later than 5 calendar days before the date of the hearing.

3. Notwithstanding the provisions of NRS 241.020, all information received by the Nevada Tax Commission concerning an appeal taken by a taxpayer pursuant to subsection 1 shall be deemed proprietary and confidential and the Nevada Tax Commission shall not provide a member of the public with any such information until after the date by which the taxpayer may submit a request for a closed hearing pursuant to subsection 2, even if the information is provided to members of the Nevada Tax Commission. Thereafter the information must be provided to a member of the public upon request unless the taxpayer has made a request for a closed hearing.

4. As soon as practicable after closing a hearing pursuant to subsection 1, the Nevada Tax Commission shall determine whether the information to be presented in the closed hearing is proprietary or confidential information. If the Commission, in its discretion, determines that the information is not proprietary or confidential information, the Commission shall immediately open the hearing to the public. If the Commission, in its discretion, determines that the information is proprietary or confidential information:

(a) The hearing must remain closed to the public and the Commission shall receive the information in a manner that ensures that the members of the Commission have a reasonable and adequate opportunity to review the information and make any inquiries that any member believes to be necessary and appropriate.

(b) After the receipt of and opportunity to review the proprietary or confidential information pursuant to paragraph (a), the Commission shall reopen the hearing to the public and proceed to deliberate toward a decision regarding issues in the appeal that are not proprietary or confidential.

(c) After a hearing has been reopened pursuant to paragraph (b), the Commission shall, upon the request of any member of the Commission who believes that he or she cannot conduct meaningful deliberations with the other members of the Commission on the appeal because the appeal concerns proprietary or confidential information, close the hearing for further deliberations. The definitive vote on the appeal must be taken during a hearing of the Commission that is open to the public.

~~[3.]~~ ***5.*** The Nevada Tax Commission shall adopt regulations which establish procedures:

(a) By which a taxpayer may request a closed hearing pursuant to this section.

(b) By which the Commission may determine whether information is proprietary or confidential information during a closed hearing.

~~[4.]~~ ***6.*** Not later than 45 days after the Nevada Tax Commission deliberates in a closed hearing and makes a definitive decision on an appeal in a hearing that is open to the public pursuant to this section, the Commission shall prepare an abstract that explains the reasons for the decision, which must be made available to the public upon request. Such an abstract:

(a) Must include, without limitation:

(1) The name of the taxpayer;

(2) The amount of the taxpayer's liability, including interest and penalties;

(3) The type of tax at issue; and

(4) The general nature of the evidence relied upon by the Commission in reaching its decision.

(b) Must not contain any proprietary or confidential information relating to the taxpayer.

~~[5.]~~ ***7.*** A member of the Nevada Tax Commission or an officer, agent or employee of the Department is not subject to any criminal penalty or civil liability for the use or publication of proprietary or confidential information received pursuant to the procedure set forth in subsection ~~[2,]~~ ***4,*** regardless of whether the information was received during a closed hearing.

~~[6.]~~ ***8.*** The Nevada Tax Commission shall take such actions as it deems necessary to protect the confidentiality of information provided by a taxpayer that the Commission has determined to be proprietary or confidential information, including, without limitation:

(a) Issuing such protective orders as it deems necessary;

(b) Restricting access to any hearing closed to the public and to the records and transcripts of any such hearing, without the prior approval of the Commission; and

(c) Prohibiting any intervener allowed to attend such a hearing or allowed access to the records and transcripts of such a hearing from disclosing such information without prior authorization from the Commission.

~~[7.]~~ ***9.*** A person who violates a protective order issued by the Nevada Tax Commission pursuant to subsection ~~[6]~~ ***8*** is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order.

~~[8.]~~ ***10.*** As used in this section:

(a) "Confidential economic information":

(1) Means any information which is not available to the public generally, which confers an economic benefit on the holder of the information as a result of its unavailability and which is the subject of reasonable efforts by the taxpayer to maintain its secrecy.

(2) Includes, without limitation, information relating to the amount or source of any income, profits, losses or expenditures of the taxpayer, such as data relating to costs, prices or customers.

(b) "Proprietary or confidential information":

(1) Means:

(I) Any trade secret, confidential economic information or business information that is submitted to the Nevada Tax Commission by the taxpayer and is determined to be proprietary or confidential information by the Commission; or

(II) Any information that a specific statute declares to be confidential or prohibits the Commission from making public.

(2) Does not include any information that has been published for public distribution or is otherwise available to the public generally or in the public domain.

Sec. 3. NRS 360.795, ~~[361.044, 361.7384,]~~ 363A.100, 363A.110, 363B.090, 363B.100, ~~[368A.180,]~~ 372.750, 374.755, 375A.835 and 375B.450 are hereby repealed.

Sec. 4. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

360.795 Confidentiality of records and files of Department.

~~[361.044 County assessor: Duty to keep certain proprietary information concerning taxpayer confidential.~~

~~361.7384 Confidentiality of information contained in claims.]~~

363A.100 Authority of Executive Director to request information to carry out chapter.

363A.110 Confidentiality of records and files of Department.

363B.090 Authority of Executive Director to request information to carry out chapter.

363B.100 Confidentiality of records and files of Department.

~~] 368A.180 Confidentiality of records and files of Board and Department.]~~

372.750 Disclosure of information unlawful; exceptions.

374.755 Disclosure of information unlawful; exceptions.

375A.835 Confidentiality and disclosure of information and records.

375B.450 Confidentiality and disclosure of information and records.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Halseth.

Senator Halseth requested that her remarks be entered in the Journal.

Thank you, Mr. President Pro Tempore. We were concerned about allowing disclosure of the information to all federal agencies, considering there are over 480 of them. This amendment will limit it to only those agencies who have a legitimate reason for the information.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 219.

Bill read second time and ordered to third reading.

Assembly Bill No. 7.

Bill read second time and ordered to third reading.

Assembly Bill No. 134.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 14.

Bill read third time.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Senate Bill No. 14 requires the State Board of Education to develop a model curriculum for English language arts and mathematics for kindergarten and grades 1 through 12. The model curriculum will be based upon the Common Core Standards that were previously adopted by the Board. Further, the Department of Education is required to distribute the model curriculum to school districts and charter schools within the State so they may be used as a guide for classroom teachers in developing lesson plans for these subjects. The measure also authorizes the regional training programs to use the model curriculum as part of its training process for teachers and administrators. They are passionate about this measure because they want to improve the academic performances of students in this State so they can compete nationally and globally.

The bill is effective on July 1, 2011.

Roll call on Senate Bill No. 14:

YEAS—21.

NAYS—None.

Senate Bill No. 14 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 45.

Bill read third time.

Remarks by Senator Parks.

Senator Parks requested that his remarks be entered in the Journal.

Senate Bill No. 45 provides that personnel assigned to a sworn position in any division of the Department of Public Safety have the powers of a peace officer. Parole and probation officers, assistants and deputies of the State Fire Marshal and the personnel of the Capitol Police Division are changed from Category II Peace Officers to Category I.

Roll call on Senate Bill No. 45:

YEAS—21.

NAYS—None.

Senate Bill No. 45 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 125.

Bill read third time.

Remarks by Senator Kieckhefer.

Senator Kieckhefer requested that his remarks be entered in the Journal.

Senate Bill No. 125 revises the dates by which certain campaign contribution and expenditure reports are required to be filed. Instead of being filed no later than seven days prior to a primary, general, or special election, those reports must be filed no later than seven days prior to the beginning of early voting in these elections.

The bill is effective on October 1, 2011.

Roll call on Senate Bill No. 125:

YEAS—21.

NAYS—None.

Senate Bill No. 125 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 87.

Bill read third time.

Roll call on Assembly Bill No. 87:

YEAS—21.

NAYS—None.

Assembly Bill No. 87 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 88.

Bill read third time.

Roll call on Assembly Bill No. 88:

YEAS—21.

NAYS—None.

Assembly Bill No. 88 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brower moved that Assembly Bill No. 183 be taken from the General File and placed on the Secretary's desk.

Mr. President Pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:37 a.m.

SENATE IN SESSION

At 11:58 a.m.

President Pro Tempore Schneider presiding.

Quorum present.

Motion failed.

Senators McGinness, Settelmeyer and Rhoads requested a roll call vote on Senator Brower's motion.

Roll call on Senator Brower's motion:

YEAS—10.

NAYS—Breeden, Copening, Denis, Horsford, Kihuen, Lee, Leslie, Manendo, Parks, Schneider, Wiener—11.

The motion having failed to receive a majority, Mr. President Pro Tempore declared it lost.

Remarks by Senators Denis, Cegavske, McGinness, Brower, Wiener, Leslie, Horsford and Hardy.

Senator Denis requested that the following remarks be entered in the Journal.

SENATOR DENIS:

Assembly Bill No. 183 authorizes school districts to determine the reserve account for payment of the outstanding debts of the school district.

For Clark County and Washoe County, the bill changes the amount of the required reserves to the lesser of: 10 percent of the outstanding principal; or 25 percent of the amount of principal and interest on all outstanding bonds. For the other 15 counties, the amount is the lesser of: 10 percent of the outstanding principal; or 50 percent of the amount of principal and interest on all outstanding bonds.

This bill is about jobs. This is about having students have safe buildings to meet in. The school districts and those who came said they need this and they need this now. Jobs are important and we need to get those now and the students need to be in safe buildings.

The bill is effective upon passage and approval.

SENATOR CEGAVSKE:

Thank you, Mr. President Pro Tempore. I rise in opposition to the passage of Assembly Bill No. 183. In committee, I made the point that this bill does not have a sunset provision. There is no funding mechanism to pay back the money being withdrawn in the bill. It is hard for me to understand why everyone seems to think this money is a pot of gold. People want to use these reserve funds for different reasons, but some are not considering the consequences of failing to pay back the funds. Does the lack of a sunset provision in this bill mean that we can continue to tap this fund in the future? It bothers me that this bill does not sunset. There is no mechanism in this bill to pay back money taken from this fund.

SENATOR MCGINNESS:

Thank you, Mr. President Pro Tempore. I rise in opposition to Assembly Bill No. 183. While this bill signifies agreement on the need and the appropriateness of using reserve dollars in a time of fiscal crisis, the redirection of these dollars in Assembly Bill No. 183 poses some serious problems for balancing the State budget.

All things being equal, Assembly Bill No. 183 is not a bad idea, but the Legislature is currently working through the process of reviewing the budget while keeping in mind the extraordinary fiscal challenges we face. This bill creates a big hole in that process.

SENATOR BROWER:

Thank you, Mr. President Pro Tempore. I associate myself with the remarks of my colleagues. I would like to explain my previous motion.

It is no secret in this body that this bill does not have any bipartisan support. This unprecedented step was taken during a work session on this bill the same day we heard it. When bills have clear and unanimous support and are simple or are emergency bills, we have had work sessions on those bills the same day they were heard. But having a work session on a bill that is not that simple and does not have unanimous support, on the same day it is heard, is not the way we do business as a body. Since that hearing, I have been trying to gauge the willingness of the various stakeholders including the Governor to look for a way, by way of an amendment, to create broad-based, bipartisan support for this bill.

As my colleague from Fallon stated, the fundamental concept is a good one. As I understand it, the fundamental concept is to give the school districts more flexibility with respect to bond reserves. I like that idea. I think many of us, or all of us, like that idea. But, as we bring up bills, even seemingly simple bills that have budget implications, I think it is dangerous for us and premature to push bills through without considering them in the full context of the Governor's proposed budget. This process is ongoing. It is too early to vote on a bill that creates a giant hole in the Governor's budget.

I would like to have a chance to continue to meet with the stakeholders including the Governor to fashion an amendment that might create bipartisan support and turn a bill that has a good fundamental premise into a better bill that can survive the process and not be vetoed by the Governor. If we cannot do that and we are in such a hurry that we need to act on this bill today, I will have to vote "no" on it. I will urge my colleagues to vote "no" on it. It seems simple, but I do not need to tell this body that the budget process is not simple. This bill significantly affects the budget process and the proposed budget. It has to be considered in that context. Today is not the day. I cannot vote for this bill.

SENATOR WIENER:

Thank you, Mr. President Pro Tempore. When I think about bipartisan support, the message I have received from across the State is the bipartisan support of putting people back to work, of supporting our children in safe school environments, of listening to their people and the intentions for which money should be spent in our State. The money that we are talking about is money that is in a reserve account, money that was raised as part of bond issues for construction of schools.

The proposal to use this money as part of a budget filler, to sweep the money into an operating account, is not fulfilling the intention of Nevadans who voted on bond issues to raise money, for school construction. It is important that we listen to the people we serve, that we listen to them every single day.

Earlier this week we interacted with more than 1,000 students from all parts of our State. They came to voice there concerns about unconscionable cuts to education. I can still hear their chant: "S.O.S., Save Our Schools."

We hear about the need for jobs in our committees. We hear about families who are starving, these Nevadans are not partisan with their pleas. We need to listen to their needs and do everything we can to serve them now.

This bill will put people back to work. This means jobs that feed families. This bill would also create safer school environments for our children. Assembly Bill No. 183 would use the money for the purpose for which it was intended. When the voters said "yes" on bond questions, when they were asked whether or not this money should be raised, they intended the bond and its reserve account to address school construction needs.

When people testified on Assembly Bill No. 183 in the committee, all 17 county school districts supported it. Only Washoe and Lyon Counties indicated they will access these reserves at this time. Clark County cannot use the reserves, but they still supported it.

For these reasons, I urge the support of the full body for Assembly Bill No. 183. It is necessary and it is necessary now, because our intention is to put people back to work, to put our children in safe buildings and safe learning environments, and to listen to the people as to how we spend the money that they chose to raise for school construction.

SENATOR LESLIE:

Thank you, Mr. President Pro Tempore. I also rise in support of this bill for many of the same reasons that were just outlined by our Assistant Majority Leader.

As a representative of Washoe County, and as the representative of the older parts of Reno and Sparks many of the schools that would be directly affected by this bill are in my district. I have been to these schools. I have been in the old-style schools where the doors face the street and there are no security locks. Someone from the outside can be in that classroom immediately. There are no fences, no security locks. We heard unanimous testimony from the public in support of this bill and from all 17 school districts. There was broad bipartisan support for the bill from members of the public. The Governor wants to sweep these accounts and use this money as a one-shot into the Distributive School Account. There are many problems with that. One that has not been mentioned today is that it creates a hole in the next biennium because you cannot keep using the money up. The voters wanted this money to rehabilitate old schools. These schools are 40 and 50 years old. The children cannot wait. The teachers cannot wait. It creates jobs. We need to put people back to work. I see no reason to wait. I urge your support.

SENATOR BROWER:

Thank you, Mr. President Pro Tempore. I agree with many of the points that have been raised. I hear from many constituents. I heard the testimony at the hearing about the need.

There will be money for school rehabilitation even without this bill. There may not be as much, but there will be some. Some work will proceed.

I can count votes as well as anyone. I know where this vote is heading. I urge this body as we move forward during this Session to be deliberate, to be careful, to be thoughtful, and to take our time. As much as I hear from my constituents that some of them like this bill, I hear from many more constituents every day about the idea that they want us to be deliberate, they want us to be thoughtful. We are only here every other year. They want us to take our time to do the right thing and to not rush things that do not have to be rushed. They want all of us to compromise for the best interests of the State. I think as we move forward, we need to take our time and look for ways to compromise, if we can. I know we cannot spend the rest of the Session looking for compromise. At some point if there is not an amendment to which we can all agree, then we will have to just vote. But let us not rush things. I do not think we have given this bill a chance to become a better bill.

SENATOR HORSFORD:

Thank you, Mr. President Pro Tempore. I would like to address a few issues for the record.

First, to the issue brought forth by my colleague from Clark District No. 8, that there is no payback provision in this bill because, it does not require one because the money will be used for the intended purpose as approved by the voters.

Second, to the address the concern of the Minority Leader that this creates a budget hole I share concern, this bill is enabling to the districts. To those who want to assume that the districts will do this, that is not what this bill says.

Third, to my colleague from Washoe District No. 3, I agree our constituents want us to work together to put our ideological views aside and to do what is best for the State of Nevada. They want us to preserve education, vital services in health and human services and public safety. They want us to bring our spending in line, responsibly, with the money we have and to do the necessary reform so that we have a better working government. I know this body is committed to honoring those principles because that is what our constituents elected us to do.

I take objection and exception to the issue that somehow this process is being rushed. We have 120 days every other year to do the people's business. This Session we have unprecedented budget shortfalls, and major issues including redistricting which must be addressed every ten years. When bills are heard in committee, when bills move through both Chambers, we should be deliberative. However, we should not use delaying tactics to not make decisions. Delaying tactics are not bipartisan solutions. I gave my colleague and I will give any colleague the opportunity to bring an amendment forward to have that amendment heard on the Floor. I honor this process and this Chamber more than I honor my party or partisanship. Any member has had the opportunity to bring forward an amendment. We held this bill over for that very purpose. It is not rushing the process. All of us as individual members need to do what we need to do on the bills as they come up so that we can make them the most effective legislation that the voters expect from us.

SENATOR HARDY:

Thank you, Mr. President Pro Tempore. The budget process has been alluded to in this debate. When we start looking at the closings that we are trying to figure out and then put the kaleidoscope of how all of those closing fit together with revenues, that is a complicated process.

The long view I have of this is: What are the good things in Assembly Bill No. 183? How can I support that concept in such a way that it will pass?

I look at what the voters did: voting for things to be put in the capital account recognizing that the account has multiple revenue sources coming into it. As I understand it, from that capital account there comes a bond reserve account. The bond reserve account uses mixed funds to be created and it is that account from which we are taking this. I have yet to understand how much of that money comes from the voter approved versus the other accounts. I am reticent to say all of this money is from the voter approved as much as where it was from. I have that concern. I have not seen it or heard it elucidated to my comfort level.

We have heard about counting votes. My understanding of Assembly Bill No. 183 is how do I count to one. That is the key. I have to be able to get a comfort level by at least one vote, or we will not be able to get this process of bond-reserve account availability for job creation.

GENERAL FILE AND THIRD READING

Assembly Bill No. 183.

Bill read third time.

Roll call on Assembly Bill No. 183:

YEAS—11.

NAYS—Brower, Cegavske, Gustavson, Halseth, Hardy, Kieckhefer, McGinness, Rhoads, Roberson, Settelmeyer—10.

Assembly Bill No. 183 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President Pro Tempore and Secretary signed Senate Bill No. 5.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Michele Fiore.

Senator Horsford moved that the Senate adjourn until Thursday, March 24, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 12:21 p.m.

Approved:

MICHAEL A. SCHNEIDER
President Pro Tempore of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 24, 2011

Senate called to order at 11:17 a.m.

President Pro Tempore Schneider presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God, Thank You for bringing us together today to continue our work for the good of this State and its citizens. Thank You also for guiding the process of bill introduction in both Chambers of this Legislature.

As the bills to consider in this Seventy-sixth Session are now before us, we seek Your presence and guidance as committees work to discuss and refine the bills that have been presented to them. May they then also be prepared to guide discussion before this Chamber at the proper time.

Dear God, in a world that is unsettled in so many ways, may You not only bless and guide each one of us, but also our constituents. May we be led to make decisions that will cause our State to be one which sets an example for other states, and our Nation as a whole.

All these things we bring humbly before You trusting in Your love, grace and mercy, which You showed us through the gift of Your Son, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President Pro Tempore and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Judiciary.

MICHAEL A. SCHNEIDER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 293 be placed on the Secretary's desk.

Motion carried.

Mr. President Pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:21 a.m.

SENATE IN SESSION

At 11:25 a.m.

President Pro Tempore Schneider presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that the action whereby Senate Bill No. 293 was referred to the Secretary's desk be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 33.

Bill read third time.

Remarks by Senator Leslie.

Senator Leslie requested that her remarks be entered in the Journal.

Senate Bill No. 33, in its first reprint, takes several sections of existing law dealing with the confidentiality of records and files maintained by the Department of Taxation and places those provisions into a single section within the administrative chapter of Nevada Revised Statutes (NRS) that governs the Department.

The bill does allow the Department of Taxation to provide confidential information to any federal agency upon request for use in a federal prosecution or criminal investigation.

The bill also prohibits any information regarding an appeal that is provided to the Nevada Tax Commission from being made public until after the time period allowed for a taxpayer to request a closed hearing has passed. This provision will prevent the inadvertent release of information that may subsequently be deemed confidential through a taxpayer's request for a closed hearing.

Roll call on Senate Bill No. 33:

YEAS—21.

NAYS—None.

Senate Bill No. 33 having received a constitutional majority, Mr. President Pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 219.

Bill read third time.

Remarks by Senators Horsford, McGinness and Cegavske.

Senator Horsford requested that the following remarks be entered in the Journal.

SENATOR HORSFORD:

Earlier this month, this body passed legislation aimed at accomplishing job one of this Legislative Session which is to put Nevadans back to work. It approved Senate Bill No. 192, which can be the tool to put more than 5,000 Nevada construction workers back on the job.

The legislation before you today represents another critical element in our job creation and economic development strategy. It will help identify the skills of unemployed Nevadans that can be applied to current jobs and identify gaps in skills that need to be addressed through training and education for both current jobs and the jobs we hope to create in a new Nevada economy.

In broad terms, Senate Bill No. 219 would set up a system for evaluating the skills of unemployed Nevadans to determine their fit with job opportunities in the State and whether they need additional job training to fill those jobs.

One of the things we learned in researching this legislation is that there are jobs in this State that may not be in the same geographic location as the large number of job seekers. But they can be filled by people with the right skills who are willing to relocate. Or there may be local individuals who just need some training to have the right skill set. This legislation is aimed at helping them get that.

Senate Bill No. 219 would establish a formal first-phase program of skills assessment for about 3,800 unemployed Nevadans seeking to link them with current jobs or training programs. But it also would require the State Employment Security Division, to the extent of available

resources, to provide every applicant for unemployment benefits or beginning participation in a Workforce Investment Act program to receive an assessment of their job skills.

One of the important effects of Senate Bill No. 219 is that it will allow us to create profiles of the skills of Nevadans from various sectors—construction, hospitality, healthcare, manufacturing and retail trade, to name a few.

This will tell us much about what we need to do to improve the education and job skills of Nevadans to meet the demands of the new economy we want to build in Nevada. There are some skills that can be transferred to new industries, but there are other skills that need to be developed to provide the right kind of workforce for sustained economic growth.

Another part of Senate Bill No. 219 approaches this issue in another way. It would require regional economic development agencies to conduct surveys of people who are working in their communities and match those skill sets with the needs of businesses these agencies are seeking to attract. That will be another indicator of what we need to do to build the right kind of workforce for the more diverse, sustainable economy we hope to create in this State.

This is legislation that moves us another step forward in solving our economic crisis and helps thousands of Nevadans who want to go back to work.

SENATOR MCGINNESS:

Thank you, Mr. President Pro Tempore. Senate Bill No. 219 looks like a worthwhile bill. The fiscal note says that there is an appropriation not included in the Governor's budget. Can you tell me where the funding is coming from for this bill?

SENATOR HORSFORD:

Thank you, Mr. President Pro Tempore. The appropriation in this bill is anticipated from General Fund revenues not recommended for appropriations by the Governor. There are available funds that exceed the 5 percent minimum ending reserve balance including not only the general revenues forecast by the Economic Forum but by the proposed revenue in the Governor's budget. The appropriations are not coming from any other programs and will not be diverted.

SENATOR CEGAVSKE:

Thank you, Mr. President Pro Tempore. Is there any money coming from general funds that is not appropriated in the Governor's recommended budget? Are there general funds that are coming through for this because there is no fiscal note in the book? We only have the statement.

SENATOR HORSFORD:

Thank you, Mr. President Pro Tempore. To my colleague from Washoe District No. 8, this appropriation will be from the general fund but not from funding that diverts revenue or programs as recommended in the Governor's budget.

SENATOR CEGAVSKE:

What is the dollar amount?

SENATOR HORSFORD:

Thank you, Mr. President Pro Tempore. The testimony is that there is approximately $400,000 that will be allocated from the General Fund to the College of Southern Nevada and Truckee Meadows Community College to perform these assessments now and to report the results of those assessments before the end of this Legislative Session.

Roll call on Senate Bill No. 219:

YEAS—21.

NAYS—None.

Senate Bill No. 219 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 7.

Bill read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Assembly Bill No. 7 changes from two days to five judicial days the time within which a judge, against whom an affidavit alleging bias or prejudice has been filed, must file a written answer with the clerk of the court, unless the judge immediately transfers the case or requests another judge to hear the case. This measure applies to all judges except justices of the Supreme Court.

Roll call on Assembly Bill No. 7:

YEAS—21.

NAYS—None.

Assembly Bill No. 7 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 134.

Bill read third time.

Remarks by Senators Breeden and Wiener.

Senator Breeden requested that the following remarks be entered in the Journal.

SENATOR BREEDEN:

Assembly Bill No. 134 clarifies and revises the maximum punishment a court may impose for a crime by a person who was under 18 years old when the crime was committed. For such a person convicted of a crime otherwise punishable by death, the maximum punishment is life imprisonment without the possibility of parole. For a non-homicide crime, the maximum punishment is life imprisonment with the possibility of parole.

SENATOR WIENER:

This bill before us aligns statutorily with the ruling of the Supreme Court.

Roll call on Assembly Bill No. 134:

YEAS—21.

NAYS—None.

Assembly Bill No. 134 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 293 be re-referred to the Committee on Commerce, Labor and Energy.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 24, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 7.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 7—Honoring Nevadans who have lost their lives in the Global War on Terrorism.

WHEREAS, Since the launching of the Global War on Terrorism in response to attacks on the United States on September 11, 2001, through Operation Iraqi Freedom, Operation Enduring Freedom and Operation New Dawn, 5,922 Americans have lost their lives, including 53 Nevadans; and

WHEREAS, The service of these men and women required sacrifice, hardship, endurance, dedication, courage and the highest level of patriotism; and

WHEREAS, Those Nevada citizens who served our country in the name of freedom and justice deserve special recognition for their sacrifice; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That we honor every American who served and extend our heartfelt condolences to the Nevada friends and family members of those who made the ultimate sacrifice; and be it further

RESOLVED, That we continue to honor those recognized in previous legislative sessions: Marine Lance Corporal Nicholas H. Anderson, Las Vegas; Army Staff Sergeant Corey R. Barnes, Sparks; Army Sergeant Kenneth E. Bostic, Hawthorne; Marine Lance Corporal Raul S. Bravo, Elko; Army Captain Joshua T. Byers, Sparks; Marine Second Lieutenant James J. Cathey, Reno; Marine Lance Corporal Donald J. Cline Jr., Sparks; Army National Guard Specialist Anthony S. Cometa, Las Vegas; Army Corporal Matthew A. Commons, Boulder City; Army Private First Class David N. Crombie, Winnemucca; Army Sergeant Ezra Dawson, Las Vegas; Army Specialist Jason A. Disney, Fallon; Army Sergeant David J. Drakulich, Reno; Army National Guard Chief Warrant Officer 3 John M. Flynn, Sparks; Army Staff Sergeant Sean M. Gaul, Reno; Army Sergeant John C. Griffith, Las Vegas; Army Specialist Daniel F. Guastaferro, Las Vegas; Marine Corporal Jesse Jaime, Henderson; Army Sergeant Robert P. Kassin, Las Vegas; Marine First Lieutenant Nathan M. Krissoff, Reno; Army Corporal Stanley J. Lapinski, Las Vegas; Army Corporal Shawn T. Lasswell Jr., Reno; Army Staff Sergeant Emmanuel L. Legaspi, Las Vegas; Marine Lance Corporal Jeremy Z. Long, Sun Valley; Marine Private First Class John Lukac, Las Vegas; Army Corporal Joseph L. Martinez, Las Vegas; Army Sergeant Gordon F. Misner II, Sparks; Army Specialist Joshua S. Modgling, Las Vegas; Army Private Second Class Joshua M. Morberg, Sparks; Army Sergeant Eric W. Morris, Sparks; Army Sergeant Alfred G. Paredez Jr., Las Vegas; Navy Petty Officer Second Class Eric S. Patton, Boulder City; Marine Reserve Lance Corporal Richard A. Perez Jr., Las Vegas; Marine First Lieutenant Frederick E. Pokorney Jr., Tonopah; Army Specialist Ignacio Ramirez, Henderson; Army Chief Warrant Officer 2 Joshua R. Rodgers, Carson City; Army Reserve First Sergeant Carlos N. Saenz, Las Vegas; Marine Corporal William I. Salazar, Las Vegas; Army Sergeant Anthony J. Schober, Gardnerville; Army Reserve Staff Sergeant Coby G. Schwab, Henderson; Army Private First Class Thomas C. Siekert, Lovelock; Army National Guard Sergeant Patrick D. Stewart, Fernley; Army Reserve Specialist Teodoro Torres, Las Vegas; Army Staff Sergeant Michael L. Townes, Las Vegas; Army Private First Class Alejandro R. Varela, Fernley; Army Specialist Travis M. Virgadamo, Las Vegas; and Army Private First Class Phillip B. Williams, Gardnerville; and be it further

RESOLVED, That we pause today to reflect on the supreme sacrifice of the six Nevadans who have given their lives since the 75th Legislative Session: Army Sergeant Matthew R. Hennigan, Las Vegas; Army Sergeant Josue E. Hernandez Chavez, Reno; Army Specialist Thomas F. Lyons, Fernley; Army Specialist Brian Tabada, Las Vegas; Army Private First Class Kevin C. Thomson, Reno; and Marine Sergeant Frank R. Zaehringer III, Reno; and be it further

RESOLVED, That the members of the 76th Session of the Nevada Legislature honor these brave Nevadans who made the ultimate sacrifice through their service, dedication and commitment to this country and their fellow man; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit six copies of this resolution to Caleb S. Cage, Executive Director of the Office of Veterans' Services, for transmittal to the family of each of those being honored

Senator McGinness moved the adoption of the resolution.

Remarks by Senator McGinness.

Senator McGinness requested that his remarks be entered in the Journal.

Almost 10 years ago, the entire world was electrified and dismayed when planes struck the World Trade Center and the Pentagon, claiming the lives of thousands of innocent citizens. These events forever changed the world in which we live.

Since that time, our nation has been engaged in a great struggle to preserve peace, freedom, and rule of law. This struggle has taken place in many parts of the world. Hundreds of thousands of Americans have been taken from their families who have made heroic sacrifices in this cause. Today we commemorate those citizens of Nevada who have made the ultimate sacrifice.

We celebrate these brave men and women, our fellow Nevadans, our neighbors, and friends. As we do so, we are tenderly conscious of those they have left behind: the widows, the orphaned children, the grieving parents. We hope that they may be comforted in some degree by knowing that the sacrifices their loved ones have made are known and appreciated by the people of Nevada.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Parker Stremmel and Kevin Zener.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Carol Turner and Chuck N. Baker.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Luana Ritch and Charley Smith.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Mike Young.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Caleb Cage and Stan Jones.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Brigadier General William Burks.

Senator Horsford moved that the Senate adjourn until Friday, March 25, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:59 a.m.

Approved: MICHAEL A. SCHNEIDER
President Pro Tempore of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 25, 2011

Senate called to order at 11:15 a.m.

President Pro Tempore Schneider presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Norm Milz.

Lord God, Your mercy and love are shown us each day and it is only by Your grace that we have come together today in this Chamber to do the work before us.

Guide all members in this Chamber and its committees in their reading and understanding of each bill that has been given to them. As the deadline for committee presentation of bills approaches, keep us focused on our purpose. Help each of us cast our votes for the growth, advancement and good of this State and its citizens.

Lord, these are difficult times for this State and there are tough decisions, in relation to the budget in particular that need to be made soon. Help us never forget, as presentations are made, discussions are held, and votes are taken, that each of us represents honored constituents who have placed us in our positions.

All these things we bring humbly before You trusting Your love, grace and mercy, which You showed us through the gift of Your Son, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President Pro Tempore and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 24, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 200, 230.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: KNPB-TV: Cory Thomas; Las Vegas Sun: James Patrick Coolican; Nevada Sentinel: Seth Glass; The Reno Gay Page: Francisco (Paco) Poli; blogtalkradio: Kim Cordy and YGR Media, LLC: Samuel Olson.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Senate Bill No. 384—AN ACT relating to public facilities; authorizing the governing body of a local government to adopt procedures for the sale of the

naming rights to a park, recreational facility or other public facility owned by the local government; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 385—AN ACT relating to local government; authorizing counties and cities, with limited exceptions, to exercise the powers necessary for the effective operation of county and city government; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 386—AN ACT relating to taxation; increasing the amount of taxes levied on cigarettes and products made from or containing tobacco, other than cigarettes; revising the allocation of total revenue from taxes on cigarettes and products made from or containing tobacco, other than cigarettes; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 387—AN ACT relating to off-highway vehicles; authorizing the Department of Motor Vehicles to assign a distinguishing number to any off-highway vehicle that does not have a unique vehicle identification number or serial number; providing for the imposition of a fee for the assignment of such a distinguishing number; providing a penalty; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 200.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

Assembly Bill No. 230.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President Pro Tempore and Secretary signed Assembly Bills Nos. 87, 88; Assembly Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Ed Long and Marjorie McMaken.

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Andrew MacKay.

Senator Horsford moved that the Senate adjourn until Monday, March 28, 2011, at 10 a.m.

Motion carried.

Senate adjourned at 11:26 a.m.

Approved:

MICHAEL A. SCHNEIDER
President Pro Tempore of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FIFTIETH DAY

CARSON CITY (Monday), March 28, 2011

Senate called to order at 10:14 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Ralph Burns.

Creator,

We give thanks for everyone's hard work done in this place.

We ask for the energy needed to bring our State, its entire people and every community out of these very difficult times.

We ask that You give us clear minds and open hearts to work and think together to make the best choices for all the people of this State.

We ask that in Your way You guide them, bless them and keep them.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

Senator Horsford moved that the Senate resolve itself into a Committee of the Whole for the purpose of hearing the presentation on Governor Sandoval's budget proposal by Russell Guindon and Mark Krmpotic, with Senator Horsford as Chair and Senator Leslie as Vice Chair of the Committee of the Whole.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 10:19 a.m.

IN COMMITTEE OF THE WHOLE

At 10:20 a.m.

Senator Horsford presiding.

Presentation of Governor Sandoval’s budget proposal.

The Committee of the Whole was addressed by Senator Horsford, Chair; Russell Guindon, Principal Deputy Fiscal Analyst; Senator Hardy; Senator Denis; Senator Brower; Mark Krmpotic, Senate Fiscal Analyst; Senator Leslie; Senator McGinness; Senator Schneider; Senator Settelmeyer; Senator Kieckhefer; Senator Cegavske; Senator Copening; Senator Halseth; Senator Breeden; Senator Wiener and Senator Parks.

SENATOR HORSFORD:

In coordination with the Minority Leader, we discussed the need for this Committee of the Whole to bring all the members up to date and to brief all the members on the status of the budget.

Tomorrow, the subcommittees for the Committee on Finance and the Committee on Ways and Means begin work sessions. They will begin to identify points upon which decisions need to be made. This hearing will provide our staff an opportunity to give us an update on the budget and to allow all of us to ask questions to clarify points so there will be a full understanding of the budget as we go forward.

You have a chart before you entitled "The Governor's Budget Approach" This chart will help us understand the full impact of the Governor's budget. The Executive Budget provides for an estimated $1.1 billion in revenue enhancements through adjustments from revenue being taken, redirected and borrowed. It includes $1.4 billion in reduction in State appropriations and authorizations compared to the 2009 legislatively approved State budget. When taken together, it is a $2.5 billion difference from what was discussed two years ago. The graph visually depicts the components in the Governor's budget.

First listed is $1.7 million in cuts to the "County Participation" component, which is shown on the graph by the elimination of State programs, transferring those expenses for human services and mental health to the counties.

Next, $585 million is cut in the "Public Employee Wage and Salary Reductions" section under the Governor's proposal with a reduction of State school district and system of higher education salaries by 5 percent as well as freezing step and longevity increases.

Third, the section "Proposed General Fund Reductions" shows cuts of $709 million. Within the total of the $709 million there are cuts listed in the handout by budget area with 53 percent of those cuts occurring in K-12 education. The other 36.6 percent is in higher education. There are $664 million of proposed reductions of $709 million coming from education, both K-12 and higher education. The remaining percentage of budget cuts is smaller and are to human services, taking into consideration caseload growth and inflation.

Next, we see the "Property Tax Diversion" section, which is the 9 cent portion of the Clark County and Washoe County property taxes the Governor proposes to divert to support the University of Nevada, Las Vegas (UNLV) and the University of Nevada, Reno (UNR).

The next section shows the $106 million budget shortfall. Approximately 15 minutes ago, we received a new budget amendment proposed by the Governor. We will have to discuss that matter later.

In the next section, the "Reserve Account Sweeps" shows the amount the Governor proposes to take from the Capital School Accounts including the GST portion, which is the new portion, amended recently. That amount is for $319 million instead of the $425 million. That amount was reduced.

The last section addresses the "General Fund Revenue Augmentations" section including borrowing against the Securitization Insurance Premium Tax for $109 million, redirection of I.P. 1 of the 75th Legislative Session Education Funds, $221 million, and the continuation of Net Proceeds of Mines Prepayment, $60 million. Next, there is the redirection of Short-Term Car Rental Tax; Court Administrative Fees, the Indigent Account Under Medical Assistance Funds; redirection of slot fees and the restructuring of the Modified Business Tax to account for the sunsets in place. There is a tax cut on the first $62,500 per quarter of payroll for all employers under the Modified Business Tax section.

Staff will discuss this in more detail. The far right section is the Governor's recommended biennium budget-by-budget category. The section totals the $5.8 billion that he proposes by category. The bottom section shows where the proposed General Fund reductions will come from in the upcoming biennium.

This graph is a reminder of the difficult choices we have to make going forward. The process is here. The subcommittees will begin making some decisions on these units as early as tomorrow. We have scheduled budget closings in the first week of April. The staff will continue with this discussion.

MR. RUSSELL GUINDON (Principal Deputy Fiscal Analyst):

Senator Horsford's chart does a very good job of laying out the elements and I am hoping "Table 1, General Fund Revenues-Economic Forum December 1, 2010," which I have prepared for use this morning, will add additional detail to the previous chart. The first 8 pages of this document are referred to as the Economic Forum's General Fund Revenue Forecast Tables. We will discuss these 8 pages first to set the stage as to the Economic Forum and its forecast before we discuss the Governor's recommended enhancements with regards to revenues for the Executive Budget.

Tables 1 and 2 are the summary level of the Economic Forum's forecast. Pages 3-5 are the general ledger detail. I will not spend time discussing pages 3-5. Following that are the notes that allow you to follow the Economic Forum's forecast as well as the legislative actions approved throughout the last three or four sessions that may have impacted any revenues on these pages.

The Economic Forum is the statutory body composed of five members required under law to produce the forecast on or before December 1, which they did. These forecasts are displayed in tables for Fiscal Year (FY) 2011, the current biennium, and FY 2012-2013 for the coming biennium, for which this body will have to produce a legislatively approved budget. The Economic Forum will reconsider these forecasts on May 2. They are required to produce a forecast on or before May 1, but because that date falls on a Sunday, we can meet the next business day. These forecasts will be revised May 2 when the Economic Forum reconvenes. That is the set of forecasts that the Legislature will use to develop the legislatively approved budget.

The revenues on this sheet are what we refer to as the unrestricted General Fund revenues. Those are the revenues this body can use to produce the General Fund appropriations budget.

In Table 1, there is a line for total mining taxes and fees. In FY 2012, there is only $100,000 from penalties and interest. This is the revenue item based on the actions of the legislature taken during the 25th Special Session in December 2008 and the 2009 75th Legislative Session to change the mining tax from being based on the prior year's earnings to being an estimate for the current year's earnings. That action generated an additional payment in FY 2009. With the sunset placed on that tax, and the prospective payment sunsetting in June 2011, there will be no net proceeds in minerals paid in FY 2012. That sunset is why there is a significant drop off in that revenue source.

The next revenue source affected the MBT-Nonfinancial. This is a Modified Business Tax (MBT). This is a tax on the gross wages paid by an employer to employees less allowable health care deductions. Under current law through FY 2011, the tax is 0.5 percent on wages up to $62,500 per quarter and 1.17 percent on wages over $62,000 per quarter. There is a sunset on that rate effective July 1, 2011. The rate will reset to a flat rate of 0.63 percent. The sunset is why you see the significant reduction going from approximately $351.5 million to $203.8 million in FY 2012.

For the Room Tax section, there is no revenue in FY 2012 and 2013. This is from the I.P. 1 of the 75th Legislative Session approved by the Legislature in 2009 to impose an additional room tax up to 3 percent but not to exceed 13 percent in Clark County and Washoe County. Under the provisions of I.P. 1 of the 75th Legislative Session as it was approved by the Legislature in 2009, the proceeds from this tax go to the General Fund for FY 2010-2011. Beginning in FY 2012 thereafter, funds go to a State Supplemental Education Fund to support K-12 education with a "no supplant" clause attached. That is why there is a hole in this section.

The Business License Fee was raised from $100 to $200 in 2009. That fee sunsets, cutting fees in half in FY 2012-2013.

On page 2, there are several sections where there is money in FY 2011 but not in 2012-2013. The Economic Forum is statutorily required to forecast based on current law. They do not speculate as to what might be included in the Governor's recommended budget or what this body may do during the session. On May 2, they will forecast based on the law, as it exists.

These are some of the revenue elements adopted during the 2009 75th Session to produce additional funding for the biennium. They were the 4 cent operating rate redirection from Clark County and Washoe County; the 5 cent Capital Rate redirection from Clark County and Washoe County; a portion of the State 0.36 of 1 percent Room Tax; the Insurance Verification Fees, the Supplemental Account For Medical Assistance to Indigent Persons; the Clean Water Coalition;

the Lobbyist Registration Fee and the Court Administrative Assessments. These were previous revenues under which there will be no revenues gained in 2012-2013.

This forecast will be revised on May 2 when the Economic Forum reconvenes.

SENATOR HARDY:

Thank you, Mr. Chair. Do we have a total of the sunset bills and the room tax that went to K-12? Is that totaled somewhere in this chart?

MR. GUINDON:

On the next page, some of them have been added back into the Governor's budget. I do not have that number, adding up the 11 totals.

SENATOR HORSFORD:

We will come back to that issue. Senator Hardy, you want the total minus what the Governor has already included in the revenues set to expire June 30. Is that correct?

SENATOR HARDY:

I would like to go back one-step further and get the total that they talked about as well as the total of what the Governor's difference is.

SENATOR DENIS:

Thank you, Mr. Chair. There is nothing listed for petroleum inspection fees. Why is that line item listed, but there is nothing represented there?

MR. GUINDON:

I should remove that line, or hide it. Several sessions ago, that line item was phased out. It no longer goes to the General Fund. It stays with the agency. However, because this table is in an Excel book, there are numbers out there and if that section were deleted it would remove the historical data hidden in that section.

SENATOR BROWER:

The $100,000 forecast for 2012 for total mining taxes and fees, reflects the prepayment that was made previously? Is that correct?

MR. GUINDON:

On page 3, there is a section with the detail showing the four-digit number to the left. They are the general ledger account numbers that are posted in the controller system. That is how the staff keeps track and forecasts. They are under the Mining Tax and Mining Claims Fee section. The forecast is for $66.5 million in FY 2011 and there is no forecast for the mining claims fees in FY 2012. The $100,000 is coming from penalties and centrally assessed penalties that could come from reviewing the industry. There could be penalties paid and due from various mines.

SENATOR BROWER:

I am certain I am not the only one wondering. This table suggests that only the mining tax and mining claims fees forecast for FY 2012 is $100,000. That cannot be right, am I not understanding this?

MR. GUINDON:

In the 25th Special Session and the 2009 75th Legislative Session, the net proceeds minerals tax was converted from making tax payments based on actual mining activity for the prior calendar year to estimating what a calendar year's mining activity will be for that year and making an estimated payment. You can "true-up" against that in the next fiscal year.

In FY 2011, we had a hearing on this in the Senate Committee on Revenue about the mines. On March 1, based on the estimate for their calendar year 2011 activity, they will be making their estimated payments, which will be booked in FY 2011. In some sense, they have made a tax payment based on their estimate for calendar year 2011. When the sunset occurs, we go back to the old law. However, in FY 2012, they have already made a payment for the calendar year 2011. We discussed this with Legal Counsel. We cannot make them pay again for calendar year 2011-2012. Could there be some "true-up" payments? Yes, but when taxation, the budget

office and your fiscal staff got together they were betting that there will be some estimated payments. That is why they did not put any money in for 2012 based on how the law is going to work. You cannot have the mining industry making double taxation payments on one calendar year's worth of activity.

SENATOR BROWER:
That is what I meant by pre-payment, though not the technically correct term. It looks like we are able to estimate for FY 2013 a number that reflects a number closer to reality, over $60 million.

MR. GUINDON:
When the sunset occurs, effective July 1, 2011, we will return to the way the tax used to be prior to the 25th Special Session, that in each fiscal year the mines would report their taxes based on the prior calendar year's actual activity. The estimate for FY 2013 is the estimate paid on actual calendar year 2012's mining activity. Under the law, you can look at FY 2013 and say they owe taxes based on their actual calendar year 2012's activity. In FY 2012, under the law, they will be required to make a payment based on their actual 2011 activity. However, they have already made a payment on calendar year 2011.

SENATOR BROWER:
Thank you.

SENATOR HORSFORD:
That is a hole for the next biennium that we will get to if we continue to follow the recommendations in this budget. It creates another hole for the next legislative session to deal with in 2013.

SENATOR HARDY:
In the 2009 75th Session, we worked within the premise that we would have a budget of about $6.9 billion in the General Fund. In the 25th Special Session, we went down to about a $6.2 billion budget. The Governor's budget is about $5.8 billion. This is a difference of about $400 million. Am I correct?

MARK KRMPOTIC (Senate Fiscal Analyst):
You are correct. The General Fund level for the current biennium as adjusted by the 25th Special Session is approximately $6.2 billion. The Governor's recommendation for the upcoming biennium totals approximately $5.8 billion.

SENATOR HORSFORD:
Can we clarify how much of that does not include lost American Recovery and Reinvestment Act (ARRA) funding that was booked in 2009 as non-general fund revenue that was used in place of General Fund support?

MR. KRMPOTIC:
I do not have that exact figure with me, but I think it is around $700 million to $800 million.

SENATOR HORSFORD:
In 2009, there was a decision by the prior administration in consultation with the Legislature to reduce General Fund support primarily in grades K-12 because we had one-time State stabilization funding which allowed us to use that money to offset losses that we otherwise would have taken in the General Fund. In 2009, we booked that in the budget while we were here. In higher education, it was booked differently. Now, we are looking at the 2011 budget not taking into account the amount that was lost with one-time stabilization funds, all but $72 million of which was used to fund K-12 and higher education.

SENATOR HARDY:
ARRA funding counted in the $6.9 billion and the $6.2 billion. It was included in the budget.

MR. KRMPOTIC:
The $6.2 billion, the 25th Special Session total, reflects General Fund's only and not ARRA dollars with it.

SENATOR HARDY:
So, the $6.2 billion plus the ARRA came back to the $6.9 billion.

MR. KROMPOTIC:
Yes, approximately.

SENATOR HORSFORD:
Mr. Guindon is going to go through the revenue and the details of the revenue enhancements that are in Governor's proposed budget. We will complete that part of it and then go into how the budget is being spent.

MR. GUINDON:
The exhibits being referenced today are available on the NELIS system.

On page 2, the Economic Forum's current estimate of about $2.732 billion is about $9.7 million above the collections in FY 2005 or only about 4/10 of a percent above that. This is a reference point for the reset that has happened to the General Fund revenues.

On page 9 of the handout, we will discuss Table 2. I will first discuss the section entitled "Governor's Recommended General Fund Revenue Enhancements included in the Executive Budget." Some of this information has been discussed in the chart provided by Senator Horsford.

First is listed the Economic Forum's forecast for FY 2012-2013 and the 2011-2013 biennium. There are ten revenue enhancements recommended in the Governor's Executive Budget. The first recommendation is to extend the sunset on net proceeds of minerals for two years. We will pick up $60 million in FY 2012.

Currently, under law, the $2 quarterly slot machine fee imposed on restricted and non-restricted slots goes to fund the problem gambling account. The proposal is to allow $1 to go to that fund and the other $1 will go back into the General Fund. This is a transitory change. It is only for the 2011-2013 biennium.

The current modified business tax (MBT) is 0.5 percent up to $62,500 and then 1.17 percent over that. In the Governor's proposal, the 0.5 rate would remain in place on the wages up to $62,500 and have the rate at 0.63 percent on wages over $62,500. The Governor is lowering the rate from 0.63 on all wages to 0.5 on a portion of it. That is why it ends up being a negative impact on the General Fund for those two years. Under current law, the I.P. 1 of the 75th Legislative Session, as adopted by the Legislature in 2009, the room tax funds were supposed to go to the State Supplemental School Account. The Governor is recommending that those proceeds be left in the General Fund for FY 2012 and FY 2013.

SENATOR HORSFORD:
Are there any questions on this, because based on the voter-approved piece of this there is some concern about our ability to move it from its intended purpose. Because the Legislature adopted it in 2009, it was permitted in the language of the I.P. 1 of the 75th Legislative Session that for the first two years it could be used for the General Fund and thereafter it was supposed to go to the State Supplemental School Account. Why is this not being allowed to go to its intended purpose in education and be placed in the General Fund as the Governor recommends?

MR. GUINDON:
There was an initiative petition circulated and received enough signatures for the Legislature to consider during the 2009 75th Session. The Legislature has 40 days to act on it. The Legislature adopted the petition. Since it was adopted, the Legislature can change it in the following session. Senator Horsford is correct that the language in the I.P. 1 of the 75th Legislative Session was that the proceeds from the tax were to be directed to the State General Fund for 2010-2011. In 2012 it would go to the State Supplemental School Support Fund. Because the Legislature adopted it in the first 40 days, under the Constitution, the Legislature can make changes. The Governor's recommendation is that we will make that statutory change to the provisions of the initiative petition that require the proceeds to go to the

General Fund for two more years. Then in FY 2014, it will go to the State Supplemental School Support Fund.

SENATOR HORSFORD:

It requires a statutory change. Will there be a bill in the Governor's budget to change the law from what was approved in 2009 allowing it to be extended for another two years?

MR. GUINDON:

Yes, that would be my understanding that there would have to be a bill draft request that would become a bill and implement the Governor's Executive Budget about this element. It would require statutory change.

SENATOR HORSFORD:

In 2013, what is to prevent them from extending it again and having the funds not go to the intended purpose?

MR. GUINDON:

Nothing. It would require a statutory change again.

Item number 5, in Table 2, is the "Short Term Car Lease." Based on legislative actions in the 2007 74th Session, the Legislature provides funding for transportation projects. One percent of the proceeds from the room tax go to the State Highway Fund. The Governor's recommendation included in the Executive Budget is to divert these proceeds from the State Highway Fund and have them go to the General Fund. It is my understanding that this would be a permanent act. Those proceeds equivalent to the 1 percent on the 10 percent rate would no longer go to the highway fund but would be dedicated to the State General Fund.

Item number 6 is the securitization of a portion of insurance premium taxes. Under the proposal, this would generate $190 million in FY 2012. You are pledging a portion of the insurance premium tax. The payments would begin in FY 2014 and go on for four years. Under the proposal, the securitization in terms of the Governor's Executive Budget is estimated to generate $190 million in FY 2012.

SENATOR LESLIE:

Is the $190 million future tax revenue that we are securitizing, not tax revenue from this fiscal year, this biennium, but from the next biennium? In the other section of this chart, we see $53 million a year that is interest we will have to pay back in order to securitize.

Since we cannot keep borrowing the same revenue, this creates almost a $300 million hole in the next biennium. Is that correct?

MR. GUINDON:

Correct. May I defer the explanation until we get to that section?

SENATOR LESLIE:

Yes.

MR. GUINDON:

In item number 7, we discuss the supplemental account for medical assistance to the indigent. This was a proposal done in 2009 to divert those proceeds to the General Fund. The Governor is recommending that we continue to divert those proceeds to the State General Fund for FY 2012-2013. It is equivalent to 2.5 cents of the property tax imposed in all 17 counties.

Item number 8 addresses the court administrative assessments. If the court issues a fine then there can be an assessment that goes along with that fine. The proceeds are allocated in a certain way. A portion can be dedicated to the General Fund. It is the recommendation from the Governor's Executive Budget that this portion of the proceeds go to the General Fund.

We will cover item 9 and 10 under the discussion of the "Estimated General Fund Shortfall in FY 2014-2015" section.

The direct revenue enhancements included in the Governor's Executive Budget is the $513 million shown in the dark blue section of the chart presented by Senator Horsford. These are called direct revenue enhancements because they are directly going on to the unrestricted General Fund revenue sheets on the Economic Forum sheets.

Indirect General Fund revenue enhancements recommended in the Governor's budget are the transfer of School District Excess Debt Reserve Funds to the State's General Fund for FY 2012-2013. The Governor's original recommendation included in the executive budget was the $425 million. The $319.3 million is based on the information provided to the Senate Committee on Revenue on March 3. It is my understanding that they have provided the Fiscal Analysis Division with some updated numbers. I have not had a chance to go through them with the staff in our office. Where you hear the figure of the $1.6 million hole, this is the hole in the budget on the revenue side that the original proposal in the executive budget was for $425 million, now it is only $319.3 million.

SENATOR MCGINNESS:
Mr. Chairman, in the Governor's budget augmentations he provided to us this morning, it was indicated that the hole no longer exists. Are we going to have an opportunity sometime today to hear from the Budget Office?

SENATOR HORSFORD:
Not today, because we received the information at 9:45 a.m., but we will bring it back for a subsequent hearing. I spoke with the Governor before coming into Chambers this morning; he stated that it was an "F" map change in the caseload allocation on "F" map and the increase in the net proceeds of mines which we already knew about. He is booking those two as his budget amendment. We just got the details at 9:45 a.m. this morning. The staff is not in a position to discuss the specifics of this at this time.

SENATOR MCGINNESS:
I appreciate that. I hope that we will be able to obtain that information.

SENATOR HORSFORD:
Yes, absolutely.

SENATOR DENIS:
I would like to discuss the district bond capital monies. We have had this discussion before, but not everyone was able to hear it. How does that impact the school districts?

MR. GUINDON:
That is a difficult question for fiscal staff since I do not work with the school districts. Our understanding of the proposal is that it depends on the different school districts in terms of how the proposal would work to structure the change.

Under current law, school districts are required to hold the equivalent of 12 months worth of the next year's principal and interest on a bond payment. The Governor's proposal is to reduce the amount of reserves on hold, and that frees up and creates excess reserves. The proposal is to not allow them to stay in their debt service fund but to transfer those so that they can be used as local funds available for operating school districts.

The money, as proposed, would provide operating funds, but the risk would be on the debt service by reducing to the level of reserve. It is my understanding that for Clark County and Washoe County the current proposal is to take them to somewhere around a 30 day reserve. For the other 15 school districts, the reserve would be about 90 days. If the reserve is pushed down too much, and projections are being made of what the revenue sources would be, if the revenues do not materialize then there would be the risk that there would not be enough revenue to make their bond payments, thus, as the school districts testified in the Senate Committee on Revenue, there could be the risk of having their rates increased. It is all dependent upon the projections that are used to produce the scenario, how it would actually play out as to what the risk would be, and whether there would be any impact other than the money would be used for operating versus capital.

SENATOR DENIS:
In the Committee, the district testified that they might have to raise property taxes by as much as 20 percent. It depends on what happens at that point. There would be a concern there.

SENATOR HORSFORD:

I know that with the assessed values coming out in the projections, there is some concern. We know property values are declining and that is part of the overall economic downturn. It has hit certain parts of the State disproportionately.

SENATOR SCHNEIDER:

Thank you, Mr. Chair. There is an article in the newspaper this week about declining property values, the appraisers, and how they make appraisals to determine property values. If the property values continue to decline over the next 12-24 months like they have been, and we are down to a 30-day reserve, would that mean we would have to increase property taxes to recoup that money? A 30-day reserve is not very much.

SENATOR HORSFORD:

At the beginning of the Legislative Session when the Governor first presented this concept, I was under the impression that the districts would default and not make their bond payment. As I have learned through testimony in the Senate Committee on Revenue, there is actually a provision in the contract that requires the districts to do either one of two things: extend out the term of the bond, or increase their property tax rate and force them to pass that on to property owners. What we learned last week in the Committee on Revenue is that 10 of the 17 districts are at the $3.64 rate; therefore, they come first in priority. That would mean other entities would be forced to give up a portion of the property tax in order for it to go to the school district and the school district would have to take money out of their operating account to pay off the difference to whoever had to reduce their rate. There is confusion about the implementation of this, and how it would actually work. People are being optimistic thinking if their property values are met, there will not be this type of hardship. However, in the event those projections do not come in, and those districts get down to that reserve and cannot make their payment, these things are automatically triggered.

SENATOR SCHNEIDER:

There have been stories in the newspaper that in Las Vegas and in Clark County there are groups organizing to have their property taxes lowered because the values of their homes have gone down. I do not know how we can be too optimistic that property taxes will go back up.

SENATOR SETTELMEYER:

Do we have the same reserve issues whether or not it is done through this proposal or the proposal we heard about a few weeks ago? Is it not a bad idea to be touching these reserves under any circumstance or under bill whether we are talking about this one or the bill we passed previously? Do not the same arguments apply?

SENATOR HORSFORD:

You are referring to Assembly Bill No. 183, Assemblywoman Smith's bill to reduce the reserve limit from 10 percent to 5 percent in some counties?

MR. GUINDON:

It is my understanding that Assembly Bill No. 183 does not require the funds to be used for operating; it lowers the reserve so it may be used for capital projects. If they use too much and bond their capital projects, there would be a risk. That bill is not set up to require the funds be used for operating. They could use the funds for capital or they could pay out bonds quicker. The proposal is the same in terms of lowering how much reserve they have to do. They are different. The Governor's proposal requires the funds be used for operating and Assembly Bill No. 183 does not.

SENATOR HORSFORD:

It is enabling to the districts. The point is, the districts would decide whether it is appropriate and would not lower the reserve to the point where it would trigger a property tax. That is the important provision in that bill.

SENATOR SETTELMEYER:

Is there a contingent to pay the reserve account back within the Governor's proposal from the local school support tax?

SENATOR HORSFORD:

There is not and there is not one currently in the Governor's proposal either. I have been asking, but have not received one.

We are not going to revisit Assembly Bill No. 183. We have heard it and voted it out of this body. The point is that it does not have to be repaid because it is going to its intended use for school capital construction. That is where the money was supposed to be used, not for operational uses. There was a voter-approved question for Clark County that said in the question that the money will not be used for operation, for teacher salaries or for administrator salaries. It was only to be used for construction or renovation of schools. There are issues and objections to it, but we have already debated that and that is not in this budget.

SENATOR KIECKHEFER:

Thank you, Mr. Chair. I have not seen the Governor's bill as of yet. I have been told that their language is also permissive. Funds are not being transferred into the General Fund, then being placed into the Distributive School Account (DSA) to be sent out to the districts, but the funds stay within the district and the districts are allowed to utilize the funds for operating if they choose to do so. The way the budget is being presented it is assumed they will be using it for operating expenses. I have not seen the legislation yet and I have not seen the bill draft requests. My understanding is that also permissive in much the same way the other bill was. If that is not the case, I would like to hear more information.

SENATOR HORSFORD:

It begs the question, if it is permissive for one and permissive for the other, why are there so many objections to both? That is another discussion. Just because it is in the Governor's budget does not make it right.

MR. GUINDON:

Item number 12 of Table 2, section, "Governor's Recommended General Fund Revenue Enhancements included in the Executive Budget," addresses the transfer of the 9-cent property tax from Clark County and Washoe County to the Nevada System of Higher Education. Under this proposal, the 4 cents previously referenced as being used for funding in FY 2010-2011 plus the full 5 cents of the capital rate, the Governor recommends diverting the funds from the State Highway Fund to be included in the full 5 cents that would be redirected. Currently, there is a portion of the 5-cent capital rate based on the 2007 legislation that directs those funds to the State Highway Fund for transportation projects. Under this proposal, the redirection of the 9 cents from Clark County would be for use by UNLV and the 9 cents from Washoe County would be for use by UNR. The reason these are both in this item is they are an indirect revenue. By the structure of the budget for item number 11, the School District Excess Debt Reserves, in building the K-12 budget, whether it is permissive or not we are using it as a funding offset so that it reduces the amount of the General Fund that the Legislature would have to appropriate for K-12 education. It becomes an indirect General Fund revenue source by being permissive by not allowing them to use it as local operating funds. The 9 cents is the same. It could have been left in the General Fund as it is now for FY 2010-2011. The recommendation to have it fund the universities is if we took it out and put it in the General Fund, then you would have to give the General Fund back to the university to hold that budget hole. That is why they are listed as indirect revenue enhancements. The total is about $440.6 million. The direct and indirect revenue from the Governor's recommended budget is about $6.3 billion.

I would like to address the column entitled, "Estimated General Fund Shortfall in FY 2014 and FY 2015 From Governor's Recommended Budget Based on Status Quo Scenario (Use FY 2013 as Base) [11.]."

If we approve the Governor's recommended budget "as is" with the sunsets, this column shows what would be the potential impact on the budget for FY 2014 and FY 2015. This is done under what is called a "status quo scenario" where we take the current forecast for FY 2013 and

roll it forward into FY 2014 and 2015. If in FY 2014 and FY 2015 the level of revenues expected to be received for FY 2013 were maintained, what would it look like? With the sunset on net proceeds in June 2013, there would be a $60 million hole for the net proceeds. In FY 2014, the quarterly slot fees would have a reduction in revenues. The recommendation shows that the room tax funds would have to be replaced in FY 2014-2015.

To answer Senator Leslie's question, item 6 shows that because there are the securitized funds in FY 2012 for $190 million, there would not be those funds available in FY 2014. They would have to be replaced if the level of funding was to be maintained.

Item 9, parallels the point Senator Leslie was making with her question, that under the proposal, to securitize in FY 2012 to get the $190 million in FY 2012, there would be no principal and interest payments in FY 2013. The State would begin making the payments in FY 2014 and make those payments for 4 years. The information is based on what the budget office provided to the Senate Committee on Revenue when the hearing was held. It is approximately $53.6 million that would be paid in terms of principal and interest payments in FY 2014-2015. The payments would continue in FY 2016-2017. In some sense, the securitization creates approximately $300 million that would have to be made up if the level of funding in FY 2011-2013 was to be maintained for FY 2014-2015.

SENATOR HORSFORD:

Let us discuss the securitization.

SENATOR LESLIE:

In essence, we are paying $53 million a year in interest for four years. To get that $190 million into the budget for the next biennium we are going to pay over that amount in interest over the next two bienniums.

MR. GUINDON:

That is correct. The principal is $190 million. If you are paying approximately $54 million for 4 years, that is $216 million. The difference between the $216 million and the $190 million is the interest plus the issuance cost that is subsumed into the proposal.

SENATOR HORSFORD:

There is $216 million in interest and administrative costs for the $190 million of revenue this biennium.

MR. GUINDON:

That is correct. Part of the reason for that is that you are going a year without paying any principal and interest in FY 2013. That has to be picked up in FY 2013, 2014, 2015, 2016 and 2017, just like with any borrowing mechanism where you are borrowing against an asset and the asset is the insurance premium tax. You are pledging those assets to pay off the $190 million in principal that you are getting. People are going to want interest on the principal that provides you the funding.

SENATOR KIECKHEFER:

Do you know what percentage of the insurance premium tax comes from health insurance policies versus other policies?

MR. GUINDON:

Unfortunately, I do not. That is a big issue with the insurance premium tax. We have the amount of the taxes. We have tried to get information from the Nevada State Insurance Division, but we have a difficult time getting those matched up against the insurance premium tax collections. The Economic Forum members have asked that question and they are as frustrated as you may be. It is hard to get that information.

SENATOR KIECKHEFER:

The reason I asked this question is that as the insurance mandate takes effect in health care reform, if we have 20 percent uninsured, I would expect, as those people become insured, there would be an increase in the premium tax over the next two bienniums. Is it difficult to figure out how much that would be?

SENATOR HORSFORD:

We do not do the projections. The Economic Forum does. To do so would be out of our scope. The Governor has to focus on what is projected by the Economic Forum.

MR. GUINDON:

I would like to point out that the insurance premium taxes are forecast to be about a $240 million revenue source in FY 2012-2013. That will give you a perspective of what the $54 million is in relation to and what the base of the insurance premium tax collections are.

In item 7 and 8, the "Supplemental Account of Medical Assistance to Indigent" and the "Court Administrative Assessments," the recommendation in the Governor's Executive Budget is to do it for FY 2012-2013. It would be funding that would have to be made up in FY 2014-2015. With those items, it is approximately $759.7 million in terms of the direct impact on the unrestricted General Fund revenue sources that would have to be made up based on the status quo scenario in the 2013-2015 biennium. The other element is because if you were going to use the excess debt reserve to provide operating funds for K-12 education, then they would be available in FY 2014-2015. If you wanted to maintain the level of funding for K-12 education, it would require General Funds to make those up. Through the indirect revenue enhancements, it is the $319.3 million, or approximately, $1.1 billion in funds that would have to be made up in 2013-2015 to keep the level of funding in 2011-2013.

There is another way of thinking about this. On page 11, Table 3 of the handout, it shows the level of growth required in FY 2014-2015 to get to the $5.85 billion, the direct General Fund revenues from the Governor's recommended budget. In the section "Growth Required in Total General Fund Revenue for FY 2014-2015 to Maintain The Governor's Recommended 2011-2013 Biennium Total General Fund Revenue Amount of $5,851,489,416 in the 2013-15 Biennium", it would take approximately 8.6 percent growth in both FY 2014-2015 based on the available revenues that would be there in FY 2013 that you could grow off of in FY 2014 to get to the $5.85 billion. If we include the impact of the excess debt reserves to get to the $6.17 billion it would require 12.6 percent growth in FY 2014-2015 off of the base that would be estimated to be available to grow off of in FY 2013 to get back to the $6.17 billion.

That is an approximate level of growth that would be required to get to a hold harmless position in the FY 2013 biennium based on the recommendations included in the Governor's Executive Budget.

The final page of the hand out is a chart showing the historical General Fund revenue.

SENATOR HORSFORD:

The Governor's budget, as proposed with the revenue augmentations and redirects, creates a direct General Fund impact of $760 million plus the $319 million in school capital reserves which will, if done, stay in the county of origin to replace DSA support, but that would be lost, thereby creating at least a $1.1 billion revenue shortfall for the next biennium starting in FY 2013.

MR. GUINDON:

That is correct, based on the status quo scenario. It could be less as the economy recovers and there is growth. That is why I have compiled the information in Table 3. It shows the level of growth. That is a criticism of the analysis on Table 2. In that table, you are not assuming any growth.

SENATOR HORSFORD:

To grow in order to maintain the level of funding in the Governor's 2011 budget which is the reduced rate, including the reduction for K-12, the reduction for higher education and the reduction for mental health, then we would have to grow 12.6 percent per year in order to maintain those levels of support for those budget categories without any new revenue.

MR. GUINDON:

That is how you would interpret the section "Growth Required in Total General Fund Revenue for FY 2014 and FY 2015 to Maintain the Governor's Recommended 2011-2013 Biennium Total General Fund Revenue Amount of $6,170,789,416 in the 2013-15 Biennium,"

as a 12.6 percent growth in both 2013-2015 to be able to get to a General Fund budget level of $6.17 billion.

SENATOR HORSFORD:
What has our growth been on the average?

MR. GUINDON:
The last few years it has been atrocious. We have had periods of double-digit growth. Most of those were when we went through major casino expansions and other economic events. To think that we could have 8.6 percent or 12.6 percent growth in FY 2014-2015 in terms of where the economy would be is not attainable based on where the economy is now and where we think it might be. That is my opinion.

SENATOR MCGINNESS:
If we looked out far enough and kept projecting to the next biennium and the next biennium, we could scare ourselves to death. We need to work on the current budget. The Governor has budget adjustments and they seem to have filled in the holes we have been discussing. I know we are all concerned, but it is like asking an unemployed person, "What day do you think you will get your job back with all the benefits you had before?" We all have concerns, but as Mr. Guindon said, "When you are borrowing money like you borrow money on a house or buy a refrigerator you are going to pay more if you put it on time." It is a challenge we are all facing.

SENATOR HORSFORD:
I respect that, Senator. However, we do need to look at things in a multiple-year fashion. That is the problem that has gotten us to the place where we are now. Since we only look at things every two years, we do not think about the long-term consequences of the decisions we make. This securitization of the insurance premium tax, for example, I think of it as a second on my house to pay my bills. We know what problems using their home to pay their bills have created for far too many Nevadans. They had few options other than to do that, but it put them in bankruptcy. I hope we look at this in a long-term fashion and that we do not put band-aids on this budget. We need to think about the consequences of the decisions we make. We should all show some fiscal restraint and some fiscal discipline so that we do not make this budget's burden the burden for future legislatures. What is the next Legislature supposed to do with the $200 million in lost revenue that was to be used for funding schools? They will walk in the door with a responsibility that they did not choose or commit to, we did. As difficult as they are, these decisions are going to be choices that determine our legacy and whether our legacy is about creating more debt, kicking this down the road and deferring decisions, or whether or not we grapple with the problem in front of us. That is going to require bringing spending in line. It is going to require reform. I hope it does not result in these revenues, because they are not balanced.

SENATOR LESLIE:
Thank you, Mr. Chair. I would like to direct this question to Mr. Guindon about the securitization. I have problems with it for the reasons you just outlined. Has the State ever done this? I think the answer is "no" but I will let him answer. Please contrast what we did do in the past to fill the few hundred million dollars, the line of credit and what the differences are between those two funding mechanisms.

MR. GUINDON:
In regard to the first question, during my tenure with the State of Nevada and the Legislative Counsel Bureau I do not know if we have ever securitized. It has been considered several times during several sessions, but we have never executed a securitization like the tobacco settlement payments or a General Fund revenue source. Senator Leslie is correct. During the 25th Special Session and also during the 2009 75th Session, a line of credit was used as funding as a contingency to make the budget work for the current biennium. The line of credit was for $160 million by using the local government investment pool where local governments put money into it and it was invested by the State Treasurer as an investment tool for them. If necessary, we would be able to borrow against that. Under that proposal, it sat ready and

available for the Treasurer to use if necessary if the State's cash flow or fund got in a precarious position. We would pay 0.5 percent interest over the rate that was being earned on the asset. Based on the latest information from the Treasurer's office, if we would have had to tap it in this fiscal year, we would have been paying about 1 percent interest on the borrowing.

We can take only what is needed with a line of credit. If the Treasurer realized we needed $30 million, and then we could take $30 million versus securitization, you decide how much you are going to securitize for, then you go into the market and securitize for it. There is less flexibility and liquidity in terms of how it can be used. We have not had to use the line of credit in FY 2010 nor in FY 2011. The Governor's recommended budget no longer includes the line of credit in the budget.

SENATOR CEGAVSKE:

Are you assuming there is going to be no revenue growth in the next biennium based on this chart on page 11?

MR. GUINDON:

No, what it would say is that is the growth that is needed to get to "hold harmless." I am not saying there will not be any growth in FY 2014-2015, there well could be growth, but you would need the 8.6 percent to get to the $5.8 billion or the 12.6 percent per year to get to the $6.2 billion. There could be growth with additional revenue in FY 2014-2015 over what you have in FY 2012-2013; you would be short of those target amounts I listed. You would not be able to get to the "hold harmless" position if you have less than the growth rates shown in that table.

SENATOR HORSFORD:

We all want to be optimistic. We all want this economy to grow. I would love for it to grow to the 2007 level, but in reality if you talk to any industry leader in gaming, they will tell you we are flat and we are going to grow at modest levels for the near future. Construction is our number two industry. What does it look like? The bottom has fallen out of residential and commercial construction. We cannot be too overly optimistic based on where we are in today's economy and where the economy is likely to go during the next few years. It is part of our responsibility as stewards of the State to make good decisions, to be pragmatic.

Let us discuss the spending side and where the budget, as proposed by the Governor, falls. Ninety-three percent goes to education, health and human services, and public safety. When we make cuts, we, primarily, are making them in those three areas.

MR. KRMPOTIC:

I am going to discuss a handout given to you titled "Table 1, State General Fund Appropriation Comparisons." I will also be reading information from a second handout titled, "Senate Committee of the Whole, March 28, 2011."

The table shows the total biennial General Fund appropriations as approved by the 2009 Legislature for the current 2009-2011 biennium. That totals to $6.5 billion. Those are General Fund appropriations only and do not include any Federal American Recovery Act funds that were granted to the State in 2009.

The percent of total listed on the table reflects the percentage of funding in each of those functional areas: constitutional agencies, finance and administration, etc. The funding in each of those functional areas is a percent of a total. The subtotal for education includes the combination of the Nevada System of Higher Education, K-12 and other education, which primarily includes the Department of Cultural Affairs up to this biennium.

The "2009-11 to Twenty-sixth Special Session" column reflects the General Fund levels as adjusted by the Twenty-sixth Special Session in February 2010. Those are General Fund appropriations totaling $6.2 billion. In the last column, the "2011-2013 Governor Recommends" column reflects the total General Fund appropriations as recommended by the Governor for the upcoming 2011-2013 biennium of $5.8 billion. Next to each of the funding columns are the percent of totals of each of those functional areas to the total funding recommended or approved in each biennium.

The two right-hand columns display the percentage change from the 2009 legislatively approved funding to what the Governor is recommending for the upcoming biennium. This is a decrease of 10.8 percent when you compare the 2011-2013 Governor recommended funding level to the level of 6.5 billion approved by the 2009 legislature for the current biennium.

The far right-hand column shows the change for the Twenty-sixth Special Session amount. It reflects a comparison of the Governor's recommended funding level to the Twenty-sixth Special Session, adjusted funding level for the current biennium, which reflects a decrease of 6 percent.

SENATOR MCGINNESS:
You mentioned the ARRA funds. Were they included in these budgets?

MR. KRMPOTIC:
The amounts displayed in Table 1 do not include any ARRA dollars.

SENATOR MCGINNESS:
Because, they were considered a one-time appropriation!

MR. KRMPOTIC:
This table, as presented, is to display the changes in the General Fund appropriation levels. If I were to present a table that showed overall funding from all sources, the members would see a decline in federal funds from the current biennium of 2009-2011 to the Governor's recommended levels in 2011-2013, which would reflect the expiration of the ARRA funds at the ends of this biennium.

SENATOR HORSFORD:
In 2009, we booked a portion of the $700 million in K-12 in place of General Fund support. In this current budget, the Nevada System of Higher Education money was actually booked in their budget as ARRA funds. There was an amount allocated to them. There was $72 million allocated to the Department of Corrections for the prisons. The Governor replaced the amount for prisons. He fully restored the amount they lost for ARRA. He is proposing to take, through the capital reserve, the replenished money lost from the State Stabilization Fund. He makes no adjustment for the money lost in State stabilization funds to the system of higher education. That is why there are such discrepancies in the percentage of reduction that is occurring. We were fortunate in 2009 to have those one-time funding levels. Otherwise, we would have been making the decisions we are making now, in 2009. Since those funds expire June 30 and we do not have them now, those reductions are fully accounted for in this budget with the recommendations as the Governor proposes in the revenue adjustments.

I cannot underscore this enough, for far too long people have thought that somehow this budget included lost ARRA dollars. They do not. In many cases, it ignores the fact that those funding levels were provided for. That is why there is so much disagreement about the level of cuts that are being proposed to education.

MR. KRMPOTIC:
Thank you, Mr. Chair. Under Nevada Revised Statutes (NRS 353.213), the budget recommended by the Governor must provide for a reserve of not less than 5 percent or more than 10 percent of the total proposed appropriations from the State General Fund. The budget proposed by the Governor does provide for a 5 percent reserve and a balance in excess of the 5 percent reserve of approximately $16.8 million at the end of the 2011-2013 bienniums. As the members may be aware, the budget is subject to an expenditure cap, which is included in NRS 353.213. General Fund appropriations recommended by the Governor, except appropriations recommended for construction, are subject to this cap. The base period for the cap is the 1975-1977 biennium, and the base amount is increased by population growth and the rate of inflation each biennium.

Historically, the expenditure limitation has been higher than the General Fund appropriations and has not been a factor in the budgeting process. In the last decade, the difference between the cap and the recommended level of appropriations narrowed, however, due to the economic downturn. The expenditure limitation exceeds the recommended General Fund appropriations in

the current biennium in the amount of approximately $1.5 billion and for the upcoming biennium, approximately $2 billion. That is the expenditure cap as provided for in statute.

SENATOR HORSFORD:
So, we are $2 billion under what is authorized in the expenditure cap?

MR. KRMPOTIC:
That is correct.

SENATOR HORSFORD:
That is for the upcoming biennium. We have been $1.5 billion under in the current biennium.

MR. KRMPOTIC:
Yes. The current biennium is outlined in the handout. Since the Governor's recommended supplemental appropriations in the current biennium is to be considered by the 2011 Legislature, that information is outlined for members and reflects the totals with the appropriations compared to the expenditure limitation including the recommendations for appropriations this biennium by the Governor and his budget.

Some of the statewide budget reductions recommended by the Governor include a 5 percent salary reduction for all employees including state, university and school districts. The recommended salary reductions are in lieu of the unpaid one day per month furloughs that was authorized by the 2009 Legislature that resulted in an approximate 4.6 percent reduction for State employees. General Fund reductions associated with the 5-percent pay reduction total $380 million over the biennium.

The Governor recommends the continued suspension of merit salary increases for FY 2012-13. The Governor recommends the suspension of these for all State employee groups including State employees, university employees and school districts for the up coming biennium. The merit salary increases were suspended in the current biennium for these same employee groups. The General Fund reductions associated with these total $205 million over the biennium. These are the global expenditure reductions in the Governor's budget.

The continuing suspension of longevity payments totals $6.9 million over the biennium. A reduction in holiday premium pay for employees who work holidays or are required to work in public safety areas such as in the Department of Corrections or the Nevada Highway Patrol totals $2.7 million over the biennium. The budget recommendations result in General Fund reductions of $594 million over the biennium. That differs slightly from the chart presented by the Chair because this includes longevity and the holiday premium pay.

SENATOR MCGINNESS:
Thank you, Mr. Chair. It would be helpful if we could have Mr. Clinger, who is in the building, talk about some of the adjustments they have made to the Executive Branch. It would be helpful for the members to hear some of the new information.

SENATOR HORSFORD:
We are going to do this again, so he will have an opportunity. I have not reviewed it yet and I would like our fiscal staff to do so before we put Mr. Clinger on the spot.

SENATOR HARDY:
On the section titled, "Suspend Merit Salary Increases," is my understanding correct that the merit salary increases are for proactive increases and not those that have been given and have been incorporated into the family budgets?

MR. KRMPOTIC:
You are correct, Senator Hardy. The amount of $205 million over the biennium is for prospective merit salary increases.

SENATOR COPENING:
In addition to this 5 percent salary reduction, is the Governor's budget also requiring the teachers to pay more for their retirement? If so, what is that going to do to the take home pay for the teachers?

MR. KRMPOTIC:

I will discuss that further under K-12 funding, but you are correct. The Governor recommends the General Fund reduction to the DSA to reflect an equivalent of one-half of the employees' contribution percentage to the Public Employees Retirement System. That total is approximately 5.3 percent and will result in a 5.3 percent reduction in take home pay for the school district employees. If one adds the 5 percent pay reduction to that recommended by the Governor for all employee groups, that would be, approximately, a 10.3 percent reduction. How the school district employees absorb these reductions is up to the collective bargaining agreements and the up coming collective bargaining negotiations that will be taking place between the school districts and the employees.

SENATOR HORSFORD:

The timing of this is of concern. We get into this situation every legislative session at this time. The districts, in their budget process, are now having to project what they think we may or may not do. Based on what they have available to them with the Governor's budget, my understanding is that they are starting to issue notices to teachers. By statute, in April, they have to give them notice. This affects morale more than anything else does. I have heard from teachers in my district who have, or will, be getting lay-off notices. Some of them, with longer tenure, will be redirected to other schools to fill slots. When we finalize our budget, the districts will unwind the whole thing and replenish the positions they can. This is starting to happen in all of our districts. In Fallon, we heard from several of the school district representatives from the rural communities. A representative from White Pine told us they have 100 teachers. They have to lay-off between 10-15 percent. That is 10-15 teachers out of 100. We do not know which one is the science, math or English teacher. This is not a process we control. This process occurs at the local, district level. The uncertainty is part of the reason why there is so much anxiety. People are being notified they may lose their job. This is on top of the federal money that went straight to the districts to cover some portion of those positions. Whether it is the 5 percent pay cut on top of the retirement amount, or the 10 percent reduction in their paycheck, it is on top of the fact that others are receiving lay-off notices. This really affects morale. I do not know how that is affecting our students' learning.

SENATOR HALSETH:

Someone told me there are school districts doing lay-offs, however, I have heard school districts are hiring, too. Could you explain why we are laying off teachers and are ready to hire over 1,000?

SENATOR HORSFORD:

I have not heard the answer to that. Senator Denis do you know anything about this question? We'll see if we can get some information for you on this.

MR. KRMPOTIC:

Under the section on K-12 funding, the DSA is the budget through which the State distributes direct financial assistance to the school districts. The legislature determines the level of State aid for schools. Each district's and charter school's share is developed through a formula called, "The Nevada Plan."

As recommended in the Governor's budget, total required State support of school district expenditures within the DSA totals $2.2 billion in FY 2012 and $2.23 billion in FY 2013, respectively. These represent a decrease of 13.6 percent from the amounts approved by the 2009 legislature and an 11.6 percent reduction compared to the adjusted amounts approved the 26th Special Session.

One of the proposals recommended by the Governor was to move a number of categorical funding lines in the DSA to a new Student Accountability Block Grant (SABG). If the Governor's recommended General Fund transfers for various programs historically funded through the DSA are now funded through this SABG and are included, then total decreases in required State support are 7.8 percent and 5.7 percent respectively from the amounts adjusted by the 26th Special Session.

The DSA is largely funded with General Fund appropriations for the upcoming biennium. Those are recommended in the amounts of $911 million in FY 2012 and $889 million in FY 2013 totaling $1.8 billion for the biennium. This is $668 million less than the $2.46 billion appropriated for the 2009-2011 biennium, representing a 27.1 percent increase.

If the recommended funding transfers are excluded from the comparison, the change in General Fund support represents a 15 percent decrease when compared to General Fund appropriations. General Funds approved by the 2009 legislature and 9.9 percent when compared to the adjusted levels by the 26th Special Session.

The Governor proposes the SABG. These reflect the funding elements that would be included in the SABG. As of last week, we received a formal budget amendment from the Governor, which would delay the implementation of the SABG, therefore the funding levels as reflected for FY 2012 would be included in the traditional budgets that the funding categories into which they have been included in the past. Those include the DSA and the Remediation Trust Fund. Through amendment, the Governor proposes, to no longer implement a 5.4 percent reduction to the SABG as reflected at the bottom of the table in the handout. That totals $11.3 million in the first year of the biennium. The SABG includes such items as class-size reduction, at-risk kindergarten (both line item transfers from the DSA), full-day kindergarten and incentives for licensed education personnel. The idea behind the block grant is to shift the category line item funding to the schools through the block grant with the idea of providing greater flexibility and increasing student achievement.

Some of the larger changes in funding for the DSA as previously discussed by Mr. Guindon, are that the Governor proposes to utilize debt reserves. The last information we received from the administration identified debt reserves available to reduce General Funds of $319.3 million over the biennium.

The Governor's budget also recommends a reduction in basic support of $238.2 million over the biennium. I have identified the 5 percent equivalent for the school district employee salaries of $259.2 million. This shows what the reduction in the DSA would be in support if those salaries were not negotiated to be 5 percent less by the collective bargaining units.

There is a reduction of $142.8 million over the biennium representing savings by suspending the merit pay for school employees.

The is a reduction of $203.5 million over the biennium representing the 5.3 percent contribution by school district employees to their retirement in the Public Employees Retirement System.

There is reduction of funding for full-day kindergarten totaling $4.5 million over the biennium. That reduction was recommended by the Governor to try to preserve basic support for the school districts.

There is a recommendation to reduce the SABG by $18.7 million. The Governor is proposing that reduction in FY 2012 not be implemented against those funding sources.

In total, the Governor's recommended budget provides for average per pupil basic support of $4,918 per student over the biennium, which is a decrease of $477 from the average per pupil basic support of $5,395 approved by the 2009 legislature and decrease of $274 from the average per pupil basic support as adjusted by the 26th Special Session.

In higher education, the executive budget recommends a decrease of 27.3 percent in government support. Government support compares funding from federal, State and local sources between the current biennium and the upcoming biennium. As previously noted, $184.8 million in ARRA funding was provided for the Nevada System of Higher Education in the current biennium that will not be available in the next biennium. The Governor recommends property taxes as previously mentioned by Mr. Guindon in total $121.3 million to be allocated to UNR and UNLV. Approximately $23 million over the biennium Washoe County tax revenues would be allocated to UNR and $98.4 million to UNLV would come from Clark County.

The notable recommendation to these budgets includes General Fund reductions totaling $221.7 million over the biennium.

SENATOR HORSFORD:

Are there questions on K-12 and higher education?

SENATOR DENIS:

As I study the chart in the handout, I would like to ask if there is some flexibility in the SABG? Can you choose any of the items? Is there enough money for the class-size reduction as listed?

MR. KRMPOTIC:

In referring to the chart in the handout, class size reduction, prior to being included in the SABG, was recommended at $134 million in FY 2012 and at $136 million in FY 2013. Based on the Governor's proposed budget amendment, class-size reduction funding would remain intact in FY 2012. In FY 2013, the members will note a 5.4 percent reduction against the entire block grant of $7.3 million. It is the staff's understanding to prioritize and determine whether they wanted to fund class-size reduction at the level previously recommended at $135 million, or to allocate the funding in other areas. If class-size reduction were funding at $135.9 million, that would lead to reductions in one of the other categories such as full-day kindergarten or early-childhood education.

SENATOR DENIS:

As they have the ability to make choices on what they want to do, there is an overall reduction so they would not be able to if they wanted to do all of this. That is my concern with this. They are getting flexibility, but less money. I do not like that part of this.

SENATOR CEGAVSKE:

Thank you, Mr. Chair. Would there be an opportunity today for Andrew Clinger to come to Chambers to discuss this budget amendment. I feel that it would be a great opportunity for us to hear this. I know none of us have the opportunity to go through all of it, but if we could have him come, I think it would help with some of the education concerns we have today. We are using information that is not updated as of today.

SENATOR HORSFORD:

It is my understanding this is updated, based on the amendment.

MR. KRMPOTIC:

Not with the amendment that was received today.

SENATOR HORSFORD:

Until our fiscal staff can review what we have received and understand it, so that we can effectively ask questions, I think it is premature. I will check to see what we have and what form it is in. We will welcome the Budget Office, the Governor, or whoever wishes to explain it.

SENATOR BREEDEN:

Thank you, Mr. Chair. Where would the Governor's proposal to reduce basic per-pupil support to the $4,900 place Nevada nationally among other states?

MR. KRMPOTIC:

Staff has attempted to look at information relating to that and was not able to obtain anything recent regarding Nevada's rank. The information we had dated back to 2008. Nevada's rank was 44th in the nation, I believe. I am not certain where Nevada would be placed with these reductions in basic support or total expenditures for students. Other states are also experiencing tough decisions just as Nevada is and may be looking at their K-12 funding as well. Other states have yet to settle on their budgets for the upcoming fiscal year and next biennium.

SENATOR HORSFORD:

At 44th, it is my understanding that we fund at about $5,300 per student, legislatively approved in 2009. The Governor's budget would take us down to $4,918 per student. Whether we are 44th or dead last, I know, based on the information I had when I reviewed it, we would be behind Guam, Puerto Rico and the Northern Marianas.

Other states are also viewing reductions, but it we will not be at the bottom, we will be very close to it. This will result in a significant reduction from two years ago.

SENATOR HALSETH:

Are we comparing us to other states our size? That would make it a more accurate question. Is that $5,000 per pupil statewide? There are counties that do funding in the tens of thousands of dollars per student.

MR. KRMPOTIC:

The $5,000 of funding per student is a statewide average. The ranking I indicated earlier is nationwide against all states in the union and is not necessarily a ranking against states of similar size or similar funding or enrollment levels to Nevada.

SENATOR HORSFORD:

Those counties that pay more per student, like Eureka with 1,100 people living in that county, have the net proceeds of mines that go to support that particular county. They do not get the portion of State support because they cover it all plus some through the local level.

SENATOR CEGAVSKE:

Thank you, Mr. Chair. I know this has been an ongoing argument. We debate the funding. We have had reports anywhere from $5,000, $7,000 up to $9,000 what the average is with school construction. There are different numbers available. State funding is at the $5,000 level. The funding from local resources needs to be added in to have an accurate accounting of what the per-pupil funding is. That is the debate we will always have. Everyone needs to know there is a difference of opinion on that.

SENATOR HORSFORD:

I agree we should not be looking at only State support, but that is our obligation as legislators. We need to understand the level of State support and where the level has been historically and where that level is being recommended. I welcome a discussion where we can look at all the levels of funding and compare them against other states. I have an issue with construction, because the voters, particularly in Clark County and in Washoe County a few years ago, supported a bond question to go specifically to capital construction. If you want to place that in this mix, then you are skewing the numbers. If want to have an apples to apples comparison of operational support State and local, I want to hear it, but let us not include capital construction to skew things because Clark County was the fastest growing district and the voters decided to invest in having facilities where their children would have a safe learning environment. Let us differentiate that. I know you respectfully disagree.

SENATOR SCHNEIDER:

Looking at this through the eyes of a businessperson investing in your business how much are you spending on your business? When you grow, you build another facility. You look at what you spend on employees and investments in the business. This is different from your capital construction.

Senator Halseth asked a question earlier about why they are hiring teachers when they are laying people off. An example would be that there are a lot of teachers retiring right now. More are retiring than normal because they want to give up on education and get out if they are close to retirement. Half of all teachers quit in the first five years. Some teachers obtain a certificate to teach math, some have one to teach science; some have one for physical education. Teachers teach what they are trained to do and what they are certified to do. They do not go back and forth. A district may have to hire a math teacher or a science teacher. Some positions are harder to fill than others are.

SENATOR HORSFORD:

Under higher education it is $184 million that came from the States Stabilization Fund. Is any of that accounted for in the Governor's recommended budget?

MR. KRMPOTIC:

The Governor does not recommend specifically replacing the ARRA funding of $184 million with General Funds.

SENATOR HORSFORD:

That is what creates such a big hole under higher education. That affects the community colleges, the research institutions like the Desert Research Institute, UNLV and UNR, proportionally.

MR. KRMPOTIC:

In response to Senator Halseth's question, she may be referring to the education jobs funds, federal funds that were provided for the purpose of hiring or retaining teachers for $83 million. Those funds are available for the current and the next school year only.

In Health and Human Services, General Fund support for human services functions totals $962 million in 2012, which is an increase of $1.9 million compared to FY 2011 and $952.4 million in FY 2013, which is a slight decrease of less than 1 percent from the amounts recommended in FY 2012.

The table at the top of page 5 of your handout, reflects for the Department of Health and Human Services changes in funding levels comparing the Governor's recommended budget to the legislatively' approved budget for major divisions in the Department of Health and Human Services. Under the Health and Human Services functional area, the Department of Employment Training and Rehabilitation is also included.

In the Aging and Disability Services Division, the Governor proposes to redirect funding for the Elder Protective Services Program from the State to the counties for a General Fund savings of $2.2 million over the biennium. The Governor recommends the elimination of Senior Property Tax Assistance Program for a General Fund savings of $5.7 million over the upcoming biennium.

In Medicaid, the Governor recommends rate reductions for medical service providers during the 2011-2013 biennium resulting in General Fund reductions of $25.6 million in FY 2012 and $24.8 million in FY 2013. These include a 25 percent decrease for dental services, durable medical equipment and disposable medical supplies. These include a 15 percent decrease for home and community based services, non-primary care providers, ambulatory surgical centers, ambulance services and laboratory services. These include a 5 percent reduction for inpatient specialty and psychiatric hospitals and a $20 per day reduction for skilled nursing facilities.

Also included is the Governor's recommended transfer of financial responsibility for a portion of the Medical Aid for the Aged, Blind and Disabled (MAABD) institutional and waiver population to the County Match Program, resulting in General Fund savings of $37.2 million for the 2011-2013 biennium.

With Mental Health and Disability Services, the Governor recommends reducing General Fund appropriations totaling $17.5 million over the biennium by seeking recovery of costs from the counties for the Mental Health Court Program, which totals $6 million, and for the provision of services to children with developmental disabilities statewide totaling $11.5 million.

The Governor recommends eliminating 272 community residential support placements statewide for individuals with mental illness and 54 placements for individuals with developmental disabilities in southern Nevada. These recommendations reduce the General Fund by $9.8 million over the biennium. General Fund appropriations are reduced by $1.25 million each year for community triage centers in both Clark County and Washoe County.

The Self-Directed Autism Program is recommended for elimination, affecting a total of 61 families who are provided assistance with state-supported funding and an additional 113 families who are provided assistance with Temporary Assistance for Needy Families (TANF), federal funding. General Fund savings for this item totals $1.66 million over the biennium.

In the Child and Family Services area, the Governor recommends reducing General Funds by $2.8 million in year of the biennium and avoiding caseload increases totaling $1.0 million in FY 2012 and $1.4 million in FY 2013. The Governor also recommends reducing the General Fund by $1.7 million in 2012 and $2.6 million in 2013 by providing the State's portion of the Child Welfare Integration funding to Clark County and Washoe County in the form of black grants to each county, rather than the historic model of line-item budgeted appropriations. The Governor recommends eliminating $1.4 million each year provided to local jurisdictions for youth community programs, outpatient treatment and evaluations of sexual offenders,

$1.4 million each year provided to Clark County and Douglas counties for youth camps that provide residential treatment programs to children who have been adjudicated delinquent by Nevada courts, and replacing $6 million each year with county funds for the support of supervising post incarcerated youth and facilitating reintegration processes.

SENATOR HORSFORD:
Those are the major highlights on Health and Human Services. Are there questions?

SENATOR LESLIE:
Thank you, Mr. Chair. As the Chair of this budget subcommittee, I would like to comment that the staff hit some of the highlights, but the body should know there is much more to the cuts than this. Some things not on this list are the cuts in the TANF budget and the welfare budget. Information we heard about last week. These cuts are tremendous.

In mental health, we did not talk about outpatient treatment, but we talked about some of the housing cuts, and when combined, all of those cuts really put our severely mentally ill at risk. We have not talked about the elimination of the PACT Team in Las Vegas, which is an intensive program that makes certain some of our most at-risk mentally ill people take their medication and stay out of trouble.

Even though it looks like this area in the budget is not cut as severely as education, what you do not realize, if you have not sat through the hearings, is that the caseloads are going up. There are many costs we have to cover and as a result, there are many discretionary programs in mental health, which do not receive very much federal money. The money in the Mental Health Budget is primarily State money. The cuts are much deeper than they look. This is the tip of the iceberg. What you are not seeing in this handout is the iceberg.

SENATOR HORSFORD:
In Health and Human Services, there is a lot of recommended impact to the counties and local governments. We need to discuss and review how all of those impacts combined, affect local government. The Governor is recommending to either shift services to make local governments pay the portion or to eliminate services all together. Understanding where each of these services falls is important. We need to have a discussion with local government leaders on what that means to them. It has been our understanding in the budget hearings that while there has been some discussion there has not been enough to formulate an implementation plan if some of these services really are going to go to local government. If it is not transitioned properly, then we will have adverse consequences on some of our most vulnerable citizens. That is something which all of us need to be aware. This is not just an issue that affects us only in the Committee on Finance. It affects Government Affairs, Health and Human Services. We have heard about nursing homes that may be closed in rural communities because of the reimbursement rate going down, or bed capacity being reduced. In some communities, there may be only one nursing home and if that one facility goes away, they will be turning away fragile seniors, and where will they go?

This is, as Senator Leslie says, just the tip of the iceberg. We have to understand the consequences of these decisions. They are not just numbers on a page. Every one of these cuts reflects children, seniors, or low-income families that are struggling based on our fragile social safety net.

SENATOR WIENER:
One of the top three budget lines is public safety. This budget affects public safety because when the proper care is not provided to those with mental health challenges, we have the alternative route to incarceration whether it is through juvenile justice, the local corrections, or the State corrections. If we could ask jurisdictions about populations that have mental health needs in their facilities now, we could predict what kind of an increased demand there would be for those facilities, in the future, as people are turned away from the care they really need.

SENATOR HORSFORD:
Since we have limited time, we will now highlight the areas on public safety.

MR. KRMPOTIC:

Under public safety, the Governor's budget proposes the closure of the Nevada State Prison and the Wells Conservation Camp. The majority of the inmates currently housed at the Nevada State Prison would be transferred to the High Desert State Prison in the Las Vegas area. These closures would result in General Fund savings of $18.3 million over the biennium. Within the Division of Parole and Probation of the Department of Public Safety, the Governor recommends a reduction of 45 sworn positions that are directly used for supervising offenders in the community. These areas total General Fund reductions for $3.9 million in each year. Associated with this is the recommendation to increase the offender to staff ratio for supervision of parolees and probationers. The Governor recommends transferring the pre-sentence investigation function to the district courts resulting in the elimination of 77 positions. Staff received a budget amendment last week from the administration, which proposes to retain the positions but to fund pre-sentence investigations with allocations and reimbursements from the judicial districts that benefit from this service.

The Governor recommends the transfer of responsibility for "all risk" emergency response services from the Division of Forestry to Clark, Elko and Eureka Counties resulting in General Fund reductions of $1.2 over the 2011-13 biennium.

SENATOR DENIS:

Thank you, Mr. Chair. On the recommended closure of the Wells Conservation Camp in Nevada, how much of that $18.3 million is represented by its closure?

MR. KRMPOTIC:

The Wells Conservation Camp closure is approximately $2 million of that total.

SENATOR HORSFORD:

How are the Emergency Medical Services (EMS) services to Elko, Eureka and other counties affected by that decision of transferring the responsibilities of those emergency response services?

MR. KRMPOTIC:

The subcommittee heard this item last week. The last three counties receiving "all risk" emergency support from the State are Clark County, Elko and Eureka. Within Clark County, it affects one fire station in Kyle Canyon in the Mt. Charleston area.

SENATOR HORSFORD:

What about the fire districts? Senator McGinness and I have been getting e-mails about the Mt. Charleston closure.

MR. KRMPOTIC:

The proposal, as I understand it, for Clark County, Elko and Eureka would maintain the fire districts but the State would withdraw from "all risk" which would mean emergency response to accidents on the highway in that county or other incidents that do not fall under the direct fire prevention/fire service function. It is the staff understanding with the State pulling out of these agreements with these counties that the counties would assume that responsibility and, therefore, the expense. Currently, these counties participate in an intergovernmental agreement and contribute to the expense of fighting "all risk," however, with the State pulling out those funds would revert to those counties, and those counties would assume that expense. The savings listed for the Division of Forestry at $1.2 million or other services the Division has determined could be reduced, such as dispatch services and other support staff that would go toward helping support those shared agreements with those counties.

SENATOR PARKS:

Thank you, Mr. Chair. With regard to the Nevada Division of Forestry (NDF) pulling out of these facilities, are not most of these costs reimbursed by the local counties? While we may show a reduction of $1.2 million, these counties have funded a majority of those costs.

MR. KRMPOTIC:
That is correct the counties have funded that cost. That funding is transferred to a budget account in the State system that goes toward funding all of the inter-governmental agreements between the counties and NDF, therefore, with the State withdrawing from the "all risk" approach in these three counties, the funding that is allocated by those counties for those shared agreements would go back to the counties.

SENATOR PARKS:
Thank you, Mr. Chair. I have a second question about the closure of the Nevada State Prison. We have had testimony from the Department of Corrections indicating that every month we delay in deciding on the closure of the Nevada State Prison, we incur an additional $700,000 in costs. We asked for details from the Department as to how they came to those numbers. Last week they gave us some feedback on that, all though it did not specifically give a clear, concise explanation. Has staff been able to look at those numbers to determine the validity of the claim of $700,000 a month?

MR. KRMPOTIC:
Staff has not received any detailed information to validate that $700,000 per month. Based on the presentation made by the Agency, the Governor's budget assumed the Legislative decision in April to close the Nevada State Prison which would cause the Department of Corrections to put various process in motions to go towards closing it, beginning in phases starting in August 2011.

It is the staff understanding the Department of Corrections has revisited this issue and has found a way to mitigate the $700,000 costs by delaying this decision. I believe that it will be heard latter this week in the work session between the Public Safety subcommittee and the Department of Corrections.

SENATOR HORSFORD:
We will close this portion of the meeting. I want to determine whether it is appropriate to bring the Budget Office back later to give us updates on the amendments, both the one received this morning on the budget shortfall as well as the one on key budget areas we just reviewed.

This process is going to dictate that we do things differently this session. The budget subcommittees start work sessions tomorrow morning. This is the list of what we are going to be reviewing. I am not prepared to support the level of reductions that have been proposed. The longer we put off those decisions it affects our inability to close budgets. There is a lot on which we can agree. I have gone through the list of all 443 budget accounts. There are many areas where we agree with this administration on where cuts are going to have to be made. On more than half of the budget, we are going to have to agree, despite how difficult they are. Some of these key budget areas in education, K-12, higher education, health and human services and public safety, will generate a lot of discussion about how that ends. My hope is that as we have this open, transparent, straightforward conversation about the decisions in front of us, we can put ideological views aside, and that we can come together as a body to do what is best on behalf of the State of Nevada. This starts by putting everything on the table. My hope is that we talk about the cuts we will have to make, about the reforms on which we have agreed, and that we will also talk about the revenue that is needed to responsibly balance this budget. If we can do that in a cooperative way, then we should be able to close down the budget in a timely manner. If not, then it is going to mean doing business in a different way than we have done before. We have talked to Leadership on the other side, for both Houses, as well as the Governor and everyone agrees we would like to find agreement.

On the motion of Senator Wiener and second by Senator Schneider, the Committee did rise, and report back to the Senate.

SENATE IN SESSION

At 12:32 p.m.
President Krolicki presiding.
Quorum present.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:42 p.m.

SENATE IN SESSION

At 1 p.m.

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 10, 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN J. LEE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources:

Senate Joint Resolution No. 12—Expressing opposition to the designation of certain public lands as Wild Lands and urging the Secretary of the Interior to rescind the order requiring that designation.

Senator Manendo moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Government Affairs:

Senate Joint Resolution No. 13—Proposing to amend the *Nevada Constitution* to establish the Trust Fund for State Parks to be used exclusively for the acquisition, preservation and maintenance of state parks for the benefit of the residents of this State.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 6, be added to Article 9 of the *Nevada Constitution* to read as follows:

Sec. 6. 1. There is hereby created the Trust Fund for State Parks.

2. Money in the Trust Fund for State Parks must be held in trust and used exclusively for the acquisition, improvement, preservation and maintenance of state parks for the benefit of the residents of this State.

3. The Legislature shall provide by law for the investment and administration of the money in the Trust Fund for State Parks and may take such actions as appropriate to encourage endowments, gifts and other donations for the Fund.

4. The Legislature may provide by law for the imposition of an annual registration fee not to exceed $5 per noncommercial motor vehicle for deposit in the Trust Fund for State Parks.

And be it further

RESOLVED, That Section 5 of Article 9 of the *Nevada Constitution* be amended to read as follows:

~~[Section]~~ ***Sec.* 5**. The proceeds from the imposition of any license or registration fee and other charge with respect to the operation of any motor vehicle upon any public highway in this State and the proceeds from the imposition of any excise tax on gasoline or other motor vehicle fuel shall, except costs of administration, be used exclusively for the construction, maintenance, and repair of the public highways of this State. The provisions of this section do not apply to the proceeds of any tax imposed

upon motor vehicles by the Legislature in lieu of an ad valorem property tax [.] ***or to the proceeds of any fee imposed by the Legislature for deposit to the Trust Fund for State Parks established pursuant to Section 6 of Article 9.***

Senator Lee moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 388—AN ACT relating to health care; authorizing medical assistants to possess and administer dangerous drugs under certain circumstances; establishing provisions concerning the employment and supervision of medical assistants; prescribing requirements for medical assistants; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 389—AN ACT relating to programs for recycling; enacting provisions requiring the payment of deposits and refunds on certain beverage containers sold in this State; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 390—AN ACT relating to elections; revising provisions relating to the statewide voter registration list; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 391—AN ACT relating to ethics in government; revising provisions relating to ethics in government and the enforcement of laws relating thereto; transferring certain authority over the enforcement of laws relating to ethics in government from the Commission on Ethics to the Secretary of State; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 392—AN ACT relating to governmental administration; creating the Nevada Advisory Committee on Intergovernmental Relations as a statutory committee; setting forth the membership and advisory duties of the Committee; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 393—AN ACT relating to unincorporated towns; providing for the extension of the debts, laws, ordinances, regulations and municipal taxes of an unincorporated town to any territory annexed by the unincorporated town; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 394—AN ACT relating to employment; revising provisions governing the liability of a general contractor or subcontractor for certain benefit payments; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 395—AN ACT relating to economic development; creating the Nevada Research and Business Alliance; prescribing the duties of the governing board of the Alliance; authorizing the State Board of Finance to issue revenue bonds or other securities constituting special obligations of this State to provide funding for certain programs related to the commercialization of research and technology; creating the Research and Business Fund; authorizing the governing board of the Alliance to make grants or loans from the Research and Business Fund to institutions within the Nevada System of Higher Education for certain purposes related to research and the development of technology; creating the Innovation Fund; authorizing the governing board of the Alliance to make grants or loans from the Innovation Fund to local governmental entities which agree to use the grants or loans to provide funding for certain activities related to research and the commercialization of technology by private businesses; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Select Committee on Economic Growth and Employment.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 396—AN ACT relating to motor vehicles; requiring that the additional funds generated by the special license plates for the support of the natural environment of the Mount Charleston area be administered and distributed by the Mount Charleston Town Advisory Board, or its successor, rather than by the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 397—AN ACT relating to peace officers; revising provisions governing the review by a peace officer of certain administrative or investigative files maintained by a law enforcement agency; revising provisions governing investigations of or hearings concerning peace officers that are conducted by a law enforcement agency; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 398—AN ACT relating to public records; authorizing certain persons to request that personal information contained in the records of a county assessor be kept confidential; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 399—AN ACT relating to townships; revising provisions relating to the formation of a township in certain counties; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senator Wiener moved that the Senate recess until 3 p.m.

Motion carried.

Senate in recess at 1:10 p.m.

SENATE IN SESSION

At 3:13 p.m.
President Krolicki presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

MO DENIS, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bill No. 282; Assembly Bills Nos. 11, 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 121, 191, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK A. MANENDO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Senate Joint Resolution No. 14—Proposing to amend the *Nevada Constitution* to create an intermediate appellate court.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 3A, be added to Article 6 of the *Nevada Constitution* to read as follows:

Sec. 3A. 1. The court of appeals consists of three judges or such greater number as the Legislature may provide by law. If the number of judges is so increased, the Supreme Court must provide by rule for the assignment of each appeal to a panel of three judges for decision.

2. After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this State at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial three judges of the court of appeals must be appointed by the Governor from among three nominees selected for each individual seat by the permanent Commission on Judicial Selection described in subsection 3 of section 20 of this Article. After the expiration of 30 days from the date on which the permanent Commission on Judicial Selection has delivered to the Governor its list of nominees for the initial judges, if the Governor has not made the appointments required by this Section, the Governor shall make no other appointment to any public office until the Governor has appointed a judge from the list submitted. The term of the initial judges is 2 years beginning on the first Monday of January next after the effective date of this Section, and an initial judge may succeed himself. If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this State at the first general election following the increase for a term of 6 years beginning on the first Monday of January next after the election.

3. The Chief Justice of the Supreme Court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years, except

that the term of the initial chief judge is 2 years. The chief judge may succeed himself. The chief judge may resign the position of chief judge without resigning from the court of appeals.

4. The Supreme Court shall provide by rule for the assignment of one or more judges of the court of appeals to devote a part of their time to serve as supplemental district judges, where needed.

And be it further

RESOLVED, That Section 1 of Article 6 of the *Nevada Constitution* be amended to read as follows:

Section 1. The judicial power of this State ~~[shall be]~~ ***is*** vested in a court system, comprising a Supreme Court, ***a court of appeals,*** district courts ~~[,]~~ and justices of the peace. The Legislature may also establish, as part of the system, courts for municipal purposes only in incorporated cities and towns.

And be it further

RESOLVED, That Section 4 of Article 6 of the *Nevada Constitution* be amended to read as follows:

Sec. 4. ***1.*** The Supreme Court ~~[shall]~~ ***and the court of appeals*** have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. ***The Supreme Court shall fix by rule the jurisdiction of the court of appeals and shall provide for the review, where appropriate, of appeals decided by the court of appeals.*** The ~~[court shall also]~~ ***Supreme Court and the court of appeals*** have power to issue writs of mandamus, certiorari, prohibition, quo warranto ~~[,]~~ and habeas corpus and also all writs necessary or proper to the complete exercise of ~~[its appellate]~~ ***their*** jurisdiction. Each ~~[of the justices shall have power to]~~ ***justice of the Supreme Court and judge of the court of appeals may*** issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of, any person held in actual custody ~~[,]~~ ***in this State*** and may make such writs returnable ~~[,]~~ before ~~[himself]~~ ***the issuing justice or judge*** or the ~~[Supreme Court,]~~ ***court of which the justice or judge is a member,*** or before any district court in the State or ~~[before]~~ any judge of ~~[said courts.]~~ ***a district court.***

2. In case of the disability or disqualification, for any cause, of ~~[the Chief Justice or one of the associate justices]~~ ***a justice*** of the Supreme Court, ~~[or any two of them,]~~ the Governor ~~[is authorized and empowered to]~~ ***may*** designate ~~[any]~~ ***a judge of the court of appeals or a*** district judge ~~[or judges]~~ to sit in the place ~~[or places]~~ of ~~[such]~~ ***the*** disqualified or disabled justice ***.*** ~~[or justices, and said judge or judges so designated shall receive their]~~ ***The judge designated by the Governor is entitled to receive his*** actual expense of travel and otherwise while sitting in the Supreme Court.

3. In the case of the disability or disqualification, for any cause, of a judge of the court of appeals, the Governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge whom the Governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.

And be it further

RESOLVED, That Section 7 of Article 6 of the *Nevada Constitution* be amended to read as follows:

Sec. 7. The times of holding the Supreme Court, ***the court of appeals*** and ***the*** district courts ~~[shall]~~ ***must*** be as fixed by law. The terms of the Supreme Court ~~[shall]~~ ***must*** be held at the seat of government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the State. ***The terms of the court of appeals must be held at the place provided by law***. The terms of the district courts ~~[shall]~~ ***must*** be held at the county seats of their respective counties unless the Legislature otherwise provides by law.

And be it further

RESOLVED, That Section 8 of Article 6 of the *Nevada Constitution* be amended to read as follows:

Sec. 8. ***1.*** The Legislature shall determine the number of justices of the peace to be elected in each city and township of the State ~~[,]~~ and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided ~~[,]~~ or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of justices of the peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases*,* in which appeals may be taken from justices and other courts. The Supreme Court, ***the court of appeals,*** the district courts ~~[,]~~ and such other courts ~~[,]~~ as the Legislature ~~[shall designate, shall be]~~ ***designates are*** courts of record.

And be it further

RESOLVED, That Section 11 of Article 6 of the *Nevada Constitution* be amended to read as follows:

Sec. 11. The justices of the Supreme Court ***, the judges of the court of appeals*** and the district judges ~~[shall be]~~ ***are*** ineligible to any office, other than a judicial office, during the term for which they ~~[shall]~~ have been elected or appointed. ~~[; and all]~~ ***All*** elections or appointments of any such judges by the people, Legislature ~~[,]~~ or otherwise ~~[,]~~ during said period ~~[,]~~ to any office other than judicial ~~[, shall be]~~ ***are*** void.

And be it further

RESOLVED, That Section 15 of Article 6 of the *Nevada Constitution* be amended to read as follows:

Sec. 15. The justices of the Supreme Court ***, the judges of the court of appeals*** and ***the*** district judges ~~[shall]~~ ***are*** each ***entitled to*** receive for their services a compensation to be fixed by law and paid in the manner provided by law, which ~~[shall]~~ ***must*** not be increased or diminished during the term for which they ~~[shall]~~ have been elected, unless a vacancy occurs, in which case the successor of the former incumbent ~~[shall]~~ ***is entitled to*** receive only such salary as may be provided by law at the time of his election or appointment ***.*** ~~[; and provision shall]~~ ***A provision must*** be made by law for setting apart from each year's revenue a sufficient amount of money ~~[,]~~ to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the *Nevada Constitution* be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court ***or the court of appeals*** or among the district judges, the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection.

2. The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.

3. Each nomination for the Supreme Court ~~[shall]~~ ***or the court of appeals must*** be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

4. Each nomination for the district court ~~[shall]~~ ***must*** be made by a temporary commission composed of:

(a) The permanent Commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the

Legislature shall provide by law, or if it fails to do so the ***Supreme*** Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission ~~[shall]~~ ***must*** be appointed when a vacancy occurs, and their terms ~~[shall]~~ expire when the nominations for such vacancy have been transmitted to the Governor.

7. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent Commission may be a member of ~~[a]~~ ***the*** Commission on Judicial Discipline.

8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

~~[If a commission on judicial selection is established by another section of this Constitution to nominate persons to fill vacancies on the Supreme Court, such commission shall serve as the permanent Commission established by subsection 3 of this Section.]~~

And be it further

RESOLVED, That Section 21 of Article 6 of the *Nevada Constitution* be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, ***a judge of the court of appeals,*** a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

(a) Two justices or judges appointed by the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute,appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the ***Supreme*** Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The Governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The Legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;

(b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this Section be:

a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of this judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter ~~[shall]~~ ***must*** be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. ***If a proceeding is brought against a judge of the court of appeals, no judge of the court of appeals may sit on the Commission for that proceeding.*** If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice who sat on the Commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

And be it further

RESOLVED, That Section 3 of Article 7 of the *Nevada Constitution* be amended to read as follows:

[~~Sec.:~~] ***Sec.*** 3. For any reasonable cause to be entered on the journals of each House, which may [~~,~~] or may not be sufficient grounds for impeachment, the [~~Chief Justice and associate~~] justices of the Supreme Court ***, the judges of the court of appeals*** and ***the*** judges of the district courts [~~shall~~] ***must*** be removed from office on the vote of two thirds of the members elected to each branch of the Legislature. [~~, and the~~] ***The*** justice or judge complained of [~~, shall~~] ***must*** be served with a copy of the complaint against him, and [~~shall~~] have an opportunity of being heard in person or by counsel in his defense. [~~, provided, that no~~] ***No*** member of either branch of the Legislature [~~shall be~~] ***is*** eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That Section 8 of Article 15 of the *Nevada Constitution* be amended to read as follows:

[~~Sec.:~~] ***Sec.*** 8. The Legislature shall provide for the speedy publication of all statute laws of a general nature [~~,~~] and such decisions of the Supreme Court [~~,~~] ***and the court of appeals*** as it may deem expedient. [~~; and all~~] ***All*** laws and judicial decisions [~~shall~~] ***must*** be free for publication by any person. [~~, provided, that no~~] ***No*** judgment of the Supreme Court ***or the court of appeals*** shall take effect and be operative until the opinion of the court in such case [~~shall be~~] ***is*** filed with the clerk of said court.

Senator Wiener moved that the resolution be referred to the Committee on Judiciary.

Motion Carried.

Senator Wiener moved that Senate Bill No. 216 be re-referred to the Committee on Finance.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Select Committee on Economic Growth and Employment:

Senate Bill No. 400—AN ACT relating to records; establishing a process by which a state agency may obtain certain county records at no charge for the purpose of economic development and population estimate research; prohibiting certain uses of confidential information contained in such county records; providing civil and criminal penalties; and providing other matters properly relating thereto.

Senator Kihuen moved that the bill be referred to the Committee Government Affairs.

Motion carried.

By the Select Committee on Economic Growth and Employment:

Senate Bill No. 401—AN ACT relating to public works; requiring certain public bodies to award a contract for certain public works based on the bid that provides the best value to the public body; requiring contracts for certain public works to be awarded individually; and providing other matters properly relating thereto.

Senator Kihuen moved that the bill be referred to the Select Committee on Economic Growth and Development.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 402—AN ACT relating to real property; revising provisions relating to covenants that may be adopted by reference in a deed of trust; providing methods by which assumption fees for a change of parties in a deed of trust may be set; requiring a foreclosure sale of commercial property to be held in a location specified in certain recorded documents; revising provisions relating to accounting for impound accounts for the payment of certain obligations relating to certain real property; providing a civil penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 403—AN ACT relating to common-interest communities; revising provisions relating to the information which must be provided by a unit's owner in a resale transaction; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 404—AN ACT relating to gaming; revising provisions concerning information that a gaming applicant or licensee must provide; requiring the Nevada Gaming Commission to adopt regulations prescribing the information to be provided by a gaming applicant or licensee regarding any discrimination in employment by such applicant or licensee; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 405—AN ACT relating to business entities; revising provisions governing the manner in which business entities send and receive notices and communications; providing that certain nonprofit entities are exempt from the requirement to obtain a state business license; revising provisions governing the information included in a certificate of change in the number of an authorized class or series of shares; revising provisions governing restrictions on transfers of stock; authorizing a stockholder of a corporation to designate a proxy to consent or dissent in writing to a corporate action; revising provisions governing notice of a meeting of stockholders of a corporation, certain transactions between certain domestic corporations and interested stockholders and the dissolution of a corporation; revising provisions governing indemnification and advancement of expenses

by a corporation under certain circumstances; reducing the maximum amount of the fee for filing with the Secretary of State certain instruments authorizing an increase in the stock of a corporation; revising provisions governing corporate records; revising provisions governing corporations organized under the law of a different jurisdiction; revising provisions governing the rights of a judgment creditor to satisfy a judgment out of the debtor's ownership interest in certain business entities; revising provisions governing mergers, conversions and domestications of certain business entities; revising provisions related to the right of dissent to certain corporate actions; revising provisions governing the time at which certain documents filed with the Secretary of State become effective; revising provisions governing business trusts; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 406—AN ACT relating to motor vehicles; requiring the Department of Motor vehicles to waive any fees that would otherwise be imposed against a person for the late renewal of a driver's license or the registration of a vehicle, if the late renewal resulted from the person being on military deployment; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 407—AN ACT relating to tow cars; authorizing an insurance company to designate certain vehicle storage lots to which certain vehicles must be towed under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 408—AN ACT relating to motor vehicles; revising provisions governing the issuance of special license plates; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 409—AN ACT relating to state financial administration; revising provisions relating to the lease of office space for use by state agencies; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 410—AN ACT relating to alcoholic beverages; clarifying provisions governing a franchise agreement between a supplier and a wholesaler of alcoholic beverages; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 411—AN ACT relating to nursing; providing for the certification by the State Board of Nursing of nursing assistants as certified medication aides; prescribing the acts a certified medication aide may perform; authorizing a certified medication aide to possess and administer certain drugs and medications in certain medical facilities; authorizing the Board to establish certain fees and charges; prohibiting certain acts relating to certified medication aides; providing a penalty; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 412—AN ACT relating to complementary integrative medicine; providing for the regulation of the practice of complementary integrative medicine; creating the Board of Complementary Integrative Medicine; providing for the organization, powers and duties of the Board; authorizing the Board to license or certify qualified persons to engage in the practice of complementary integrative medicine; authorizing the Board to discipline a person who is licensed or certified by the Board for certain actions; authorizing certain persons licensed by the Board to prescribe and possess dangerous drugs and controlled substances under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 413—AN ACT relating to real estate; repealing certain provisions governing certain licenses issued by the Real Estate Division of the Department of Business and Industry; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 414—AN ACT relating to banks; prohibiting a bank from demanding the repayment of the principal of a commercial mortgage loan unless a person fails to pay the loan as agreed; prohibiting a bank from unreasonably delaying a response to an offer for a short sale on real property secured by a residential mortgage loan; prohibiting a financial institution from obtaining a deficiency judgment in certain circumstances; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 415—AN ACT relating to Medicaid; revising provisions governing the recovery by the Department of Health and Human Services of Medicaid benefits paid on behalf of a beneficiary of certain qualified trusts; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 416—AN ACT relating to liquor; providing for the licensing of liquor marketing companies in this State and imposing a fee for such licensure; prohibiting certain persons from having any ownership interest in such a company; providing for the regulation of certain marketing programs or promotions of liquor in retail establishments; repealing the provision authorizing a grocery store to serve samples of alcoholic beverages; providing a penalty; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 417—AN ACT relating to recycling; providing for the placement of recycling containers on the premises of certain apartment

complexes and condominiums; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senator Horsford moved that the Senate recess until 6 p.m.

Motion carried.

Senate in recess at 3:29 p.m.

SENATE IN SESSION

At 6:33 p.m.

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Commerce, Labor and Energy.

ALLISON COPENING, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Revenue:

Senate Joint Resolution No. 15—Proposing to amend the *Nevada Constitution* to repeal the provision establishing a separate tax rate and providing for assessing and disbursing the tax on the net proceeds of mines.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the *Nevada Constitution* be amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory **.** ~~[, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.]~~

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and chooses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled,

bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

And be it further

RESOLVED, That Section 5 of Article 10 of the *Nevada Constitution* is hereby repealed.

TEXT OF REPEALED SECTION

Sec. 5. Tax on proceeds of minerals; appropriation to counties; apportionment; assessment and taxation of mines.

1. The legislature shall provide by law for a tax upon the net proceeds of all minerals, including oil, gas and other hydrocarbons, extracted in this state, at a rate not to exceed 5 percent of the net proceeds. No other tax may be imposed upon a mineral or its proceeds until the identity of the proceeds as such is lost.

2. The legislature shall appropriate to each county that sum which would be produced by levying a tax upon the entire amount of the net proceeds taxed in each taxing district in the county at the rate levied in that district upon the assessed valuation of real property. The total amount so appropriated to each county must be apportioned among the respective governmental units and districts within it, including the county itself and the school district, in the same proportion as they share in the total taxes collected on property according to value.

3. Each patented mine or mining claim must be assessed and taxed as other real property is assessed and taxed, except that no value may be attributed to any mineral known or believed to underlie it, and no value may be attributed to the surface of a mine or claim if one hundred dollars' worth of labor has been actually performed on the mine or claim during the year preceding the assessment.

Senator Leslie moved that the resolution be referred to the Committee on Revenue.

Motion carried.

Senator Copening moved that Senate Bill No. 336 be re-referred to the Committee on Commerce, Labor and Energy.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Senate Bill No. 418—AN ACT relating to health care; creating a subcommittee of the Legislative Committee on Health Care to oversee the

implementation of federal health care reform in this State; prescribing the composition, powers and duties of the subcommittee; requiring state agencies to cooperate with and provide periodic reports to the subcommittee; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 419—AN ACT relating to public health; requiring certain persons who administer controlled substances or dangerous drugs to complete annual training concerning safe injection practices; requiring the Health Division of the Department of Health and Human Services to approve or establish a training program concerning safe injection practices; requiring certain boards which license health care professionals to approve continuing education courses concerning safe infection practices; providing a penalty; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 420—AN ACT relating to facilities for long-term care; requiring the State Board of Health to establish a uniform procedure for the comprehensive assessment of patients or residents of certain facilities that provide long-term care; requiring certain facilities that provide long-term care to establish certain policies concerning the readmission to the facility after a patient is transferred out of the facility; making various changes relating to the staffing levels of certain facilities that provide long-term care; requiring certain facilities that provide long-term care to post certain information about persons or entities that have ownership or control over the facility; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 421—AN ACT relating to public health; increasing the percentage of certain money received by the State to be allocated to the Fund for a Healthy Nevada; revising provisions relating to the allocation of money in the Fund for a Healthy Nevada; eliminating the Trust Fund for Public Health; providing for the transfer of money remaining in the Trust Fund for Public Health; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 422—AN ACT relating to the Aging and Disability Services Division of the Department of Health and Human Services; requiring counties to pay for the use of services offered by the Aging and Disability Services Division; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 423—AN ACT relating to assistance to certain persons; revising provisions concerning intermediary service organizations; revising provisions concerning financial assistance for certain persons with physical disabilities; eliminating the Senior Citizens Property Tax Assistance Program; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 424—AN ACT relating to the state governmental administration; creating the Department of Tourism and Cultural Affairs; restructuring certain divisions of the existing Department of Cultural Affairs into the Department of Tourism and Cultural Affairs, and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 425—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 426—AN ACT relating to energy; eliminating the Renewable Energy and Energy Efficiency Authority and the position of Nevada Energy Commissioner; requiring the Office of Energy and its Director to assume certain responsibilities of the repealed entities; transferring authority for the program to track the use of energy in buildings occupied by state agencies to the Office of Energy; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 427—AN ACT relating to state governmental administration; providing for the merger of various state agencies into the Department of Administration; creating new divisions of the Department of Administration; providing for the dissolution of the Department of Cultural Affairs and several of its constituent parts; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 428—AN ACT making an appropriation to the State Gaming Control Board to replace computer and technology hardware; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 429—AN ACT relating to the Children's Health Insurance Program; revising provisions relating to the authority of the Department of Health and Human Services to contract for transportation services for the recipients of services under the Program; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 430—AN ACT relating to children; transferring the authority to regulate and oversee certain child care facilities to the Health Division of the Department of Health and Human Services; eliminating the Bureau of Services for Child Care of the Division of Child and Family Services of the Department; repealing provisions relating to the Chief of the Bureau; eliminating the Board for Child Care; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 431—AN ACT relating to securities; authorizing the Secretary of State, with the approval of the Interim Finance Committee, to use money received from the enforcement of securities laws for other purposes; providing that such money does not decrease amounts appropriated to the Secretary of State; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 432—AN ACT relating to governmental financing; authorizing regional transportation commissions in certain counties to issue revenue bonds and other securities to finance certain projects under certain circumstances; deleting certain limitations on the issuance of such bonds and other securities by certain counties under certain circumstances; extending the period within which the repayment of certain bonds or other securities must commence; extending the period within which certain general obligation bonds issued for a water facility or wastewater facility must mature; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Finance:

Senate Bill No. 433—AN ACT relating to the Nevada Transportation Authority; eliminating the position of Deputy Commissioner of the Nevada Transportation Authority; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 434—AN ACT relating to the Nevada System of Higher Education; creating the Nevada System of Higher Education Stabilization Account; requiring the preparation of a separate budget for certain fees imposed by the System; revising provisions governing the retention and use of certain appropriations to the System; temporarily redirecting a portion of the taxes ad valorem levied in Clark and Washoe Counties to the System; revising provisions related to capital improvements constructed by or on behalf of the System; requiring the adoption of certain standards for measuring the preparation of pupils for college; requiring certain annual reports; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 435—AN ACT relating to the Office of Historic Preservation of the Department of Cultural Affairs; transferring the Office from the Department of Cultural Affairs to the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 436—AN ACT relating to judicial retirement; transferring the responsibility to deposit certain money for the purpose of paying pension benefits to justices of the Supreme Court or district judges from the State of Nevada to the Court Administrator; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 437—AN ACT relating to public assistance; revising provisions governing assistance provided to parents and relatives caring for certain persons with mental retardation or related conditions or children with certain developmental delays; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 438—AN ACT relating to the Lake Tahoe Basin; requiring the issuance of general obligation bonds to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program for the Lake Tahoe Basin; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Finance:

Senate Bill No. 439—AN ACT relating to fire protection; amending the membership and duties of the State Board of Fire Services; eliminating the

Fire Service Standards and Training Committee; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Finance:

Senate Bill No. 440—AN ACT relating to health insurance; creating the Silver State Health Insurance Exchange; setting forth the purposes of the Exchange; providing for the composition, appointment and terms of members and powers and duties of the Board of Directors of the Exchange; providing for the appointment and powers and duties of the Executive Director of the Exchange; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Finance:

Senate Bill No. 441—AN ACT relating to the Department of Motor Vehicles; providing for the imposition of certain fees for the processing by a supplier of self-service terminals or kiosks of certain transactions with the Department; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Finance:

Senate Bill No. 442—AN ACT relating to state parks; creating the Fund for State Park Interpretative and Educational Programs and Operation of Concessions; authorizing the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to establish certain concessions within state parks; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 443—AN ACT relating to probation; requiring counties to pay the expense of presentence or general investigations and reports made by the Division of Parole and Probation of the Department of Public Safety; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 444—AN ACT relating to the Department of Public Safety; eliminating the Administrative Services Division of the Department; revising the duties of the Director of the Department; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 445—AN ACT relating to the state militia; authorizing the rental of facilities of the Office of the Military; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Finance:

Senate Bill No. 446—AN ACT relating to governmental administration; revising provisions governing the composition of the State Department of Conservation and Natural Resources; eliminating the Advisory Board on Natural Resources, the Division of Conservation Districts, the State Conservation Commission and the Commission for the Preservation of Wild Horses; transferring the duties of the State Conservation Commission to the State Environmental Commission; revising certain provisions governing the administration of conservation districts; repealing certain provisions governing those districts; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Finance:

Senate Bill No. 447—AN ACT relating to protection of children; revising provisions governing the corrective actions that are required when an agency which provides child welfare services is not in compliance with certain laws, plans or policies; providing for the Division of Child and Family Services of the Department of Health and Human Services to award block grants and to administer a program to award incentive payments to an agency which provides child welfare services in larger counties; requiring the Division to submit an annual report to the Governor and the Legislature concerning the block grants and the program to award incentive payments; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 448—AN ACT relating to mental health; creating the Children's Behavioral Health Policy and Accountability Board as a subcommittee of the Commission on Mental Health and Developmental Services; designating the Division of Child and Family Services of the Department of Health and Human Services as the mental health authority for children in this State and establishing the duties thereof; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 449—AN ACT relating to the Nevada System of Higher Education; authorizing the Board of Regents of the University of Nevada to fix tuition charges and assess registration fees and other fees based on the demand for or the costs of providing the academic program or major for which the tuition charges are fixed or the registration fees are assessed; requiring the Board of Regents to establish a program authorizing scholarships, reduced fees and tuition and forgiveness of student loans for students who are economically disadvantaged under certain circumstances; requiring the Board of Regents to make certain reports to the Legislature under certain circumstances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Finance:

Senate Bill No. 450—AN ACT making an appropriation to the Interim Finance Committee for allocation to the State Treasurer for a consultant to assist with the development of a request for proposals for the E-payment and Merchant Services contracts; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 451—AN ACT relating to the Nevada System of Higher Education; providing that any tuition charge, registration fee or other fee assessed against a student by a university, state college or community college within the System must be retained by that institution and used to support academic programs and other services, activities and uses which advance the educational needs of the students enrolled at the institution and the educational goals of the institution or which otherwise benefit such students;

requiring the Board of Regents of the University of Nevada to submit an annual report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or the Legislative Commission concerning the use of money collected from tuition charges, registration fees and other fees; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Finance:

Senate Bill No. 452—AN ACT relating to public welfare; eliminating the requirement that the Director of the Department of Health and Human Services apply for a Medicaid waiver pursuant to the Health Insurance Flexibility and Accountability demonstration initiative; requiring the transfer of certain money that is set aside for the costs of carrying out the program established pursuant to the waiver; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 453—AN ACT making an appropriation to the Department of Motor Vehicles for computers and other associated equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 454—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of office equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 455—AN ACT making an appropriation to the Motor Carrier Division of the Department of Motor Vehicles for the replacement of a vehicle and office equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 456—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 457—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of vehicles and other equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 458—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 459—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 460—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of office equipment and a vehicle; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 461—AN ACT making an appropriation to the Department of Motor Vehicles for replacement of a forklift, mail scanners, telephones, headsets and office equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 462—AN ACT making an appropriation to the Motor Carrier Division of the Department of Motor Vehicles for the replacement of computers and other associated equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 463—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 464—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of office equipment; and other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 465—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of office equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 466—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 467—AN ACT making an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 468—AN ACT relating to the Department of Motor Vehicles; transferring certain duties of the State Department of Agriculture to the Department of Motor Vehicles and its Director; renaming certain divisions of the Department of Motor Vehicles; creating a new account in the State Highway Fund; making the Director of the Department of Motor Vehicles the ex officio State Sealer of Weights and Measures; transferring certain duties of the State Sealer of Weights and Measures to the State Department of Agriculture; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Finance:

Senate Bill No. 469—AN ACT relating to mental health; revising provisions relating to programs for the treatment of mental illness or mental retardation; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Finance:

Senate Bill No. 470—AN ACT making a supplemental appropriation to the Department of Corrections for an unanticipated shortfall in Fiscal Year 2010-2011 for increased outside medical costs and payment of a related stale claim; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 471—AN ACT relating to public health; requiring counties to reimburse the Health Division of the Department of Health and Human Services for various services; transferring the powers and duties of the Health Division regarding communicable diseases to a health authority in a county; authorizing the Health Division to impose administrative penalties for

violations of certain provisions governing emergency medical services; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 472—AN ACT making a supplemental appropriation to the Department of Corrections to cover stale claims for prison medical care for Fiscal Year 2007-2008; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 473—AN ACT relating to the reorganization of State Government; eliminating the Office of Ombudsman of Consumer Affairs for Minorities; making permanent the transfer of the powers and duties of the Consumer Affairs Division of the Department of Business and Industry and the Commissioner of Consumer Affairs to the Office of the Attorney General; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 474—AN ACT making a supplemental appropriation to the Department of Corrections to offset a reduction in funds for the State Criminal Alien Assistance Program; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 475—AN ACT relating to transportation; revising various provisions governing the administrative authority of the Department of Transportation concerning bicycle and pedestrian safety; revising the authorized uses of money in the Highway and Safety Administrative Account in the State Highway Fund; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Finance:

Senate Bill No. 476—AN ACT relating to juvenile justice; requiring each county to pay an assessment to the State for the activities of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services; prohibiting a juvenile court from committing a delinquent child to a private institution; revising the manner in which a determination is made about where to commit a delinquent child; revising provisions relating to a juvenile who is held in a detention facility pending a hearing concerning a violation of parole; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Finance:

Senate Bill No. 477—AN ACT relating to public welfare; authorizing the Administrator of the Division of Health Care Financing and Policy of the Department of Health and Human Services to administer oaths, take testimony and issue subpoenas for the purposes of recovering Medicaid benefits paid on behalf of certain recipients; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 478—AN ACT making a supplemental appropriation to the Department of Motor Vehicles for an unanticipated shortfall in kiosk vendor payments; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 479—AN ACT making a supplemental appropriation to the Department of Motor Vehicles for an unanticipated shortfall in the merchant services fees associated with electronic payments; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 480—AN ACT relating to the protection of children; requiring certain less populated counties to reimburse the Division of Child and Family Services of the Department of Health and Human Services for the

costs of providing child protective services; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 481—AN ACT making an appropriation to the Interim Finance Committee for allocation to the State Treasurer; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 482—AN ACT making a supplemental appropriation to the Department of Corrections for an unanticipated shortfall in revenue at the Casa Grande Transitional Housing Center; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 483—AN ACT relating to the Department of Motor Vehicles; authorizing the Department to enter into certain agreements relating to advertising; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Finance:

Senate Bill No. 484—AN ACT making a supplemental appropriation to the Department of Public Safety for an unanticipated shortfall in personnel services; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 485—AN ACT relating to public welfare; revising provisions governing payment by the State for certain care provided under the State Plan for Medicaid; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 486—AN ACT making an appropriation to the Office of the State Treasurer for the Millennium Scholarship Program; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 487—AN ACT relating to public works; revising provisions relating to the award of a contract for a public work to a specialty contractor; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 488—AN ACT relating to energy; revising provisions relating to a plan certain utilities must submit to the Public Utilities Commission of Nevada; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 489—AN ACT relating to documents used for identification; revising certain provisions governing the issuance and renewal of drivers' licenses and identification cards; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 490—AN ACT relating to taxation; authorizing certain counties to impose additional taxes on fuels for motor vehicles; providing for the administration, allocation, disbursement and use of the additional taxes; imposing certain requirements on the sale of revenue bonds secured by county fuel taxes; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 491—AN ACT relating to public financial administration; repealing the prospective expiration of certain provisions regarding the

imposition, advance payment and allocation of certain fees and taxes; temporarily redirecting to the State General Fund a portion of the revenue from certain administrative assessments and taxes ad valorem; repealing the prospective reduction in the fees for state business licenses; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 492—AN ACT relating to mining; amending the amount of and requirements for paying certain additional annual fees imposed on a person upon filing an affidavit to hold a mining claim; authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to suspend a permit for a mining operation or exploration project for failure to pay the additional fee; requiring an operator of a mining operation or exploration project to include in an annual report filed with the Administrator of the Division the number of mining claims within the mining operation or exploration project for which a certain filing was made during the preceding calendar year; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 493—AN ACT relating to mining; creating the Mining Oversight and Accountability Commission and establishing its membership, powers and duties; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Finance:

Senate Bill No. 494—AN ACT relating to protection from fire; requiring the State Forester Firewarden to take certain actions to protect wildlands against wildfire; creating the Emergency Fire Suppression Account; prohibiting a county from seeking money from the Emergency Fire Suppression Account, the Disaster Relief Account or the Emergency Account unless the county has entered into an agreement with the Division of Forestry of the State Department of Conservation and Natural Resources to establish a wildfire protection program; authorizing the State Forester Firewarden to restrict certain activities in a participating county; repealing provisions relating to fire protection districts; applying to participating counties certain provisions that previously applied to fire protection districts; transitioning

certain fire protection districts into County Fire Protection Districts; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 7:17 p.m.

SENATE IN SESSION

At 7:40 p.m.

President Krolicki presiding.

Quorum present.

By the Committee on Revenue:

Senate Bill No. 495—AN ACT relating to taxation; proposing a competing measure to Initiative Petition No. 1 by requiring a uniform and equal rate of sales and use tax in a county and prohibiting the creation of special districts in which a higher sales and use tax rate applies in a certain portion of the county; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Revenue.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bills Nos. 7, 134; Assembly Concurrent Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Andrew Davey.

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Allison Welling.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Benjamin Reed and Cassia Reed.

On request of Senator Copening, the privilege of the Floor of the Senate Chamber for this day was extended to Katherine Combs.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Megan Campbell.

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Celestina Cubio-Torres and Ryan Huskins.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Georgie Zielinski.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Andrea Eiseman and Sarah Greber.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to David McGaw.

On request of Senator Rhoads, the privilege of the Floor of the Senate Chamber for this day was extended to Courtney Bellander, Jared Cumming and Katrina Cumming.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Caitlyn Morton and Abby Williams.

Senator Horsford moved that the Senate adjourn until Tuesday, March 29, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 7:44 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 29, 2011

Senate called to order at 11:13 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Denise Cordova.

Today we acknowledge the sacred in everyone. We acknowledge that we are all created in the image of the holy, rich or poor, male or female, people of every color under the sun, we all belong to You.

As we begin our day in the hallowed halls and rooms of this Legislative Building, remind us that we stand on holy ground because wherever we are, holiness dwells.

Help us today, to remember that holiness. Stir us today to legislate for justice, mercy and grace. Inspire us today to create ideas and resolutions that are embossed with Your fingerprints. Guide us today to make decisions that are saturated with Your wisdom.

Breath of life, remind us today to breathe. Remind us to breathe when frustration sets in. Remind us to breathe when disagreements rise up. Remind us to breathe in Your peace, so that we may breathe out Your breath of love and forgiveness.

Today, may the words of our mouths and the integrity of our actions be acceptable to You. And so it is.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bills Nos. 121, 191, 229, 282; Assembly Bills Nos. 10, 11, 66, 103 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Andrew Davey and James Healey.

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Pam Roberts and Natalia Beltz.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Ron Quinn.

On request of Senator Copening, the privilege of the Floor of the Senate Chamber for this day was extended to Laura Martin and Karen Grayson.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Marlon Preciado and Christopher Mendez-Preciado.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Ralph McMullen.

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Aaren Carratelli and Holly Carratelli.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Rose Jones Wade and Leo Murrietta.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Hunter M. Willow and the following students from the Pine Middle School: Ashley Agrella, Ana Elidia Alvarez, Caitlin Amburgey, Abraham Banda, Aileen Banks, Daniel Barboza, Niyousha Behesti, Daniel Blackmore, Darien Boan, Jack Lyn Bullard, Gavin Bullis, Ian Burns, Trace Camp, Daniel Campbell, Mackenzie Cassas, Carlos Ceja, Ramon Ceja, Tobias Chambers, Osvaldo Chavez, Chloe Christensen, Connor Clewett, Luke Collier, Stephanie Combs, McKenna Conway, Emily Cook, Sabrina Coons, Jaime Crick, Carley Crosby, Charmelle Cruz, Jacob Dacus, Brett Daniels, Whitney Davidson, Esmeralda Delgado Alvarez, Hannah Dirks, Amy Djukanovich, Audrey Dobson, Fernanda Dominguez, Balee Drakulich, Camden Duncan, Tayaunna Eldridge, Johnathon Excell, Abigail Felch, Jackson Feldman, Itzel Flores Munoz, Esmeralda Flores-Alvarez, Rocsana Fonseca, Emma Foster, Willow Games, Adrian Garcia, Spencer George-Trevino, Pelemon Gilovich, Joanna Gonzalez Ortiz, Jazmin Gonzalez, Jose Gonzalez, Miguel Gonzalez, Yonatan Gonzalez, Scott Grady, Colin Graybeal, Sergio Guajardo, Juan Carlos Guerrero Chavez, Gage Gunzburg, Turner Gustafson, Deanna Haghighi, Shelby Harris, Farren Harrison, Julia Hart, John Hernandez, Osbaldo Hernandez, Kyle Hood, Xena Horne, Jonathan Huerta, Elissa Irwin, Abigail Jaimes, Darryn Johnson, Kylee Johnson, Timothy Johnson, Pierce Jorgensen, Mariel Juarez Castro, Benjamin King, Kaitlin Klefman, Torrie Kowatchm, Tiana Kuckhoff, Bryan Ledezma, Charles Leo, Michael Liske, Camille Livingston, Spencer Lloyd, Jennifer Lopez Navarro, Neida Lopez-Avila, Tyler Lozier, Marianne Angely Maghirang, Krystal Manzano, U'shinde Mapp, Yesenia Martin-Deleon, Jesus Martinez, Rachel Matsukas, Kenneth Mclain, Linday Mendonca, Isaiah Miller, Kenia Monge, Cara Morrison, Mason Morrison, Maria Murillo, Joseph Newcomb, Matthew Newcomb, Mariah Nickerson, Nicole Paiva, Gabrielle Palmer, Mary Katherine Parmer, Heath Pate, Maria Ponce Bautista Jonathan Posada Ortiz, Derek Quan, Nancy Ramirez Herrera, Marissa Ramos Julia Rhodes, Porter Rittenhouse, Delia Rivera, Breanna Roberts, Amaya Rodriguez Keir, Jose Rodriguez, Jose Rodriguez, Miguel Rojas-Duarte, Bennett Rowan, Abner Ruiz, Sonia Ruiz, Danielle Russell, Jordi Salas,

Jeffrey Sawyer, Carson Scott, Austin Sexton, Samantha Shulman, Hannah Silva, Moises Silva, Chloe Skabelund-Humphreys, Kyra Solano, Jesse Soloman, Stuart Sorter, Samantha Sotelo Olivera, Mario Soto, Logan Steedman, Hannah Stevenson, James Taumaoe, Dana Terry, Alexander Thomas, Jonathan Torres Flores, Felipe Torrez, Cody Trottot, Yazmine Turner, Brandon Urbina Hidalgo, Kaylee Vergilio, Johnattan Villasenor, Dylinn Villatoro, Breanna Ward, Kailey Wessel, Matthew Wieland, Zachary Williams, Kara Winkel, Austin Wood, Jesus Zamora, Citlaly Zepeda, and Melissa Zurita.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Chris Miller, Astrid Silva and Derek Washington.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Sandy Eddy and Jennifer Van Pelt.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to Kai Regidor, Susan Carratelli, and Ashlee Carratelli.

On request of Senator Manendo, the privilege of the Floor of the Senate Chamber for this day was extended to Jayson Di Cotignano and Danton Di Cotignano.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Jack Gribbon and Michael Flores.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Jeremy T. Blomgren and Antonia Garcia.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Josh Miller.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to John Willey and Marlene Adrian.

Senator Horsford moved that the Senate adjourn until Wednesday, March 30, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:42 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 30, 2011

Senate called to order at 11:10 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Sherry Rodriguez.

Lord, we thank You for the young people who are in this Chamber with us today. May they learn by our example.

We ask that You give the members of this body and those who share in the work, courage, wisdom and the clarity of an open heart. For those making difficult decisions, we ask that You give them peace of mind.

We thank You for these men and women who serve the great State of Nevada. We ask that You give them insight to solve the issues before us.

For these things we pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which were referred Senate Bill No. 220; Assembly Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVEN A. HORSFORD, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Senate Bills Nos. 42, 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHIRLEY A. BREEDEN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 29, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 250.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that all necessary rules be suspended and that Senate Bill No. 220, just reported out of committee with a "do pass," be considered to have fulfilled the requirements of being read a second time,

declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 250.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 121.

Bill read second time and ordered to third reading.

Senate Bill No. 191.

Bill read second time and ordered to third reading.

Senate Bill No. 229.

Bill read second time and ordered to third reading.

Senate Bill No. 282.

Bill read second time and ordered to third reading.

Assembly Bill No. 10.

Bill read second time and ordered to third reading.

Assembly Bill No. 11.

Bill read second time and ordered to third reading.

Assembly Bill No. 66.

Bill read second time and ordered to third reading.

Assembly Bill No. 103.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 220.

Bill read third time.

Remarks by Senators Horsford and Kieckhefer.

Senator Horsford requested that the following remarks be entered in the Journal.

SENATOR HORSFORD:

Thank you, Mr. President. Earlier I asked that Senate Bill No. 220 be declared an emergency measure for us to consider on this legislative day. I had a special reason for making that request. Today we are honored to have with us former First Lady Dema Guinn. This legislation has a very special meaning and importance to her.

One of the legacies of Governor Guinn is his life-long dedication to education as a business leader, Superintendent of Schools, President of the University of Nevada, Las Vegas and, of course, Nevada's Governor, which is exemplified by the establishment of the Governor Kenny C. Guinn Millennium Scholarship Program. This program has enabled thousands of young Nevadans to obtain a college education they might not have had. Overall, Governor Guinn made support of education a hallmark of his administration and fought for it in good times and in bad.

Senate Bill No. 220 recognizes in a small way the contributions Governor Guinn made to the cause of education by establishing a special memorial scholarship fund in his name. I want to thank our former First Lady, Mrs. Guinn, for being here with us today to join with us in the privilege of honoring Nevada's Governor, Kenny Guinn.

SENATOR KIECKHEFER:

Thank you, Mr. President. I am honored to have our former First Lady, Mrs. Guinn, here with us today. Thank you for coming to the Committee to testify today. It was very moving and your words regarding your family's commitment to education in our State rang true with all members of the Committee. I thank the Majority Leader for being willing to process this bill, this way today. I would like to thank every member of this body who signed on as a cosponsor. This was amazingly easy to get all 63 members of the Legislature to cosponsor this legislation. I say thank you to my assistant who helped collect those signatures.

Mrs. Guinn, the commitment that you have made ensuring that the Governor's legacy lives on is an inspiration and I thank you for doing that and for being here. You have many friends in this building. They will be your friends forever. Thank you very much.

PRESIDENT KROLICKI:

Dema Guinn, welcome. Shirley Blair, Kenny's sister, welcome to the Chamber. This is one of those special moments. Thank you for all you and your family have done for all of us. We miss Kenny terribly.

In my past life as the State Treasurer, I spent thousands of my hours working on the Millennium Scholarship. And, your husband, your brother, would come into my office almost every evening and ask, "How are we doing? How many kids and what do we need to do? How are we going to tweak it and how are we going to make it work? How are we going to change lives, not just for the young people, but for Nevada?"

This is a tremendous opportunity for the youth of the State to chase dreams through higher education. But at the same time, this is for an educated workforce. These are the best and the brightest available in Nevada for the future of our State.

So this is the first time I have done this, I think, as President, to speak on a bill. Thank you so much. This is from the heart and we miss him terribly. Congratulations on the bill. Thank you, Senator Horsford, for making this an emergency measure today.

Roll call on Senate Bill No. 220:

YEAS—21.

NAYS—None.

Senate Bill No. 220 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bill No. 183.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Alexandria Melandow and Ashley Melandow.

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Brandon Johnson and Holiday Newton.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Shirley Blair.

On request of Senator Copening, the privilege of the Floor of the Senate Chamber for this day was extended to Devin Osborn and Isabella Lundberg.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to K. D. Dehnert, Elle Reyes, Anne Stephen, and Janet Tyler.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Bre Chabot and Brittany Chabot.

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Jessica Drinkwine, Geraldeen Murphy and Megan Robinson.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Kamilla Miller.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Leah Walters.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to former First Lady, Dema Guinn, Mason Jackson and Herah Osborne.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Taylor Gray.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Unique Davis.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to Gabrial Madonna.

On request of Senator Manendo, the privilege of the Floor of the Senate Chamber for this day was extended to Brandon Berry.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Vincent Anderson and Earlene Forsythe.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Bobby Rebartcheck.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Breanna Taylor.

On request of Senator Schneider, the privilege of the Floor of the Senate Chamber for this day was extended to Jenny Jorgensen and Christina Perry.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to the following students and chaperones from Douglas County in recognition of Kick Butts Day, Daija Currey, Dallyn Malarchuk, Parmelee Ebright, Payton Williams, Serena Herup, Shelby Lee, Spencer Flanders, Austin Sunderland, Zayne Arnell, Aubrey Caires, Jenni Martin, Dejavu Johnson, Jennie Stokes, Grant McLean, Emma Sperry, Sarah Eisele, McCann Patterson, Alaina Anderson, Andrea Baracosa, Bobbi Higginbotham, Carly Johnson, Cierra Pruitt, Danielle Belanger, Juliana Garcia, Luz Morales, Rocio Meza, Sage Pintler, Sarah Eisele, Sierra Prax, Hannah Higginson, Marissa Mills, Cassie Hergenrader; chaperones: Neyzer Torres, Curt Drumm, Linda Gilkerson, Pamela Abercrombie, Eva Lundberg, Cheryl Bricker, Debbie Posnien, Shane Marquardt, Debbie Higginson, Amber Neff, Jeddiah Kuhn, Lavurne Jeffereys, Carla Eben, Pam Talas, Montey Williams; Partner Agency: Daniel Lundy-Bryan, Olivia Rupert, Casey Rupert, Maggie Rupert, Dylan Atkinson, Lacey Combs, Richard McGifford, Jorge Enriquez, Carrington Burton, Clifford Wilder, Rachel Dixon, Richard Barlese, Yesenia Espinosa, Aisha Paya and Conner Dunn.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to Lois Tarkanian.

On request of President Krolicki, the privilege of the Floor of the Senate Chamber for this day was extended to Taylor Nicole Rodriguez.

Senator Horsford moved that the Senate adjourn until Thursday, March 31, 2011, at 11 a.m. and that it do so in memory of former Governor Kenny C. Guinn.

Motion carried.

Senate adjourned at 12 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 31, 2011

Senate called to order at 11:11 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Larry Stout, Legislative Police.

Dear God,

Thank You for being here with us today to guide us in our hearts and minds. The season is spring. It is a time for renewal. Bless us with the health and energy to complete the arduous days ahead. Grant us the wisdom and understanding necessary to deal with the many difficult issues facing us during these troubled times.

Lord, grant us the courage and open mindedness to resolve differences with civility, fairness and compassion.

Finally, Lord, thank you so much for the fine people in this body who have sacrificed their normal lives for our benefit.

AMEN.

Pledge of Allegiance to the Flag.

REMARKS FROM THE FLOOR

President Krolicki requested that his remarks be entered in the Journal.

It is my pleasure to announce that the National Anthem will be presented by the Nevada Music Educators Association All-State Choir conducted by Dr. Andre Thomas, Florida State University, and. they will also sing "Earth Song" by Frank Ticheli.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Legislative Operations and Elections.

Also, your Committee on Education, to which was referred Senate Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MO DENIS, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Commerce, Labor and Energy.

JOHN J. LEE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that Senate Bill No. 211 be re-referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senator Lee moved that Senate Bill No. 409 be re-referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Senator McGinness moved that Senate Bill No. 186 be taken from the Secretary's desk and placed on the bottom of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 42.

Bill read second time and ordered to third reading.

Senate Bill No. 91.

Bill read second time and ordered to third reading.

Assembly Bill No. 193.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 121.

Bill read third time.

Roll call on Senate Bill No. 121:

YEAS—21.

NAYS—None.

Senate Bill No. 121 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 191.

Bill read third time.

Remarks by Senator Manendo.

Senator Manendo requested that his remarks be entered in the Journal.

Senate Bill No. 191 repeals statutory provisions requiring that a person who operates a crematory for pets must also have a certificate of authority from the Nevada State Funeral Board to operate a cemetery for pets and to operate the crematory on the premises of the cemetery.

Roll call on Senate Bill No. 191:

YEAS—21.

NAYS—None.

Senate Bill No. 191 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 229.

Bill read third time.

Remarks by Senator Denis.

Senator Denis requested that his remarks be entered in the Journal.

Senate Bill No. 229 revises the requirements for the parental and family involvement policy that the State Board of Education must adopt. The elements and goals of the policy are revised to include: the promotion of an atmosphere for parents and families to visit the school that their children attend and feel welcomed, valued, and connected to the staff of the school, other parents and families, and to the education of their children; the promotion of regular, two-way meaningful communication among parents, families, and schools; the collaboration among parents, families, and schools to support learning by pupils and healthy development of pupils at home and school; empowerment of parents and families to advocate for their children and the children of other parents and families, ensuring fair treatment and access to learning opportunities that support pupil achievement; the promotion of an equal partnership between parents, families, and schools in making decisions that affect children, parents, and families; and the collaboration of parents, families, and schools within the community.

The number one factor in student success is parent involvement. In 2001, we adopted the original parent involvement standards. This is an update to those standards. There is a National Parent Teacher Association (PTA) standard and we urge your support. This is an important piece of the education process. We need to get the parents involved.

The bill is effective on July 1, 2011.

Roll call on Senate Bill No. 229:

YEAS—21.

NAYS—None.

Senate Bill No. 229 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 282.

Bill read third time.

Remarks by Senators Gustavson, Hardy and Wiener.

Senator Gustavson requested that the following remarks be entered in the Journal.

SENATOR GUSTAVSON:

Senate Bill No. 282 prohibits a person from intentionally posting or displaying in public the social security number of another person unless authorized to do so. A violation of this prohibition is a misdemeanor crime. The measure further authorizes that a civil cause of action may be brought by the victim against the offender, with the possible award of actual damages, attorney's fees, and related costs.

SENATOR HARDY:

Having been in the military, it was common in the medical clinic to ask for the person's "last four." The "last four" they were alluding to were the last four numbers of the social security number. Are the last four numbers of the social security number covered under this or does it allow the military to stay in keeping with the proposed law in the State of Nevada?

SENATOR GUSTAVSON:
Thank you, Senator, for the question. This has nothing to do with the "last four" which is being used frequently with credit cards, bank information etc. This would only apply if all numbers of your full social security number were used.

SENATOR WIENER:
Social security numbers are included in the statutory definition of "personal identifying information," and State law prohibits anyone from using this information to knowingly conduct unlawful acts such as identity theft, which is an issue we have worked on for several sessions in this Legislative body. However, current Nevada law does not protect social security numbers from being made public if there is no intent by the person who makes them public to steal someone's identity. This measure would protect social security numbers from being posted publicly.

Roll call on Senate Bill No. 282:
YEAS—21.
NAYS—None.

Senate Bill No. 282 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 10.
Bill read third time.
Roll call on Assembly Bill No. 10:
YEAS—21.
NAYS—None.

Assembly Bill No. 10 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 11.
Bill read third time.
Remarks by Senator Copening.
Senator Copening requested that her remarks be entered in the Journal.
Assembly Bill No. 11 adds the escape of an offender in the custody of the Department of Corrections to the list of crimes for which the Attorney General or a district attorney may apply for an order authorizing the interception of wire or oral communications.
The bill also revises the definition of "peace officer" to include the Department of Correction's Inspector General and criminal investigators for the purpose of submitting affidavits in support of applications for orders authorizing the use of certain devices to capture the telephone numbers of incoming and outgoing communications.

Roll call on Assembly Bill No. 11:
YEAS—21.
NAYS—None.

Assembly Bill No. 11 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 66.
Bill read third time.

Remarks by Senator McGinness.

Senator McGinness requested that his remarks be entered in the Journal.

Assembly Bill No. 66 requires a court to give persons whose records have been sealed, written notice that their right to bear arms has not been restored, unless they received a pardon and the pardon does not restrict that right. The bill provides that a person who receives an unconditional pardon has the right to bear arms, and if a pardon restores that right to a person, the pardon document must explicitly say so.

This measure also authorizes the State Board of Pardons Commissioners and its agents to inspect sealed records if the person who is the subject of the records has applied for a pardon.

Testimony indicated that, under the existing laws, only the State Board of Pardons Commissioners may restore a person's right to bear arms.

Roll call on Assembly Bill No. 66:

YEAS—21.

NAYS—None.

Assembly Bill No. 66 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103.

Bill read third time.

Remarks by Senator Settelmeyer.

Senator Settelmeyer requested that his remarks be entered in the Journal.

Assembly Bill No. 103 changes the qualifications for appointment to the Carson City Airport Authority: by expanding the eligible area for manufacturing representatives from the surrounding Airport industrial area to a 3-mile radius around the Airport; and if no qualified manufacturing representative comes forward, allowing the Carson City Board of Supervisors to appoint a member representing the general public.

Roll call on Assembly Bill No. 103:

YEAS—21.

NAYS—None.

Assembly Bill No. 103 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 186.

Bill read third time.

The following amendment was proposed by Senator McGinness:

Amendment No. 104.

"SUMMARY—Revises provisions relating to ~~[the recording of documents.]~~ **records.** (BDR 2-185)"

"AN ACT relating to ~~[the recording of documents;]~~ **records;** revising provisions governing the recording of civil judgments; requiring the recording of letters testamentary and letters of administration; revising provisions governing the recording of letters of guardianship; **revising provisions concerning the protection of certain personal identifying information included in certain records;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that when a certified abstract or copy of a civil judgment or decree is recorded in the office of the county recorder, it becomes a lien upon all nonexempt real property which is owned by the judgment debtor in that county or which the judgment debtor may afterward acquire. When a judgment creditor records the civil judgment or decree, the judgment creditor must also record an affidavit stating: (1) the name and address of the judgment debtor; (2) the judgment debtor's driver's license number and the state issuing that license or the last 4 numbers of the judgment debtor's social security number; and (3) the judgment debtor's date of birth. If any of this information is not known, the affidavit must state that fact. (NRS 17.150)

Section 1 of this bill revises the information which a judgment creditor must include in the affidavit when the judgment creditor records a civil judgment or decree. ~~[Under section 1, in addition to the name and address of the judgment debtor and information concerning the driver's license, identification card or social security number of the judgment debtor,]~~ **Rather than requiring the affidavit to include the judgment debtor's driver's license number or the last four digits of the debtor's social security number, section 1 requires the affidavit to include the last four digits of the judgment debtor's: (1) driver's license number; (2) identification card number; or (3) social security number. Under section 1,** the affidavit must **also** include: (1) the assessor's parcel number and the address of the judgment debtor's real property and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of that real property; and (2) if the lien will include a manufactured home or mobile home, the location and serial number of the manufactured home or mobile home and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of the manufactured home or mobile home. **Section 1** requires this information to be based on personal knowledge and removes the provision which allows the affiant to state that this information is unknown.

Under existing law, a lien on real property created by the recording of a civil judgment or decree continues for 6 years after the date the judgment or decree was docketed. The judgment and the lien may be renewed by: (1) filing an affidavit with the clerk of the court where the judgment is entered and docketed within 90 days before the date on which the judgment expires; and (2) recording that affidavit in the office of the county recorder within 3 days after the filing of the affidavit with the court clerk. (NRS 17.214) **Section 2** of this bill adds the document number of the recorded judgment to the information required to be included in the affidavit.

Section 3 of this bill requires letters testamentary, letters of administration with the will annexed, letters of special administration and letters of administration which are issued to the administrator, executor or personal

representative of the estate of a decedent to be recorded in the office of the recorder of each county in which real property of the estate is located.

Existing law requires a guardian of the estate of a ward to cause to be recorded, in the official records of each county in which real property of the ward is located, a court certified copy of the letters of guardianship. (NRS 159.087) **Section 4** of this bill requires the guardian to attach to the recorded copy a cover sheet which contains the guardian's name, address and telephone number and certain information concerning the property of the ward.

Section 5 of this bill amends existing law, which provides that the last four digits of a social security number are not subject to the security measures required for certain personal information, to provide that the last four digits of a driver's license number or identification card number are also not subject to such required security measures.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 17.150 is hereby amended to read as follows:

17.150 1. Immediately after filing a judgment roll, the clerk shall make the proper entries of the judgment, under appropriate heads, in the docket kept by the clerk, noting thereon the hour and minutes of the day of such entries.

2. A transcript of the original docket or an abstract or copy of any judgment or decree of a district court of the State of Nevada or the District Court or other court of the United States in and for the District of Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where the judgment or decree was rendered, may be recorded in the office of the county recorder in any county, and when so recorded it becomes a lien upon all the real property of the judgment debtor not exempt from execution in that county, owned by the judgment debtor at the time, or which the judgment debtor may afterward acquire, until the lien expires. The lien continues for 6 years after the date the judgment or decree was docketed, and is continued each time the judgment or decree is renewed, unless:

(a) The enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in the Nevada Rules of Appellate Procedure or by the Statutes of the United States, in which case the lien of the judgment or decree and any lien by virtue of an attachment that has been issued and levied in the actions ceases;

(b) The judgment is for arrearages in the payment of child support, in which case the lien continues until the judgment is satisfied;

(c) The judgment is satisfied; or

(d) The lien is otherwise discharged.

➥ The time during which the execution of the judgment is suspended by appeal, action of the court or defendant must not be counted in computing the time of expiration.

3. The abstract described in subsection 2 must contain the:

(a) Title of the court and the title and number of the action;

(b) Date of entry of the judgment or decree;

(c) Names of the judgment debtor and judgment creditor;

(d) Amount of the judgment or decree; and

(e) Location where the judgment or decree is entered in the minutes or judgment docket.

4. ~~[A]~~ ***In addition to recording the information described in subsection 2, a*** judgment creditor who records a judgment or decree ***for the purpose of creating a lien upon the real property of the judgment debtor pursuant to subsection 2*** shall record at that time an affidavit ***of judgment*** stating:

(a) The name and address of the judgment debtor;

(b) ~~[The]~~ ***If the judgment debtor is a natural person:***

(1) The last ~~*[4]*~~ ***four digits of the*** judgment debtor's driver's license number ***or identification card number*** and ***the*** state of issuance ***;*** or ~~[the]~~

(2) The last four digits of the judgment debtor's social security number; ~~[and]~~

(c) ~~[The judgment debtor's date of birth,~~

~~➥ if known to the judgment creditor. If any of the information is not known, the affidavit must include a statement of that fact.]~~ ***If the lien is against real property which the judgment debtor owns at the time the affidavit of judgment is recorded, the assessor's parcel number and the address of the real property and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of that real property; and***

(d) If a manufactured home or mobile home is included within the lien, the location and serial number of the manufactured home or mobile home and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of the manufactured home or mobile home.

➥ All information included in an affidavit of judgment recorded pursuant to this subsection must be based on the personal knowledge of the affiant, and not upon information and belief.

5. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "Mobile home" has the meaning ascribed to it in NRS 489.120.

Sec. 2. NRS 17.214 is hereby amended to read as follows:

17.214 1. A judgment creditor or a judgment creditor's successor in interest may renew a judgment which has not been paid by:

(a) Filing an affidavit with the clerk of the court where the judgment is entered and docketed, within 90 days before the date the judgment expires by limitation. The affidavit must ***be titled as an "Affidavit of Renewal of Judgment" and must*** specify:

(1) The names of the parties and the name of the judgment creditor's successor in interest, if any, and the source and succession of his or her title;

(2) If the judgment is recorded, the name of the county and the ***document number or the*** number and the page of the book in which it is recorded;

(3) The date and the amount of the judgment and the number and page of the docket in which it is entered;

(4) Whether there is an outstanding writ of execution for enforcement of the judgment;

(5) The date and amount of any payment on the judgment;

(6) Whether there are any setoffs or counterclaims in favor of the judgment debtor and the amount or, if a setoff or counterclaim is unsettled or undetermined it will be allowed as payment or credit on the judgment;

(7) The exact amount due on the judgment;

(8) If the judgment was docketed by the clerk of the court upon a certified copy from any other court, and an abstract recorded with the county clerk, the name of each county in which the transcript has been docketed and the abstract recorded; and

(9) Any other fact or circumstance necessary to a complete disclosure of the exact condition of the judgment.

➥ All information in the affidavit must be based on the personal knowledge of the affiant, and not upon information and belief.

(b) If the judgment is recorded, recording the affidavit of renewal in the office of the county recorder in which the original judgment is filed within 3 days after the affidavit of renewal is filed pursuant to paragraph (a).

2. The filing of the affidavit renews the judgment to the extent of the amount shown due in the affidavit.

3. The judgment creditor or the judgment creditor's successor in interest shall notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested, to the judgment debtor at his or her last known address within 3 days after filing the affidavit.

4. Successive affidavits for renewal may be filed within 90 days before the preceding renewal of the judgment expires by limitation.

Sec. 3. NRS 141.010 is hereby amended to read as follows:

141.010 ***1.*** Letters testamentary, letters of administration with the will annexed, letters of special administration and letters of administration must be signed by the clerk and under the seal of the court.

2. ***If the estate of a decedent includes real property, a copy of the letters testamentary, letters of administration with the will annexed, letters of special administration or letters of administration, certified by the clerk of the court, must be recorded in the office of the recorder of each county in which real property of the estate is located. A cover sheet must be attached to the copy of the letters and*** ~~*[must]*~~ **:**

(a) Must contain:

~~*[(a)]*~~ ***(1) The name*** ~~*[,]*~~ ***and address*** ~~*[and telephone number]*~~ ***of the administrator, executor or personal representative named in the letters;***

~~[(b)]~~ ***(2) The assessor's parcel number and the address of the real property of the estate; and***

~~[(c)]~~ ***(3) If the estate includes a manufactured home or mobile home, the location and serial number of the manufactured home or mobile home.***

(b) May contain the telephone number of the administrator, executor or personal representative named in the letters.

3. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "Mobile home" has the meaning ascribed to it in NRS 489.120.

Sec. 4. NRS 159.087 is hereby amended to read as follows:

159.087 ***1.*** Not later than 60 days after the date of the appointment of a guardian of the estate, the guardian shall ***record, or*** cause to be recorded, in the ~~[official records]~~ ***office*** of ***the recorder of*** each county in which real property of the ward is located , ~~[other than the county in which the guardian is appointed,]~~ a copy, certified by the clerk of the court, of the letters of guardianship.

2. The guardian shall attach, or cause to be attached, to the copy of the letters of guardianship recorded pursuant to subsection 1 a cover sheet containing:

(a) The name, address and telephone number of the guardian;

(b) The assessor's parcel number and the address of the real property of the ward; and

(c) If the estate of the ward includes a manufactured home or mobile home, the location and serial number of the manufactured home or mobile home.

3. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "Mobile home" has the meaning ascribed to it in NRS 489.120.

Sec. 5. **NRS 603A.040 is hereby amended to read as follows:**

603A.040 "Personal information" means a natural person's first name or first initial and last name in combination with any one or more of the following data elements, when the name and data elements are not encrypted:

1. Social security number.
2. Driver's license number or identification card number.
3. Account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person's financial account.

➥ The term does not include the last four digits of a social security number , ***the last four digits of a driver's license number or the last four digits of an identification card number*** or publicly available information that is lawfully made available to the general public.

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Senator McGinness requested that his remarks be entered in the Journal.

This amendment changes section 1 of the bill so that the judgment debtor's date of birth is no longer required in the affidavit. It also adds the last four numbers of a driver's license number or identification card number to personal information that is not subject to certain security measures. The last four digits of a social security number are already not subject to those measures.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Emilie Weiss and Mariah West.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Dustin Denis and Dee John.

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Haley Stokes and Tim Tollefson.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Stephenie Nieri and Matt Sanguinetti.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to the following principal, chaperones and students from the Mount Rose Elementary School: principal; Krissy Brown; chaperones: Karen Utley, Bill Langley, Robert Helvey; students: Ana Campos Rosales, Elora Collins, Amanda Covey, Christina De La Rosa, Mykaila Del Rosario, Luis Esquivel, Olivia Fahlgren, Isabella Fraley, Elvis Franchini, Erica Gonzalez, Lielani Green, Kilala Hall, Francisco Guada Haro, Nickolas Helvey, Spencer Janes, Machaela McGahn, Ameerah McLeod, Alexander Mejia Hernandez, Kennedy Millentree, Isaiah Montgomery, Karson Nakagawa, Jamie Nelson, Malcolm Ohair, Eliana Ornelas, Cameron Phillips, Arden Pullin, Haidee Ramirez Villa, Daisy Reyes, Gianna Romero, Avilio Sandoval Hernandez, Sunday Sasser, Ethan Simkins, Logan Stoltz, Jessica Stuart, Andrew Thompson, Robert Underwood and Sahara Wilcock.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Jessica Sherwood and William Cisco.

Senator Wiener moved that the Senate adjourn until Monday, April 4, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:53 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), April 4, 2011

Senate called to order at 11:12 a.m.

President Pro Tempore Schneider presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Larry Unterseher.

Almighty God, humbly we pray for power from heaven, that for this day, You will give these dedicated women and men wisdom, strength and skill to do their appointed tasks.

We pray they will not grow weary in doing good, even when meetings are many and long and the labor seems thankless.

Help each of these willing servants to both protect this State we love and to help move her people forward in the continuing quest of making Nevada the greatest State in the Nation.

We pray these things in Your most Holy and precious Name.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 207, 208, 242, 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 301, 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 27, 97, 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 423, 429, 437, 447, 452, 471, 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

ALLISON COPENING, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 6, 25, 29, 67, 72, 89, 101, 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VALERIE WIENER, *Chair*

Mr. President:

Also, your Committee on Natural Resources, to which were referred Senate Joint Resolutions Nos. 3, 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Your Committee on Natural Resources, to which was referred Senate Bill No. 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

Mr. President:

Your Committee on Revenue, to which were referred Senate Bills Nos. 13, 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

April 4, 2011

THE HONORABLE ASSEMBLYMAN JOHN OCEGUERA

Legislative Building, 401 S. Carson Street, Carson City, Nevada 89701

RE: Assembly Bill No. 183 of the 76th Legislative Session

DEAR SPEAKER OCEGUERA:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill No. 183, which is entitled.

AN ACT relating to school districts; revising the provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district; and providing other matters properly relating thereto.

This bill relates to the maintenance of reserve accounts established to support the repayment of school bonds. It proposes to reduce the amount of money held in those accounts in order to facilitate school improvements. Supporters of the bill assert that it will result not only in an improved educational environment for the State's children, but in an increased number of construction jobs as well.

The bill has merit; a quality educational environment is important to the success of our students, and our State has far too many unemployed construction workers. But the condition of our schools and the struggles of the construction industry are not the only challenges we confront. Indeed, with and unemployment rate of 13.6 percent and the Nation's worst graduation rates, rarely has our State been so severely tested. In the face of such difficulty, we cannot afford to be parochial. Instead, we must pursue policies that present the greatest chance of success to the greatest number of Nevadans.

Improving the quality of instruction our children receive and fostering the success of workers across our economy are essential steps in moving the State forward. Because this bill makes it harder to do these things, I will veto it. In appropriating bond reserve money for construction, proponents of the bill have reduced the amount of funds available for classroom instruction by approximately $301 million. Along the way, they have misleadingly cited those who voted for the issuance of school bonds in the past as supporting their cause today, unfairly attributing to them their narrow view. What is more, they have failed to provide an accounting of the cost of this bill.

If these reductions stand, they will necessarily result in deeper cuts—cuts that will cost over 5,000 teachers their jobs. Alternatively Assembly Bill No. 183 will require a new tax at a point when our economy is presenting limited but promising signs of recovery. This bill justifies neither choice. I therefore exercise my constitutional grant of authority to veto Assembly Bill No. 183, and return the bill to you without my signature.

Sincere regards,

BRIAN SANDOVAL

Governor of Nevada

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 31, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 53.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, April 1, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 113, 174, 201.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Copening moved that Senate Bills Nos. 423, 429, 437, 447, 452, 471, 480 be re-referred to the Committee on Finance.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 53.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 113.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 174.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 201.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 22.

"SUMMARY—Revises provisions relating to industrial insurance and the Uninsured Employers' Claim Account. (BDR 53-476)"

"AN ACT relating to industrial insurance; establishing provisions for the collection of certain amounts owed to the Division of Industrial Relations of

the Department of Business and Industry for payments from the Uninsured Employers' Claim Account; revising provisions governing the penalty for failure to provide mandatory industrial insurance; prohibiting certain conduct by persons who fail to pay **certain** amounts owed to the Division **;** ~~[for payments from the Uninsured Employers' Claim Account; providing a penalty;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Sections 1 and 5 of this bill establish a process whereby the Division of Industrial Relations of the Department of Business and Industry may apply for the entry of summary judgment against an employer who fails to pay to the Division an amount owed for payments from the Uninsured Employers' Claim Account which were paid on behalf of that employer. **Sections 1 and 5** also provide that, upon entry of summary judgment, the Division may record the summary judgment with the recorder of any county and the judgment constitutes a lien against all real and personal property of the employer that is located in the county. The duration of the lien is 6 years, and the lien may be extended for additional 6-year periods. **Section 7** of this bill provides that the provisions of **sections 1 and 5** apply to certain amounts owed to the Division on or after July 1, 2011.

Existing law provides general penalties for failure to comply with the provisions of law governing the provision of industrial insurance, including, without limitation, the imposition of an administrative fine of not more than $15,000 for failure to provide and maintain mandatory coverage. (NRS 616D.120, 616D.200) **Section 2** of this bill deletes a redundant provision that authorized the imposition of an administrative fine of $10,000 against an employer who failed to provide such coverage.

Section 4 of this bill prohibits the owner of a business that owes money to the Division for **certain unpaid administrative fines, benefit penalties, unpaid premiums or interest or** payments from the Uninsured Employers' Claim Account from becoming, or inducing or procuring another person to become, the owner of a similar business and prohibits a person from knowingly aiding or abetting such conduct. A ~~[violation is punishable as a gross misdemeanor, and in addition, the]~~ person who commits ~~[the]~~ **such a** violation is liable for the costs associated with investigating and acting upon that conduct. **Section 4 also revises provisions which prohibit a private carrier from knowingly insuring any business which engages in such conduct by expanding the prohibition to apply to the following insurers: (1) a self-insured employer; (2) an association of self-insured public employers; (3) an association of self-insured private employers; and (4) a private carrier.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, if an employer fails to pay to the Division any amount due pursuant to NRS 616C.220, the Division may, after the date on which the debt became due, file with the office of the clerk of a court of competent jurisdiction an application for the entry of summary judgment against the employer for the amount due. The Division may not ~~*[file an application for the entry of summary]*~~ ***enforce a judgment against an employer if an appeal requested by the employer pursuant to NRS 616C.220 is pending.***

2. If the Division intends to file an application for the entry of summary judgment, the Division shall, not less than 15 days before the date on which the application is filed, notify the employer of the Division's intention to file the application. The notification must be sent by certified mail to the last known address of the employer and must include the name of the employee for whom the claim was paid, the amount sought to be recovered and the date on which the application will be filed with the court.

3. An application for the entry of summary judgment must:

(a) Be accompanied by a certificate which specifies:

(1) The amount owed by the employer, including any attorney's fees, interest and administrative costs due;

(2) The name and address of the employer; and

(3) That the Division has complied with the applicable provisions of law relating to the determination of the amount required to be paid; and

(b) Include:

(1) A request that judgment be entered against the employer for the amount specified in the certificate; and

(2) Evidence that the employer was notified of the application for the entry of summary judgment in accordance with subsection 2.

4. The court clerk, upon the filing of an application for the entry of summary judgment which complies with the requirements set forth in this section, shall forthwith enter a judgment against the employer in the amount of the debt, plus any attorney's fees, interest and administrative costs, as set forth in the certificate. The Division shall serve a copy of the judgment, together with a copy of the application and the certificate, upon the employer against whom the judgment is entered, either by personal service or by mailing a copy to the last known address of the employer.

5. An abstract of the judgment entered pursuant to subsection 4, or a copy thereof, may be recorded in the office of the county recorder of any county.

6. From the time of its recordation, the judgment constitutes a lien upon all real and personal property situated in the county that is owned by the employer, or which the employer may afterward acquire, until the lien expires. The lien has the force, effect and priority of a judgment lien and continues for 6 years after the date of the judgment so entered by the court clerk unless sooner released or otherwise discharged.

7. Within 6 years after the date of the recording of the judgment or within 6 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by recording an affidavit of renewal in the office of the county recorder. From the date of recording, the lien is extended for 6 years to all real and personal property situated in the county that is owned by the employer or acquired by the employer afterwards, unless the lien is sooner released or otherwise discharged.

Sec. 2. NRS 616C.220 is hereby amended to read as follows:

616C.220 1. The Division shall designate one:

(a) Third-party administrator who has a valid certificate issued by the Commissioner pursuant to NRS 683A.085; or

(b) Insurer, other than a self-insured employer or association of self-insured public or private employers,

➥ to administer claims against the Uninsured Employers' Claim Account. The designation must be made pursuant to reasonable competitive bidding procedures established by the Administrator.

2. Except as otherwise provided in this subsection, an employee may receive compensation from the Uninsured Employers' Claim Account if:

(a) The employee was hired in this State or is regularly employed in this State;

(b) The employee suffers an accident or injury which arises out of and in the course of his or her employment:

(1) In this State; or

(2) While on temporary assignment outside the State for not more than 12 months;

(c) The employee files a claim for compensation with the Division; and

(d) The employee makes an irrevocable assignment to the Division of a right to be subrogated to the rights of the injured employee pursuant to NRS 616C.215.

➥ An employee who suffers an accident or injury while on temporary assignment outside the State is not eligible to receive compensation from the Uninsured Employers' Claim Account unless the employee has been denied workers' compensation in the state in which the accident or injury occurred.

3. If the Division receives a claim pursuant to subsection 2, the Division shall immediately notify the employer of the claim.

4. For the purposes of this section ~~[,]~~ ***and section 1 of this act,*** the employer has the burden of proving that the employer provided mandatory industrial insurance coverage for the employee or that the employer was not required to maintain industrial insurance for the employee.

5. Any employer who has failed to provide mandatory coverage required by the provisions of chapters 616A to 616D, inclusive, of NRS is liable for all payments made on behalf of the employer, including any benefits, administrative costs or attorney's fees paid from the Uninsured Employers' Claim Account or incurred by the Division.

6. The Division:

(a) May recover from the employer the payments made by the Division that are described in subsection 5 and any accrued interest by bringing a civil action ***or filing an application for the entry of summary judgment pursuant to section 1 of this act*** in a court of competent jurisdiction. For the purposes of this paragraph, the payments made by the Division that are described in subsection 5 are presumed to be:

(1) Justified by the circumstances of the claim;

(2) Made in accordance with applicable law; and

(3) Reasonable and necessary.

(b) In any civil action ~~[brought]~~ ***or application for the entry of summary judgment filed pursuant to section 1 of this act*** against the employer, is not required to prove that negligent conduct by the employer was the cause of the employee's injury.

(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.

(d) In lieu of a civil action ~~[,]~~ ***or filing an application for the entry of summary judgment pursuant to section 1 of this act,*** may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.

7. The Division shall:

(a) Determine whether the employer was insured within 30 days after receiving notice of the claim from the employee.

(b) Assign the claim to the third-party administrator or insurer designated pursuant to subsection 1 for administration and payment of compensation.

➥ Upon determining whether the claim is accepted or denied, the designated third-party administrator or insurer shall notify the injured employee, the named employer and the Division of its determination.

8. Upon demonstration of the:

(a) Costs incurred by the designated third-party administrator or insurer to administer the claim or pay compensation to the injured employee; or

(b) Amount that the designated third-party administrator or insurer will pay for administrative expenses or compensation to the injured employee and that such amounts are justified by the circumstances of the claim,

➥ the Division shall authorize payment from the Uninsured Employers' Claim Account.

9. Any party aggrieved by a determination made by the Division regarding the assignment of any claim made pursuant to this section may appeal that determination by filing a notice of appeal with an appeals officer within 30 days after the determination is rendered. The provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this subsection.

10. Any party aggrieved by a determination to accept or to deny any claim made pursuant to this section or by a determination to pay or to deny the payment of compensation regarding any claim made pursuant to this section may appeal that determination, within 70 days after the determination

is rendered, to the Hearings Division of the Department of Administration in the manner provided by NRS 616C.305 and 616C.315.

11. All insurers shall bear a proportionate amount of a claim made pursuant to chapters 616A to 616D, inclusive, of NRS, and are entitled to a proportionate amount of any collection made pursuant to this section as an offset against future liabilities.

12. An uninsured employer is liable for the interest on any amount paid on his or her claims from the Uninsured Employers' Claim Account. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the account until payment is received by the Division from the employer.

13. Attorney's fees recoverable by the Division pursuant to this section must be:

(a) If a private attorney is retained by the Division, paid at the usual and customary rate for that attorney.

(b) If the attorney is an employee of the Division, paid at the rate established by regulations adopted by the Division.

➥ Any money collected must be deposited to the Uninsured Employers' Claim Account.

14. ~~[In addition to any other liabilities provided for in this section, the Administrator may impose an administrative fine of not more than $10,000 against an employer if the employer fails to provide mandatory coverage required by the provisions of chapters 616A to 616D, inclusive, of NRS.~~

~~15.]~~ If the Division ***has not obtained a civil judgment or an entry of summary judgment pursuant to section 1 of this act and the Division*** assigns a debt that arises under this section to the State Controller for collection pursuant to NRS 353C.195, the State Controller may bring an action in his or her own name in a court of competent jurisdiction to recover any amount that the Division is authorized to recover pursuant to this section.

Sec. 3. NRS 616D.200 is hereby amended to read as follows:

616D.200 1. If the Administrator finds that an employer within the provisions of NRS 616B.633 has failed to provide and secure compensation as required by the terms of chapters 616A to 616D, inclusive, or chapter 617 of NRS or that the employer has provided and secured that compensation but has failed to maintain it, the Administrator shall make a determination thereon and may charge the employer an amount equal to the sum of:

(a) The premiums that would otherwise have been owed to a private carrier pursuant to the terms of chapters 616A to 616D, inclusive, or chapter 617 of NRS, as determined by the Administrator based upon the manual rates adopted by the Commissioner, for the period that the employer

was doing business in this State without providing, securing or maintaining that compensation, but not to exceed 6 years; and

(b) Interest at a rate determined pursuant to NRS 17.130 computed from the time that the premiums should have been paid.

➥ The money collected pursuant to this subsection must be paid into the Uninsured Employers' Claim Account.

2. The Administrator shall deliver a copy of his or her determination to the employer. An employer who is aggrieved by the determination of the Administrator may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

3. Any employer within the provisions of NRS 616B.633 who fails to provide, secure or maintain compensation as required by the terms of chapters 616A to 616D, inclusive, or chapter 617 of NRS, shall be punished as follows:

(a) Except as otherwise provided in paragraph (b), if it is a first offense, for a misdemeanor.

(b) If it is a first offense and, during the period the employer was doing business in this State without providing, securing or maintaining compensation, one of his or her employees suffers an injury arising out of and in the course of his or her employment that results in substantial bodily harm to the employee or the death of the employee, for a category C felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and by a fine of not less than $1,000 nor more than $50,000.

(c) If it is a second or subsequent offense committed within 7 years after the previous offense, for a category C felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and by a fine of not less than $1,000 nor more than $50,000.

4. In addition to any other penalty imposed pursuant to paragraph (b) or (c) of subsection 3, the court shall order the employer to:

(a) Pay restitution to an insurer who has incurred costs as a result of the violation in an amount equal to the costs that have been incurred minus any costs incurred that have otherwise been recovered; and

(b) Reimburse the Uninsured Employers' Claim Account for all payments made from the account on the employer's behalf, including any benefits, administrative costs or attorney's fees paid from the account, that have not otherwise been recovered pursuant to NRS 616C.220 ~~,~~ ***or 617.401, or included in a civil judgment or a summary judgment entered pursuant to section 1 or 5 of this act.***

5. Any criminal penalty imposed pursuant to subsections 3 and 4 must be in addition to the amount charged pursuant to subsection 1.

Sec. 4. NRS 616D.210 is hereby amended to read as follows:

616D.210 1. Any person who:

(a) Is the legal or beneficial owner of 25 percent or more of a business which terminates operations while owing a premium, interest or penalty to a private carrier and becomes, or induces or procures another person to become, the legal or beneficial owner of 25 percent or more of a new business engaging in similar operations; or

(b) Knowingly aids or abets another person in carrying out such conduct,

➥ is liable in a civil action for the payment of any premium, interest and penalties owed to the private carrier and the reasonable costs incurred by the private carrier to investigate and act upon such conduct.

2. ~~[The]~~ ***Any person who:***

(a) Is the legal or beneficial owner of 25 percent or more of a business which terminates operations while owing money to the Division for any unpaid administrative fine imposed or benefit penalty ordered pursuant to NRS 616D.120, unpaid premium or interest charged pursuant to NRS 616D.200 or payments made from the Uninsured Employers' Claim Account pursuant to NRS 616C.220 or 617.401, including attorney's fees, administrative costs, interest or penalties, and becomes, or induces or procures another person to become, the legal or beneficial owner of 25 percent or more of a new business engaging in similar operations; or

(b) Knowingly aids or abets another person in carrying out such conduct, ➥ ~~*[is guilty of a gross misdemeanor and, in addition,]*~~ ***is liable for the payment of any amount owed to the Division and the reasonable costs incurred by the Division to investigate and act upon such conduct.***

3. ~~*[A private carrier]*~~ ***An insurer*** shall not knowingly insure any business which engages in the conduct described in ~~[subsection]~~ ***:***

(a) Subsection 1 unless the premium and any interest and penalties owed to the prior insurer have been paid to that insurer ~~[.~~

~~3.]~~ ***; or***

(b) Subsection 2 unless the amount due the Division pursuant to NRS 616C.220 , 616D.120, 616D.200 or 617.401, including any attorney's fees, administrative costs, interest and penalties, has been paid to the Division.

4. As used in this section, "business" includes, but is not limited to, a firm, sole proprietorship, general or limited partnership, voluntary association or private corporation.

Sec. 5. Chapter 617 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, if an employer fails to pay to the Division any amount due pursuant to NRS 617.401, the Division may, after the date on which the debt became due, file with the office of the clerk of a court of competent jurisdiction an application for the entry of summary judgment against the employer for the amount due. The Division may not ~~*[file an application for the entry of summary]*~~ ***enforce a judgment against an employer if an appeal requested by the employer pursuant to NRS 617.401 is pending.***

2. If the Division intends to file an application for the entry of summary judgment, the Division shall, not less than 15 days before the date on which the application is filed, notify the employer of the Division's intention to file the application. The notification must be sent by certified mail to the last known address of the employer and must include the name of the employee for whom the claim was paid, the amount sought to be recovered and the date on which the application will be filed with the court.

3. An application for the entry of summary judgment must:

(a) Be accompanied by a certificate which specifies:

(1) The amount owed by the employer, including any attorney's fees, interest and administrative costs due;

(2) The name and address of the employer; and

(3) That the Division has complied with the applicable provisions of law relating to the determination of the amount required to be paid; and

(b) Include:

(1) A request that judgment be entered against the employer for the amount specified in the certificate; and

(2) Evidence that the employer was notified of the application for the entry of summary judgment in accordance with subsection 2.

4. The court clerk, upon the filing of an application for the entry of summary judgment which complies with the requirements set forth in this section, shall forthwith enter a judgment against the employer in the amount of the debt, plus any attorney's fees, interest and administrative costs, as set forth in the certificate. The Division shall serve a copy of the judgment, together with a copy of the application and the certificate, upon the employer against whom the judgment is entered, either by personal service or by mailing a copy to the last known address of the employer.

5. An abstract of the judgment entered pursuant to subsection 4, or a copy thereof, may be recorded in the office of the county recorder of any county.

6. From the time of its recordation, the judgment constitutes a lien upon all real and personal property situated in the county that is owned by the employer, or which the employer may afterward acquire, until the lien expires. The lien has the force, effect and priority of a judgment lien and continues for 6 years after the date of the judgment so entered by the court clerk unless sooner released or otherwise discharged.

7. Within 6 years after the date of the recording of the judgment or within 6 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by recording an affidavit of renewal in the office of the county recorder. From the date of recording, the lien is extended for 6 years to all real and personal property situated in the county that is owned by the employer or acquired by the employer afterwards, unless the lien is sooner released or otherwise discharged.

Sec. 6. NRS 617.401 is hereby amended to read as follows:

617.401 1. The Division shall designate one:

(a) Third-party administrator who has a valid certificate issued by the Commissioner pursuant to NRS 683A.085; or

(b) Insurer, other than a self-insured employer or association of self-insured public or private employers,

➥ to administer claims against the Uninsured Employers' Claim Account. The designation must be made pursuant to reasonable competitive bidding procedures established by the Administrator.

2. Except as otherwise provided in this subsection, an employee may receive compensation from the Uninsured Employers' Claim Account if:

(a) The employee was hired in this State or is regularly employed in this State;

(b) The employee contracts an occupational disease that arose out of and in the course of employment:

(1) In this State; or

(2) While on temporary assignment outside the State for not more than 12 months;

(c) The employee files a claim for compensation with the Division; and

(d) The employee makes an irrevocable assignment to the Division of a right to be subrogated to the rights of the employee pursuant to NRS 616C.215.

➥ An employee who contracts an occupational disease that arose out of and in the course of employment while on temporary assignment outside the State is not entitled to receive compensation from the Uninsured Employers' Claim Account unless the employee has been denied workers' compensation in the state in which the disease was contracted.

3. If the Division receives a claim pursuant to subsection 2, the Division shall immediately notify the employer of the claim.

4. For the purposes of this section ~~[,]~~ ***and section 5 of this act,*** the employer has the burden of proving that the employer provided mandatory coverage for occupational diseases for the employee or that the employer was not required to maintain industrial insurance for the employee.

5. Any employer who has failed to provide mandatory coverage required by the provisions of this chapter is liable for all payments made on behalf of the employer, including, but not limited to, any benefits, administrative costs or attorney's fees paid from the Uninsured Employers' Claim Account or incurred by the Division.

6. The Division:

(a) May recover from the employer the payments made by the Division that are described in subsection 5 and any accrued interest by bringing a civil action ***or filing an application for the entry of summary judgment pursuant to section 5 of this act*** in a court of competent jurisdiction. For the purposes of this paragraph, the payments made by the Division that are described in subsection 5 are presumed to be:

(1) Justified by the circumstances of the claim;

(2) Made in accordance with applicable law; and

(3) Reasonable and necessary.

(b) In any civil action ~~[brought]~~ ***or application for the entry of summary judgment filed pursuant to section 5 of this act*** against the employer, is not required to prove that negligent conduct by the employer was the cause of the occupational disease.

(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.

(d) In lieu of a civil action ~~[,]~~ ***or filing an application for the entry of summary judgment pursuant to section 5 of this act,*** may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.

7. The Division shall:

(a) Determine whether the employer was insured within 30 days after receiving the claim from the employee.

(b) Assign the claim to the third-party administrator or insurer designated pursuant to subsection 1 for administration and payment of compensation.

➥ Upon determining whether the claim is accepted or denied, the designated third-party administrator or insurer shall notify the injured employee, the named employer and the Division of its determination.

8. Upon demonstration of the:

(a) Costs incurred by the designated third-party administrator or insurer to administer the claim or pay compensation to the injured employee; or

(b) Amount that the designated third-party administrator or insurer will pay for administrative expenses or compensation to the injured employee and that such amounts are justified by the circumstances of the claim,

➥ the Division shall authorize payment from the Uninsured Employers' Claim Account.

9. Any party aggrieved by a determination made by the Division regarding the assignment of any claim made pursuant to this section may appeal that determination by filing a notice of appeal with an appeals officer within 30 days after the determination is rendered. The provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this subsection.

10. Any party aggrieved by a determination to accept or to deny any claim made pursuant to this section or by a determination to pay or to deny the payment of compensation regarding any claim made pursuant to this section may appeal that determination, within 70 days after the determination is rendered, to the Hearings Division of the Department of Administration in the manner provided by NRS 616C.305 and 616C.315.

11. All insurers shall bear a proportionate amount of a claim made pursuant to this chapter, and are entitled to a proportionate amount of any collection made pursuant to this section as an offset against future liabilities.

12. An uninsured employer is liable for the interest on any amount paid on his or her claims from the Uninsured Employers' Claim Account. The interest must be calculated at a rate equal to the prime rate at the largest bank

in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the Account until payment is received by the Division from the employer.

13. Attorney's fees recoverable by the Division pursuant to this section must be:

(a) If a private attorney is retained by the Division, paid at the usual and customary rate for that attorney.

(b) If the attorney is an employee of the Division, paid at the rate established by regulations adopted by the Division.

➥ Any money collected must be deposited to the Uninsured Employers' Claim Account.

14. ~~[In addition to any other liabilities provided for in this section, the Administrator may impose an administrative fine of not more than $10,000 against an employer if the employer fails to provide mandatory coverage required by the provisions of this chapter.~~

~~15.]~~ If the Division ***has not obtained a civil judgment or an entry of summary judgment pursuant to section 5 of this act and the Division*** assigns a debt that arises under this section to the State Controller for collection pursuant to NRS 353C.195, the State Controller may bring an action in his or her own name in a court of competent jurisdiction to recover any amount that the Division is authorized to recover pursuant to this section.

Sec. 7. 1. The amendatory provisions of section 1 of this act apply to any amount owed by an employer on or after July 1, 2011, to the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 616C.220, including, without limitation, any amount owed for payments made from the Uninsured Employers' Claim Account and for any attorney's fees, interest and administrative costs.

2. The amendatory provisions of section 5 of this act apply to any amount owed by an employer on or after July 1, 2011, to the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 617.401, including, without limitation, any amount owed for payments made from the Uninsured Employers' Claim Account and for any attorney's fees, interest and administrative costs.

Sec. 8. This act becomes effective on July 1, 2011.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Senator Parks requested that his remarks be entered in the Journal.

Amendment No. 22 to Senate Bill No. 63 restores references to the authority of the Division of Industrial Relations to bring a civil action to recover certain payments due from employers.

The amendment also specifies the particular types of payments owed to the Division that can result in a civil action against certain persons who seek to evade or help other employers evade payment of those obligations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 72.

"SUMMARY—Revises provisions governing the Nevada Youth Legislature. (BDR 34-9)"

"AN ACT relating to education; revising certain provisions governing the Nevada Youth Legislature; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the creation, membership, powers and duties of the Nevada Youth Legislature. (NRS 385.505-385.575) **Sections 6 and 16** of this bill provide for the creation of a nonprofit corporation, with a Board of Directors appointed by the Legislative Commission, to provide educational programs and opportunities and administer and oversee the activities of the Youth Legislature. Pursuant to **sections 6, 9-12 and 16** of this bill, the Board, working cooperatively with the Legislative Counsel Bureau, assumes most of the duties currently performed by the Bureau and the Director of the Bureau. **Sections 5 and 14** of this bill provide for the creation of the Nevada Youth Legislature Fund, into which gifts, grants, donations and legislative appropriations must be deposited and from which the expenses and operations of the Youth Legislature are paid. **Section 8** of this bill increases the term of a member of the Youth Legislature from 1 year to 2 years, with the possibility of a single, successive 2-year reappointment if the member continues to meet the qualifications for initial appointment. **Section 9** of this bill provides that if a member of the Youth Legislature changes his or her residency or school of enrollment in such a manner as to render the member ineligible for his or her original appointment, the member must so inform the Board, in writing, of that fact. **Section 9** also expands the eligibility requirements to allow pupils in grade 9 to apply for appointment to the Youth Legislature. **Section 10** of this bill sets forth that: (1) the position of a member of the Youth Legislature becomes vacant upon the unexcused absence of the member from any two official, scheduled meetings, courses, events, seminars or activities of the Youth Legislature; and (2) insofar as is practicable, a vacancy on the Youth Legislature must be filled within 30 days after the date on which the vacancy occurs. **Section 12** of this bill provides that, in addition to conducting at least one meeting, each member of the Youth Legislature must perform such other activities relating to the Youth Legislature as may be assigned by the Board. **Section 15** of this bill extends the date of reversion for the initial appropriation made to the Youth Legislature in 2007 from 2011 to 2013.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in NRS 385.505 to 385.575, inclusive, and sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 385.505 and sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Board" means the Board of Directors described in subsection 2 of section 6 of this act.***

Sec. 4. ***"Fund" means the Nevada Youth Legislature Fund created by section 5 of this act.***

Sec. 5. ***1. There is hereby created as a special revenue fund in the State Treasury the Nevada Youth Legislature Fund.***

2. Money for the Fund must be provided:

(a) By direct legislative appropriation; and

(b) Through the acceptance of gifts, grants and donations as authorized pursuant to paragraph (c) of subsection 2 of NRS 385.545.

3. The Fund must be administered by the Board.

4. The money in the Fund may be used only:

(a) For the educational programs and operations of the Youth Legislature;

(b) To provide administrative support for the Youth Legislature;

(c) To pay for expenses directly related to the Youth Legislature; and

(d) For such other purposes directly related to the Youth Legislature as the Board may approve.

5. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

6. Any money remaining in the Nevada Youth Legislature Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Nevada Youth Legislature Fund must be carried forward to the next fiscal year.

7. Each year, the Board shall submit an itemized statement of the income and expenditures for the Fund to the Legislative Commission.

Sec. 6. ***1. The Youth Legislature must be administered by a corporation for public benefit, as that term is defined in NRS 82.021, which must include providing educational programs and opportunities as its primary organizational goal.***

2. The corporation for public benefit must be governed by a Board of Directors consisting of ~~[five]~~ seven members appointed by the Legislative Commission.

3. A member of the Board serves a term of 2 years and until his or her successor is appointed. A member of the Board may be reappointed.

4. The members of the Board shall elect a Chair and a Vice Chair from among their number. The term of office of the Chair and the Vice Chair is 1 year.

5. The Board:

(a) Shall administer the provisions of NRS 385.505 to 385.575, inclusive, and sections 2 to 6, inclusive, of this act.

(b) Shall administer the Fund.

(c) May provide to the Youth Legislature such administrative, financial and other support and guidance as the Board may determine to be necessary or appropriate.

(d) May employ one or more persons to provide administrative support for the Youth Legislature or pay the costs incurred by one or more volunteers to provide any required administrative support.

(e) Shall oversee the activities of the Youth Legislature.

(f) May solicit and accept gifts, grants and donations from any source to provide educational programs and opportunities and for the support of the Youth Legislature in carrying out the provisions of NRS 385.505 to 385.575, inclusive, and sections 2 to 6, inclusive, of this act. Any such gifts, grants and donations must be deposited in the Fund.

(g) May perform such other functions in whatever manner the Board determines will best serve the interests of this State and the Youth Legislature.

Sec. 7. NRS 385.505 is hereby amended to read as follows:

385.505 ~~[As used in NRS 385.505 to 385.575, inclusive,]~~ "Youth Legislature" means the Nevada Youth Legislature created by NRS 385.515.

Sec. 8. NRS 385.515 is hereby amended to read as follows:

385.515 1. The Nevada Youth Legislature is hereby created, consisting of 21 members.

2. Each member of the Senate shall, taking into consideration any recommendations made by a member of the Assembly, appoint a person who submits an application and meets the qualifications for appointment set forth in NRS 385.525. A member of the Assembly may submit recommendations to a member of the Senate concerning the appointment.

3. After the initial terms:

(a) Except as otherwise provided in subsection 4, appointments to the Youth Legislature must be made by each member of the Senate before March 30 of each year.

(b) The term of each member of the Youth Legislature begins June 1 of the year of appointment.

4. If a member of the Senate does not make an appointment to the Youth Legislature by March 30 of a year, the members of the Assembly whose assembly districts are at least partially located within the senatorial district of that member of the Senate must collaborate to appoint a person who submits an application and meets the qualifications for appointment set forth in NRS 385.525.

5. Each member of the Youth Legislature serves a term of ~~[1 year]~~ ***2 years*** and may be reappointed ***to one successive 2-year term*** if the member continues to meet the qualifications for appointment set forth in NRS 385.525.

Sec. 9. NRS 385.525 is hereby amended to read as follows:

385.525 1. To be eligible for appointment to the Youth Legislature, a person:

(a) Must be:

(1) A resident of the senatorial district of the Senator who appoints him or her;

(2) Enrolled in a public school or private school located in the senatorial district of the Senator who appoints him or her; or

(3) A homeschooled child who is otherwise eligible to be enrolled in a public school in the senatorial district of the Senator who appoints him or her;

(b) Must be enrolled in a public school or private school in this State in grade ***9,*** 10, 11 or 12 for the school year in which he or she serves or be a homeschooled child who is otherwise eligible to enroll in a public school in this State in grade ***9,*** 10, 11 or 12 for the school year in which he or she serves; and

(c) Must not be related by blood, adoption or marriage within the third degree of consanguinity or affinity to the Senator who appoints him or her or to any member of the Assembly who collaborated to appoint him or her.

2. ***If, at any time, a person appointed to the Youth Legislature changes his or her residency or changes his or her school of enrollment in such a manner as to render the person ineligible under his or her original appointment, the person shall inform the Board, in writing, within 30 days after becoming aware of such changed facts.***

3. A person who wishes to be appointed or reappointed to the Youth Legislature must submit an application on the form prescribed pursuant to subsection ~~[3]~~ ***4*** to the Senator of the senatorial district in which the person resides, is enrolled in a public school or private school or, if the person is a homeschooled child, the senatorial district in which he or she is otherwise eligible to be enrolled in a public school. A person may not submit an application to more than one Senator in a calendar year.

~~[3.]~~ ***4.*** The ~~[Director of the Legislative Counsel Bureau]~~ ***Board*** shall prescribe a form for applications submitted pursuant to this section, which must require the signature of the principal of the school in which the applicant is enrolled or, if the applicant is a homeschooled child, the signature of a member of the community in which the applicant resides other than a relative of the applicant.

Sec. 10. NRS 385.535 is hereby amended to read as follows:

385.535 1. A position on the Youth Legislature becomes vacant upon:

(a) The death or resignation of a member.

(b) The absence of a member for any reason from ~~[two]~~ ***:***

(1) Two meetings of the Youth Legislature***, including, without limitation, meetings conducted in person, meetings conducted by teleconference, meetings conducted by videoconference and meetings conducted by other electronic means;***

(2) Two activities of the Youth Legislature;

(3) Two event days of the Youth Legislature; or

(4) Any combination of absences from meetings, activities or event days of the Youth Legislature, if the combination of absences therefrom equals two or more,

➥ unless ***the absences are, as applicable,*** excused by the Chair ~~[of the Youth Legislature.]~~ ***or Vice Chair of the Board.***

(c) A change of residency or a change of the school of enrollment of a member which renders that member ineligible under his or her original appointment.

2. A vacancy on the Youth Legislature must be filled ~~[for]~~ ***:***

(a) For the remainder of the unexpired term in the same manner as the original appointment.

(b) Insofar as is practicable, within 30 days after the date on which the vacancy occurs.

3. As used in this section, "event day" means any single calendar day on which an official, scheduled event of the Youth Legislature is held, including, without limitation, a course of instruction, a course of orientation, a meeting, a seminar or any other official, scheduled activity.

Sec. 11. NRS 385.545 is hereby amended to read as follows:

385.545 1. The Youth Legislature shall elect from among its members, to serve a term of 1 year beginning on June 1 of each year:

(a) A Chair, who shall conduct the meetings and ***, in cooperation with the Board,*** oversee the formation of committees as necessary to accomplish the business of the Youth Legislature; and

(b) A Vice Chair, who shall assist the Chair and conduct the meetings of the Youth Legislature if the Chair is absent or otherwise unable to perform his or her duties.

2. The Director of the Legislative Counsel Bureau ~~[:]~~ ***upon request of the Board:***

(a) Shall provide meeting rooms and teleconference and videoconference facilities for the Youth Legislature.

(b) Shall, in the event of a vacancy on the Youth Legislature, notify the appropriate appointing authority of such vacancy.

(c) May accept gifts, grants and donations from any source for the support of the Youth Legislature in carrying out the provisions of NRS 385.505 to 385.575, inclusive ~~[.]~~ ***, and sections 2 to 6, inclusive, of this act. Any such gifts, grants and donations must be deposited in the Fund.***

Sec. 12. NRS 385.555 is hereby amended to read as follows:

385.555 1. The Youth Legislature shall:

(a) Hold at least two public hearings in this State each school year. The Youth Legislature may simultaneously teleconference or videoconference each public hearing to two or more prominent locations throughout this State.

(b) Evaluate, review and comment upon issues of importance to the youth in this State, including, without limitation:

(1) Education;

(2) Employment opportunities;

(3) Participation of youth in state and local government;

(4) A safe learning environment;

(5) The prevention of substance abuse;

(6) Emotional and physical well-being;

(7) Foster care; and

(8) Access to state and local services.

(c) Conduct a public awareness campaign to raise awareness about the Youth Legislature and to enhance outreach to the youth in this State.

2. During his or her term, each member of the Youth Legislature shall ~~[conduct]~~ ***:***

(a) Conduct at least one meeting to afford the youth of this State an opportunity to discuss issues of importance to the youth in this State.

(b) Complete such other activities as may be assigned to him or her by the Board as a member of the Youth Legislature.

3. The Youth Legislature may, within the limits of available money ~~[:]~~ ***and if approved by the Board:***

(a) During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the Youth Legislature and to advise the Legislature on proposed legislation relating to the youth in this State.

(b) Form committees, which may meet as often as necessary to assist with the business of the Youth Legislature.

(c) Conduct periodic seminars for its members regarding leadership, government and the legislative process.

~~[(d) Employ a person to provide administrative support for the Youth Legislature or pay the costs incurred by one or more volunteers to provide any required administrative support.]~~

4. Except as otherwise provided in this subsection, the Youth Legislature and its committees shall comply with the provisions of chapter 241 of NRS. Any activities of the Youth Legislature which are conducted solely for purposes of training, including, without limitation, any orientation programs conducted for the Youth Legislature, are not subject to the provisions of chapter 241 of NRS.

5. On or before May 30 of each year, the Youth Legislature shall submit a written report to the ~~[Director of the Legislative Counsel Bureau]~~ ***Board*** and to the Governor describing the activities of the Youth Legislature during the immediately preceding school year and any recommendations for legislation. The ~~[Director]~~ ***Board*** shall transmit the written report to the

Legislative Committee on Education and to the next regular session of the Legislature.

Sec. 13. NRS 385.565 is hereby amended to read as follows:

385.565 The Youth Legislature may:

1. Request the drafting of not more than one legislative measure which relates to matters within the scope of the Youth Legislature. A request must be submitted to the Legislative Counsel on or before December 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

2. Adopt procedures to conduct meetings of the Youth Legislature and any committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the Youth Legislature who are present and voting.

3. Advise the ~~[Director of the Legislative Counsel Bureau]~~ ***Board*** regarding the administration of any appropriations, gifts, grants or donations received for the support of the Youth Legislature.

Sec. 14. NRS 385.575 is hereby amended to read as follows:

385.575 The members of the Youth Legislature serve without compensation. To the extent that money is available ~~[, including, without limitation, money from gifts, grants and donations,]~~ ***in the Fund,*** the members of the Youth Legislature may receive the per diem allowance and travel expenses provided for state officers and employees generally for attending a meeting of the Youth Legislature or a seminar conducted by the Youth Legislature.

Sec. 15. Section 8 of chapter 345, Statutes of Nevada 2007, as amended by chapter 74, Statutes of Nevada 2009, at page 256, is hereby amended to read as follows:

Sec. 8. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act the sum of $35,000 to fund the Nevada Youth Legislative Issues Forum created by Senate Bill 247 of the 2007 Legislative Session.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, ~~[2011,]~~ ***2013,*** by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[16, 2011,]~~ ***20, 2013,*** by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~[16, 2011.]~~ ***20, 2013***.

Sec. 16. As soon as practicable after the effective date of this act, the Legislative Commission shall:

1. Create or cause to be created the corporation for public benefit described in section 6 of this act. The corporation must be created in accordance with the requirements set forth in chapter 82 of NRS.

2. Appoint a Board of Directors for the corporation for public benefit described in section 6 of this act.

3. Perform such other activities as are necessary to provide initial support to the corporation for public benefit described in section 6 of this act.

Sec. 17. All money previously appropriated, donated, granted or otherwise supplied to the Nevada Youth Legislature, or its successor in interest, remaining unexpended and unencumbered on the effective date of this act must be transferred to the Nevada Youth Legislature Fund created by section 5 of this act on or before July 1, 2011.

Sec. 18. This act becomes effective upon passage and approval.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Senator Denis requested that his remarks be entered in the Journal.

Amendment No. 72 to Senate Bill No. 237 expands from five to seven the number of members of the Board of Directors of the non-profit corporation created to support the Nevada Youth Legislature.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 42.

Remarks by Senators Breeden, Hardy, Gustavson, Halseth, Brower, Horsford, Lee, Cegavske and Kieckhefer

Senator Breeden requested that the following remarks be entered in the Journal.

SENATOR BREEDEN:

Senate Bill No. 42 requires that a vehicle operator involved in an accident that results in the death of another person submit to a breath test for the presence of alcohol.

SENATOR HARDY:

Thank you, Mr. President. I am concerned as I read the bill that it sounds like a person who is in a pile up of 18 cars on the freeway who is at the tail end of that pile up along with each and every one of those drivers may have to have blood test done. The ACLU may have some concerns that I agree with on this one.

SENATOR GUSTAVSON:

Thank you, Mr. President. Can we already do this without this piece of legislation?

SENATOR BREEDEN:

It was discussed in testimony that currently law exists where if a person dies as a result of an automobile accident that person is automatically tested. What this bill does is to require all parties involved in an accident in which a fatality occurs, to be tested. Drivers from the other vehicles could be impaired by alcohol use.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:32 a.m.

SENATE IN SESSION

At 11:41 a.m.

President Krolicki presiding.

Quorum present.

Senator McGinness moved that Senate Bill No. 42 be taken from the General File and placed on the Secretary's desk.

Motion lost on a division of the house.

SENATOR HALSETH:

During committee I asked the Attorney General's Office, as well as police officers, what "reasonable grounds" meant. This bill takes away "reasonable grounds" to test someone for alcohol if involved in a fatal accident. Neither the Attorney General's Office nor any police officer could tell me what "reasonable grounds" meant. They also came to my office, but could not tell me what "reasonable grounds" was. They said it was undefined. I did not see a valid reason for them to take away the "reasonable grounds" if as they stated they could ask anyone to submit to a breathalyzer test. Without that definition, I will be voting "no."

SENATOR BROWER:

Thank you, Mr. President. I regret that we cannot delay this bill briefly so that we can have members' questions answered. I have concern with this bill because, currently, when you get a driver's license you are agreeing that if you are suspected by the police of being under the influence you have consented to a breathalyzer test at the scene. If you do not agree to the breathalyzer test you can be arrested. That arrest is based upon reasonable suspicion by the police that you have violated the law and you are driving under the influence. As I read this bill, if it passes, drivers will also be consenting to give a breathalyzer test at the scene if they are driving a vehicle that is involved in an accident that results in a fatality. That does not mean that the driver violated the law, but they could be arrested for refusing the breathalyzer. This is an unprecedented step we would be taking.

There are some legitimate questions remaining. A hearing was held. Questions have been asked. This bill was previously on Second Reading. Questions could have been answered. That did not happen. I would like to think that we could move forward as a body with a full understanding of all of the implications of the proposal. My experience in the other House was that whenever there was this much confusion Leadership was quick to say, "Let us roll it, let us get all of the questions answered. Let us give the members a deadline to do that. Then let us vote." I would like to see us do that at least once before we have to vote without a full understanding of all of the implications of this bill. My understanding is that there was opposition to this legislation in committee. Those of us who would like to talk to those who oppose the bill would like an opportunity to do so before we have to vote.

SENATOR HORSFORD:

Thank you, Mr. President. I am not going to speak to the content of the bill. There are other members of the Committee on Transportation who can do that, but I do want to respond to my colleague from Washoe District No. 3.

This is the second time I have been challenged on the Floor about our process. I know he served in the other House, but in the Senate, you give the Chair of the committee and the members of this body respect when you have a question on a bill before it is on General File. That did not happen. I do not know what the concerns or questions are. The member from Clark District No. 9 had a question about probable cause under the bill. That should have been addressed in committee when this bill was voted out on March 29 and to the present time. It has not been done. We have an enormous amount of work to do as a body and I will hold bills where there are legitimate concerns or questions, but I will not allow chairs of committees not to have the common courtesy to be approached about a concern before it is on the General File. It is my

understanding that this bill came out of committee unanimously. If there were concerns, they should have been raised before now.

SENATOR LEE:

Thank you, Mr. President. This is not a caucus bill. We have never talked about this bill. This was a committee bill. We discussed it in committee. We went through the process.

I am speaking as a chair. We will have 177 bills in Government Affairs. It is not incumbent upon us to hear the bills here; it is incumbent upon you as members to study these bills when you leave this building at night. Go home and read your bills. We have no problem with what we are doing here today. For you to just wake up seven days after the bill has been passed and say, "I just thought of something, I want to slow this bill down," you have to give the chair the opportunity to defend these bills to you. You have a responsibility as a member of the committee to say, "I have had second thoughts, I do not want to vote for that bill." Let the chair know. If you have issues you want raised, let the chair know. He will put it on the desk. We should not have a caucus meeting every time someone throws up a question on a bill. We have another house. We can follow the question to the other side and educate them on your concerns. I am asking, as a chair, for you to come to us and to not turn these into caucus wars. We are not ramming and jamming. We are trying to move the system properly. You will get the respect from each of our chairs if you bring up these interesting and noble remarks.

SENATOR CEGAVSKE:

Thank you, Mr. President. I did take my work home with me. I did look at these bills. This is one of the bills I had concerns about all weekend. I talked to different people about it, not only in my own caucus, but with the people who sat on the committee; and we have a few attorneys in our caucus I spoke with. I spoke to different district attorneys offices just to ask them some of the questions about which I had concerns. My concerns were addressed, but my colleague from Clark District No. 12 brought up an issue I had not considered. I decided I needed more confirmation as to what that issue would involve. I was comfortable with the idea that just the person who was suspected of causing the accident was tested. I felt good about the bill knowing that, but when the other drivers were included, I was not comfortable with the bill. This idea about the other drivers was new to me.

This is part of the process. Even though we study bills, we often think of things at the last minute. That is what happened today. One of our thoughtful Legislators was trying to do the right thing. He looked at the other possibilities within the bill. His question brought up questions. That was all that was being asked. It was not to divide anyone. It was not to insult anyone or to show disrespect to a chair. It was something that came up on the Floor today.

SENATOR KIECKHEFER:

Thank you, Mr. President. My understanding of our presumed consent law is that the discretion still remains with the officer as to whether or not to test. There is not a mandate in our presumed consent law that they do test. I would appreciate a correction if I am mistaken in my understanding of the law.

SENATOR BREEDEN:

Thank you, Mr. President. That is correct. It requires all drivers to submit to a preliminary breath test for the presence of alcohol if a police officer has reasonable grounds to believe that the driver was involved in a fatal accident. Part of the key phrase is "presence of alcohol."

The reason why this bill came about was that it was requested by the Attorney General's Advisory Coalition on Impaired Driving. The language amends the current statute. It was requested because of the increasing statistics. By passing this bill, it will provide more accurate data on the scope of the alcohol related driver impairment and the number of traffic fatalities that can be attributed to alcohol. I hope my colleagues will change their "no" vote to a "yes" for this bill.

SENATOR BROWER:

I do not know who is voting for or against this bill. This is not a caucus issue. This is not a political issue. This is a confusion problem that happens from time to time and is usually remedied by a one-day delay. To rush into trying to pass a bill that is at the heart of civil

liberties, is foolhardy. We need to take our time on something as fundamental as authorizing an arrest.

To the Majority Leader's point, the Chair of the Committee suggested that we hold this so the questions could be answered. The Chair of the Committee does not seem to be offended by this discussion. What is ironic is that we have spent nearly 30 minutes on this. We have wasted our time. This could have been put on the desk. The questions could have been answered. We could have walked in here tomorrow and voted.

I have a question for the Chair. As I read subsections (a), (b) and (c), it looks like the bill proposes the deletion of "or" at the end of subsection (a), but does not replace the "or" with another "or" or an "and." Can a person be arrested if they refuse to give a breath test if they are suspected of drunk driving and they were in an accident involving the death of another person or is it "or." It may be a drafting error, but as I read it the presence of an "or" or an "and" or the lack thereof can change the meaning of the bill.

SENATOR BREEDEN:

There was no discussion on the drafting. The way the bill was written was exactly how it was proposed.

SENATOR BROWER:

Is it the Chair's understanding that a person can be arrested for refusing to give a breath test if he or she is suspected by the police of being under the influence or is involved in an accident in which someone dies? Or do both of those things have to be present for there to be an arrest? There is some real confusion about what this bill says and what it means.

SENATOR BREEDEN:

My understanding is that if the officer feels there is a presence of alcohol and the driver fails to submit to the test that they could be arrested.

SENATOR BROWER:

That is the current state of the law as I understand it. The bill would seem to be unnecessary if that is what the bill does. I was informed that the bill creates another situation that is, not that the police suspect the driver of being under the influence, but simply that the driver was involved in an accident that included a fatality.

SENATOR BREEDEN:

This bill is to require all drivers who are involved in an accident in which a fatality occurs to be tested, yes.

SENATOR BROWER:

Regardless of whether the police on the scene suspect that driver was under the influence. Is that correct?

SENATOR BREEDEN:

It is probable cause. If they suspect they are under alcohol abuse.

SENATOR BROWER:

With all due respect. I do not see that the bill says that. I do not see the words "probable cause" anywhere in the bill.

Senator Lee moved that Senate Bill No. 42 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senate Bill No. 91.

Bill read third time.

Remarks by Senator Manendo.

Senator Manendo requested that his remarks be entered in the Journal.

Thank you, Mr. President. All the provisions contained in this bill exist under current law. This lowers the trigger from 0.18 to 0.15 with the treatment options made available to first DUI offenders. Offenders pay for this type of evaluation. It passed unanimously in committee. I urge your support.

Roll call on Senate Bill No. 91:

YEAS—21.

NAYS—None.

Senate Bill No. 91 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 186.

Bill read third time.

Remarks by Senator McGinness.

Senator McGinness requested that his remarks be entered in the Journal.

Senate Bill No. 186 revises the information that a judgment creditor must include in the affidavit recorded in a civil judgment or decree. The required information must be based on personal knowledge and include: (a) certain personal identification numbers; (b) parcel information and proof of ownership of the judgment debtor's real property; and (c) the location, serial number, and proof of ownership of a manufactured home or mobile home if one is included in the lien.

The document number of a recorded judgment is also added to the information required in an affidavit that is filed to renew a lien on real property, which is to be titled "Affidavit of Renewal of Judgment."

The bill requires certain letters concerning the estate of a decedent to be recorded in the county recorder's office for each county in which real property of the estate is located.

Finally, Senate Bill No. 186 requires a cover sheet containing the guardian's name, address, and telephone number, along with certain property information, to be attached to the letters of guardianship recorded by the guardian in each county where the ward has real property.

Roll call on Senate Bill No. 186:

YEAS—21.

NAYS—None.

Senate Bill No. 186 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 193.

Bill read third time.

Remarks by Senator Horsford.

Senator Horsford requested that his remarks be entered in the Journal.

Thank you, Mr. President. The bill is relatively self explanatory. The Public Works Board attempted to cancel a number of public projects which were previously approved by the Legislature. This would allow for that approval to take place with the approval of either the Legislature or the Interim Finance Committee.

Roll call on Assembly Bill No. 193:

YEAS—21.

NAYS—None.

Assembly Bill No. 193 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bills Nos. 10, 11, 66, 103.

Senator Horsford moved that the Senate adjourn until Wednesday, April 6, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 12:11 p.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), April 6, 2011

Senate called to order at 11:12 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Larry Unterseher.

Father God,

In the quietness of this Chamber, we stand humbly in Your presence, asking Your blessing on the activities of this day. Each of these men and women of valor stand eager and willing to face the challenges set before them. Give them the ability to see through Your eyes as they continue to cast the vision for us now and for future generations to come.

Lord, if there is personal pain that these men and women are enduring, I pray that You give them the comfort they need and relieve them of these distractions so they may tackle this day's agenda with clarity of mind.

We pray in Your Holy Name.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 136, 143, 152, 213, 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MO DENIS, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 280, 358, 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 65, 74, 77, 82, 85, 153, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN J. LEE, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 44, 111, 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ALLISON COPENING, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 469, 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and re-refer to the Committee on Finance.

VALERIE WIENER, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Senate Bill No. 102, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Senate Bills Nos. 244, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

SHIRLEY A. BREEDEN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 4, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 39, 220; Assembly Joint Resolution No. 5.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 216, 295, 359, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 433, 434, 435, 437, 442, 443, 444, 447, 450, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 470, 471, 472, 473, 474, 478, 479, 480, 481, 482, 484, 486.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 103, 115, 116, 129, 138, 143, 146, 147, 151, 158, 160, 168, 176, 438, 439, 440, 441, 445, 446, 448, 449, 451, 468, 469, 475, 476, 477, 483.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 5.

Senator Wiener moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

Senator Wiener moved that Senate Bills Nos. 469, 475, 476 be re-referred to the Committee on Finance.

Motion carried.

Mr. President announced, according to Senate Standing Rule No. 23, the following appointments to the Senate Committee on Ethics. The first named Senator is the chair, and the second-named Senator is the vice chair:

Senators Horsford, Wiener, Hardy, McGinness; former Senators Joseph Neal and Bob Coffin; and Ms. Phyllis Hunewill of Smith Valley and alternates; Senators Settelmeyer and Denis; former Senator Thomas "Spike" Wilson; and Nye County Commissioner Joni Eastley.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 39.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 220.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:30 a.m.

SENATE IN SESSION

At 12:04 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 29 be taken from the Second Reading File and placed on the Secretary's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 5.

"SUMMARY—Authorizes the electronic reproduction of the seal of a court. (BDR 1-324)"

"AN ACT relating to courts; authorizing the electronic reproduction of the seal of a court; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that the seal of a court may be affixed to a court document by either impressing the seal on the document or impressing the seal on a substance attached to the document. (NRS 1.190) This bill

authorizes the electronic reproduction of the seal of a court as another method by which the seal may be affixed to a court document, if the seal is reproduced in accordance with certain **local** court rules ~~[.]~~ **and rules adopted by the Supreme Court.** This bill also provides that a seal which is electronically reproduced has the same legal effect as a seal that is impressed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 1.190 is hereby amended to read as follows:

1.190 ***1.*** The seal ***of a court*** may be affixed by ~~[impressing it]~~ ***:***

(a) Impressing the seal on ~~[the paper]~~ ***a document*** or on a substance attached to ~~[the paper]~~ ***a document*** and capable of receiving the impression ~~[.]~~ ***; or***

(b) Electronically reproducing the seal on a document in accordance with the provisions of subsection 2.

2. Each court that uses an electronically reproduced seal shall reproduce the seal of the court in accordance with:

(a) Any electronic filing rules adopted by the Supreme Court that govern the electronic filing process in all the courts of this State; ~~*[and]*~~

(b) Any rules adopted by the Supreme Court which are intended to help safeguard a document from being changed after the electronic seal is affixed and to reduce the likelihood of the electronic seal being reproduced without authorization; and

(c) Any local rules of practice adopted by the court which establish the specific procedure to implement the electronic reproduction of the seal and which are consistent with any electronic filing rules adopted by the Supreme Court ~~*[.]*~~ ***and any rules adopted by the Supreme Court pursuant to paragraph (b).***

3. A seal that is electronically reproduced pursuant to subsection 1 has the same legal effect as a seal that is impressed pursuant to subsection 1.

Sec. 2. NRS 10.175 is hereby amended to read as follows:

10.175 A seal of a ~~[court or]~~ public office, when required to any writ or process or proceeding, or to authenticate a copy of any record or document, may be impressed with wax, wafer, or any other substance, and then attached to the writ, process or proceeding, or to the copy of the record or document, or it may be impressed on the paper alone.

Sec. 3. This act becomes effective upon passage and approval.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

The amendment provides clarification that the rule to be adopted by the Supreme Court will include necessary safeguards to prevent misuse of the court seal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 108.

"SUMMARY—Revises provisions relating to the collection and payment of certain fuel taxes. (BDR 32-494)"

"AN ACT relating to fuel taxes; authorizing the Department of Motor Vehicles to use electronic mail to serve notice of the determination of the deficient payment of certain taxes owed; repealing certain provisions that allow the Department to grant an extension of time to file **certain** reports and ~~[pay taxes on certain types of fuel;]~~ **returns;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires that the Department of Motor Vehicles, in person or by mail, serve a notice of a determination of deficient payment upon a person who owes money for taxes on certain fuels. (NRS 360A.140, 360A.150) **Sections 1 and 2** of this bill authorize the Department to serve such a notice by the alternative means of sending electronic mail to the electronic mail address provided to the Department by the person receiving the notice.

Existing law authorizes the Department to grant an extension of time to a person for the ~~[payment of certain taxes and the]~~ filing of certain returns and reports regarding certain fuels. (NRS ~~[360A.050,]~~ 365.135) Such an extension is not authorized in chapter 366 of NRS with respect to ~~[taxes and]~~ reports regarding special fuels. **Section 5** of this bill repeals ~~[those authorizations,]~~ **that authorization**, thus creating consistency with chapter 366 of NRS.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360A.140 is hereby amended to read as follows:

360A.140 1. The Department shall give a person against whom a determination has been made written notice of its determination.

2. The notice may be served personally ~~[or by mail. If]~~ ***, mailed or, pursuant to subsection 4, sent by electronic mail.***

3. If served by mail, the notice must be addressed to the person at his or her address as it appears in the records of the Department ~~[.~~

~~3. If the notice is served by mail,]~~ ***and*** service is complete at the time the notice is deposited with the United States Postal Service.

4. ***The provision by a person to the Department of an electronic mail address shall be deemed an agreement for the purposes of NRS 719.220 to receive notice pursuant to this section by electronic mail. If served by electronic mail, the notice must be sent to the person at his or her electronic mail address as it appears in the records of the Department and service is complete at the time the electronic mail is sent.***

5. Service of notice tolls any limitation for the determination of a further deficiency.

Sec. 2. NRS 360A.150 is hereby amended to read as follows:

360A.150 1. Except as otherwise provided in subsections 2, 3 and ~~[~~4,~~]~~ ***5,*** each notice of a deficiency determination issued by the Department must be personally served ***,*** ~~[~~or~~]~~ mailed ***or, pursuant to subsection 4, sent by electronic mail*** within 4 years after the last day of the month following the period for which the amount is proposed to be determined or within 4 years after the return is filed, whichever period expires later.

2. In the case of a failure to make a return or a claim for an additional amount, each notice of determination must be mailed ***,*** ~~[~~or~~]~~ personally served ***or, pursuant to subsection 4, sent by electronic mail*** within 8 years after the last day of the month following the period for which the amount is proposed to be determined.

3. If, before the expiration of the time prescribed in this section for the ~~[~~mailing~~]~~ ***service*** of a notice of determination, the taxpayer has signed a waiver consenting to the ~~[~~mailing~~]~~ ***service*** of the notice after that time, the notice may be ~~[~~mailed~~]~~ ***mailed, personally served or, pursuant to subsection 4, sent by electronic mail*** at any time before the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing if each agreement is made before the expiration of the period previously agreed upon.

4. ***The provision by a person to the Department of an electronic mail address shall be deemed an agreement for the purposes of NRS 719.220 to receive notice pursuant to this section by electronic mail. If served by electronic mail, the notice must be sent to the person at his or her electronic mail address as it appears in the records of the Department and service is complete at the time the electronic mail is sent.***

5. This section does not apply to cases of fraud or the intentional evasion of a provision of chapter 365, 366 or 373 of NRS or NRS 590.120 or 590.840, or any regulation of the Department adopted pursuant thereto.

Sec. 3. NRS 365.170 is hereby amended to read as follows:

365.170 ~~[~~Except as otherwise provided in NRS 365.135, every~~]~~ ***Every*** dealer shall:

1. Not later than the last day of each calendar month, submit to the Department a statement of all aviation fuel and fuel for jet or turbine-powered aircraft sold, distributed or used by the dealer in this State, as well as all such fuel sold, distributed or used in this State by a purchaser thereof upon which sale, distribution or use the dealer has assumed liability for the tax thereon pursuant to NRS 365.020, during the preceding calendar month; and

2. In accordance with the provisions of NRS 365.330, pay an excise tax on:

(a) All fuel for jet or turbine-powered aircraft in the amount of 1 cent per gallon, plus any applicable amount imposed pursuant to NRS 365.203; and

(b) Aviation fuel in the amount of 2 cents per gallon, plus any applicable amount imposed pursuant to NRS 365.203,

➥ so sold, distributed or used.

Sec. 4. NRS 365.175 is hereby amended to read as follows:

365.175 ~~[Except as otherwise provided in NRS 365.135, every]~~ ***Every*** supplier shall:

1. Not later than the last day of each calendar month, submit to the Department a statement of all motor vehicle fuel, except aviation fuel, sold, distributed or used by the supplier in this State during the preceding calendar month; and

2. In accordance with the provisions of NRS 365.330, pay an excise tax on all motor vehicle fuel, except aviation fuel, in the amount of 17.65 cents per gallon so sold, distributed or used.

Sec. 5. NRS ~~[360A.050 and]~~ 365.135 ~~[are]~~ **is** hereby repealed.

Sec. 6. This act becomes effective on July 1, 2011.

TEXT OF REPEALED ~~[SECTIONS]~~ SECTION

~~[360A.050 Extension of time for payment: Interest on amount due. If the Department grants an extension of time for paying any amount required to be paid pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or 590.840, a person who pays the amount within the period for which the extension is granted shall pay, in addition to the amount owing, interest at the rate of 1 percent per month from the date the amount would have been due without the extension until the date of payment.]~~

365.135 Extensions of time for making reports or returns; time when report, return, remittance or claim mailed to Department is deemed filed or received.

1. The Department may, for good cause, extend for not more than 30 days the period for making any report or return required pursuant to this chapter. The extension may be granted at any time if:

(a) A request for an extension has been filed with the Department within or before the period for which the extension may be granted; and

(b) A remittance of the estimated tax is made when the remittance is due.

2. Any report, return, remittance to cover a payment or claim for credit or refund required by this chapter which is transmitted through the United States mail shall be deemed filed or received by the Department on the date indicated on the post office cancellation mark stamped upon the envelope containing it, or on the date it was mailed if proof satisfactory to the Department establishes that the document or remittance was timely deposited in the United States mail and properly addressed to the Department.

Senator Leslie moved the adoption of the amendment.

Remarks by Senator Leslie.

Senator Leslie requested that her remarks be entered in the Journal.

Amendment No. 108 to Senate Bill No. 13 simply amends Section 5 of the bill to strike the repeal of *Nevada Revised Statutes* (NRS) 360A.050 to allow this provision to remain in current law.

Under a different section of current law, the Department of Motor Vehicles is authorized to enter into payment agreements for the payment of fuel taxes and repealing the provisions of NRS 360A.050, which would have prohibited the Department from assessing interest at a rate of 1 percent per month on the outstanding balance of those payment agreements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 9.

"SUMMARY—Revises the method used to determine the number of justices of the peace in a township in certain counties. (BDR 1-342)"

"AN ACT relating to courts; revising the method used to determine the number of justices of the peace in a township in certain counties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, there must be at least one elected justice of the peace in each justice court in a township of this State. In a county whose population is 400,000 or more (currently Clark County), one justice of the peace is required for each 100,000 population of the township, or fraction thereof. (NRS 4.020) This bill revises that requirement in such a county by providing that **: (1) in a township whose population is less than 1,100,000,** one justice of the peace is required for each ~~[150,000]~~ **100,000** population of the township, or fraction thereof ~~.]~~ **, until the township has four justices of the peace, and thereafter, one justice of the peace is required for each 125,000 population of the township, or fraction thereof, over a population of 300,000; and (2) in a township whose population is 1,100,000 or more, one justice of the peace is required for each 100,000 population of the township, or fraction thereof, up to a population of 1,100,000, and thereafter, one justice of the peace is required for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 4.020 is hereby amended to read as follows:

4.020 1. There must be one justice court in each of the townships of the State, for which there must be elected by the qualified electors of the township at least one justice of the peace. Except as otherwise provided in subsection 3, the number of justices of the peace in a township must be increased according to the population of the township, as certified by the Governor in even-numbered years pursuant to NRS 360.285, in accordance with and not to exceed the following schedule:

(a) In a county whose population is 400,000 or more ~~.]~~ **:**

(I) In a township whose population is less than 1,100,000, one justice of the peace for each 100,000 population of the township, or fraction thereof, until the township has four justices of the peace, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 300,000; and

(II) In a township whose population is 1,100,000 or more, one justice of the peace for each **100,000** ~~*[150,000]*~~ population of the township, or fraction thereof ~~[.]~~ ***, up to a population of 1,100,000, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000.***

(b) In a county whose population is 100,000 or more and less than 400,000, one justice of the peace for each 50,000 population of the township, or fraction thereof.

(c) In a county whose population is less than 100,000, one justice of the peace for each 34,000 population of the township, or fraction thereof.

(d) If a township includes a city created by the consolidation of a city and county into one municipal government, one justice of the peace for each 30,000 population of the township, or fraction thereof.

2. Except as otherwise provided in subsection 3, if the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township, the new justice or justices of the peace must be elected at the next ensuing biennial election.

3. If the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township and, in the opinion of a majority of the justices of the peace in that township, the caseload does not warrant an additional justice of the peace, the justices of the peace shall notify the Director of the Legislative Counsel Bureau and the board of county commissioners of their opinion on or before March 15 of the even-numbered year in which the population of the township provides for such an increase. The Director of the Legislative Counsel Bureau shall submit the opinion to the next regular session of the Legislature for its consideration. If the justices of the peace transmit such a notice to the Director of the Legislative Counsel Bureau and the board of county commissioners, the number of justices must not be increased during that period unless the Legislature, by resolution, expressly approves the increase.

4. Justices of the peace shall receive certificates of election from the boards of county commissioners of their respective counties.

5. The clerk of the board of county commissioners shall, within 10 days after the election or appointment and qualification of any justice of the peace, certify under seal to the Secretary of State the election or appointment and qualification of the justice of the peace. The certificate must be filed in the Office of the Secretary of State as evidence of the official character of that officer.

Sec. 2. **The amendatory provisions of this act must not be construed to eliminate any judicial departments that were in existence on January 3, 2011.**

Sec. 3. This act becomes effective on January 1, 2012.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

The amendment changes the method for determining the number of justices of the peace for townships in Clark County. In townships under 1.1 million people, one justice is added for each 100,000 population until there are four justices. Thereafter, one justice is added for each 125,000 population.

However, once a township reaches 1.1 million people, one justice is added for each 125,000 population over 1.1 million people.

The amendment also specifies that this change is not intended to eliminate any judicial departments currently in existence. This was a collaboration between the Judicial Branch and the Executive Branch of Clark County.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 4.

"SUMMARY—Requires employees of certain child care facilities to complete training each year relating to the lifelong wellness, health and safety of children. (BDR 38-24)"

"AN ACT relating to child care facilities; requiring employees of certain child care facilities to complete training each year relating to the lifelong wellness, health and safety of children; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Board for Child Care to adopt licensing standards for child care facilities. (NRS 432A.077) The Board, by regulation, has adopted both initial and continuing training requirements for persons employed in child care facilities. Employees are initially required to complete at least 9 hours of training within 90 days after commencing employment in a child care facility and at least 6 hours of additional training within 12 months after commencing employment in a child care facility. After completion of the initial training requirements, employees are then required to complete at least 15 hours of training during each succeeding 12-month period. (NAC 432A.323, 432A.326) This bill ~~[codifies these general training requirements provided by regulation and]~~ requires persons employed in child care facilities to complete at least 15 hours of training each year ~~[relating]~~ **, at least 2 hours of which must be devoted** to the lifelong

wellness, health and safety of children ~~[.]~~ **and must include training relating to childhood obesity, nutrition and physical activity.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

Each person who is employed in a child care facility, other than in ~~*[an accommodation facility or]*~~ ***a facility that provides care for ill children, shall complete at least 15 hours of training each year*** ***.*** ~~*[relating]*~~ ***At least 2 hours of such training must be devoted to the lifelong wellness, health and safety of children*** ~~*[, including, without limitation:*~~

~~*1. The administration of cardiopulmonary resuscitation;*~~

~~*2. The administration of first aid;*~~

~~*3. The recognition of signs and symptoms of illness, including risk factors and chronic conditions;*~~

~~*4. The recognition of child abuse and neglect;*~~

~~*5. The reporting requirements relating to child abuse and neglect; and*~~

~~*6. Childhood]*~~ ***and must include training relating to childhood obesity, nutrition and physical activity.***

Sec. 2. This act becomes effective on July 1, 2011.

Senator Copening moved the adoption of the amendment.

Remarks by Senators Copening, Cegavske and Wiener.

Senator Copening requested that the following remarks be entered in the Journal.

SENATOR COPENING:

Amendment No. 4 revises the provisions to Senate Bill No. 27 by specifying that at least 2 hours, of the 15 hours of training required each year, must be devoted to the lifelong wellness, health, and safety of children and must include training related to childhood obesity, nutrition, and physical activity.

SENATOR CEGAVSKE:

Thank you, Mr. President. Why are we doing this in statute and it is not being done in regulation?

SENATOR WIENER:

The Health Division and the Board of Child Care felt that this was an important issue we needed to address. At least 2 hours of the 15 required training hours each year will address health and wellness of children. The epidemic of obesity prompts the need for more instruction in wellness, fitness and well-being of children. We believe those two hours of required training each year should be statutory. Leaders in this area feel that this annual requirement is important enough with long-term impacts, that it should be addressed statutorily.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 34.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 107.

"SUMMARY—Makes various changes regarding the administration of sales and use taxes. (BDR 32-432)"

"AN ACT relating to taxation; revising the provisions governing the administration of sales and use taxes to ensure continued compliance with the Streamlined Sales and Use Tax Agreement, apply the taxes to retailers whose activities have a sufficient nexus with this State and provide for the rebuttal of certain presumptions regarding the application of use taxes to property delivered outside of or brought into this State; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the administration of sales and use taxes in this State pursuant to the Simplified Sales and Use Tax Administration Act, the Sales and Use Tax Act and the Local School Support Tax Law. (Chapters 360B, 372 and 374 of NRS) Under existing law, the Legislature has found and declared that this State should enter into an interstate agreement to simplify and modernize sales and use tax administration to reduce the burden of tax compliance for all sellers and types of commerce. (NRS 360B.020) Existing law requires the Nevada Tax Commission to enter into the Streamlined Sales and Use Tax Agreement and take all other actions reasonably required to implement the provisions of the Agreement. (NRS 360B.110)

This bill carries out various requirements of the Streamlined Sales and Use Tax Agreement. **Sections 2 and 26** of this bill replace superseded requirements for purchases of direct mail with new requirements regarding the sourcing of those transactions to various jurisdictions and the respective responsibilities of sellers and purchasers for the collection, reporting and payment of the applicable taxes. **Section 3** of this bill sets forth a new requirement regarding the registration of certain sellers who anticipate making no sales into certain states. **Sections 3, 14 and 23** of this bill carry out a new requirement to allow the electronic filing of simplified tax returns. **Sections 4 and 7** of this bill carry out a recent amendment to the Agreement governing the taxation of delivery charges. **Section 4.5 of this bill carries out a recent amendment to the Agreement regarding the due dates for tax returns and payments.** **Sections 13 and 22** of this bill set forth new requirements regarding the liability of a seller for accepting certain certificates of exemption which indicate that the claimed exemption is not available. **Sections 5 and 6** of this bill delete certain provisions of the Agreement that do not apply in this State. **Sections 9, 10, 18 and 19** of this bill delete a requirement for good faith which is not allowed by the Agreement.

Under existing law, the Commerce Clause of the United States Constitution prohibits a state from requiring a retailer to collect sales and use taxes unless the activities of the retailer have a substantial nexus with the taxing state. (*Quill Corp. v. North Dakota*, 504 U.S. 298, 112 S.Ct. 1904

(1992)) **Sections 8 and 17** of this bill apply the sales and use taxes imposed in this State to every retailer whose activities have such a nexus.

Existing law creates various presumptions regarding the application of the use taxes imposed in this State to property which is delivered outside of this State to a purchaser or brought into this State by a purchaser. (NRS 372.250, 372.255, 372.258, 374.255, 374.260, 374.263) **Sections 11, 12, 20, 21 and 26** of this bill revise that law to specify the methods for controverting a presumption that those taxes apply.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360.299 is hereby amended to read as follows:

360.299 1. In determining the amount of:

(a) Sales tax due on a sale at retail, the rate of tax used must be the sum of the rates of all taxes imposed upon sales at retail in:

(1) The county determined pursuant to the provisions of NRS 360B.350 to 360B.375, inclusive ~~[.]~~ ***, or section 2 of this act;*** or

(2) If those provisions do not apply to the sale, the county in which the property is or will be delivered to the purchaser or the agent or designee of the purchaser.

(b) Use tax due on the purchase of tangible personal property for use, storage or other consumption in this state, the rate of tax used must be the sum of the rates of all taxes imposed upon the use, storage or other consumption of property in:

(1) The county determined pursuant to the provisions of NRS 360B.350 to 360B.375, inclusive ~~[.]~~ ***, or section 2 of this act;*** or

(2) If those provisions do not apply to the purchase, the county in which the property is first used, stored or consumed.

2. In determining the amount of taxes due pursuant to subsection 1:

(a) The amount due must be computed to the third decimal place and rounded to a whole cent using a method that rounds up to the next cent if the numeral in the third decimal place is greater than 4.

(b) A retailer may compute the amount due on a transaction on the basis of each item involved in the transaction or a single invoice for the entire transaction.

3. On or before January 1 of each year, the Department shall transmit to each retailer to whom a permit has been issued a notice which contains the provisions of subsections 1 and 2 and NRS 372.365.

Sec. 2. Chapter 360B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 360B.350 to 360B.375, inclusive:

(a) A purchaser of advertising and promotional direct mail may provide the seller with:

(1) Documentation of the direct pay permit of the purchaser issued pursuant NRS 360B.260;

(2) A certificate or written statement, in a form approved by the Department in accordance with the provisions of the Agreement, claiming the direct mail; or

(3) An informational statement of the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients.

(b) If the purchaser provides the documentation, certificate or statement pursuant to subparagraph (1) or (2) of paragraph (a), the sale shall be deemed to take place in the jurisdictions to which the advertising and promotional direct mail is to be delivered to the recipients and:

(1) If the seller does not maintain a place of business in this State:

(I) The purchaser shall report and pay any applicable sales or use taxes due; and

(II) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the advertising and promotional direct mail to which the documentation, certificate or statement applies; or

(2) If the seller maintains a place of business in this State:

(I) The seller shall collect and remit any applicable sales or use taxes due in this State;

(II) The purchaser shall report and pay any applicable sales or use taxes due in any other state; and

(III) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the advertising and promotional direct mail to which the documentation, certificate or statement applies which are due in any other state.

(c) If the purchaser provides the informational statement pursuant to subparagraph (3) of paragraph (a):

(1) The sale shall be deemed to take place in the jurisdictions to which the advertising and promotional direct mail is to be delivered;

(2) The seller shall collect and remit any applicable sales or use taxes due to those jurisdictions; and

(3) If the seller complies with subparagraph (2) in accordance with the delivery information provided by the purchaser, the seller, in the absence of bad faith, is relieved of any further obligation to collect any additional sales or use taxes on the sale.

(d) If the purchaser does not provide the seller with any of the items listed in paragraph (a), the sale shall be deemed to take place at the location described in subsection 5 of NRS 360B.360. The state to which the advertising and promotional direct mail is delivered may disallow credit for any sales or use taxes paid in accordance with this paragraph.

2. Notwithstanding the provisions of NRS 360B.350 to 360B.375, inclusive:

(a) Except as otherwise provided in this subsection, the sale of other direct mail shall be deemed to take place at the location described in subsection 3 of NRS 360B.360.

(b) A purchaser of other direct mail may provide the seller with:

(1) Documentation of the direct pay permit of the purchaser issued pursuant NRS 360B.260; or

(2) A certificate or written statement, in a form approved by the Department in accordance with the provisions of the Agreement, claiming the direct mail.

(c) If the purchaser provides the documentation, certificate or statement pursuant to paragraph (b), the sale shall be deemed to take place in the jurisdictions to which the other direct mail is to be delivered to the recipients and:

(1) If the seller does not maintain a place of business in this State:

(I) The purchaser shall report and pay any applicable sales or use taxes due; and

(II) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the other direct mail to which the documentation, certificate or statement applies; or

(2) If the seller maintains a place of business in this State:

(I) The seller shall collect and remit any applicable sales or use taxes due in this State;

(II) The purchaser shall report and pay any applicable sales or use taxes due in any other state; and

(III) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the other direct mail to which the documentation, certificate or statement applies which are due in any other state.

3. This section does not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental, regardless of whether any advertising and promotional direct mail is included in the same mailing.

4. If a transaction is a bundled transaction, as defined by a regulation of the Department in accordance with the provisions of the Agreement, that includes advertising and promotional direct mail, this section applies only if the primary purpose of the transaction is the sale of products that meet the definition set forth in paragraph (a) of subsection 6.

5. The provisions of this section do not limit any purchaser's:

(a) Liability for any sales or use taxes to any states to which the direct mail is delivered;

(b) Rights under local, state, federal or constitutional law, to a credit for sales or use taxes due and paid to other jurisdictions; or

(c) Right to a refund of any sales or use taxes overpaid to any jurisdiction.

6. As used in this section:

(a) "Advertising and promotional direct mail" means direct mail, the primary purpose of which is to attract public attention to a product, person, business or organization, or to attempt to sell, popularize or secure financial support for a product, person, business or organization. As used in this paragraph, "product" means tangible personal property, a product transferred electronically or a service.

(b) "Direct mail" means printed material delivered or distributed by the United States Postal Service or another delivery service to a mass audience or to addresses contained on a mailing list provided by a purchaser or at the direction of a purchaser when the cost of the items purchased is not billed directly to the recipients. The term includes tangible personal property supplied directly or indirectly by the purchaser to the seller of the direct mail for inclusion in the package containing the printed material. The term does not include multiple items of printed material delivered to a single address.

(c) "Other direct mail" means any direct mail that is not advertising and promotional direct mail, regardless of whether any advertising and promotional direct mail is included in the same mailing. The term:

(1) Includes, but is not limited to:

(I) Transactional direct mail that contains personal information specific to the addressee, including, but not limited to, invoices, bills, statements of account and payroll advices;

(II) Any legally required mailings, including, but not limited to, privacy notices, tax reports and stockholder reports; and

(III) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees or agents, including, but not limited to, newsletters and informational pieces; and

(2) Does not include the development of billing information or the provision of any data processing service that is more than incidental.

Sec. 3. NRS 360B.200 is hereby amended to read as follows:

360B.200 1. The Department shall, in cooperation with any other states that are members of the Agreement, establish and maintain a central, electronic registration system that allows a seller to register to collect and remit the sales and use taxes imposed in this State and in the other states that are members of the Agreement.

2. A seller who registers pursuant to this section agrees to collect and remit sales and use taxes in accordance with the provisions of this chapter, the regulations of the Department and the applicable law of each state that is a member of the Agreement, including any state that becomes a member of the Agreement after the registration of the seller pursuant to this section. The cancellation or revocation of the registration of a seller pursuant to this section, the withdrawal of a state from the Agreement or the revocation of the Agreement does not relieve a seller from liability pursuant to this subsection to remit any taxes previously or subsequently collected on behalf of a state.

3. When registering pursuant to this section, a seller may:

(a) Elect to use a certified service provider as its agent to perform all the functions of the seller relating to sales and use taxes, other than the obligation of the seller to remit the taxes on its own purchases;

(b) Elect to use a certified automated system to calculate the amount of sales or use taxes due on its sales transactions;

(c) Under such conditions as the Department deems appropriate in accordance with the Agreement, elect to use its own proprietary automated system to calculate the amount of sales or use taxes due on its sales transactions; or

(d) Elect to use any other method authorized by the Department for performing the functions of the seller relating to sales and use taxes.

4. ***A seller who registers pursuant to this section and does not make the election allowed pursuant to paragraph (a) of subsection 3 may elect to be registered in any state that:***

(a) Is a member of the Agreement at the time of that registration, as a seller who anticipates making no sales into that state if the seller has not had any sales into that state for the preceding 12 months; and

(b) Becomes a member of the Agreement after that registration, as a seller who anticipates making no sales into that state.

5. A seller who registers pursuant to this section agrees to submit its sales and use tax returns, and to remit any sales and use taxes due, to the Department at such times and in such a manner and format as the Department prescribes by regulation. Those regulations must:

(a) Require from each seller who registers pursuant to this section:

(1) Only ~~[one]~~ ***a single*** tax return for each taxing period for all the sales and use taxes collected on behalf of this State and each local government in this State; and

(2) Only one remittance of taxes for each tax return, except that the Department may require additional remittances of taxes if the seller:

(I) Collects more than $30,000 in sales and use taxes on behalf of this State and the local governments in this State during the preceding calendar year;

(II) Is allowed to determine the amount of any additional remittance by a method of calculation instead of by the actual amount collected; and

(III) Is not required to file any tax returns in addition to those otherwise required in accordance with this subsection.

(b) Allow any seller who registers pursuant to this section ~~[and makes an election pursuant to paragraph (a), (b) or (c) of subsection 3]~~ to submit tax returns ***electronically*** in a simplified format . ~~[that does not include any more data fields than are permitted in accordance with the Agreement.]~~

(c) Allow any seller who registers pursuant to this section, does not maintain a place of business in this State and has not made an election pursuant to paragraph (a), (b) or (c) of subsection 3, to file tax returns at a frequency that does not exceed once per year unless the seller accumulates

more than $1,000 in the collection of sales and use taxes on behalf of this State and the local governments in this State.

(d) Provide an alternative method for a seller who registers pursuant to this section to make tax payments the same day as the seller intends if an electronic transfer of money fails.

(e) Require any data that accompanies the remittance of a tax payment by or on behalf of a seller who registers pursuant to this section to be formatted using uniform codes for the type of tax and payment in accordance with the Agreement.

~~[5.]~~ ***6.*** The registration of a seller and the collection and remission of sales and use taxes pursuant to this section may not be considered as a factor in determining whether a seller has a nexus with this State for the purposes of determining the liability of the seller to pay any tax imposed by this State.

Sec. 4. NRS 360B.290 is hereby amended to read as follows:

360B.290 Any invoice, billing or other document given to a purchaser that indicates the sales price for which tangible personal property is sold ~~[must]~~ ***:***

1. ***May*** state separately any amount received by the seller for ~~[:~~

~~1. Any]~~ ***any*** transportation, shipping or postage charges for the delivery of the property to a location designated by the purchaser ~~[.]~~ ***; and***

2. ***Must state separately any amount received by the seller for:***

(a) Any installation charges for the property;

~~[3.]~~ ***(b)*** Any credit for any trade-in which is specifically exempted from the sales price of the property pursuant to chapter 372 or 374 of NRS;

~~[4.]~~ ***(c)*** Any interest, financing and carrying charges from credit extended on the sale; and

~~[5.]~~ ***(d)*** Any taxes legally imposed directly on the consumer.

Sec. 4.5. **NRS 360B.300 is hereby amended to read as follows:**

360B.300 Notwithstanding the provisions of any other specific statute ~~[,~~ ~~if]~~ **:**

1. If any sales or use tax is due and payable on ~~[a]~~ **:**

(a) A Saturday, Sunday or legal holiday, the tax may be paid on the next succeeding business day ~~[.]~~ ***; or***

(b) A day on which a Federal Reserve bank is closed and, as a result of that closure, the taxpayer is not able to remit the tax electronically in accordance with the regulations adopted by the Department pursuant to NRS 360.092, the tax may be paid on the next succeeding day on which the Federal Reserve bank is open.

2. If any sales or use tax return is:

(a) Due on a Saturday, Sunday or legal holiday, the return may be filed on the next succeeding business day; or

(b) Required to be filed in conjunction with a remittance of the tax and paragraph (b) of subsection 1 applies to that remittance, the return may be filed on the same day as the tax may be paid in accordance with that paragraph.

Sec. 5. NRS 360B.350 is hereby amended to read as follows:

360B.350 As used in NRS 360B.350 to 360B.375, inclusive:

1. "Receive" means taking possession of ~~[or making the first use of]~~ tangible personal property **.** ~~[, whichever occurs first.]~~ The term does not include possession by a shipping company on behalf of a purchaser.

2. "Transportation equipment" means:

(a) Locomotives and railcars used for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors having a manufacturer's gross vehicle weight rating of more than 10,000 pounds, and trailers, semitrailers and passenger buses that are:

(1) Registered pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Operated under the authority of a carrier who is authorized by the Federal Government to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft operated by an air carrier who is authorized by the Federal Government or a foreign government to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached or secured to any of the items described in paragraph (a), (b) or (c).

Sec. 5.5. **NRS 360B.355 is hereby amended to read as follows:**

360B.355 1. Except as otherwise provided in this section ~~[,]~~ ***and section 2 of this act,*** for the purpose of determining the liability of a seller for sales and use taxes, a retail sale shall be deemed to take place at the location determined pursuant to NRS 360B.350 to 360B.375, inclusive.

2. NRS 360B.350 to 360B.375, inclusive, do not:

(a) Affect any liability of a purchaser or lessee for a use tax.

(b) Apply to:

(1) The retail sale or transfer of watercraft, modular homes, manufactured homes or mobile homes.

(2) The retail sale, other than the lease or rental, of motor vehicles, trailers, semitrailers or aircraft that do not constitute transportation equipment.

Sec. 6. NRS 360B.360 is hereby amended to read as follows:

360B.360 Except as otherwise provided in NRS 360B.350 to 360B.375, inclusive, the retail sale, excluding the lease or rental, of tangible personal property shall be deemed to take place:

1. If the property is received by the purchaser at a place of business of the seller, at that place of business.

2. If the property is not received by the purchaser at a place of business of the seller:

(a) At the location indicated to the seller pursuant to any instructions provided for the delivery of the property to the purchaser or to another recipient who is designated by the purchaser as his or her donee; or

(b) If no such instructions are provided and if known by the seller, at the location where the purchaser or another recipient who is designated by the purchaser as his or her donee, receives the property.

3. If subsections 1 and 2 do not apply, at the address of the purchaser indicated in the business records of the seller that are maintained in the ordinary course of the seller's business, unless the use of that address would constitute bad faith.

4. If subsections 1, 2 and 3 do not apply, at the address of the purchaser obtained during the consummation of the sale, including, if no other address is available, the address of the purchaser's instrument of payment, unless the use of an address pursuant to this subsection would constitute bad faith.

5. In all other circumstances, at the address from which the property was shipped . ~~[or, if it was delivered electronically, at the address from which it was first available for transmission by the seller.]~~

Sec. 7. NRS 360B.480 is hereby amended to read as follows:

360B.480 1. "Sales price" means the total amount of consideration, including cash, credit, property and services, for which personal property is sold, leased or rented, valued in money, whether received in money or otherwise, and without any deduction for:

(a) The seller's cost of the property sold;

(b) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(c) Any charges by the seller for any services necessary to complete the sale, including any delivery charges which are not stated separately pursuant to ***subsection 1 of*** NRS 360B.290 and excluding any installation charges which are stated separately pursuant to ***subsection 2 of*** NRS 360B.290; and

(d) Except as otherwise provided in subsection 2, any credit for any trade-in.

2. The term does not include:

(a) Any delivery charges which are stated separately pursuant to ***subsection 1 of*** NRS 360B.290;

(b) Any installation charges which are stated separately pursuant to ***subsection 2 of*** NRS 360B.290;

(c) Any credit for any trade-in which is:

(1) Specifically exempted from the sales price pursuant to chapter 372 or 374 of NRS; and

(2) Stated separately pursuant to ***subsection 2 of*** NRS 360B.290;

(d) Any discounts, including those in the form of cash, term or coupons that are not reimbursed by a third party, which are allowed by a seller and taken by the purchaser on a sale;

(e) Any interest, financing and carrying charges from credit extended on the sale of personal property, if stated separately pursuant to ***subsection 2 of*** NRS 360B.290; and

(f) Any taxes legally imposed directly on the consumer which are stated separately pursuant to ***subsection 2 of*** NRS 360B.290.

3. The term includes consideration received by a seller from a third party if:

(a) The seller actually receives consideration from a person other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(b) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(c) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(d) Any of the following criteria is satisfied:

(1) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount, and the coupon, certificate or other documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or other documentation is presented.

(2) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount. For the purposes of this subparagraph, a preferred customer card that is available to any patron does not constitute membership in such a group.

(3) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

Sec. 8. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter relating to:

(a) The imposition, collection and remittance of the sales tax apply to every retailer whose activities have a sufficient nexus with this State to satisfy the requirements of the United States Constitution.

(b) The collection and remittance of the use tax apply to every retailer whose activities have a sufficient nexus with this State to satisfy the requirements of the United States Constitution.

2. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of subsection 1.

Sec. 9. NRS 372.155 is hereby amended to read as follows:

372.155 1. For the purpose of the proper administration of this chapter and to prevent evasion of the sales tax, it is presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless the person takes ~~[in good faith]~~ from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 372.135; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the sale is not a sale at retail if:

(a) The third-party vendor:

(1) Takes ~~[in good faith]~~ from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 10. NRS 372.225 is hereby amended to read as follows:

372.225 1. For the purpose of the proper administration of this chapter and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property sold by any person for delivery in this State is sold for storage, use or other consumption in this State until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless the person takes ~~[in good faith]~~ from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 372.135; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the property is sold for storage, use or other consumption in this State if:

(a) The third-party vendor:

(1) Takes ~~[in good faith]~~ from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 11. NRS 372.250 is hereby amended to read as follows:

372.250 ***1.*** It is presumed that tangible personal property shipped or brought to this State by the purchaser on or after July 1, 1979, was purchased from a retailer on or after July 1, 1979, for storage, use or other consumption in this State.

2. This presumption may be controverted by the vendor or purchaser by evidence showing that the property was stored or used:

(a) Exclusively outside of this State during the initial 30 days after its purchase; and

(b) Outside of this State for a majority of the time during the initial 12 months after its purchase.

Sec. 12. NRS 372.255 is hereby amended to read as follows:

372.255 1. ~~[Except as otherwise provided in NRS 372.258, on]~~ ***On*** and after July 1, 1979, it is presumed that tangible personal property delivered outside this State to a purchaser known by the retailer to be a resident of this State was purchased from a retailer for storage, use or other consumption in this State and stored, used or otherwise consumed in this State.

2. This presumption may be controverted by:

(a) ~~[A]~~ ***The vendor by a written*** statement ~~[in writing, signed by the purchaser or his or her authorized representative, and retained by the vendor,]~~ that the property was purchased for use at a designated point or points outside this State ~~[.~~

~~(b) Other evidence satisfactory to the Department that the property was not purchased for storage, use or other consumption in this State.]~~ ***, if the statement is:***

(1) Signed by the purchaser or his or her authorized representative; and

(2) Taken and retained by the vendor in good faith; or

(b) The vendor or purchaser by evidence showing that the property was stored or used:

(1) Exclusively outside of this State during the initial 30 days after its purchase; and

(2) Outside of this State for a majority of the time during the initial 12 months after its purchase.

Sec. 13. NRS 372.347 is hereby amended to read as follows:

372.347 1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such ~~[identifying]~~ information from the purchaser ~~[at the time of sale]~~ as is required by the Department.

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department and provide those records to the Department upon request.

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is liable for the payment of the tax. The provisions of this subsection do not apply if the retailer ~~[~~fraudulently~~]~~ ***:***

(a) Fraudulently fails to collect the tax ~~[~~or solicits~~]~~ ***;***

(b) Solicits a purchaser to participate in an unlawful claim of an exemption ~~[.]~~ ***; or***

(c) Accepts a certificate of exemption from a purchaser who claims an entity-based exemption, the subject of the transaction sought to be covered by the certificate is actually received by the purchaser at a location operated by the seller, and the Department provides, and posts on a website or other Internet site that is operated or administered by or on behalf of the Department, a certificate of exemption which clearly and affirmatively indicates that the claimed exemption is not available.

6. As used in this section ~~[~~, "retailer"~~]~~ ***:***

(a) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product, and which is not available to all.

(b) "Retailer" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a retailer who is registered pursuant to NRS 360B.200.

Sec. 14. NRS 372.360 is hereby amended to read as follows:

372.360 Except as otherwise required by the Department pursuant to NRS 360B.200:

1. On or before the last day of the month following each reporting period, a return for the preceding period must be filed with the Department in such form ***and manner*** as the Department may prescribe. Any return required to be filed by this section must be combined with any return required to be filed pursuant to the provisions of chapter 374 of NRS.

2. For purposes of:

(a) The sales tax, a return must be filed by each seller.

(b) The use tax, a return must be filed by each retailer maintaining a place of business in the State and by each person purchasing tangible personal property, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due.

3. ~~[~~Returns~~]~~ ***Unless filed electronically, returns*** must be signed by the person required to file the return or by his or her authorized agent but need not be verified by oath.

Sec. 15. NRS 372.365 is hereby amended to read as follows:

372.365 1. Except as otherwise required by the Department pursuant to NRS 360B.200 or provided in NRS 360B.350 to 360B.375, inclusive ~~[:]~~ ***, or section 2 of this act:***

(a) For the purposes of the sales tax:

(1) The return must show the gross receipts of the seller during the preceding reporting period.

(2) The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.

(3) A sale pertains to the county in this State in which the tangible personal property is or will be delivered to the purchaser or his or her agent or designee.

(b) For purposes of the use tax:

(1) In the case of a return filed by a retailer, the return must show the total sales price of the property purchased by him or her, the storage, use or consumption of which property became subject to the use tax during the preceding reporting period.

(2) The sales price must be segregated and reported separately for each county to which a purchase of tangible personal property pertains.

(3) If the property was:

(I) Brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property is or will be first used, stored or otherwise consumed.

(II) Not brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property was delivered to the purchaser or his or her agent or designee.

2. In case of a return filed by a purchaser, the return must show the total sales price of the property purchased by him or her, the storage, use or consumption of which became subject to the use tax during the preceding reporting period and indicate the county in this State in which the property was first used, stored or consumed.

3. The return must also show the amount of the taxes for the period covered by the return and such other information as the Department deems necessary for the proper administration of this chapter.

4. Except as otherwise provided in subsection 5, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the tax which was not reported or was reported for the wrong county or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of

the tax which was not reported or was reported for the wrong county or $3,000, whichever is less.

5. For the purposes of subsection 4, if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 4.

Sec. 16. NRS 372.375 is hereby amended to read as follows:

372.375 1. Except as otherwise ***authorized or*** required by the Department , ~~[pursuant to NRS 360B.200,]~~ the person required to file a return shall deliver the return together with a remittance of the amount of the tax due to the Department.

2. The Department shall provide for the acceptance of credit cards, debit cards or electronic transfers of money for the payment of the tax due in the manner prescribed pursuant to NRS 360.092.

Sec. 17. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter relating to:

(a) The imposition, collection and remittance of the sales tax apply to every retailer whose activities have a sufficient nexus with a county to satisfy the requirements of the United States Constitution.

(b) The collection and remittance of the use tax apply to every retailer whose activities have a sufficient nexus with a county to satisfy the requirements of the United States Constitution.

2. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in a county" in accordance with the provisions of subsection 1.

Sec. 18. NRS 374.160 is hereby amended to read as follows:

374.160 1. For the purpose of the proper administration of this chapter and to prevent evasion of the sales tax it is presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless the person takes ~~[in good faith]~~ from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 374.140; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the sale is not a sale at retail if:

(a) The third-party vendor:

(1) Takes ~~[in good faith]~~ from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 19. NRS 374.230 is hereby amended to read as follows:

374.230 1. For the purpose of the proper administration of this chapter and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property sold by any person for delivery in a county is sold for storage, use or other consumption in the county until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless the person takes ~~[in good faith]~~ from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 374.140; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the property is sold for storage, use or other consumption in this State if:

(a) The third-party vendor:

(1) Takes ~~[in good faith]~~ from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 20. NRS 374.255 is hereby amended to read as follows:

374.255 ***1***. It ~~[shall be further]~~ ***is*** presumed that tangible personal property shipped or brought to a county by the purchaser after July 1, 1967, was purchased from a retailer on or after July 1, 1967, for storage, use or other consumption in the county.

2. This presumption may be controverted by the vendor or purchaser by evidence showing that the property was stored or used:

(a) Exclusively outside of a county during the initial 30 days after its purchase; and

(b) Outside of a county for a majority of the time during the initial 12 months after its purchase.

Sec. 21. NRS 374.260 is hereby amended to read as follows:

374.260 1. ~~[Except as otherwise provided in NRS 374.263, on]~~ ***On*** and after July 1, 1967, it is ~~[further]~~ presumed that tangible personal property delivered outside this State to a purchaser known by the retailer to be a resident of the county was purchased from a retailer for storage, use or other consumption in the county and stored, used or otherwise consumed in the county.

2. This presumption may be controverted by:

(a) ~~[A]~~ ***The vendor by a written*** statement ~~[in writing, signed by the purchaser or his or her authorized representative, and retained by the vendor,]~~ that the property was purchased for use at a designated point or points outside this State ~~[.~~

~~(b) Other evidence satisfactory to the Department that the property was not purchased for storage, use or other consumption in this State.]~~ ***, if the statement is:***

(1) Signed by the purchaser or his or her authorized representative; and

(2) Taken and retained by the vendor in good faith; or

(b) The vendor or purchaser by evidence showing that the property was stored or used:

(1) Exclusively outside of this State during the initial 30 days after its purchase; and

(2) Outside of this State for a majority of the time during the initial 12 months after its purchase.

Sec. 22. NRS 374.352 is hereby amended to read as follows:

374.352 1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such ~~[identifying]~~ information from the purchaser ~~[at the time of sale]~~ as is required by the Department.

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department and provide those records to the Department upon request.

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is liable for the payment of the tax. The provisions of this subsection do not apply if the retailer ~~[fraudulently]~~ ***:***

(a) Fraudulently fails to collect the tax ~~[or solicits]~~ ***;***

(b) Solicits a purchaser to participate in an unlawful claim of an exemption ~~[.]~~ ***; or***

(c) Accepts a certificate of exemption from a purchaser who claims an entity-based exemption, the subject of the transaction sought to be covered by the certificate is actually received by the purchaser at a location operated by the seller, and the Department provides, and posts on a website or other Internet site that is operated or administered by or on behalf of the Department, a certificate of exemption which clearly and affirmatively indicates that the claimed exemption is not available.

6. As used in this section ~~[, "retailer"]~~ ***:***

(a) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product, and which is not available to all.

(b) "Retailer" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a retailer who is registered pursuant to NRS 360B.200.

Sec. 23. NRS 374.365 is hereby amended to read as follows:

374.365 Except as otherwise required by the Department pursuant to NRS 360B.200:

1. On or before the last day of the month following each reporting period, a return for the preceding period must be filed with the Department in such form ***and manner*** as the Department may prescribe. Any return required to be filed by this section must be combined with any return required to be filed pursuant to the provisions of chapter 372 of NRS.

2. For purposes of:

(a) The sales tax, a return must be filed by every seller.

(b) The use tax, a return must be filed by every retailer maintaining a place of business in the county and by every person purchasing tangible personal property, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due.

3. ~~[Returns]~~ ***Unless filed electronically, returns*** must be signed by the person required to file the return or by his or her authorized agent but need not be verified by oath.

Sec. 24. NRS 374.370 is hereby amended to read as follows:

374.370 1. Except as otherwise required by the Department pursuant to NRS 360B.200 or provided in NRS 360B.350 to 360B.375, inclusive ~~[.]~~ ***, or section 2 of this act:***

(a) For the purposes of the sales tax:

(1) The return must show the gross receipts of the seller during the preceding reporting period.

(2) The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.

(3) A sale pertains to the county in this State in which the tangible personal property is or will be delivered to the purchaser or his or her agent or designee.

(b) For purposes of the use tax:

(1) In the case of a return filed by a retailer, the return must show the total sales price of the property purchased by him or her, the storage, use or consumption of which property became subject to the use tax during the preceding reporting period.

(2) The sales price must be segregated and reported separately for each county to which a purchase of tangible personal property pertains.

(3) If the property was:

(I) Brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property is or will be first used, stored or otherwise consumed.

(II) Not brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property was delivered to the purchaser or his or her agent or designee.

2. In case of a return filed by a purchaser, the return must show the total sales price of the property purchased by him or her, the storage, use or consumption of which became subject to the use tax during the preceding reporting period and indicate the county in this State in which the property was first used, stored or consumed.

3. The return must also show the amount of the taxes for the period covered by the return and such other information as the Department deems necessary for the proper administration of this chapter.

4. Except as otherwise provided in subsection 5, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the tax which was not reported or was reported for the wrong county or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported or was reported for the wrong county or $3,000, whichever is less.

5. For the purposes of subsection 4, if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 4.

Sec. 25. NRS 374.380 is hereby amended to read as follows:

374.380 1. Except as otherwise ***authorized or*** required by the Department , ~~[pursuant to NRS 360B.200,]~~ the person required to file a

return shall deliver the return together with a remittance of the amount of the tax due to the Department.

2. The Department shall provide for the acceptance of credit cards, debit cards or electronic transfers of money for the payment of the tax due in the manner prescribed pursuant to NRS 360.092.

Sec. 26. NRS 360B.280, 372.258 and 374.263 are hereby repealed.

Sec. 27. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

360B.280 Purchases of direct mail.

1. A purchaser of direct mail must provide to the seller at the time of the purchase:

(a) If the seller does not maintain a place of business in this State:

(1) A form for direct mail approved by the Department;

(2) An informational statement of the jurisdictions to which the direct mail will be delivered to recipients; or

(3) Documentation of the direct pay permit of the purchaser issued pursuant to NRS 360B.260; or

(b) If the seller maintains a place of business in this State, an informational statement of the jurisdictions to which the direct mail will be delivered to recipients.

➥ If a purchaser of direct mail provides documentation of a direct pay permit to a seller in accordance with subparagraph (3) of paragraph (a), the seller shall not require the purchaser to comply with any other provision of that paragraph.

2. Notwithstanding the provisions of NRS 360B.350 to 360B.375, inclusive:

(a) Upon the receipt pursuant to subsection 1 of:

(1) A form for direct mail by a seller who does not maintain a place of business in this State:

(I) The seller is relieved of any liability for the collection, payment or remission of any sales or use taxes applicable to the purchase of direct mail by that purchaser from that seller; and

(II) The purchaser is liable for any sales or use taxes applicable to the purchase of direct mail by that purchaser from that seller.

➥ Any form for direct mail provided to a seller pursuant to this subparagraph applies to all future sales of direct mail made by that seller to that purchaser until the purchaser delivers a written notice of revocation to the seller.

(2) An informational statement by any seller, the seller shall collect, pay or remit any applicable sales and use taxes in accordance with the information contained in that statement. In the absence of bad faith, the seller is relieved of any liability to collect, pay or remit any sales and use taxes other than in accordance with that information received.

(b) If a purchaser of direct mail does not comply with subsection 1, the seller shall determine the location of the sale pursuant to subsection 5 of NRS 360B.360 and collect, pay or remit any applicable sales and use taxes.

This paragraph does not limit the liability of the purchaser for the payment of any of those taxes.

3. As used in this section, "direct mail" means printed material delivered or distributed by the United States Postal Service or another delivery service to a mass audience or to addresses contained on a mailing list provided by a purchaser or at the direction of a purchaser when the cost of the items purchased is not billed directly to the recipients. The term includes tangible personal property supplied directly or indirectly by the purchaser to the seller of the direct mail for inclusion in the package containing the printed material. The term does not include multiple items of printed material delivered to a single address.

372.258 Presumption that certain property delivered outside this State was not purchased for use in this State.

1. It is presumed that tangible personal property delivered outside this State to a purchaser was not purchased from a retailer for storage, use or other consumption in this State if the property:

(a) Was first used in interstate or foreign commerce outside this State; and

(b) Is used continuously in interstate or foreign commerce, but not exclusively in this State, for at least 12 months after the date that the property was first used pursuant to paragraph (a).

2. As used in this section:

(a) "Interstate or foreign commerce" means the transportation of passengers or property between:

(1) A point in one state and a point in:

(I) Another state;

(II) A possession or territory of the United States; or

(III) A foreign country; or

(2) Points in the same state when such transportation consists of one or more segments of transportation that immediately follow movement of the property into the state from a point beyond its borders or immediately precede movement of the property from within the state to a point outside its borders.

(b) "State" includes the District of Columbia.

374.263 Presumption that certain property delivered outside this State was not purchased for use in this State.

1. It is presumed that tangible personal property delivered outside this State to a purchaser was not purchased from a retailer for storage, use or other consumption in this State if the property:

(a) Was first used in interstate or foreign commerce outside this State; and

(b) Is used continuously in interstate or foreign commerce, but not exclusively in this State, for at least 12 months after the date that the property was first used pursuant to paragraph (a).

2. As used in this section:

(a) "Interstate or foreign commerce" means the transportation of passengers or property between:

(1) A point in one state and a point in:

(I) Another state;

(II) A possession or territory of the United States; or

(III) A foreign country; or

(2) Points in the same state when such transportation consists of one or more segments of transportation that immediately follow movement of the property into the state from a point beyond its borders or immediately precede movement of the property from within the state to a point outside its borders.

(b) "State" includes the District of Columbia.

Senator Leslie moved the adoption of the amendment.

Remarks by Senator Leslie.

Senator Leslie requested that her remarks be entered in the Journal.

Amendment No. 107 to Senate Bill No. 34 makes two changes to the bill as a result of recent amendments to the Streamlined Sales and Use Tax Agreement, which occurred after the bill draft was submitted. These amendments are necessary for Nevada to maintain compliance with the Streamlined Sales and Use Tax Agreement.

The first change in Section 4.5 establishes that if the Federal Reserve Bank is closed on a due date that prohibits a person from being able to make a required tax payment, the payment shall be accepted as timely if made on the next day the Federal Reserve Bank is open.

Similarly, if a sales or use tax return is due on a Saturday, Sunday or legal holiday, the return may be filed on the next succeeding business day.

The second change in Section 5.5 provides a technical amendment to clarify that the new provisions within Section 2 of the bill are included as an exception to the provisions of NRS 360B.355 with regard to determining the liability of a seller for sales and use tax.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 67.

"SUMMARY—Revises provisions governing the disbursement of money from the Fund for the Compensation of Victims of Crime. (BDR 16-431)"

"AN ACT relating to the Fund for the Compensation of Victims of Crime; revising provisions governing the disbursement of money from the Fund; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the victims of certain crimes, the dependents of those victims and certain members of the victim's household or immediate family are authorized to apply to the State Board of Examiners for compensation from the Fund for the Compensation of Victims of Crime for certain expenses and losses. (NRS 217.070, 217.100, 217.102, 217.160, 217.200, 217.260) Certain administrative expenses are also paid with money from the Fund. The Board is required under existing law to estimate quarterly the revenue in the Fund which is available for the payment of compensation and

the anticipated expenses for the next quarter. If the estimated expenses for the quarter exceed the available revenue, all claims paid in that quarter are required to be reduced in the same proportion as the expenses exceeded the revenue. (NRS 217.260) This bill ~~[eliminates this administrative requirement and]~~ requires instead that the money in the Fund be disbursed in accordance with the rules and regulations adopted by the Board. **Such rules and regulations must include, without limitation, the requirements that: (1) claims be categorized as to their priority; and (2) claims categorized as the highest priority be paid, in whole or in part, before other claims.** The Board is exempt from the requirements of the Nevada Administrative Procedure Act with respect to its adoption of such rules and regulations. (NRS 233B.039)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 217.260 is hereby amended to read as follows:

217.260 1. Money for payment of compensation as ordered by the Board and for payment of salaries and other expenses incurred by the Department of Administration pursuant to NRS 217.010 to 217.270, inclusive, must be paid from the Fund for the Compensation of Victims of Crime, which is hereby created. Money in the Fund must be disbursed on the order of the Board in the same manner as other claims against the State are ~~[paid.]~~ ***paid and in accordance with the rules and regulations adopted by the Board pursuant to NRS 217.130. Such rules and regulations must include, without limitation, the requirements that:***

(a) Claims be categorized as to their priority; and

(b) Claims categorized as the highest priority be paid, in whole or in part, before other claims.

2. The Board shall estimate quarterly:

(a) The revenue in the Fund which is available for the payment of compensation; and

(b) The anticipated expenses for the next quarter.

~~[➥ If the estimated expenses for the quarter exceed the available revenue, all claims paid in that quarter must be reduced in the same proportion as the expenses exceeded the revenue.]~~ ~~*[accordance with the rules and regulations adopted by the Board pursuant to NRS 217.130.*~~

~~2.]~~ ***3.*** Money deposited in the Fund which is recovered from a forfeiture of assets pursuant to NRS 200.760 and the interest and income earned on that money must be used for the counseling and medical treatment of victims of crimes committed in violation of NRS 200.366, 200.710, 200.720, 200.725, 200.730 or 201.230.

~~[3.]~~ ***4.*** The interest and income earned on the money in the Fund for the Compensation of Victims of Crime, after deducting any applicable charges, must be credited to the Fund.

Sec. 2. This act becomes effective upon passage and approval.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

The amendment reinstates many of the requirements for payment of claims from the Compensation for Victims of Crime Fund that Senate Bill No. 67 proposed to eliminate, including quarterly estimates of revenue and expenses and payment of claims in the same manner as other claims against the State.

However, the amendment does allow the Board of Examiners to adopt rules and regulations for the payment of claims by priority with payment of higher priority claims, in whole or in part, before lower priority claims.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 79.

"SUMMARY—Revises provisions governing the assignment of certain criminal offenders to residential confinement. (BDR 16-120)"

"AN ACT relating to criminal offenders; revising provisions concerning the assignment of certain offenders who are imprisoned for causing death or serious bodily harm while driving under the influence of intoxicating liquor or a controlled substance to residential confinement; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that a person who causes the death or substantial bodily harm of another person while driving under the influence of intoxicating liquor or a controlled substance is guilty of a category B felony and must be punished by a minimum term of imprisonment of not less than 2 years. (NRS 484C.430) Under existing law, the Director of the Department of Corrections may assign a person imprisoned for a category B felony to residential confinement if the person satisfies certain standards adopted by the Director and the Director finds that the assignment is not likely to pose a threat to public safety. (NRS 209.392) **Section 1** of this bill requires the standards adopted by the Director to prohibit the assignment of certain persons imprisoned for causing death or substantial bodily harm while driving under the influence of intoxicating liquor or a controlled substance to a term of residential confinement unless the person has served the minimum term of imprisonment in the state prison ~~[required by existing law.]~~ **which was imposed by the court.**

Existing law requires the Director to establish a program for the treatment of abusers of alcohol or drugs who are imprisoned for certain felonies involving driving under the influence of intoxicating liquor or a controlled substance. (NRS 209.425) **Section 2** of this bill replaces a provision that requires the Director to assign certain participants in this program to residential confinement with a provision that allows the Director to assign those participants to residential confinement. (NRS 209.429) **Section 2** also

prohibits the Director from assigning a participant in the program who is imprisoned for causing death or substantial bodily harm while driving under the influence of intoxicating liquor or a controlled substance to residential confinement unless that participant has served the minimum term of imprisonment in the state prison ~~[required by existing law.]~~ **which was imposed by the court.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime,

➥ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) Except as otherwise provided in subsection 4, a category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:

(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and

(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.

5. ***The standards adopted by the Director pursuant to subsection 3 must provide that an offender who is serving a sentence for a violation of NRS 484C.430 is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section unless the offender has served the minimum term of imprisonment in the state prison*** ~~*[set forth in NRS 484C.430.]*~~ ***which was imposed by the court.***

6. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the offender's residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

~~[6.]~~ ***7.*** The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

~~[7.]~~ ***8.*** An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 2. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsection 6, the Director ~~[shall]~~ ***may*** assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term of his or her sentence if the offender has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his or her confinement and to meet any existing obligation for restitution to any victim of his or her crime.

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he or she must submit to the Division of Parole and Probation a signed document stating that:

(a) He or she will comply with the terms or conditions of the residential confinement; and

(b) If he or she fails to comply with the terms or conditions of the residential confinement and is taken into custody outside of this State, he or she waives all rights relating to extradition proceedings.

3. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits earned by the offender to reduce his or her sentence pursuant to this chapter before the escape or

violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

5. A person does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

6. The Director shall not assign an offender who is serving a sentence for committing ~~[~~a~~]~~ ***:***

(a) A battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

(b) A violation of NRS 484C.430 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the offender has served the minimum term of imprisonment in the state prison ~~*[set forth in NRS 484C.430.]*~~ ***which was imposed by the court.***

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

The amendment simply clarifies that the minimum term of imprisonment contemplated by the bill is the term imposed by the court and not strictly the minimum allowed by law.

For example, if the minimum allowed by law is two to eight years, the bill as currently written, could be interpreted that it would be limited to two years, while the court may actually impose a minimum term of up to eight years. It allows the court more discretion.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 89.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 32.

"SUMMARY—Revises provisions governing audits and reviews of financial statements of common-interest communities. (BDR 10-595)"

"AN ACT relating to common-interest communities; revising provisions governing the audit and review of financial statements of common-interest communities; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires a unit owners' association with an annual budget of less than $75,000 to have an independent certified public accountant review its financial statement in the year immediately preceding the year in which a study of the association's reserves is conducted unless an audit is otherwise requested by 15 percent of the voting members of the association. (NRS 116.31144) This bill exempts associations with an annual budget of less than $45,000 from this requirement**.** ~~[and requires the executive board of such an association to review the association's financial statement every fiscal year unless an audit by an independent certified public accountant is otherwise requested by 15 percent of the voting members of the association.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) ~~*[If the annual budget of the association is less than $45,000, review the financial statement of the association every fiscal year.*~~

~~*— (b)]*~~ If the annual budget of the association is ***$45,000 or more but*** less than $75,000, cause the financial statement of the association to be reviewed by an independent certified public accountant during the year immediately preceding the year in which a study of the reserves of the association is to be conducted pursuant to NRS 116.31152.

(b) ~~*[(c)]*~~ If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be reviewed by an independent certified public accountant every fiscal year.

(c) ~~*[(d)]*~~ If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. ~~[For]~~ ***Except as otherwise provided in this subsection, for*** any fiscal year, the executive board of an association ~~[to which paragraph (a) ,]~~ ~~[or]~~ ~~[~~(b) *or (c)* of subsection 1 applies~~]~~ shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit. ***The provisions of this subsection do not apply to an association described in paragraph (c) of subsection 1.***

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association **:** ~~*[pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection 2;]*~~ and

(b) The standards and format to be followed ~~*[by:*~~

~~*(1) An executive board]*~~ in auditing or reviewing financial statements of an association . ~~*[pursuant to paragraph (a) of subsection 1; and*~~

~~*(2) An independent certified public accountant in auditing or reviewing financial statements of an association pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection 2.]*~~

Sec. 2. This act becomes effective upon passage and approval.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

The amendment eliminates the review requirement for associations with a budget under $45,000, but maintains the audit requirement if requested by 15 percent of the voting members.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 37.

"SUMMARY— ~~[Removes]~~ **Extends** the prospective expiration of certain provisions governing the list of preferred prescription drugs to be used for the Medicaid program. (BDR S-940)"

"AN ACT relating to health care; ~~[removing]~~ **extending** the prospective expiration of provisions governing the list of preferred prescription drugs to be used for the Medicaid program; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Department of Health and Human Services is required to develop by regulation a list of preferred prescription drugs to be used for the Medicaid program. The Department is also required to establish a list of prescription drugs that must be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs. Existing law further requires the Department to include certain specified drugs on the list of drugs excluded from the restrictions. (NRS 422.4025) Before July 1, 2010, the Department was required to exclude certain atypical and typical antipsychotic medications, anticonvulsant medications and antidiabetic medications from the restrictions that are imposed on drugs

which are on the list of preferred prescription drugs, but the Legislature suspended this requirement for the period from July 1, 2010, to June 30, 2011. (Chapter 4, Statutes of Nevada 2010, 26th Special Session, p. 35) This bill ~~[removes]~~ **extends** the prospective expiration of such provisions, which has the effect of continuing the inclusion of those types of medications in the restrictions that are imposed on drugs which are on the list of preferred prescription drugs ~~[after]~~ **until** June 30, ~~[2011.]~~ **2015.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 4 of chapter 4, Statutes of Nevada 2010, 26th Special Session, at page 37, is hereby amended to read as follows:

Sec. 4. This act becomes effective on July 1, 2010 ~~[.]~~ , and expires by limitation on June 30, ~~[2011.]~~ ***2015.***

Sec. 2. This act becomes effective upon passage and approval.

Senator Copening moved the adoption of the amendment.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Amendment No. 37 revises the provisions of Senate Bill No. 97 by replacing the sunset and extending it to June 30, 2015.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bills Nos. 72, 97 be re-referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 33.

"SUMMARY—Revises certain provisions relating to ~~[the issuance of]~~ **certificates of** marriage ~~[licenses]~~ and the solemnization of marriage. (BDR 11-635)"

"AN ACT relating to marriage; revising certain provisions relating to ~~[the issuance of]~~ **certificates of** marriage ~~[licenses]~~ and the solemnization of marriage; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, ~~[an applicant for a marriage license is authorized to submit as proof of his or her name and age an original or certified copy of a birth certificate, along with either: (1) a secondary document that contains the name and photograph of the applicant; or (2) any document for which identification must be verified as a condition to receipt of the document. (NRS 122.040) Section 1 of this bill authorizes such an applicant to provide~~

~~an original or certified copy of a birth certificate, along with any two documents that contain the name and address of the applicant. Section 1 also specifies that if an applicant presents an original or certified copy of any of the required forms of identification as prescribed by law, the county clerk is required to accept those forms of identification as proof of the applicant's name and age. Additionally, section 1 authorizes an applicant to have an attendant with him or her at all times while the applicant is in the marriage license bureau.~~ **the county clerk may place an affidavit of application for a marriage license, a certificate of marriage and a marriage license on a single form, on the reverse of which the county clerk must have printed or stamped instructions for obtaining a certified copy or certified abstract of the certificate of marriage. (NRS 122.055) Section 2 of this bill requires the county clerk to include on the reverse of such a form: (1) instructions for obtaining a certified copy or certified abstract of the certificate of marriage; (2) certain language explaining that the certificate is not a certified copy and that a certified copy will need to be obtained for certain legal matters; and (3) a time stamp used by the clerk to signify that the form has been filed.**

Existing law also provides that a certificate of permission to perform marriages expires when a minister or other person who is authorized to solemnize a marriage, to whom the certificate has been issued, moves from the county in which his or her certificate was issued. (NRS 122.066) **Section 3** of this bill specifies that a certificate of permission remains valid when a minister or other person who is authorized to solemnize a marriage, who is retired and who has been issued the certificate, moves to another county in this State.

~~Section 2 of this bill requires the county clerk to include only certain information on the back of a certificate of marriage that is not a certified copy, and section 4 of this bill increases the fee for having a marriage solemnized by the commissioner of civil marriages or his or her deputy commissioner of civil marriages from $45 to $70.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~NRS 122.040 is hereby amended to read as follows:~~

~~122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:~~

~~(a) In a county whose population is 400,000 or more:~~

~~(1) Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the designated branch office in an incorporated city whose population is 150,000 or more but less than 300,000; and~~

~~(2) May, in addition to the branch office described in subparagraph (1), at the request of the county clerk, designate not more than four branch offices~~

~~of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.~~

~~(b) In a county whose population is less than 400,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.~~

~~2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk [may]~~ *~~shall~~* ~~accept as proof of the applicant's name and age~~ *~~, and shall not deny a marriage license to an applicant for failure to provide proof of the applicant's name and age, if the applicant provides~~* ~~an original or certified copy of any of the following:~~

~~(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.~~

~~(b) A passport.~~

~~(c) A birth certificate and:~~

~~(1) Any secondary document that contains the name and a photograph of the applicant; [or]~~

~~(2) Any document for which identification must be verified as a condition to receipt of the document [.]~~ *~~; or~~*

~~*(3) Any two documents that contain the name and address of the applicant.*~~

~~➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.~~

~~(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.~~

~~(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.~~

~~(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.~~

~~3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown.~~

~~The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.~~

~~4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:~~

~~a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.~~

~~b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.~~

~~➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.~~

~~5. If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:~~

~~a) Personally given before the clerk;~~

~~b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or~~

~~c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.~~

~~6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal~~

~~parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.~~

~~— 7. If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to the county clerk in writing.~~

~~— 8. *An applicant for a marriage license is entitled to have an attendant with him or her at all times while the applicant is in the marriage license bureau.*~~

~~— 9. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.~~

~~— 9.] *10.* A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.] **(Deleted by amendment.)**~~

Sec. 2. NRS 122.055 is hereby amended to read as follows:

122.055 1. The county clerk may place the affidavit of application for a marriage license, the certificate of marriage and the marriage license on a single form.

2. The county clerk shall have printed or stamped on the reverse of the form ~~[~~instructions~~]~~ ***:***

(a) Instructions for obtaining a certified copy or certified abstract of the certificate of marriage.

(b) Language in black ink and at least 16-point bold type in a font that is easy to read and that is in substantially the following form:

> ***This is your certificate. This is not a certified copy. For name changes and other legal matters, you will need to obtain a certified copy.***

3. Nothing may be printed, stamped or written on the reverse of the form other than the instructions and language described in subsection 2 and a time stamp used by the county clerk to signify that the form has been filed.

Sec. 3. NRS 122.066 is hereby amended to read as follows:

122.066 1. The Secretary of State shall establish and maintain a statewide database of ministers or other persons authorized to solemnize a marriage. The database must:

(a) Serve as the official list of ministers or other persons authorized to solemnize a marriage approved in this State;

(b) Provide for a single method of storing and managing the official list;

(c) Be a uniform, centralized and interactive database;

(d) Be electronically secure and accessible to each county clerk in this State;

(e) Contain the name, mailing address and other pertinent information of each minister or other person authorized to solemnize a marriage as prescribed by the Secretary of State; and

(f) Include a unique identifier assigned by the Secretary of State to each minister or other person authorized to solemnize a marriage.

2. If the county clerk approves an application for a certificate of permission to perform marriages, the county clerk shall:

(a) Enter all information contained in the application into the electronic statewide database of ministers or other persons authorized to solemnize a marriage maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages is approved by the county clerk; and

(b) Provide to the Secretary of State all information related to the minister or other person authorized to solemnize a marriage pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister or other person authorized to solemnize a marriage:

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers or other persons authorized to solemnize a marriage;

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization or any other information pertaining to certification.

4. A certificate of permission is valid until the county clerk has received an affidavit of revocation of authority to solemnize marriages pursuant to NRS 122.0665.

5. An affidavit of revocation of authority to solemnize marriages that is received pursuant to subsection 4 must be sent to the county clerk within 5 days after the minister or other person authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other person authorized to solemnize a marriage for the church or religious organization.

6. If the county clerk in the county where the certificate of permission was issued has reason to believe that the minister or other person authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other person authorized to solemnize a marriage, or that such church or religious organization no longer exists, the county clerk may require satisfactory proof of the good standing of the minister or other person authorized to solemnize a marriage. If such proof is not presented within 15 days, the county clerk shall revoke the certificate of permission by amending the electronic record of the minister or other person authorized to solemnize a marriage in the statewide database pursuant to subsection 1.

7. ~~[If]~~ ***Except as otherwise provided in subsection 8, if*** any minister or other person authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious

organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or move, file an affidavit of revocation of authority to solemnize marriages pursuant to NRS 122.0665. If the minister or other person authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her severance with his or her church or religious organization, or that he or she has moved from the county, the certificate shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

8. ***If any minister or other person authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is revoked as prescribed by law. The minister or other person authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other person authorized to solemnize a marriage has moved.***

9. The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers or other persons who are authorized to solemnize a marriage in this State.

Sec. 4. ~~[NRS 122.181 is hereby amended to read as follows:~~

~~122.181 1. The commissioner of civil marriages or his or her deputy commissioner of civil marriages is entitled to receive as his or her fee for solemnizing a marriage [$45.] *$70.* The fee must be deposited in the county general fund.~~

~~2. The commissioner of civil marriages or his or her deputy commissioner of civil marriages shall also at the time of solemnizing a marriage collect the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the clerk to the State Controller for credit to that Account.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2011.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

The amendment maintains some of the provisions of the original bill, but eliminates others.

It maintains the provisions that: (a) stipulate what may be printed on the back of the marriage form; and (b) allows retired ministers to perform marriages if they move from one county to another.

The amendment deletes the provisions that would: (a) change the forms of identification required to obtain a marriage license; (b) determine those allowed to accompany an applicant into the marriage bureau; and (c) increase certain fees.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 83.

"SUMMARY—Revises provisions relating to controlled substances. (BDR 40-190)"

"AN ACT relating to controlled substances; requiring certain reports made by the Investigation Division of the Department of Public Safety to be transmitted to the Legislative Committee on Health Care; authorizing the exchange of certain information concerning controlled substances with other states under certain circumstances; providing civil and criminal immunity to certain persons who provide to the State Board of Pharmacy and the Division certain information concerning controlled substances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill requires the Investigation Division of the Department of Public Safety to provide to the Legislative Committee on Health Care a copy of the annual report concerning the distribution and abuse of controlled substances.

Existing law requires the State Board of Pharmacy and the Division to develop a computerized system to track prescriptions for controlled substances listed in schedules II, III and IV. (NRS 453.1545) **Section 2** of this bill authorizes the Board and the Division to enter into a written agreement with an appropriate agency in another state to provide, receive or exchange information obtained from Nevada's computerized system with a similar system to track prescriptions for controlled substances in that state. **Section 2** also provides immunity from criminal and civil liability for certain persons who, ~~[in good faith,]~~ **with reasonable care,** provide to the Division or Board reports or information related to the computerized system.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 453.154 is hereby amended to read as follows:

453.154 1. In this section, "diversion" means the transfer of a controlled substance from a lawful to an unlawful channel of distribution or use.

2. The Division shall regularly prepare and make available to other state regulatory, licensing and law enforcement agencies a report on the patterns and trends of distribution, diversion and abuse of controlled substances.

3. The Board and the Division may enter into written agreements with local, state and federal agencies to improve identification of sources of diversion and to improve enforcement of and compliance with NRS 453.011 to 453.348, inclusive, and other laws and regulations pertaining to unlawful conduct involving controlled substances. An agreement must specify the roles and responsibilities of each agency that has information or authority to identify, prevent or control diversion and abuse of controlled substances. The Board and the Division may convene periodic meetings to coordinate a state program to prevent and control diversion. The Board and the Division may arrange for cooperation and exchange of information among agencies and with other states and the Federal Government.

4. The Division shall report annually to the Governor ***and the Legislative Committee on Health Care*** and biennially to the presiding officer of each house of the Legislature on the outcome of the program with respect to its effect on distribution and abuse of controlled substances, including recommendations for improving control and prevention of the diversion of controlled substances in this State.

Sec. 2. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Division, the Health Division of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who elects to access the database of the program pursuant to subsection 2, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

2. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who:

(a) Elects to access the database of the program; and

(b) Completes the course of instruction described in subsection ~~[6.]~~ *7.*

3. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

4. The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

5. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

6. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

~~[6.]~~ ***7.*** The Board and the Division shall cooperatively develop a course of training for persons who elect to access the database of the program pursuant to subsection 2 and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection 2.

~~[7.]~~ ***8. A practitioner who is authorized to write prescriptions for each person who is authorized to dispense controlled substances listed in schedule II, III or IV who*** ~~*[in good faith transmits]*~~ ***acts with reasonable care when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.***

9. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Senator Copening moved the adoption of the amendment.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Amendment No. 83 revises the provisions to Senate Bill No. 114 by revising the provisions related to immunity for practitioners that report information to the Prescription Drug Monitoring Program by removing the language that indicates that he or she has acted "in good faith" and adding that he or she "acts with reasonable care" when transmitting the required information.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 10.

"SUMMARY—Revises provisions governing the licensure of certain physicians. (BDR 54-194)"

"AN ACT relating to physicians; allowing a resident who is enrolled in a **progressive** postgraduate training program in ~~[this State]~~ **the United States or Canada** to be considered for a license to practice medicine after completing 24 months of the program and committing in writing to complete the program; requiring an applicant for a license to practice medicine to submit proof of satisfactory completion of a **progressive** postgraduate training program under certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the Board of Medical Examiners to issue a license to practice medicine to any person who meets certain requirements. (NRS 630.160)

Section 1 of this bill revises the requirements that must be met before applying for a license to practice medicine to allow a resident who is enrolled in a **progressive** postgraduate training program in ~~[this State]~~ **the United States or Canada** and who has completed certain other existing requirements to be considered for a license after completing 24 months of the program and committing in writing to complete the program. **Section 2** of this bill requires such an applicant for a license to submit proof of satisfactory completion of the program within ~~[120]~~ **60** days after the scheduled completion of the program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education; ~~[or]~~

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; ~~[and]~~ ***or***

(3) Is a resident who is enrolled in a progressive postgraduate training program in ~~[this State,]~~ the United States or Canada approved by the

Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if , after issuing a license to practice medicine , the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 2. NRS 630.171 is hereby amended to read as follows:

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board ~~[a]~~ ***, if applicable:***

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training ~~[.]~~ ***; and***

2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph (d) of subsection 2 of NRS 630.160 within ~~*[120]*~~ ***60 days after the scheduled completion of the program.***

Senator Roberson moved the adoption of the amendment.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Amendment No. 10 to Senate Bill No. 117 authorizes the Board of Medical Examiners to issue a license to an applicant who is a resident enrolled in a progressive postgraduate training program in the United States or Canada that has been approved by one of the specified accreditation councils.

An applicant must also commit in writing to the Board that the applicant will complete the training program. The applicant must submit proof of completion within 60 days after completion of the program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 115.

"SUMMARY—Revises provisions governing the Agency for Nuclear Projects. (BDR 40-249)"

"AN ACT relating to hazardous materials; revising the scope of the duties and powers of the Executive Director of the Agency for Nuclear Projects;

revising the scope of the duties of the Administrators of each Division of the Agency; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the Agency for Nuclear Projects and imposes on the Executive Director of the Agency and the Administrators of each Division of the Agency certain duties relating to the potential disposal of radioactive waste in this State and the location of a facility for the disposal of radioactive waste in this State. Additionally, existing law vests the Executive Director with certain discretionary powers relating to the potential disposal of radioactive waste in this State. (NRS 459.009, 459.0093-459.0098) ~~[Section 1 of this]~~ **This** bill revises the definition of "radioactive waste" to include high-level radioactive waste, low-level radioactive waste, transuranic waste, spent nuclear fuel and certain other radioactive materials, thereby expanding the scope of the duties and powers of the Executive Director and the Administrators as such duties and powers relate to the potential disposal of radioactive waste in this State. ~~[Section 2 of this bill preserves the current definition of "radioactive waste" as it relates to provisions governing the Commission on Nuclear Projects.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 459.009 is hereby amended to read as follows:

459.009 As used in NRS 459.009 to 459.0098, inclusive, unless the context otherwise requires:

1. "Agency" means the Agency for Nuclear Projects.
2. "Commission" means the Commission on Nuclear Projects.
3. "Executive Director" means the Executive Director of the Agency.
4. "Radioactive waste" ~~[is limited to:~~

~~(a) The highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste and any solid material derived from the liquid waste that contains concentrations of matter produced by nuclear fission sufficient to require permanent isolation, as determined by the Nuclear Regulatory Commission;~~

~~(b)]~~ ***means radioactive material, including, without limitation:***

(a) High-level radioactive waste;

(b) Low-level radioactive waste;

(c) Transuranic waste;

(d) Spent nuclear fuel ~~[that has been withdrawn from a reactor following irradiation and has not been separated into its constituent elements by reprocessing; and~~

~~(c) Other]~~ ***;***

(e) Any radioactive material resulting from, or a by-product of, the nuclear fuel cycle, the reprocessing of spent nuclear fuel or weapons reprocessing; and

(f) Any other radioactive material that the Nuclear Regulatory Commission determines must be permanently isolated.

➥ ***The term includes, without limitation, radioactive material that is a solid, semisolid, liquid or contained gas, or any combination thereof.***

Sec. 2. ~~[NRS 459.0092 is hereby amended to read as follows:~~

~~459.0092 *1.* The Commission shall:~~

~~[1.] *(a)* Be informed on issues and developments relating to the disposal of radioactive waste.~~

~~[2.] *(b)* Report to the Governor and the Legislature on any matter relating to the disposal of radioactive waste which it deems appropriate and on any such matter requested by the Governor.~~

~~[3.] *(c)* Advise and make recommendations to the Governor and the Legislature on the policy of this State concerning all projects involving the disposal of radioactive waste.~~

~~[4.] *(d)* Formulate the administrative policies of the Agency and its divisions.~~

~~[5.] *(e)* Advise the state and local governments on litigation relating to radioactive waste.~~

~~[6.] *(f)* Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 459.009 to 459.0098, inclusive.~~

~~*2. As used in this section, "radioactive waste" is limited to:*~~

~~*(a) The highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste and any solid material derived from the liquid waste that contains concentrations of matter produced by nuclear fission sufficient to require permanent isolation, as determined by the Nuclear Regulatory Commission;*~~

~~*(b) Spent nuclear fuel that has been withdrawn from a reactor following irradiation and has not been separated into its constituent elements by reprocessing; and*~~

~~*(c) Other material that the Nuclear Regulatory Commission determines must be permanently isolated.]*~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2011.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Senator Manendo requested that his remarks be entered in the Journal.

Thank you, Mr. President. The section we are deleting in this bill was in conflict with Senate Bill No. 121 which has been passed by this body.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 207.

Bill read second time and ordered to third reading.

Senate Bill No. 208.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bills Nos. 207, 208 be re-referred to the Committee on Finance.

Remarks by Senator Horsford.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 222.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 118.

"SUMMARY—Revises provisions concerning the lease or rental of a unit in a common-interest community. (BDR 10-294)"

"AN ACT relating to common-interest communities; enacting provisions governing registration of tenants of units' owners with associations or their agents; ~~[prescribing the maximum amount of the fee which an association or agent may charge for the registration of a tenant; authorizing the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations prescribing the amount of such a fee;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill enacts requirements governing the registration of a tenant or lease or rental agreement in a common-interest community and the provision of information to an association or its agent when a unit's owner leases or rents his or her unit. Under this bill, if the governing documents require a unit's owner who leases or rents his or her unit or the tenant of that unit's owner to register with the association or its agent or otherwise provide information concerning the tenant or the agreement to the association or its agent, the association or its agent: (1) must conduct such activities in accordance with the governing documents; (2) may not require the unit's owner or tenant to provide more information concerning the tenant than it requires from a unit's owner who occupies his or her unit, except that it may require the unit's owner to provide a copy of the lease; and (3) may not charge a fee to the unit's owner for the registration or submission of information . ~~[which is greater than $50 or, if the Commission for Common-Interest Communities and Condominium Hotels has adopted regulations prescribing the amount of the fee, the amount prescribed by those regulations.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.335 is hereby amended to read as follows:

116.335 1. Unless, at the time a unit's owner purchased his or her unit, the declaration prohibited the unit's owner from renting or leasing his or her unit, the association may not prohibit the unit's owner from renting or leasing his or her unit.

2. Unless, at the time a unit's owner purchased his or her unit, the declaration required the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit, an association may not require the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit.

3. If a declaration contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, that provision of the declaration may not be amended to decrease that maximum number or percentage of units in the common-interest community which may be rented or leased.

4. ***If the governing documents of an association require a unit's owner who leases or rents his or her unit, or the tenant of a unit's owner, to register with the association or its agent or otherwise submit to the association or its agent information concerning the lease or rental agreement or the tenant, the association or its agent:***

(a) Must conduct such activities in accordance with the governing documents;

(b) May not require the unit's owner or tenant of the unit's owner to provide information which the association or its agent does not require to be provided to the association or its agent by a unit's owner who occupies his or her unit, except that the association or its agent may require the unit's owner to provide a copy of the lease or rental agreement; and

(c) May not charge a fee to the unit's owner for the registration or submission of information ***.*** ~~*[in an amount which exceeds $50 or, if the Commission has adopted regulations prescribing the amount of such a fee, the amount prescribed by regulation by the Commission. The Commission may adopt regulations prescribing the amount of a fee which may be charged to a unit's owner pursuant to this paragraph.]*~~

5. The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and which are contained in this chapter or in any other applicable federal, state or local laws or regulations.

~~[5.]~~ ***6.*** Notwithstanding any other provision of law or the declaration to the contrary:

(a) If a unit's owner is prohibited from renting or leasing a unit because the maximum number or percentage of units which may be rented or leased in the common-interest community have already been rented or leased, the unit's owner may seek a waiver of the prohibition from the executive board based upon a showing of economic hardship, and the executive board may grant such a waiver and approve the renting or leasing of the unit.

(b) If the declaration contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, in determining the maximum number or percentage of units in the common-interest community which may be rented or leased, the number of units owned by the declarant must not be counted or considered.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

The amendment eliminates a fee for registering a tenant or providing information to the association, and eliminates regulations adopted by the Commission on Common-Interest Communities to adopt regulations prescribing such a fee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 242.

Bill read second time and ordered to third reading.

Senate Bill No. 289.

Bill read second time and ordered to third reading.

Senate Bill No. 301.

Bill read second time and ordered to third reading.

Senate Bill No. 337.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 3.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 63.

Bill read third time.

Remarks by Senator Parks.

Senator Parks requested that his remarks be entered in the Journal.

Senate Bill No. 63 authorizes the Division of Industrial Relations of the Department of Business and Industry to obtain a summary judgment against an employer who fails to pay the Division an amount owed for payments made from the Uninsured Employers' Claim Account on behalf of that employer. The bill establishes the procedures for obtaining a summary judgment and a lien based upon the judgment.

Any person who is the legal or beneficial owner of 25 percent or more of a business that terminates operations while owing money to the Division for certain payments, and who then becomes the legal or beneficial owner of 25 percent or more of a new business engaging in similar operations, or knowingly aids or abets another person in such conduct, remains liable for the unpaid amounts from the first business.

Roll call on Senate Bill No. 63:

YEAS—21.

NAYS—None.

Senate Bill No. 63 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 237.

Bill read third time.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Senate Bill No. 237 provides for the creation of a non-profit corporation with a 7-member Board of Directors appointed by the Legislative Commission to provide administrative and financial support for the activities of the Nevada Youth Legislature. Further, the measure creates the Nevada Youth Legislature Fund as a special revenue fund within the State Treasury to be managed by the Board of Directors in support of these activities. The bill carries forward funds previously appropriated for the Nevada Youth Legislature and requires the transfer of these and any other moneys provided to the group to the new Fund. The bill limits the use of the money in the Fund to programs and expenses for the operation and support of the Nevada Youth Legislature. The duties of the Board are set forth concerning its oversight of the activities of the group, in cooperation with the Legislative Counsel Bureau.

The bill also expands the eligibility of Youth Legislators to those students starting the 9th grade, and provides for a two-year term of office with the possibility of a second two-year reappointment. In addition, the measure clarifies provisions for filling a vacancy on the Youth Legislature due to a member's unexcused absences from the body's meetings, events, or other activities.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 237:

YEAS—21.

NAYS—None.

Senate Bill No. 237 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

Senator Horsford requested that his remarks be entered in the Journal.

Thank you, Mr. President. I am pleased to announce that we have a most distinguished Senator and former colleague to induct into the 2011 Senate Hall of Fame and that the induction ceremony will take place here on Tuesday, April 19.

For the new members of the Senate, I want to explain that the Senate Hall of Fame was created in 1989 to honor former Senators with a significant number of years of legislative service who served with distinction in leadership positions both within the Senate and outside the Legislature. These members are selected by the leadership of the Senate from recommendations made by the Legislative Counsel Bureau's Research Director based on historical research and analysis. The Research Director typically nominates at least one Senator who served in the Senate since 1970 and at least one Senator who served prior to 1970.

Former Senator James I. Gibson of Clark County was inducted as the first member of the Senate Hall of Fame in 1989. There are now a total of 36 members and three honorary members of the Senate Hall of Fame. Their photos can be found on the walls in the hallways near the entrance to the Chamber.

Today I am pleased to announce that I decided to break with tradition and have us induct only one person into the Senate Hall of Fame in 2011. Because of his extraordinary career both in the Nevada Senate and outside the Legislature, the sole inductee for 2011 is former Senate Majority Floor Leader William J. "Bill" Raggio, Republican of Washoe County.

Most of us served with former Senator Raggio in this Chamber or as members of the other House. Senator Raggio, a resident and native son of Reno, served in the Nevada Senate for over 38 years, the longest Senate service in the history of Nevada. His first session was the 1973 Regular Session, and his last was the Twenty-sixth Special Session, last year in early 2010. During the course of his Senate career, Senator Raggio served as Majority Leader for a record ten sessions and nine special sessions, chaired the Senate Committee on Finance during that

same time period, and served as Minority Floor Leader in six regular sessions and four special sessions. I think it is fitting that Senator Raggio was the creator of the Senate Hall of Fame back in 1989.

Please mark April 19 on your calendars as the date we will induct Senator Raggio into the Senate Hall of Fame.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Kristiana Mangler.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to the following students from the Coral Academy of Science: Lucas Adams, Aishwarya Anand, Julien Becker, Robert Bothne, Maxwell Cantor, Maxwell Case, Alex Czarnomski, Nicholas Fisher, Kaylee Foubert, Andrea Gonzalez Sanchez, Jarod Haren, Morgan Heath-Powers, Colton Hope, Sean Loberg, Zoe Maletsky, Cole Matteson, Ashley Moore, Kaija Nelson, Yana Vincent, Meryem Yuksel, Joshua Berryman, Brandon Callahan, Shannon Eagan, James England, Xara Frasier, Esteban Garabito, Aspen Hackbarth, Madysen Jorgensen, Trin Koha, Drew Maitland, Vincent Marcum, Angeline McCarty Lee, Hayden Moser, Victoria Nelson, Jon Pech-Montoya, Nolan Rhoads, Violett Danielle, Kaitlin White, Okkyu Baik, Joseph Berryman, Alexanderia Blier, Margaret Brown, Kayla Burnham, Anthony Coots, Krystle Mae Cordero, Kayla Forseth, Nathan Gomez, Jacob Hartmann, Joseph Hodgin, Leila Mago, Skyler Mcanny, Hayden McFarland, Desmond Mena, Connor Schmuck, Ismael Tamesis III, Chase Winslow, and Elizabeth Yrcisin.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Kevin Welsh and Arvilla Welsh.

Senator Horsford moved that the Senate adjourn until Thursday, April 7, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 12:47 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE SIXTIETH DAY

CARSON CITY (Thursday), April 7, 2011

Senate called to order at 11:10 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Eternal Father, in this moment of prayer, when there is silence in this Chamber, may there not be silence in Your presence. May our prayers be heard.

May no short circuits be made by our lack of faith, our high professions joined to low attainments, our fine words hiding shabby thoughts, our friendly faces masking cold hearts.

Out of the same old needs, conscious of the same old faults, we pray on the same old terms for new mercies and new blessings.

We pray today to the One who has given us assurance that You will hear and answer our prayers.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MO DENIS, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 175, 279, 348; Senate Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Senate Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 440 be re-referred to the Committee on Finance.

Motion carried.

Senator Wiener moved that Senate Bill No. 242 be taken from General File and be re-referred to the Committee on Finance.

Remarks by Senator Schneider.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 80.

"SUMMARY—Makes various changes relating to common-interest communities. (BDR 10-477)"

"AN ACT relating to common-interest communities; providing for the electronic transfer of money to the ~~[State Treasurer]~~ **United States Government or federal or state agencies** under certain circumstances; ~~[requiring the executive board of]~~ **authorizing** an association to ~~[establish certain procedures if the association uses]~~ **use** electronic signatures to withdraw money from ~~[certain accounts;]~~ **the operating account of the association under certain circumstances;** revising provisions relating to the requirement that the executive board of an association make certain records available for review at a designated location; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires certain signatures for the withdrawal of money from an account of a unit-owners' association of a common-interest community. (NRS 116.31153) **Section 1** of this bill allows the withdrawal of money, without the required signatures, from the operating account of an association to **make an electronic** transfer **of money** to the ~~[State Treasurer fees required to be deposited pursuant to the statutes governing common-interest communities, if the amount of those fees is $10,000 or more.]~~ **United States Government or a federal or state agency. Section 1** also ~~[requires the executive board of]~~ **authorizes** an association to ~~[establish written procedures for internal controls to protect the money of the association if the association uses]~~ **use** electronic signatures to withdraw money from ~~[certain accounts.]~~ **the operating account of the association under certain circumstances.**

Existing law requires the executive board of a unit-owners' association to make certain financial records available for review at the business office of the association or some other location within the county in which the common-interest community is located. Existing law also requires the board to provide, upon request, a copy of those records to a unit's owner or the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels and authorizes the board to charge a certain fee to cover the actual costs of preparing the copy. (NRS 116.31177) **Section 3** of this bill repeals that provision and instead, **section 2** of this bill requires the

executive board of a unit-owners' association to make those records available for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community. **Section 2** also retains the requirement that the board provide, upon request, a copy of such records to a unit's owner or the Ombudsman and the authority of the board to charge a fee to cover the actual costs of preparing the copy.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.31153 is hereby amended to read as follows:

116.31153 1. Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. Except as otherwise provided in subsection 3, money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.

3. Money in the operating account of an association may be withdrawn without the signatures required pursuant to subsection 2 to:

(a) Transfer money to the reserve account of the association at regular intervals; ~~[or]~~

(b) Make automatic payments for utilities ~~[.]~~ ***;*** ~~*[or*~~

~~*(c) Electronically transfer to the State Treasurer the fees required to be deposited pursuant to this chapter if the amount of those fees is not less than $10,000.*~~

~~*4. If an association uses electronic signatures to withdraw money in the reserve account or operating account of the association, the executive board of the association must have written procedures for adequate internal controls to ensure security of the money and proper authorization to withdraw the money.]*~~

(c) Make an electronic transfer of money to a state agency pursuant to NRS 353.1467; or

(d) Make an electronic transfer of money to the United States Government, or any agency thereof, pursuant to any federal law requiring transfers of money to be made by an electronic means authorized by the United States Government or the agency thereof.

4. An association may use electronic signatures to withdraw money in the operating account of the association if:

(a) The electronic transfer of money is made pursuant to a written agreement entered into between the association and the financial institution where the operating account of the association is maintained;

(b) The executive board has expressly authorized the electronic transfer of money; and

(c) The association has established internal accounting controls which comply with generally accepted accounting principles to safeguard the assets of the association.

5. As used in this section, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 2. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in ~~[this]~~ subsection ~~[,]~~ ***2,*** the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association, including, without limitation ~~[, all]~~ ***:***

(a) The financial statement of the association;

(b) The budgets of the association required to be prepared pursuant to NRS 116.31151;

(c) The study of the reserves of the association required to be conducted pursuant to NRS 116.31152; and

(d) All contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party.

2. The provisions of ~~[this subsection]~~ ***subsection 1*** do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees; and

(b) The records of the association relating to another unit's owner, including, without limitation, any architectural plan or specification submitted by a unit's owner to the association during an approval process required by the governing documents, except for those records described in subsection ~~[2;]~~ ***4;*** and

(c) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:

(1) Is in the process of being developed for final consideration by the executive board; and

(2) Has not been placed on an agenda for final approval by the executive board.

3. The executive board shall provide a copy of any of the records required to be made available pursuant to subsection 1 to a unit's owner or the Ombudsman within 14 days after receiving a written request therefor. The executive board may charge a fee to cover the actual costs of preparing a copy, but not to exceed 25 cents per page.

~~[2.]~~ ***4.*** The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a

violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

~~[3.]~~ ***5.*** If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If the Ombudsman is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

~~[4.]~~ ***6.*** The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

~~[5.]~~ ***7.*** The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

~~[6.]~~ ***8.*** If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

~~[7.]~~ ***9.*** If an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community.

~~[8.]~~ ***10.*** The association and its officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person

and which occurs in the course of carrying out any duties required pursuant to subsection ~~[6.]~~ ***8*** or ~~[7.~~ ~~9.]~~ ***9.***

11. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,

➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 3. NRS 116.31177 is hereby repealed.

Sec. 4. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

116.31177 Maintenance and availability of certain financial records of association; provision of copies to units' owners and Ombudsman.

1. The executive board of an association shall maintain and make available for review at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties:

(a) The financial statement of the association;

(b) The budgets of the association required to be prepared pursuant to NRS 116.31151; and

(c) The study of the reserves of the association required to be conducted pursuant to NRS 116.31152.

2. The executive board shall provide a copy of any of the records required to be maintained pursuant to subsection 1 to a unit's owner or the Ombudsman within 14 days after receiving a written request therefor. The executive board may charge a fee to cover the actual costs of preparing a copy, but not to exceed 25 cents per page.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

The amendment revises Section 1 of the bill to provide that electronic transfers can be made without certain signatures from the association's Operating Account to any State or federal agency pursuant to the appropriate State or federal law.

The amendment also allows associations to use electronic signatures to withdraw money from its Operating Account if the following conditions are met. First, the withdrawal must be made pursuant to a written agreement with the financial institution where the account is held. Second, the transfer is authorized by the executive board. Third, the association has sufficient internal controls in place to safeguard the assets.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 44.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 86.

"SUMMARY—Requires the Division of Mental Health and Developmental Services of the Department of Health and Human Services to adopt certain regulations. (BDR 39-448)"

"AN ACT relating to mental health; requiring the Division of Mental Health and Developmental Services of the Department of Health and Human Services to adopt regulations defining eligibility for services; revising the term used to refer to persons who receive services from the Division; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Division of Mental Health and Developmental Services of the Department of Health and Human Services provides mental health services to any person who seeks, on the person's own or another's initiative, and can benefit from, such services. (Title 39 of NRS) **Section 1** of this bill requires the Division to adopt regulations **: (1)** that define when a consumer may receive services from the Division ~~[.]~~ **; and (2) that establish policies and procedures for the referral of a consumer to another organization or resource when the Division cannot provide the services that the consumer needs.**

Existing law uses "client" as a defined term to refer to a person who seeks, on the person's own or another's initiative, and can benefit from, services offered by the Division. **Sections 2-75** of this bill replace the term "client" in certain existing statutes with the term "consumer" to reflect currently acceptable nomenclature within the field of mental health. **Section 76** of this bill requires the Legislative Counsel to make corresponding changes to existing regulations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

The Division shall adopt regulations:

1. To define the term "consumer" for the purposes of this title . ~~[; and]~~

2. To specify the circumstances under which a consumer is eligible to receive services from the Division pursuant to this title, including, but not limited to, care, treatment, treatment to competency and training. Regulations adopted pursuant to this subsection must specify that a consumer is eligible to receive services only if the consumer:

(a) Has a documented diagnosis of a mental disorder based on the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(b) Except as otherwise provided in the regulations adopted pursuant to subsection 3, is not eligible to receive services through another public or private entity.

3. To specify the circumstances under which the provisions of paragraph (b) of subsection 2 do not apply, including, without limitation, when the copay or other payment required to obtain services through another public or private entity is prohibitively high.

4. To establish policies and procedures for the referral of each consumer who needs services that the Division is unable to provide to the most appropriate organization or resource who is able to provide the needed services to that consumer.

Sec. 2. NRS 433.003 is hereby amended to read as follows:

433.003 The Legislature hereby declares that it is the intent of this title:

1. To eliminate the forfeiture of any civil and legal rights of any person and the imposition of any legal disability on any person, based on an allegation of mental illness or mental retardation or a related condition, by any method other than a separate judicial proceeding resulting in a determination of incompetency, wherein the civil and legal rights forfeited and the legal disabilities imposed are specifically stated; and

2. To charge the Division of Mental and Developmental Services, and the Division of Child and Family Services, of the Department with recognizing their duty to act in the best interests of their respective **[**clients**]** ***consumers*** by placing them in the least restrictive environment.

Sec. 3. NRS 433.094 is hereby amended to read as follows:

433.094 "Division facility" means any unit or subunit operated by the Division for the care, treatment and training of ~~[clients.]~~ ***consumers.***

Sec. 4. NRS 433.264 is hereby amended to read as follows:

433.264 1. Physicians shall be employed within the various division facilities as are necessary for the operation of the facilities. They shall hold degrees of doctor of medicine from accredited medical schools and they shall be licensed to practice medicine in Nevada as provided by law.

2. Except as otherwise provided by law, their only compensation shall be annual salaries, fixed in accordance with the pay plan adopted pursuant to the provisions of NRS 284.175.

3. The physicians shall perform such duties pertaining to the care and treatment of ~~[clients]~~ ***consumers*** as may be required.

Sec. 5. NRS 433.279 is hereby amended to read as follows:

433.279 1. The Division shall carry out a vocational and educational program for the certification of mental health-mental retardation technicians, including forensic technicians:

(a) Employed by the Division, or other employees of the Division who perform similar duties, but are classified differently.

(b) Employed by the Division of Child and Family Services of the Department.

➥ The program must be carried out in cooperation with the Nevada System of Higher Education.

2. A mental health-mental retardation technician is responsible to the director of the service in which his or her duties are performed. The director of a service may be a licensed physician, dentist, podiatric physician, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse or other professionally qualified person. This section does not authorize a mental health-mental retardation technician to perform duties which require the specialized knowledge and skill of a professionally qualified person.

3. The Division shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "mental health-mental retardation technician" means an employee of the Division of Mental Health and Developmental Services or the Division of Child and Family Services who, for compensation or personal profit, carries out procedures and techniques which involve cause and effect and which are used in the care, treatment and rehabilitation of persons with mental illness or mental retardation, persons who are emotionally disturbed and persons with related conditions, and who has direct responsibility for:

(a) Administering or carrying out specific therapeutic procedures, techniques or treatments, excluding medical interventions, to enable ~~[clients]~~ ***consumers*** to make optimal use of their therapeutic regime, their social and personal resources, and their residential care; or

(b) The application of interpersonal and technical skills in the observation and recognition of symptoms and reactions of ~~[clients,]~~ ***consumers,*** for the accurate recording of such symptoms and reactions, and for carrying out treatments authorized by members of the interdisciplinary team that determines the treatment of the ~~[clients.]~~ ***consumers.***

Sec. 6. NRS 433.331 is hereby amended to read as follows:

433.331 The Division shall adopt regulations to:

1. Provide for a more detailed definition of abuse of a ~~[client]~~ ***consumer*** of the Division, consistent with the general definition given in NRS 433.554;

2. Provide for a more detailed definition of neglect of a ~~[client]~~ ***consumer*** of the Division, consistent with the general definition given in NRS 433.554; and

3. Establish policies and procedures for reporting the abuse or neglect of a ~~[client]~~ ***consumer*** of the Division.

Sec. 7. NRS 433.334 is hereby amended to read as follows:

433.334 The Division may, by contract with general hospitals or other institutions having adequate facilities in the State of Nevada, provide for inpatient care of ~~[clients]~~ ***consumers*** with mental illness or mental retardation and ~~[clients]~~ ***consumers*** with related conditions.

Sec. 8. NRS 433.404 is hereby amended to read as follows:

433.404 1. The Division shall establish a fee schedule for services rendered through any program supported by the State pursuant to the provisions of chapters 433 to 436, inclusive, of NRS. The schedule must be submitted to the Commission and the Director of the Department for joint approval before enforcement. The fees collected by facilities operated by the Division pursuant to this schedule must be deposited in the State Treasury to the credit of the State General Fund, except as otherwise provided in NRS 433.354 for fees collected pursuant to contract or agreement and in NRS 435.120 for fees collected for services to ~~[clients]~~ ***consumers*** with mental retardation and related conditions.

2. For a facility providing services for the treatment of persons with mental illness or mental retardation and persons with related conditions, the fee established must approximate the cost of providing the service, but if a ~~[client]~~ ***consumer*** is unable to pay in full the fee established pursuant to this section, the Division may collect any amount the ~~[client]~~ ***consumer*** is able to pay.

Sec. 9. NRS 433.431 is hereby amended to read as follows:

433.431 As used in NRS 433.431 to 433.454, inclusive, unless the context otherwise requires ~~[:~~

~~1. "Client" means any person who seeks, on the person's own or another's initiative, and can benefit from, care, treatment, treatment to competency or training in a division facility.~~

~~2. "Division]~~ ***, "division*** facility" means any unit or subunit operated by:

~~[(a)]~~ ***1.*** The Division of Mental Health and Developmental Services of the Department for the care, treatment and training of ~~[clients;]~~ ***consumers;*** or

~~[(b)]~~ ***2.*** The Division of Child and Family Services of the Department pursuant to chapter 433B of NRS.

Sec. 10. NRS 433.444 is hereby amended to read as follows:

433.444 1. For the purpose of facilitating the return of nonresident ~~[clients]~~ ***consumers*** to the state in which they have legal residence, the Administrator may enter into reciprocal agreements, consistent with the provisions of this title, with the proper boards, commissioners or officers of other states for the mutual exchange of ~~[clients]~~ ***consumers*** confined in, admitted or committed to a mental health or mental retardation facility in one state whose legal residence is in the other, and may give written permission for the return and admission to a division facility of any resident of this state when such permission is conformable to the provisions of this title governing admissions to a division facility.

2. The county clerk and board of county commissioners of each county, upon receiving notice from the Administrator that an application for the return of an alleged resident of this state has been received, shall promptly investigate and report to the Administrator their findings as to the legal residence of the ~~[client.]~~ ***consumer.***

Sec. 11. NRS 433.454 is hereby amended to read as follows:

433.454 1. All expenses incurred for the purpose of returning a ~~[client]~~ ***consumer*** to the state in which the ~~[client]~~ ***consumer*** has legal residence shall be paid from the moneys of the ~~[client]~~ ***consumer*** or by the relatives or other persons responsible for the ~~[client's]~~ ***consumer's*** care and treatment under his or her commitment or admission.

2. In the case of indigent ~~[clients]~~ ***consumers*** whose relatives cannot pay the costs and expenses of returning such ~~[clients]~~ ***consumers*** to the state in which they have residence, the costs may be assumed by the State. These costs shall be advanced from moneys appropriated for the general support of the division facility wherein the ~~[client]~~ ***consumer*** was receiving care, treatment or training, if such ~~[client]~~ ***consumer*** was committed to a division facility at the time of the transfer, and shall be paid out on claims as other claims against the State are paid.

Sec. 12. NRS 433.456 is hereby amended to read as follows:

433.456 As used in NRS 433.456 to 433.536, inclusive, unless the context otherwise requires, the words and terms defined in NRS 433.458 ~~[to]~~ ***,433.461 and*** 433.462 ~~[, inclusive,]~~ have the meanings ascribed to them in those sections.

Sec. 13. NRS 433.461 is hereby amended to read as follows:

433.461 "Facility" means any:

1. Unit or subunit operated by the Division of Mental Health and Developmental Services of the Department for the care, treatment and training of ~~[clients.]~~ ***consumers.***

2. Unit or subunit operated by the Division of Child and Family Services of the Department pursuant to chapter 433B of NRS.

3. Hospital, clinic or other institution operated by any public or private entity, for the care, treatment and training of ~~[clients.]~~ ***consumers.***

Sec. 14. NRS 433.462 is hereby amended to read as follows:

433.462 "Rights" includes, without limitation, all rights provided to a ~~[client]~~ ***consumer*** pursuant to NRS 433.456 to 433.536, inclusive, and any regulations adopted pursuant thereto.

Sec. 15. NRS 433.471 is hereby amended to read as follows:

433.471 ***1.*** Each client consumer admitted for evaluation, treatment or training to a facility has the following rights concerning admission to the facility, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the ~~[client]~~ ***consumer*** by such additional means as prescribed by regulation:

~~[1.]~~ ***(a)*** The right not to be admitted to the facility under false pretenses or as a result of any improper, unethical or unlawful conduct by a staff member

of the facility to collect money from the insurance company of the ~~[client]~~ ***consumer*** or for any other financial purpose.

~~[2.]~~ ***(b)*** The right to receive a copy, on request, of the criteria upon which the facility makes its decision to admit or discharge a ~~[client]~~ ***consumer*** from the facility. Such criteria must not, for emergency admissions or involuntary court-ordered admissions, be based on the availability of insurance coverage or any other financial considerations.

~~[3.]~~ ***2.*** As used in this section, "improper conduct" means a violation of the rules, policies or procedures of the facility.

Sec. 16. NRS 433.472 is hereby amended to read as follows:

433.472 1. Each ~~[client]~~ ***consumer*** admitted for evaluation, treatment or training to a facility has the following rights concerning involuntary commitment to the facility, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the ~~[client]~~ ***consumer*** by such additional means as prescribed by regulation:

(a) To request and receive a second evaluation by a psychiatrist or psychologist who does not have a contractual relationship with or financial interest in the facility. The evaluation must:

(1) Include, without limitation, a recommendation of whether the ~~[client]~~ ***consumer*** should be involuntarily committed to the facility; and

(2) Be paid for by the ~~[client]~~ ***consumer*** if the insurance carrier of the ~~[client]~~ ***consumer*** refuses to pay for the evaluation.

(b) To receive a copy of the procedure of the facility regarding involuntary commitment and treatment.

(c) To receive a list of the ~~[client's]~~ ***consumer's*** rights concerning involuntary commitment or treatment.

2. If the results of an evaluation conducted by a psychiatrist or psychologist pursuant to subsection 1 conflict in any manner with the results of an evaluation conducted by the facility, the facility may request and receive a third evaluation of the ~~[client]~~ ***consumer*** to resolve the conflicting portions of the previous evaluations.

Sec. 17. NRS 433.482 is hereby amended to read as follows:

433.482 Each ~~[client]~~ ***consumer*** admitted for evaluation, treatment or training to a facility has the following personal rights, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the ~~[client]~~ ***consumer*** by such additional means as prescribed by regulation:

1. To wear the ~~[client's]~~ ***consumer's*** own clothing, to keep and use his or her own personal possessions, including toilet articles, unless those articles may be used to endanger the ~~[client's]~~ ***consumer's*** life or others' lives, and to keep and be allowed to spend a reasonable sum of the ~~[client's]~~ ***consumer's*** own money for expenses and small purchases.

2. To have access to individual space for storage for his or her private use.

3. To see visitors each day.

4. To have reasonable access to telephones, both to make and receive confidential calls.

5. To have ready access to materials for writing letters, including stamps, and to mail and receive unopened correspondence, but:

(a) For the purposes of this subsection, packages are not considered as correspondence; and

(b) Correspondence identified as containing a check payable to a ~~[client]~~ ***consumer*** may be subject to control and safekeeping by the administrative officer of that facility or the administrative officer's designee, so long as the ~~[client's]~~ ***consumer's*** record of treatment documents the action.

6. To have reasonable access to an interpreter if the ~~[client]~~ ***consumer*** does not speak English or is hearing impaired.

7. To designate a person who must be kept informed by the facility of the ~~[client's]~~ ***consumer's*** medical and mental condition, if the ~~[client]~~ ***consumer*** signs a release allowing the facility to provide such information to the person.

8. Except as otherwise provided in NRS 439.538, to have access to the ~~[client's]~~ ***consumer's*** medical records denied to any person other than:

(a) A member of the staff of the facility or related medical personnel, as appropriate;

(b) A person who obtains a waiver by the ~~[client]~~ ***consumer*** of his or her right to keep the medical records confidential; or

(c) A person who obtains a court order authorizing the access.

9. Other personal rights as specified by regulation of the Commission.

Sec. 18. NRS 433.484 is hereby amended to read as follows:

433.484 Each ~~[client]~~ ***consumer*** admitted for evaluation, treatment or training to a facility has the following rights concerning care, treatment and training, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the ~~[client]~~ ***consumer*** by such additional means as prescribed by regulation:

1. To medical, psychosocial and rehabilitative care, treatment and training including prompt and appropriate medical treatment and care for physical and mental ailments and for the prevention of any illness or disability. All of that care, treatment and training must be consistent with standards of practice of the respective professions in the community and is subject to the following conditions:

(a) Before instituting a plan of care, treatment or training or carrying out any necessary surgical procedure, express and informed consent must be obtained in writing from:

(1) The ~~[client]~~ ***consumer*** if he or she is 18 years of age or over or legally emancipated and competent to give that consent, and from the ~~[client's]~~ ***consumer's*** legal guardian, if any;

(2) The parent or guardian of a ~~[client]~~ ***consumer*** under 18 years of age and not legally emancipated; or

(3) The legal guardian of a ~~[client]~~ ***consumer*** of any age who has been adjudicated mentally incompetent;

(b) An informed consent requires that the person whose consent is sought be adequately informed as to:

(1) The nature and consequences of the procedure;

(2) The reasonable risks, benefits and purposes of the procedure; and

(3) Alternative procedures available;

(c) The consent of a ~~[client]~~ ***consumer*** as provided in paragraph (b) may be withdrawn by the ~~[client]~~ ***consumer*** in writing at any time with or without cause;

(d) Even in the absence of express and informed consent, a licensed and qualified physician may render emergency medical care or treatment to any ~~[client]~~ ***consumer*** who has been injured in an accident or who is suffering from an acute illness, disease or condition, if within a reasonable degree of medical certainty, delay in the initiation of emergency medical care or treatment would endanger the health of the ~~[client]~~ ***consumer*** and if the treatment is immediately entered into the ~~[client's]~~ ***consumer's*** record of treatment, subject to the provisions of paragraph (e); and

(e) If the proposed emergency medical care or treatment is deemed by the chief medical officer of the facility to be unusual, experimental or generally occurring infrequently in routine medical practice, the chief medical officer shall request consultation from other physicians or practitioners of healing arts who have knowledge of the proposed care or treatment.

2. To be free from abuse, neglect and aversive intervention.

3. To consent to the ~~[client's]~~ ***consumer's*** transfer from one facility to another, except that the Administrator of the Division of Mental Health and Developmental Services of the Department or the Administrator's designee, or the Administrator of the Division of Child and Family Services of the Department or the Administrator's designee, may order a transfer to be made whenever conditions concerning care, treatment or training warrant it. If the ~~[client]~~ ***consumer*** in any manner objects to the transfer, the person ordering it must enter the objection and a written justification of the transfer in the ~~[client's]~~ ***consumer's*** record of treatment and immediately forward a notice of the objection to the Administrator who ordered the transfer, and the Commission shall review the transfer pursuant to subsection 3 of NRS 433.534.

4. Other rights concerning care, treatment and training as may be specified by regulation of the Commission.

Sec. 19. NRS 433.494 is hereby amended to read as follows:

433.494 1. An individualized written plan of mental health or mental retardation services or plan of services for a related condition must be developed for each ~~[client]~~ ***consumer*** of each facility. The plan must:

(a) Provide for the least restrictive treatment procedure that may reasonably be expected to benefit the ~~[client;]~~ ***consumer;*** and

(b) Be developed with the input and participation of:

(1) The ~~[client,]~~ ***consumer,*** to the extent that he or she is able to provide input and participate; and

(2) To the extent that the ~~[client]~~ ***consumer*** is unable to provide input and participate, the parent or guardian of the ~~[client]~~ ***consumer*** if the ~~[client]~~ ***consumer*** is under 18 years of age and is not legally emancipated, or the legal guardian of a ~~[client]~~ ***consumer*** who has been adjudicated mentally incompetent.

2. The plan must be kept current and must be modified, with the input and participation of the ~~[client,]~~ ***consumer,*** the parent or guardian of the ~~[client]~~ ***consumer*** or the legal guardian of the ~~[client,]~~ ***consumer,*** as appropriate, when indicated. The plan must be thoroughly reviewed at least once every 3 months.

3. The person in charge of implementing the plan of services must be designated in the plan.

Sec. 20. NRS 433.504 is hereby amended to read as follows:

433.504 1. A ~~[client]~~ ***consumer*** or the ~~[client's]~~ ***consumer's*** legal guardian must be:

(a) Permitted to inspect the ~~[client's]~~ ***consumer's*** records; and

(b) Informed of the ~~[client's]~~ ***consumer's*** clinical status and progress at reasonable intervals of no longer than 3 months in a manner appropriate to his or her clinical condition.

2. Unless a psychiatrist has made a specific entry to the contrary in a ~~[client's]~~ ***consumer's*** records, a ~~[client]~~ ***consumer*** or the ~~[client's]~~ ***consumer's*** legal guardian is entitled to obtain a copy of the ~~[client's]~~ ***consumer's*** records at any time upon notice to the administrative officer of the facility and payment of the cost of reproducing the records.

Sec. 21. NRS 433.514 is hereby amended to read as follows:

433.514 1. The attending psychiatrist or physician shall be responsible for all medication given or administered to a ~~[client.]~~ ***consumer.***

2. Each administrative officer shall establish a policy for the review of the administration, storage and handling of medications by nurses and nonprofessional personnel.

Sec. 22. NRS 433.524 is hereby amended to read as follows:

433.524 1. A ~~[client]~~ ***consumer*** may perform labor which contributes to the operation and maintenance of the facility for which the facility would otherwise employ someone only if:

(a) The ~~[client]~~ ***consumer*** voluntarily agrees to perform the labor;

(b) Engaging in the labor is not inconsistent with and does not interfere with the plan of services for the ~~[client;]~~ ***consumer;***

(c) The person responsible for the ~~[client's]~~ ***consumer's*** treatment agrees to the plan of labor; and

(d) The amount of time or effort necessary to perform the labor is not excessive.

➥ In no event may discharge or privileges be conditioned upon the performance of such labor.

2. A ~~[client]~~ ***consumer*** who performs labor which contributes to the operation and maintenance of the facility for which the facility would otherwise employ someone must be adequately compensated and the compensation must be in accordance with applicable state and federal labor laws.

3. A ~~[client]~~ ***consumer*** who performs labor other than that described in subsection 2 must be compensated an adequate amount if an economic benefit to another person or agency results from the ~~[client's]~~ ***consumer's*** labor.

4. The administrative officer of the facility may provide for compensation of a resident when the resident performs labor not governed by subsection 2 or 3.

5. This section does not apply to labor of a personal housekeeping nature or to labor performed as a condition of residence in a small group living arrangement.

6. One-half of any compensation paid to a ~~[client]~~ ***consumer*** pursuant to this section is exempt from collection or retention as payment for services rendered by the Division of Mental Health and Developmental Services of the Department or its facilities, or by the Division of Child and Family Services of the Department or its facilities. Such an amount is also exempt from levy, execution, attachment, garnishment or any other remedies provided by law for the collection of debts.

Sec. 23. NRS 433.531 is hereby amended to read as follows:

433.531 Each ~~[client]~~ ***consumer*** admitted for evaluation, treatment or training to a facility has the following rights concerning the suspension or violation of his or her rights, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the ~~[client]~~ ***consumer*** by such additional means as prescribed by regulation:

1. To receive a list of the ~~[client's]~~ ***consumer's*** rights.

2. To receive a copy of the policy of the facility that sets forth the clinical or medical circumstances under which the ~~[client's]~~ ***consumer's*** rights may be suspended or violated.

3. To receive a list of the clinically appropriate options available to the ~~[client]~~ ***consumer*** or the ~~[client's]~~ ***consumer's*** family to remedy an actual or a suspected suspension or violation of his or her rights.

4. To have all policies of the facility regarding the rights of ~~[clients]~~ ***consumers*** prominently posted in the facility.

Sec. 24. NRS 433.533 is hereby amended to read as follows:

433.533 Each facility shall, within a reasonable time after a ~~[client]~~ ***consumer*** is admitted to the facility for evaluation, treatment or training, ask the ~~[client]~~ ***consumer*** to sign a document that reflects that the ~~[client]~~ ***consumer*** has received a list of the ~~[client's]~~ ***consumer's*** rights and has had those rights explained to him or her.

Sec. 25. NRS 433.534 is hereby amended to read as follows:

433.534 1. The rights of a ~~[client]~~ ***consumer*** enumerated in this chapter must not be denied except to protect the ~~[client's]~~ ***consumer's*** health and safety or to protect the health and safety of others, or both. Any denial of those rights in any facility must be entered in the ~~[client's]~~ ***consumer's*** record of treatment, and notice of the denial must be forwarded to the administrative officer of the facility. Failure to report denial of rights by an employee may be grounds for dismissal.

2. If the administrative officer of a facility receives notice of a denial of rights as provided in subsection 1, the officer shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. Except as otherwise provided in NRS 239.0115, such a report is confidential and must not be disclosed. A copy of the report must be sent to the Commission.

3. The Commission:

(a) Shall receive reports of and may investigate apparent violations of the rights guaranteed by this chapter;

(b) May act to resolve disputes relating to apparent violations;

(c) May act on behalf of ~~[clients]~~ ***consumers*** to obtain remedies for any apparent violations; and

(d) Shall otherwise endeavor to safeguard the rights guaranteed by this chapter.

4. Pursuant to NRS 241.030, the Commission may close any portion of a meeting in which it considers the character, alleged misconduct or professional competence of a person in relation to:

(a) The denial of the rights of a ~~[client;]~~ ***consumer;*** or

(b) The care and treatment of a ~~[client.]~~ ***consumer.***

➥ The provisions of this subsection do not require a meeting of the Commission to be closed to the public.

Sec. 26. NRS 433.538 is hereby amended to read as follows:

433.538 As used in NRS 433.538 to 433.543, inclusive, unless the context otherwise requires:

1. "Administrative officer" means a person with overall executive and administrative responsibility for a division facility.

2. ~~["Client" means any person who seeks, on the person's own or another's initiative, and can benefit from, care, treatment, treatment to competency or training in a division facility.~~

~~3.]~~ "Division facility" means any unit or subunit operated by:

(a) The Division of Mental Health and Developmental Services of the Department for the care, treatment and training of ~~[clients;]~~ ***consumers;*** or

(b) The Division of Child and Family Services of the Department pursuant to chapter 433B of NRS.

Sec. 27. NRS 433.539 is hereby amended to read as follows:

433.539 1. There may be maintained as a trust fund at each division facility a ~~[clients']~~ ***consumers'*** personal deposit fund.

2. Money coming into the possession of the administrative officer of a division facility which belongs to a ~~[client]~~ ***consumer*** must be credited in the fund in the name of that ~~[client.]~~ ***consumer.***

3. When practicable, individual credits in the fund must not exceed the sum of $300.

4. Any amounts to the credit of a ~~[client]~~ ***consumer*** may be used for purchasing personal necessities, for expenses of burial or may be turned over to the ~~[client]~~ ***consumer*** upon the ~~[client's]~~ ***consumer's*** demand, except that when the ~~[client]~~ ***consumer*** is adjudicated mentally incompetent the guardian of the ~~[client's]~~ ***consumer's*** estate has the right to demand and receive the money.

5. An amount accepted for the benefit of a ~~[client]~~ ***consumer*** for a special purpose must be reserved for that purpose regardless of the total amount to the credit of the ~~[client.]~~ ***consumer.***

6. Except as otherwise provided in subsection 7, the administrative officers shall deposit any money received for the funds of their respective facilities in commercial accounts with one or more banks or credit unions of reputable standing. When deposits in a commercial account exceed $15,000, the administrative officer may deposit the excess in a savings account paying interest in any reputable commercial bank, or in any credit union or savings and loan association within this state that is federally insured or insured by a private insurer approved pursuant to NRS 678.755. The savings account must be in the name of the fund. Interest paid on deposits in the savings account may be used for recreational purposes at the division facility.

7. The administrative officers may maintain at their respective division facilities petty cash of not more than $400 of the money in the ~~[clients']~~ ***consumers'*** personal deposit fund to enable ~~[clients]~~ ***consumers*** to withdraw small sums from their accounts.

Sec. 28. NRS 433.541 is hereby amended to read as follows:

433.541 Whenever any person admitted to a division facility dies, the administrative officer shall send written notice to the decedent's legally appointed representative, listing the personal property remaining in the custody or possession of the facility. If there is no demand made upon the administrative officer of the facility by the decedent's legally appointed representative, all personal property of the decedent remaining in the custody or possession of the administrative officer must be held by the officer for a period of 1 year from the date of the decedent's death for the benefit of the heirs, legatees or successors of the decedent. At the end of this period, another notice must be sent to the decedent's representative, listing the property and specifying the manner in which the property will be disposed of if not claimed within 15 business days. After 15 business days, all personal property and documents of the decedent, other than cash, remaining unclaimed in the possession of the administrative officer must be disposed of as follows:

1. All documents must be filed by the administrative officer with the public administrator of the county from which the ~~[client]~~ ***consumer*** was admitted.

2. All other personal property must be sold at a public auction or by sealed bids. The proceeds of the sale must be applied to the decedent's unpaid balance for costs incurred at the division facility.

Sec. 29. NRS 433.542 is hereby amended to read as follows:

433.542 If a person admitted to a division facility is discharged or leaves and the person fails to recover personal property worth more than $100 in the custody of the administrative officer of the facility, the administrative officer shall notify the former ~~[client]~~ ***consumer*** or the ~~[client's]~~ ***consumer's*** legal representative in writing that personal property remains in the custody of the facility. The property must be held in safekeeping for the ~~[client]~~ ***consumer*** for a period of 1 year from the date of discharge. If upon the expiration of the 1-year period no claim has been made upon the administrative officer by the person or the person's legal representative, another notice must be sent to the person or the person's legal representative, stating the fact that personal property remains in the custody of the facility, and specifying the manner in which the property will be disposed of if not claimed within 15 business days. After 15 business days, the property may be considered unclaimed property and be disposed of in the manner provided for unclaimed property of deceased persons under the provisions of NRS 433.541.

Sec. 30. NRS 433.544 is hereby amended to read as follows:

433.544 1. Upon the death of a ~~[client,]~~ ***consumer,*** any known relatives or friends of the ~~[client]~~ ***consumer*** shall be notified immediately of the fact of death.

2. The Administrator or the Administrator's designee shall cause a decent burial to be provided for the ~~[client]~~ ***consumer*** outside division facility grounds. The Administrator or the designee may enter into a contract with any person or persons, including governmental agencies or other instrumentalities, as the Administrator or the designee deems proper, for a decent burial. Where there are known relatives, and they are financially able, the cost of burial shall be borne by the relatives. Where there are no known relatives, the cost of burial shall be a charge against the State of Nevada, but the cost thereof shall not exceed the amount charged for the burial of indigents in the county in which the burial takes place.

3. When a ~~[client]~~ ***consumer*** has income from a pension payable through a division facility, and has no guardian, the Division may obligate operating funds for funeral expenses in the amount due under the pension benefits.

Sec. 31. NRS 433.5483 is hereby amended to read as follows:

433.5483 A person employed by a facility or any other person shall not use any aversive intervention on a person with a disability who is a ~~[client.]~~ ***consumer.***

Sec. 32. NRS 433.5486 is hereby amended to read as follows:

433.5486 Notwithstanding the provisions of NRS 433.549 to 433.5503, inclusive, to the contrary, a facility may use or authorize the use of physical restraint, mechanical restraint or chemical restraint on a person with a disability who is a ~~[client]~~ ***consumer*** if the facility is:

1. Accredited by a nationally recognized accreditation association or agency; or

2. Certified for participation in the Medicaid or Medicare Program,

➥ only to the extent that the accreditation or certification allows the use of such restraint.

Sec. 33. NRS 433.549 is hereby amended to read as follows:

433.549 A person employed by a facility or any other person shall not:

1. Except as otherwise provided in NRS 433.5493, use physical restraint on a person with a disability who is a ~~[client.]~~ ***consumer.***

2. Except as otherwise provided in NRS 433.5496 and 433.5499, use mechanical restraint on a person with a disability who is a ~~[client.]~~ ***consumer.***

3. Except as otherwise provided in NRS 433.5503, use chemical restraint on a person with a disability who is a ~~[client.]~~ ***consumer.***

Sec. 34. NRS 433.5493 is hereby amended to read as follows:

433.5493 1. Except as otherwise provided in subsection 2, physical restraint may be used on a person with a disability who is a ~~[client]~~ ***consumer*** only if:

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the ~~[client]~~ ***consumer*** so that the ~~[client]~~ ***consumer*** is no longer an immediate threat of causing physical injury to himself or herself or others or causing severe property damage; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a person with a disability who is a ~~[client]~~ ***consumer*** and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the ~~[client]~~ ***consumer*** in completing a task or response if the ~~[client]~~ ***consumer*** does not resist the application of physical restraint or if the ~~[client's]~~ ***consumer's*** resistance is minimal in intensity and duration;

(b) Escort or carry a ~~[client]~~ ***consumer*** to safety if the ~~[client]~~ ***consumer*** is in danger in his or her present location; or

(c) Conduct medical examinations or treatments on the ~~[client]~~ ***consumer*** that are necessary.

3. If physical restraint is used on a person with a disability who is a ~~[client]~~ ***consumer*** in an emergency, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 35. NRS 433.5496 is hereby amended to read as follows:

433.5496 1. Except as otherwise provided in subsections 2 and 4, mechanical restraint may be used on a person with a disability who is a ~~[client]~~ ***consumer*** only if:

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the ~~[client's]~~ ***consumer's*** treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the ~~[client]~~ ***consumer*** not later than 1 working day immediately after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;

(e) The ~~[client]~~ ***consumer*** is given the opportunity to move and exercise the parts of his or her body that are restrained at least 10 minutes per every 60 minutes of restraint;

(f) A member of the staff of the facility lessens or discontinues the restraint every 15 minutes to determine whether the ~~[client]~~ ***consumer*** will stop or control his or her inappropriate behavior without the use of the restraint;

(g) The record of the ~~[client]~~ ***consumer*** contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the ~~[client]~~ ***consumer*** and the response of the member of the staff of the facility who applied the mechanical restraint;

(h) A member of the staff of the facility continuously monitors the ~~[client]~~ ***consumer*** during the time that mechanical restraint is used on the ~~[client;]~~ ***consumer;*** and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the ~~[client]~~ ***consumer*** so that the ~~[client]~~ ***consumer*** is no longer an immediate threat of causing physical injury to himself or herself or others or causing severe property damage.

2. Mechanical restraint may be used on a person with a disability who is a ~~[client]~~ ***consumer*** and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of a ~~[client;]~~ ***consumer;***

(b) Protect a ~~[client]~~ ***consumer*** who is known to be at risk of injury to himself or herself because the ~~[client]~~ ***consumer*** lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a ~~[client;]~~ ***consumer;*** or

(d) Position a ~~[client]~~ ***consumer*** who has physical disabilities in a manner prescribed in the ~~[client's]~~ ***consumer's*** plan of services.

3. If mechanical restraint is used on a person with a disability who is a ~~[client]~~ ***consumer*** in an emergency, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether

the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

4. The provisions of this section do not apply to a forensic facility, as that term is defined in subsection 5 of NRS 433.5499.

Sec. 36. NRS 433.5499 is hereby amended to read as follows:

433.5499 1. Except as otherwise provided in subsection 3, mechanical restraint may be used on a person with a disability who is a ~~[client]~~ ***consumer*** of a forensic facility only if:

(a) An emergency exists that necessitates the use of the mechanical restraint;

(b) The ~~[client's]~~ ***consumer's*** behavior presents an imminent threat of causing physical injury to himself or herself or to others or causing severe property damage and less restrictive measures have failed to modify the ~~[client's]~~ ***consumer's*** behavior;

(c) The ~~[client]~~ ***consumer*** is in the care of the facility but not on the premises of the facility and mechanical restraint is necessary to ensure security; or

(d) The ~~[client]~~ ***consumer*** is in the process of being transported to another location and mechanical restraint is necessary to ensure security.

2. If mechanical restraint is used pursuant to subsection 1, the forensic facility shall ensure that:

(a) The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;

(b) A member of the staff of the facility continuously monitors the ~~[client]~~ ***consumer*** during the time that mechanical restraint is used on the ~~[client;]~~ ***consumer;***

(c) The record of the ~~[client]~~ ***consumer*** contains a notation that indicates the time period during which the restraint was used and the circumstances warranting the restraint; and

(d) The mechanical restraint is used only for the period that is necessary.

3. Mechanical restraint may be used on a person with a disability who is a ~~[client]~~ ***consumer*** of a forensic facility, and the provisions of subsections 1 and 2 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of a ~~[client;]~~ ***consumer;***

(b) Protect a ~~[client]~~ ***consumer*** who is known to be at risk of injury to himself or herself because the ~~[client]~~ ***consumer*** lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a ~~[client;]~~ ***consumer;*** or

(d) Position a ~~[client]~~ ***consumer*** who has physical disabilities in a manner prescribed in the ~~[client's]~~ ***consumer's*** plan of services.

4. If mechanical restraint is used in an emergency on a person with a disability who is a ~~[client]~~ ***consumer*** of a forensic facility, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

5. As used in this section, "forensic facility" means a secure facility of the Division for offenders and defendants with a mental disorder who are ordered to the facility pursuant to chapter 178 of NRS.

Sec. 37. NRS 433.5503 is hereby amended to read as follows:

433.5503 1. Chemical restraint may only be used on a person with a disability who is a ~~[client]~~ ***consumer*** if:

(a) The ~~[client]~~ ***consumer*** has been diagnosed as mentally ill, as defined in NRS 433A.115, and is receiving mental health services from a facility;

(b) The chemical restraint is administered to the ~~[client]~~ ***consumer*** while he or she is under the care of the facility;

(c) An emergency exists that necessitates the use of chemical restraint;

(d) A medical order authorizing the use of chemical restraint is obtained from the ~~[client's]~~ ***consumer's*** attending physician or psychiatrist;

(e) The physician or psychiatrist who signed the order required pursuant to paragraph (d) examines the ~~[client]~~ ***consumer*** not later than 1 working day immediately after the administration of the chemical restraint; and

(f) The chemical restraint is administered by a person licensed to administer medication.

2. If chemical restraint is used on a person with a disability who is a ~~[client,]~~ ***consumer,*** the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 38. NRS 433.5506 is hereby amended to read as follows:

433.5506 1. Each facility shall develop a program of education for the members of the staff of the facility to provide instruction in positive behavioral interventions and positive behavioral supports that:

(a) Includes positive methods to modify the environment of ~~[clients]~~ ***consumers*** to promote adaptive behavior and reduce the occurrence of inappropriate behavior;

(b) Includes methods to teach skills to ~~[clients]~~ ***consumers*** so that ~~[clients]~~ ***consumers*** can replace inappropriate behavior with adaptive behavior;

(c) Includes methods to enhance a ~~[client's]~~ ***consumer's*** independence and quality of life;

(d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of ~~[clients;]~~ ***consumers;*** and

(e) Offers a process for designing interventions based upon the ~~[client]~~ ***consumer*** that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the ~~[client.]~~ ***consumer.***

2. Each facility shall provide appropriate training for the members of the staff of the facility who are authorized to carry out and monitor physical restraint, mechanical restraint and chemical restraint to ensure that those members of the staff are competent and qualified to carry out the procedures in accordance with NRS 433.545 to 433.551, inclusive.

Sec. 39. NRS 433.554 is hereby amended to read as follows:

433.554 1. An employee of a public or private mental health facility or any other person, except a ~~[client,]~~ ***consumer,*** who:

(a) Has reason to believe that a ~~[client]~~ ***consumer*** of the Division or of a private facility offering mental health services has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any division facility occupied by ~~[clients]~~ ***consumers*** unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with ~~[clients,]~~ ***consumers,*** unless in accordance with a lawfully issued prescription;

(d) Enters into any transaction with a ~~[client]~~ ***consumer*** involving the transfer of money or property for personal use or gain at the expense of the ~~[client;]~~ ***consumer;*** or

(e) Contrives the escape, elopement or absence of a ~~[client,]~~ ***consumer,***

➥ is guilty of a misdemeanor, in addition to any other penalties provided by law.

2. In addition to any other penalties provided by law, an employee of a public or private mental health facility or any other person, except a ~~[client,]~~ ***consumer,*** who willfully abuses or neglects a ~~[client:]~~ ***consumer:***

(a) For a first violation that does not result in substantial bodily harm to the ~~[client,]~~ ***consumer,*** is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the ~~[client,]~~ ***consumer,*** is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

➥ A person convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if the person is an officer or employee of the State, the person forfeits his or her office or position.

4. A conviction pursuant to this section is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The Division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted pursuant to this section.

5. For the purposes of this section:

(a) "Abuse" means any willful and unjustified infliction of pain, injury or mental anguish upon a ~~[client,]~~ ***consumer,*** including, but not limited to:

(1) The rape, sexual assault or sexual exploitation of the ~~[client;]~~ ***consumer;***

(2) The use of any type of aversive intervention;

(3) Except as otherwise provided in NRS 433.5486, a violation of NRS 433.549; and

(4) The use of physical, chemical or mechanical restraints or the use of seclusion in violation of federal law.

➥ Any act which meets the standard of practice for care and treatment does not constitute abuse.

(b) ~~["Client"]~~ ***"Consumer"*** includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a public or private institution or facility offering mental health services, or from treatment to competency in a public or private institution or facility offering mental health services. The term includes a ~~[client]~~ ***consumer*** of the Division of Child and Family Services of the Department.

(c) "Neglect" means any omission to act which causes injury to a ~~[client]~~ ***consumer*** or which places the ~~[client]~~ ***consumer*** at risk of injury, including, but not limited to, the failure to follow:

(1) An appropriate plan of treatment to which the ~~[client]~~ ***consumer*** has consented; and

(2) The policies of the facility for the care and treatment of ~~[clients.]~~ ***consumers.***

➥ Any omission to act which meets the standard of practice for care and treatment does not constitute neglect.

(d) "Standard of practice" means the skill and care ordinarily exercised by prudent professional personnel engaged in health care.

Sec. 40. NRS 433A.016 is hereby amended to read as follows:

433A.016 "Division facility" means:

1. Except as otherwise provided in subsection 2, any unit or subunit operated by the Division of Mental Health and Developmental Services of the Department for the care, treatment and training of ~~[clients.]~~ ***consumers.***

2. Any unit or subunit operated by the Division of Child and Family Services of the Department pursuant to chapter 433B of NRS.

Sec. 41. NRS 433A.030 is hereby amended to read as follows:

433A.030 The administrative officers have the following powers and duties, subject to the administrative supervision of the Administrator:

1. To exercise general supervision of and establish regulations for the government of the facilities designated by the Administrator;

2. To be responsible for and supervise the fiscal affairs and responsibilities of the facilities designated by the Administrator;

3. To appoint such medical, technical, clerical and operational staff as the execution of his or her duties, the care and treatment of ~~[clients]~~ ***consumers*** and the maintenance and operation of the facilities designated by the Administrator may require;

4. To make reports to the Administrator, and to supply the Administrator with material on which to base proposed legislation;

5. To keep complete and accurate records of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to his or her office;

6. To inform the public in regard to the activities and operation of the facilities;

7. To invoke any legal, equitable or special procedures for the enforcement of his or her orders or the enforcement of the provisions of this title and other statutes governing the facilities;

8. To submit an annual report to the Administrator on the condition, operation, functioning and anticipated needs of the facilities; and

9. To assume responsibility for the nonmedical care and treatment of ~~[clients]~~ ***consumers*** if that responsibility has not been delegated.

Sec. 42. NRS 433A.080 is hereby amended to read as follows:

433A.080 1. A coordinator of medical programs is the medical head of any division facility designated by the Administrator. The coordinator of medical programs:

(a) Must be a psychiatrist licensed to practice medicine or, in the case of a treatment facility authorized by paragraph (b) of subsection 1 of NRS 433B.290, a psychiatrist or a pediatrician licensed to practice medicine.

(b) May be a psychiatrist or pediatrician in private practice under contract to the Division.

(c) Must have such additional qualifications as are in accordance with criteria prescribed by the Department of Personnel and must be in the unclassified service of the State.

2. A coordinator of medical programs shall:

(a) Cause to be kept a fair and full account of all medical affairs;

(b) Have standard medical histories currently maintained on all ~~[clients,]~~ ***consumers,*** and administer or have administered the accepted and appropriate medical treatments to all ~~[clients]~~ ***consumers*** under his or her care, and may, by delegation of the administrative officer, be responsible for the nonmedical care and treatment of ~~[clients;]~~ ***consumers;*** and

(c) Undertake any diagnostic, medical or surgical procedure in the interest of the ~~[client,]~~ ***consumer,*** but only in accordance with the provisions of subsection 1 of NRS 433.484.

Sec. 43. NRS 433A.110 is hereby amended to read as follows:

433A.110 1. The administrative officer of a division mental health facility which provides treatment for inpatients may cause to be established a canteen operated for the benefit of ~~[clients]~~ ***consumers*** and employees of the facility. So far as practical within good business practices, the prices of commodities sold must approximate costs. The administrative officer shall cause to be kept a record of transactions in the operation of the canteen.

2. The Administrator may designate money from budgeted resources in appropriate amounts to each such facility for the establishment and operation of canteens. The money must be used to supplement the financial operation of the canteens, if required, to provide money for needy ~~[clients']~~ ***consumers'***

canteen privileges, and to provide for such other expenditures benefiting the ~~[clients]~~ ***consumers*** of such division facilities as the respective administrative officers may deem necessary. All proceeds of sale collected must be deposited with the State Treasurer for credit to the appropriate operating account of the mental health facility. The operating account must separately identify in the record of transactions the proceeds of sale collected, the amount of budgeted resources used, and the total amount expended for the operations of the canteen. All proceeds of sale collected must be used for the operation of the canteen. Proceeds of sale collected which exceed the amount necessary to maintain the operation of the canteens must be used to benefit the ~~[clients.]~~ ***consumers.***

3. An appropriate sum may be maintained as petty cash at each canteen.

4. The respective administrative officers may cause to be appointed such staff as are necessary for the proper operation of the canteens.

Sec. 44. NRS 433A.140 is hereby amended to read as follows:

433A.140 1. Any person may apply to:

(a) A public or private mental health facility in the State of Nevada for admission to the facility; or

(b) A division facility to receive care, treatment or training provided by the Division,

➥ as a voluntary ~~[client]~~ ***consumer*** for the purposes of observation, diagnosis, care and treatment. In the case of a person who has not attained the age of majority, application for voluntary admission or care, treatment or training may be made on his or her behalf by the person's spouse, parent or legal guardian.

2. If the application is for admission to a division facility, or for care, treatment or training provided by the Division, the applicant must be admitted or provided such services as a voluntary ~~[client]~~ ***consumer*** if an examination by personnel of the facility qualified to make such a determination reveals that the person needs and may benefit from services offered by the mental health facility.

3. Any person admitted to a public or private mental health facility as a voluntary ~~[client]~~ ***consumer*** must be released immediately after the filing of a written request for release with the responsible physician or that physician's designee within the normal working day, unless, within 24 hours after the request, the facility changes the status of the person to an emergency admission pursuant to NRS 433A.145. When a person is released pursuant to this subsection, the facility and its agents and employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person.

4. Any person admitted to a public or private mental health facility as a voluntary ~~[client]~~ ***consumer*** who has not requested release may nonetheless be released by the medical director of the facility when examining personnel at the facility determine that the ~~[client]~~ ***consumer*** has recovered or has improved to such an extent that the ~~[client]~~ ***consumer*** is not considered a

danger to himself or herself or others and that the services of that facility are no longer beneficial to the ~~[client]~~ ***consumer*** or advisable.

5. A person who requests care, treatment or training from the Division pursuant to this section must be evaluated by the personnel of the Division to determine whether the person is eligible for the services offered by the Division. The evaluation must be conducted:

(a) Within 72 hours if the person has requested inpatient services; or

(b) Within 72 regular operating hours, excluding weekends and holidays, if the person has requested community-based or outpatient services.

6. This section does not preclude a public facility from making decisions, policies, procedures and practices within the limits of the money made available to the facility.

Sec. 45. NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person with mental illness is admitted to a public or private mental health facility or hospital as a voluntary ~~[client,]~~ ***consumer,*** the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist or physician pursuant to NRS 433A.170.

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made unless, before the close of the business day on which the 48 hours expires, a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 46. NRS 433A.350 is hereby amended to read as follows:

433A.350 1. Upon admission to any public or private mental health facility, each ~~[client]~~ ***consumer*** of the facility and the ~~[client's]~~ ***consumer's*** spouse and legal guardian, if any, must receive a written statement outlining in simple, nontechnical language all procedures for release provided by this chapter, setting out all rights accorded to such a ~~[client]~~ ***consumer*** by this chapter and chapters 433 and 433B of NRS and, if the ~~[client]~~ ***consumer*** has no legal guardian, describing procedures provided by law for adjudication of incompetency and appointment of a guardian for the ~~[client.]~~ ***consumer.***

2. Written information regarding the services provided by and means of contacting the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons with mental illnesses must be posted in each public and private mental health facility and provided to each ~~[client]~~ ***consumer*** of such a facility upon admission.

Sec. 47. NRS 433A.360 is hereby amended to read as follows:

433A.360 1. A clinical record for each ~~[client]~~ ***consumer*** must be diligently maintained by any division facility or private institution or facility offering mental health services. The record must include information pertaining to the ~~[client's]~~ ***consumer's*** admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except:

(a) If the release is authorized or required pursuant to NRS 439.538.

(b) The record must be released to physicians, attorneys and social agencies as specifically authorized in writing by the ~~[client,]~~ ***consumer,*** the ~~[client's]~~ ***consumer's*** parent, guardian or attorney.

(c) The record must be released to persons authorized by the order of a court of competent jurisdiction.

(d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the ~~[client.]~~ ***consumer.***

(e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual ~~[clients.]~~ ***consumers.***

(f) To the extent necessary for a ~~[client]~~ ***consumer*** to make a claim, or for a claim to be made on behalf of a ~~[client]~~ ***consumer*** for aid, insurance or medical assistance to which the ~~[client]~~ ***consumer*** may be entitled, information from the records may be released with the written authorization of the ~~[client]~~ ***consumer*** or the ~~[client's]~~ ***consumer's*** guardian.

(g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The ~~[client]~~ ***consumer*** is a ~~[client]~~ ***consumer*** of that office and the ~~[client]~~ ***consumer*** or the ~~[client's]~~ ***consumer's*** legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a ~~[client]~~ ***consumer*** was received by the office or there is probable cause to believe that the ~~[client]~~ ***consumer*** has been abused or neglected and the ~~[client:]~~ ***consumer:***

(I) Is unable to authorize the release of the record because of the ~~[client's]~~ ***consumer's*** mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

(h) The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. As used in this section, ~~["client"]~~ ***"consumer"*** includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental

health services, or from treatment to competency in a private institution or facility offering mental health services.

Sec. 48. NRS 433A.370 is hereby amended to read as follows:

433A.370 1. When a ~~[client]~~ ***consumer*** committed by a court to a division facility on or before June 30, 1975, or a ~~[client]~~ ***consumer*** who is judicially admitted on or after July 1, 1975, or a person who is involuntarily detained pursuant to NRS 433A.145 to 433A.300, inclusive, escapes from any division facility, or when a judicially admitted ~~[client]~~ ***consumer*** has not returned to a division facility from conditional release after the administrative officer of the facility has ordered the ~~[client]~~ ***consumer*** to do so, any peace officer shall, upon written request of the administrative officer or the administrative officer's designee and without the necessity of a warrant or court order, apprehend, take into custody and deliver the person to such division facility or another state facility.

2. Any person appointed or designated by the Director of the Department to take into custody and transport to a division facility persons who have escaped or failed to return as described in subsection 1 may participate in the apprehension and delivery of any such person, but may not take the person into custody without a warrant.

Sec. 49. NRS 433A.390 is hereby amended to read as follows:

433A.390 1. When a ~~[client,]~~ ***consumer,*** involuntarily admitted to a mental health facility by court order, is released at the end of the time specified pursuant to NRS 433A.310, written notice must be given to the admitting court and to the ~~[client's]~~ ***consumer's*** legal guardian at least 10 days before the release of the ~~[client.]~~ ***consumer.*** The ~~[client]~~ ***consumer*** may then be released without requiring further orders of the court. If the ~~[client]~~ ***consumer*** has a legal guardian, the facility shall notify the guardian before discharging the ~~[client]~~ ***consumer*** from the facility. The legal guardian has discretion to determine where the ~~[client]~~ ***consumer*** will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the ~~[client]~~ ***consumer*** will be released within 3 days after the date of notification, the facility shall discharge the ~~[client]~~ ***consumer*** according to its proposed discharge plan.

2. An involuntarily court-admitted ~~[client]~~ ***consumer*** may be unconditionally released before the period specified in NRS 433A.310 when:

(a) An evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the ~~[client]~~ ***consumer*** has recovered from his or her mental illness or has improved to such an extent that the ~~[client]~~ ***consumer*** is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the mental health facility

authorizes the release and gives written notice to the admitting court and to the ~~[client's]~~ ***consumer's*** legal guardian at least 10 days before the release of the ~~[client.]~~ ***consumer.*** If the ~~[client]~~ ***consumer*** has a legal guardian, the facility shall notify the guardian before discharging the ~~[client]~~ ***consumer*** from the facility. The legal guardian has discretion to determine where the ~~[client]~~ ***consumer*** will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the ~~[client]~~ ***consumer*** will be released within 3 days after the date of notification, the facility shall discharge the ~~[client]~~ ***consumer*** according to its proposed discharge plan.

Sec. 50. NRS 433A.420 is hereby amended to read as follows:

433A.420 The medical director of a division facility may order the transfer to a hospital of the Department of Veterans Affairs or other facility of the United States Government any admitted ~~[client]~~ ***consumer*** eligible for treatment therein. If the ~~[client]~~ ***consumer*** in any manner objects to the transfer, the medical director of the facility shall enter the objection and a written justification of the transfer in the ~~[client's]~~ ***consumer's*** record and forward a notice of the objection to the Administrator, and the Commission shall review the transfer pursuant to subsections 2 and 3 of NRS 433.534.

Sec. 51. NRS 433A.480 is hereby amended to read as follows:

433A.480 1. The medical director of a division mental health facility shall have all persons adjudicated as persons with mental incompetence of that facility automatically evaluated no less than once every 6 months to determine whether or not there is sufficient cause to believe that the ~~[client]~~ ***consumer*** remains unable to exercise rights to dispose of property, marry, execute instruments, make purchases, enter into contractual relationships, vote or hold a driver's license.

2. If the medical director has sufficient reason to believe that the ~~[client]~~ ***consumer*** remains unable to exercise these rights, such information shall be documented in the ~~[client's]~~ ***consumer's*** treatment record.

3. If there is no such reason to believe the ~~[client]~~ ***consumer*** is unable to exercise these rights, the medical director shall immediately initiate proper action to cause to have the ~~[client]~~ ***consumer*** restored to legal capacity.

Sec. 52. NRS 433A.580 is hereby amended to read as follows:

433A.580 No person may be admitted to a private hospital or division mental health facility pursuant to the provisions of this chapter unless mutually agreeable financial arrangements relating to the costs of treatment are made between the private hospital or division facility and the ~~[client]~~ ***consumer*** or person requesting his or her admission.

Sec. 53. NRS 433A.590 is hereby amended to read as follows:

433A.590 1. Fees for the cost of treatment and services rendered through any division facility must be established pursuant to the fee schedule established under NRS 433.404 or 433B.250, as appropriate.

2. The maximum fee established by the schedule must approximate the actual cost per ~~[client]~~ ***consumer*** for the class of ~~[client]~~ ***consumer*** care provided.

3. The fee schedule must allow for a ~~[client]~~ ***consumer*** to pay a portion of the actual cost if it is determined that the ~~[client]~~ ***consumer*** and his or her responsible relatives pursuant to NRS 433A.610 are unable to pay the full amount. That determination must be made pursuant to NRS 433A.640 and 433A.650.

4. Any reduction pursuant to subsection 3 of the amount owed must not be calculated until all of the benefits available to the ~~[client]~~ ***consumer*** from third-party sources, other than Medicaid, have been applied to pay the actual cost for the care provided.

Sec. 54. NRS 433A.630 is hereby amended to read as follows:

433A.630 1. The administrative officers of the respective division facilities may enter into special agreements secured by properly executed bonds with the relatives, guardians or friends of ~~[clients]~~ ***consumers*** who are adjudicated to be ~~[clients]~~ ***consumers*** with mental incompetence for subsistence, care or other expenses of such ~~[clients.]~~ ***consumers.*** Each agreement and bond must be to the State of Nevada and any action to enforce the agreement or bond may be brought by the administrative officer.

2. Financially responsible relatives pursuant to NRS 433A.610 and the guardian of the estate of a ~~[client]~~ ***consumer*** may, from time to time, pay money to the division facility for the future personal needs of the ~~[client]~~ ***consumer*** with mental incompetence and for the ~~[client's]~~ ***consumer's*** burial expenses. Money paid pursuant to this subsection must be credited to the ~~[client]~~ ***consumer*** in the ~~[clients']~~ ***consumers'*** personal deposit fund established pursuant to NRS 433.539.

Sec. 55. NRS 433A.650 is hereby amended to read as follows:

433A.650 Determination of ability to pay pursuant to NRS 433A.640 shall include investigation of whether the ~~[client]~~ ***consumer*** has benefits due and owing to the ~~[client]~~ ***consumer*** for the cost of his or her treatment from third-party sources, such as Medicare, Medicaid, social security, medical insurance benefits, retirement programs, annuity plans, government benefits or any other financially responsible third parties. The administrative officer of a division mental health facility may accept payment for the cost of a ~~[client's]~~ ***consumer's*** treatment from the ~~[client's]~~ ***consumer's*** insurance company, Medicare or Medicaid and other similar third parties.

Sec. 56. NRS 433A.660 is hereby amended to read as follows:

433A.660 1. If the ~~[client,]~~ ***consumer,*** his or her responsible relative pursuant to NRS 433A.610, guardian or the estate neglects or refuses to pay the cost of treatment to the division facility rendering service pursuant to the fee schedule established under NRS 433.404 or 433B.250, as appropriate, the State is entitled to recover by appropriate legal action all sums due, plus interest.

2. Before initiating such legal action, the division facility shall demonstrate efforts at collection, which may include contractual arrangements for collection through a private collection agency.

Sec. 57. NRS 433A.680 is hereby amended to read as follows:

433A.680 The expense of diagnostic, medical and surgical services furnished to a ~~[client]~~ ***consumer*** admitted to a division facility by a person not on the staff of the facility, whether rendered while the ~~[client]~~ ***consumer*** is in a general hospital, an outpatient of a general hospital or treated outside any hospital, must be paid by the ~~[client,]~~ ***consumer,*** the guardian or relatives responsible pursuant to NRS 433A.610 for the ~~[client's]~~ ***consumer's*** care. In the case of an indigent ~~[client]~~ ***consumer*** or a ~~[client]~~ ***consumer*** whose estate is inadequate to pay the expenses, the expenses must be charged to the county from which the admission to the division facility was made, if the ~~[client]~~ ***consumer*** had, before admission, been a resident of that county. The expense of such diagnostic, medical and surgical services must not in any case be a charge against or paid by the State of Nevada, except when in the opinion of the administrative officer of the division mental health facility to which the ~~[client]~~ ***consumer*** is admitted payment should be made for nonresident indigent ~~[clients]~~ ***consumers*** and money is authorized pursuant to NRS 433.374 or 433B.230 and the money is authorized in approved budgets.

Sec. 58. NRS 433A.690 is hereby amended to read as follows:

433A.690 Claims by a division mental health facility against the estates of deceased ~~[clients]~~ ***consumers*** may be presented to the executor or Administrator in the manner required by law, and shall be paid as preferred claims equal to claims for expenses of last illness. When a deceased person has been maintained at a division mental health facility at a rate less than the maximum usually charged, or the facility has incurred other expenses for the benefit of the person for which full payment has not been made, the estate of the person shall be liable if the estate is discovered within 5 years after the person's death.

Sec. 59. NRS 433B.070 is hereby amended to read as follows:

433B.070 "Division facility" means any unit or subunit operated by the Division for the care and treatment of ~~[clients.]~~ ***consumers.***

Sec. 60. NRS 433B.130 is hereby amended to read as follows:

433B.130 1. The Administrator shall:

(a) Administer, in accordance with the policies established by the Commission, the programs of the Division for the mental health of children.

(b) Establish appropriate policies to ensure that children in division facilities have timely access to clinically appropriate psychotropic medication that are consistent with the policies established pursuant to NRS 432B.197.

2. The Administrator may:

(a) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children.

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.

4. The Administrator may accept children referred to the Division for treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.

5. The Administrator may enter into agreements with the Administrator of the Division of Mental Health and Developmental Services of the Department for the care and treatment of ~~[clients]~~ ***consumers*** of the Division of Child and Family Services at any facility operated by the Division of Mental Health and Developmental Services.

Sec. 61. NRS 433B.150 is hereby amended to read as follows:

433B.150 1. The Division shall employ such physicians within the various division facilities as are necessary for the operation of the facilities. The physicians must hold degrees of doctor of medicine from accredited medical schools and be licensed to practice medicine in Nevada.

2. Except as otherwise provided by law, the only compensation allowed such a physician is an annual salary, fixed in accordance with the pay plan adopted pursuant to the provisions of NRS 284.175.

3. The physicians shall perform such duties pertaining to the care and treatment of ~~[clients]~~ ***consumers*** as may be required.

Sec. 62. NRS 433B.190 is hereby amended to read as follows:

433B.190 1. The Division shall adopt regulations to:

(a) Provide for a more detailed definition of abuse of a ~~[client,]~~ ***consumer,*** consistent with the general definition given in NRS 433B.340;

(b) Provide for a more detailed definition of neglect of a ~~[client,]~~ ***consumer,*** consistent with the general definition given in NRS 433B.340; and

(c) Establish policies and procedures for reporting the abuse or neglect of a ~~[client.]~~ ***consumer.***

2. The regulations adopted pursuant to this section must, to the extent possible and appropriate, be consistent with the regulations adopted by the Division of Mental Health and Developmental Services of the Department pursuant to NRS 433.331.

Sec. 63. NRS 433B.200 is hereby amended to read as follows:

433B.200 1. If a ~~[client]~~ ***consumer*** in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent or a physician licensed to practice medicine, the division facility shall forward a copy of the medical records of the ~~[client,]~~ ***consumer,*** on or before the date the ~~[client]~~ ***consumer*** is transferred, to the facility or physician. Except as otherwise required by 42 U.S.C. ~~[§§ 290dd-3 and 290ee-3,]~~ ***§ 290dd-2,*** the division facility is not required to obtain the oral or

written consent of the ~~[client]~~ ***consumer*** to forward a copy of the medical records.

2. As used in this section, "medical records" includes a medical history of the ~~[client,]~~ ***consumer,*** a summary of the current physical condition of the ~~[client]~~ ***consumer*** and a discharge summary which contains the information necessary for the proper treatment of the ~~[client.]~~ ***consumer.***

Sec. 64. NRS 433B.210 is hereby amended to read as follows:

433B.210 The Division may:

1. By contract with general hospitals or other institutions having adequate facilities in this State, provide for inpatient care of ~~[clients]~~ ***consumers*** with mental illness.

2. Contract with appropriate persons professionally qualified in the field of psychiatric mental health to provide inpatient and outpatient care for children with mental illness when it appears that they can be treated best in that manner.

Sec. 65. NRS 433B.250 is hereby amended to read as follows:

433B.250 1. The Division shall establish a fee schedule for services rendered through any program supported by the State pursuant to the provisions of this chapter. The schedule must be submitted to the Commission and the Director of the Department for joint approval before enforcement. The fees collected by facilities operated by the Division pursuant to this schedule must be deposited in the State Treasury to the credit of the State General Fund, except as otherwise provided in NRS 433B.220 for fees collected pursuant to contract or agreement.

2. For a facility providing services for the treatment of children with mental illness, the fee established must approximate the cost of providing the service, but if a ~~[client,]~~ ***consumer,*** or the parent or legal guardian of the ~~[client,]~~ ***consumer,*** is unable to pay in full the fee established pursuant to this section, the Division may collect any amount the ~~[client,]~~ ***consumer,*** parent or legal guardian is able to pay.

Sec. 66. NRS 433B.280 is hereby amended to read as follows:

433B.280 1. Upon the death of a ~~[client]~~ ***consumer*** in a division facility, any known relatives or friends of the ~~[client]~~ ***consumer*** must be notified immediately of the fact of death.

2. The Administrator or the Administrator's designee shall cause a decent burial to be provided for the ~~[client]~~ ***consumer*** outside the grounds of a division facility. The Administrator or the designee may enter into a contract with any person or persons, including governmental agencies or other instrumentalities, as the Administrator or the designee deems proper, for a decent burial. Where there are known relatives, and they are financially able, the cost of burial must be borne by the relatives. Where there are no known relatives, the cost of burial is a charge against the State of Nevada, except that the cost must not exceed the amount charged for the burial of indigents in the county in which the burial takes place.

Sec. 67. NRS 433B.340 is hereby amended to read as follows:

433B.340 1. An employee of the Division or other person who:

(a) Has reason to believe that a ~~[client]~~ ***consumer*** has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any building occupied by ~~[clients]~~ ***consumers*** unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with ~~[clients,]~~ ***consumers,*** unless in accordance with a lawfully issued prescription;

(d) Enters into any transaction with a ~~[client]~~ ***consumer*** involving the transfer of money or property for personal use or gain at the expense of the ~~[client;]~~ ***consumer;*** or

(e) Contrives the escape, elopement or absence of a ~~[client,]~~ ***consumer,***

➥ is guilty of a misdemeanor.

2. An employee of the Division or other person who willfully abuses or neglects any ~~[client:]~~ ***consumer:***

(a) If no substantial bodily harm to the ~~[client]~~ ***consumer*** results, is guilty of a gross misdemeanor.

(b) If substantial bodily harm to the ~~[client]~~ ***consumer*** results, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if he or she is an officer or employee of the State, the person forfeits his or her office or position.

4. For the purposes of this section:

(a) "Abuse" means any willful or reckless act or omission to act which causes physical or mental injury to a ~~[client,]~~ ***consumer,*** including, but not limited to:

(1) The rape, sexual assault or sexual exploitation of the ~~[client;]~~ ***consumer;***

(2) Striking the ~~[client;]~~ ***consumer;***

(3) The use of excessive force when placing the ~~[client]~~ ***consumer*** in physical restraints; and

(4) The use of physical or chemical restraints in violation of state or federal law.

➥ Any act or omission to act which meets the standard practice for care and treatment does not constitute abuse.

(b) "Neglect" means any act or omission to act which causes injury to a ~~[client]~~ ***consumer*** or which places the ~~[client]~~ ***consumer*** at risk of injury, including, but not limited to, the failure to:

(1) Establish or carry out an appropriate plan of treatment for the ~~[client;]~~ ***consumer;***

(2) Provide the ~~[client]~~ ***consumer*** with adequate nutrition, clothing or health care; and

(3) Provide a safe environment for the ~~[client.]~~ ***consumer.***

➥ Any act or omission to act which meets the standard practice for care and treatment does not constitute neglect.

(c) "Standard practice" is the skill and care ordinarily exercised by prudent medical personnel.

Sec. 68. NRS 435.007 is hereby amended to read as follows:

435.007 As used in this chapter, unless the context otherwise requires:

1. "Child" means any person under the age of 18 years who may be eligible for mental retardation services or services for a related condition.

2. "Parent" means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

3. "Person" includes a child and any other ~~[client]~~ ***consumer*** with mental retardation or a related condition who has attained the age of 18 years.

4. "Residential facility for groups" means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

Sec. 69. NRS 435.122 is hereby amended to read as follows:

435.122 1. Any person with mental retardation or a person with a related condition may apply to any mental retardation center for admission as a voluntary ~~[client.]~~ ***consumer.*** The person's parent or guardian or another responsible person may submit the application on his or her behalf.

2. If the person or a responsible party on behalf of the person objects to voluntary admission, the procedure for involuntary admission may be followed.

Sec. 70. NRS 435.128 is hereby amended to read as follows:

435.128 1. Upon completion of the proceedings for involuntary admission of a person to a mental retardation center, if the court finds:

(a) That the person is a person with mental retardation or a person with a related condition, has demonstrated that the person is a clear and present danger to himself or herself or others and is in need of institutional training and treatment;

(b) That appropriate space and programs are available at the mental retardation center to which it is proposed that the person be admitted; and

(c) That there is no less restrictive alternative to admission to a mental retardation center which would be consistent with the best interests of the person,

➥ the court shall by written order certify that the person is eligible for involuntary admission to a mental retardation center.

2. A certificate of eligibility for involuntary admission expires 12 months after the date of issuance if the ~~[client]~~ ***consumer*** has not been discharged earlier by the procedure provided in NRS 435.129. At the end of the 12month period, the administrative officer of the mental retardation center may petition the court to renew the certificate for an additional period of not more

than 12 months. Each petition for renewal must set forth the specific reasons why further treatment is required. A certificate may be renewed more than once.

Sec. 71. NRS 435.129 is hereby amended to read as follows:

435.129 1. If the administrative officer of a mental retardation center finds that a ~~[client]~~ ***consumer*** is no longer in need of the services offered at the center, the administrative officer shall discharge that ~~[client.]~~ ***consumer.***

2. A written notice of the discharge must be given to the ~~[client]~~ ***consumer*** and the ~~[client's]~~ ***consumer's*** representatives at least 10 days before the discharge.

3. If the ~~[client]~~ ***consumer*** was admitted involuntarily, the Administrator shall, at least 10 days before the discharge, notify the district court which issued the certificate of eligibility for the person's admission.

Sec. 72. NRS 435.350 is hereby amended to read as follows:

435.350 1. Each person with mental retardation and each person with a related condition admitted to a division facility is entitled to all rights enumerated in NRS 433.482, 433.484 and 433.545 to 433.551, inclusive.

2. The Administrator shall designate a person or persons to be responsible for establishment of regulations relating to denial of rights of persons with mental retardation and persons with related conditions. The person designated shall file the regulations with the Administrator.

3. ~~[Clients']~~ ***Consumers'*** rights specified in NRS 433.482 and 433.484 may be denied only for cause. Any denial of such rights must be entered in the ~~[client's]~~ ***consumer's*** treatment record, and notice of the denial must be forwarded to the Administrator's designee or designees as provided in subsection 2. Failure to report denial of rights by an employee may be grounds for dismissal.

4. Upon receipt of notice of a denial of rights as provided in subsection 3, the Administrator's designee or designees shall cause a full report to be prepared which sets forth in detail the factual circumstances surrounding the denial. A copy of the report must be sent to the Administrator and the Commission.

5. The Commission has such powers and duties with respect to reports of denial of rights as are enumerated in subsection 3 of NRS 433.534.

Sec. 73. NRS 435.360 is hereby amended to read as follows:

435.360 1. The relatives of a ~~[client]~~ ***consumer*** with mental retardation or a ~~[client]~~ ***consumer*** with a related condition who is 18 years of age or older are not responsible for the costs of the ~~[client's]~~ ***consumer's*** care and treatment within a division facility.

2. The ~~[client]~~ ***consumer*** or the ~~[client's]~~ ***consumer's*** estate, when able, may be required to contribute a reasonable amount toward the costs of the ~~[client's]~~ ***consumer's*** care and treatment. Otherwise, the full costs of the services must be borne by the State.

Sec. 74. NRS 435.390 is hereby amended to read as follows:

435.390 1. The administrative officer of any division facility where persons with mental retardation or persons with related conditions reside may establish a canteen operated for the benefit of ~~[clients]~~ ***consumers*** and employees of the facility. The administrative officer shall keep a record of transactions in the operation of the canteen.

2. Each canteen must be self-supporting. No money provided by the State may be used for its operation.

3. The respective administrative officers shall deposit the money used for the operation of the canteen in one or more banks or credit unions of reputable standing, except that an appropriate sum may be maintained as petty cash at each canteen.

Sec. 75. NRS 433.044, 433.459, 433A.014 and 433B.050 are hereby repealed.

Sec. 76. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change, move or remove any words and terms in the Nevada Administrative Code in a manner that the Legislative Counsel determines necessary to ensure consistency with the provisions of this act.

Sec. 77. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2012, for all other purposes.

TEXT OF REPEALED SECTIONS

433.044 "Client" defined. "Client" means any person who seeks, on his or her own or another's initiative, and can benefit from, care, treatment and training provided by the Division, or from treatment to competency provided by the Division.

433.459 "Client" defined. "Client" means any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in any facility, or from treatment to competency in any facility.

433A.014 "Client" defined. "Client" means any person who seeks, on the person's own or another's initiative, and can benefit from, care, treatment, treatment to competency or training provided by the Division.

433B.050 "Client" defined. "Client" means a child who seeks, on the child's own or another's initiative, and can benefit from care and treatment provided by the Division.

Senator Copening moved the adoption of the amendment.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Amendment No. 86 requires the Division of Mental Health and Developmental Services to specify in the regulations that define when a consumer may receive services from the Division, that a consumer is eligible to receive services only if the consumer has a documented diagnosis of a mental disorder, and with certain exceptions, is not eligible to receive services through another public or private entity. It also requires the Division to establish policies and procedures for referring consumers who need services that the Division is unable to provide.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 54.

"SUMMARY—Revises provisions concerning the quarterly publication of certain financial information by ~~[incorporated cities.]~~ **certain local governments.** (BDR 21-400)"

"AN ACT relating to local financial administration; revising provisions concerning the quarterly publication of certain financial information by an incorporated city **or a county**; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the clerk and council of each city incorporated under general law or charter to publish **in a newspaper** a quarterly statement of the city's finances that shows the receipts and disbursements and the details of each bill that the city has paid. (NRS 268.030) **Section 2** of this bill requires the publication of only the total amounts of the city's receipts, disbursements and bills paid for the quarter but expressly provides that the receipts, bills and other documents which support each transaction that is included in the published totals are public records which are available for inspection and copying. **Section 2 also requires publication of the financial statement on the Internet website of the city, if the city maintains an Internet website.** **Section 1** of this bill eliminates a duplicative requirement for the publication of financial information that only applies to the city clerks of cities incorporated under general law.

Under existing law, a board of county commissioners is required to publish in a newspaper a quarterly financial statement of receipts, expenditures and bills allowed. (NRS 244.225, 354.210) Sections 3 and 4 of this bill require the publication of only the total amounts of the county's receipts, expenditures and bills allowed but expressly provides that the receipts, bills and other documents which support each transaction that is included in the published totals are public records which are available for inspection and copying. Sections 3 and 4 also require publication of the financial statement on the Internet website of the county if the county maintains an Internet website.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 266.480 is hereby amended to read as follows:

266.480 The city clerk shall:

1. Keep the office of the city clerk at the place of meeting of the city council, or some other place convenient thereto, as the council may direct.

2. Keep the corporate seal and all papers and records of the city.

3. Keep a record of the proceedings of the city council, whose meetings the city clerk shall attend.

4. Countersign all contracts made in behalf of the city, and every such contract or contracts to which the city is a party shall be void unless signed by the city clerk.

~~[5. Cause to be published quarterly in some newspaper published in the city a statement of the finances of the city, showing receipts and disbursements, and bills allowed and paid. The statement shall be signed by the mayor and attested by the city clerk. If there should be no newspaper published in the county, the financial statement shall be published in a newspaper of general circulation in the county.]~~

Sec. 2. NRS 268.030 is hereby amended to read as follows:

268.030 1. After March 23, 1939, the city clerk and city council of every incorporated city in this state, whether incorporated under the provisions of chapter 266 of NRS or under the provisions of a special act, shall cause to be published quarterly in some newspaper, published as hereinafter provided, a statement of the finances of the city, showing ***the total amounts of*** receipts , ~~[and]~~ disbursements ~~[, exhibiting in detail the]~~ ***and*** bills allowed and paid ~~[.]~~ ***for the period covered by the statement.*** The statement ~~[shall]~~ ***must*** ~~*[inform]*~~ ***:***

(a) Inform the public of the provisions of subsection ~~*[2, must*~~ ~~be]~~ ***3;***

(b) If the city maintains an official Internet website, inform the public of where the financial statement is posted on the Internet website pursuant to subsection 2;

(c) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents;

(d) Provide the address of the city office or offices where the public may view the detailed financial documents;

(e) Be signed by the mayor and attested by the city clerk ~~[,]~~ ***;*** and ~~[shall]~~ ~~*[must*~~ ~~be]~~

(f) Be published in a newspaper published in ~~[such]~~ ***the*** city ~~[.]~~ ***for a period of at least 5 consecutive days.*** If ~~[there shall be]~~ no newspaper ***is*** published in ~~[such]~~ ***the*** city, then the financial statement ~~[shall]~~ ***must*** be published in a newspaper published in the county, and if ~~[there be]~~ no newspaper ***is*** published in the county, ~~[such]~~ ***the*** financial statement ~~[shall]~~ ***must*** be ***published in a newspaper of general circulation in the county or*** posted by the city clerk at the door of the city hall.

2. ***If a city maintains an official Internet website, the city clerk and city council shall cause to be published quarterly on the Internet website of the city a statement of the finances of the city, showing the total amounts of receipts, disbursements and bills allowed and paid for the period covered by the statement. The statement must:***

(a) Inform the public of the provisions of subsection 3;

(b) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents;

(c) Provide the address of the city office or offices where the public may view the detailed financial documents;

(d) Be signed by the mayor and attested by the city clerk; and

(e) Be published on the Internet website of the city for a period of at least 5 consecutive days.

3. The original and any duplicate or copy of each receipt, bill, invoice, check, warrant, voucher or other similar document that supports a transaction, the amount of which is included in the total amounts shown in the financial statement published pursuant to this section is a public record that is available for inspection and copying by any person pursuant to the provisions of chapter 239 of NRS.

~~[3.]~~ ***4.*** Any city officer ~~[in this state]~~ who ~~[shall violate]~~ ***violates*** the provisions of this section ~~[shall be deemed]~~ ***is*** guilty of a misdemeanor.

Sec. 3. **NRS 244.225 is hereby amended to read as follows:**

244.225 ***1.*** The board of county commissioners shall publish quarterly a statement of the ***total amounts of*** receipts and expenditures of the 3 months next preceding, and the ***total amounts of*** accounts allowed. Publications shall be made by making one insertion of the statement in a newspaper published in the county, but if no newspaper ~~[be]~~ ***is*** published in the county, then such publication shall be made by posting a copy of the statement at the courthouse door and at two other public places in the county***. The statement must:***

(a) Inform the public of the provisions of subsection 3;

(b) If the county maintains an official Internet website, inform the public of where the statement is posted on the Internet website pursuant to subsection 2;

(c) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents;

(d) Provide the address of the county office or offices where the public may view the detailed financial documents; and

(e) Be published for a period of at least 5 consecutive days.

2. If a county maintains an official Internet website, the board of county commissioners shall publish quarterly on the Internet website of the county a statement of the total amounts of receipts and expenditures of the 3 months next preceding and the total amounts of accounts allowed. The statement must:

(a) Inform the public of the provisions of subsection 3;

(b) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents;

(c) Provide the address of the county office or offices where the public may view the detailed financial documents; and

(d) Be published on the official Internet website of the county for a period of at least 5 consecutive days.

3. The original and any duplicate or copy of each receipt, bill, invoice, check, warrant, voucher or other similar document that supports a transaction, the amount of which is included in the total amounts shown in the statement published pursuant to this section, is a public record that is available for inspection and copying by any person pursuant to the provisions of chapter 239 of NRS.

Sec. 4. **NRS 354.210 is hereby amended to read as follows:**

354.210 1. Except as provided in subsection 3, the board of county commissioners shall cause ***a statement of*** the ***total*** amount of ~~[all]~~ bills allowed by it ~~[, together with the names of the persons to whom such allowances are made and for what such allowances are made,]~~ to be published in some newspaper published in the county***. The statement must:***

(a) Inform the public of the provisions of subsection 5;

(b) If the county maintains an official Internet website, inform the public of where the statement is posted on the Internet website pursuant to subsection 4;

(c) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents;

(d) Provide the address of the county office or offices where the public may view the detailed financial documents; and

(e) Be published for a period of at least 5 consecutive days.

2. The amount paid for such publication shall not exceed the statutory rate for publication of legal notices, and the publication shall not extend beyond a single insertion.

3. Where no newspaper is published in a county, the board of county commissioners may cause to be published, in some newspaper having a general circulation within the county, the allowances provided for in subsection 1, or shall cause the clerk of the board to post such allowances at the door of the courthouse.

4. If a county maintains an official Internet website, the board of county commissioners shall publish on the official Internet website of the county a statement of the total amount of bills allowed by it. The statement must:

(a) Inform the public of the provisions of subsection 5;

(b) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents;

(c) Provide the address of the county office or offices where the public may view the detailed financial documents; and

(d) Be published on the official Internet website of the county for a period of at least 5 consecutive days.

5. The original and any duplicate or copy of each bill, including, without limitation, the amount of the bill, the name of the person to whom such allowance is made and for what such allowance is made, or any other document that supports a transaction, the amount of which is included in the total amount shown in the statement published pursuant to this section,

is a public record that is available for inspection and copying by any person pursuant to the provisions of chapter 239 of NRS.

~~[Sec. 3.]~~ ***Sec. 5.*** This act becomes effective upon passage and approval.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Senator Settelmeyer requested that his remarks be entered in the Journal.

Amendment No. 54 to Senate Bill No. 65 makes the same provisions set forth in Senate Bill No. 65 relating to incorporated cities applicable to counties in Chapter 244 of the Nevada Revised Statutes. It also provides that the quarterly summary statement of the county should be printed for at a least a period of five consecutive days; and requires the quarterly statement to include instructions for the public indicating; where on the county's or city's Internet website the statement can be viewed; a telephone number the public may call to obtain financial documents; and an address of the city or county offices where the public may view the statements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 74.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 71.

"SUMMARY—Changes the designation of certain state funds and accounts. (BDR 31-397)"

"AN ACT relating to state financial administration; changing the designation of certain funds and accounts; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill changes the designation of various state funds and accounts in existing law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353.266 is hereby amended to read as follows:

353.266 1. The Contingency ~~[Fund]~~ ***Account*** is hereby created ~~[as a special revenue fund.]~~ ***in the State General Fund.*** Money for the ~~[Fund]~~ ***Account*** must be provided by direct legislative appropriation.

2. Money in the Contingency ~~[Fund]~~ ***Account*** may be allocated and expended within the limitations and in the manner provided in NRS 353.268, 353.269 and 538.650 or by the Legislature directly:

(a) For emergency use to supplement regular legislative appropriations which fail to cover unforeseen expenses;

(b) To meet expenses pursuant to the requirements of the law; or

(c) As provided by specific statute.

Sec. 2. NRS 353.2735 is hereby amended to read as follows:

353.2735 1. The Disaster Relief Account is hereby created ~~[as a special account in the Fund to Stabilize the Operation of the State Government.]~~ ***in the State General Fund.*** The Interim Finance Committee shall administer the ***Disaster Relief*** Account.

2. The Division may accept grants, gifts or donations for deposit in the ***Disaster Relief*** Account. Except as otherwise provided in subsection 3, money received from:

(a) A direct legislative appropriation to the ***Disaster Relief*** Account;

(b) A transfer from the State General Fund in an amount equal to not more than 10 percent of the aggregate balance in the ~~[Fund]~~ ***Account*** to Stabilize the Operation of the State Government ~~[, excluding the aggregate balance in the Disaster Relief Account and the Emergency Assistance Subaccount,]~~ made pursuant to NRS 353.288; and

(c) A grant, gift or donation to the ***Disaster Relief*** Account,

➥ must be deposited in the ***Disaster Relief*** Account. Except as otherwise provided in NRS 414.135, the interest and income earned on the money in the ***Disaster Relief*** Account must, after deducting any applicable charges, be credited to the ***Disaster Relief*** Account.

3. If, at the end of each quarter of a fiscal year, the balance in the ***Disaster Relief*** Account exceeds 0.75 percent of the total amount of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year, the State Controller shall not, until the balance in the ***Disaster Relief*** Account is 0.75 percent or less of that amount, transfer any money in the ~~[Fund]~~ ***Account*** to Stabilize the Operation of the State Government from the State General Fund to the ***Disaster Relief*** Account pursuant to the provisions of NRS 353.288.

4. Money in the ***Disaster Relief*** Account may be used for any purpose authorized by the Legislature or distributed through grants and loans to state agencies and local governments as provided in NRS 353.2705 to 353.2771, inclusive. Except as otherwise provided in NRS 353.276, such grants will be disbursed on the basis of reimbursement of costs authorized pursuant to NRS 353.274 and 353.2745.

5. If the Governor declares a disaster, the State Board of Examiners shall estimate:

(a) The money in the ***Disaster Relief*** Account that is available for grants and loans for the disaster pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive; and

(b) The anticipated amount of those grants and loans for the disaster.

➥ Except as otherwise provided in this subsection, if the anticipated amount determined pursuant to paragraph (b) exceeds the available money in the ***Disaster Relief*** Account for such grants and loans, all grants and loans from the ***Disaster Relief*** Account for the disaster must be reduced in the same proportion that the anticipated amount of the grants and loans exceeds the

money in the ***Disaster Relief*** Account that is available for grants and loans for the disaster. If the reduction of a grant or loan from the ***Disaster Relief*** Account would result in a reduction in the amount of money that may be received by a state agency or local government from the Federal Government, the reduction in the grant or loan must not be made.

Sec. 3. NRS 353.288 is hereby amended to read as follows:

353.288 1. The ~~[Fund]~~ ***Account*** to Stabilize the Operation of the State Government is hereby created ~~[as a special revenue fund.]~~ ***in the State General Fund.*** Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, the State Controller shall transfer from the State General Fund to the ~~[Fund]~~ ***Account*** to Stabilize the Operation of the State Government:

(a) Forty percent of the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, which remains after subtracting an amount equal to 7 percent of all appropriations made from the State General Fund during that previous fiscal year for the operation of all departments, institutions and agencies of State Government and for the funding of schools; and

(b) Commencing with the fiscal year that begins on July 1, 2011, 1 percent of the total anticipated revenue for the fiscal year in which the transfer will be made, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year.

2. Money transferred pursuant to subsection 1 to the ~~[Fund]~~ ***Account*** to Stabilize the Operation of the State Government is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the ~~[Fund]~~ ***Account*** to Stabilize the Operation of the State Government ~~[, excluding the aggregate balance in the Disaster Relief Account and the Emergency Assistance Subaccount,]~~ must not exceed 20 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be transferred to the ~~[Fund]~~ ***Account*** to Stabilize the Operation of the State Government.

4. Except as otherwise provided in this subsection and NRS 353.2735, beginning with the fiscal year that begins on July 1, 2003, the State Controller shall, at the end of each quarter of a fiscal year, transfer from the State General Fund to the Disaster Relief Account created pursuant to NRS 353.2735 an amount equal to not more than 10 percent of the aggregate balance in the ~~[Fund]~~ ***Account*** to Stabilize the Operation of the State Government during the previous quarter **.** ~~[, excluding the aggregate balance~~

~~in the Disaster Relief Account and the Emergency Assistance Subaccount created pursuant to NRS 414.135.]~~ The State Controller shall not transfer more than $500,000 for any quarter pursuant to this subsection.

5. The Chief of the Budget Division of the Department of Administration may submit a request to the State Board of Examiners to transfer money from the ~~[Fund]~~ ***Account*** to Stabilize the Operation of the State Government to the State General Fund:

(a) If the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the transfer will be made, as determined by the Legislature, or the Interim Finance Committee if the Legislature is not in session; or

(b) If the Legislature, or the Interim Finance Committee if the Legislature is not in session, and the Governor declare that a fiscal emergency exists.

6. The State Board of Examiners shall consider a request made pursuant to subsection 5 and shall, if it finds that a transfer should be made, recommend the amount of the transfer to the Interim Finance Committee for its independent evaluation and action. The Interim Finance Committee is not bound to follow the recommendation of the State Board of Examiners.

7. If the Interim Finance Committee finds that a transfer recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and direct the State Controller to transfer that amount to the State General Fund. The State Controller shall thereupon make the transfer.

8. In addition to the manner of allocation authorized pursuant to subsections 5, 6 and 7, the money in the ~~[Fund]~~ ***Account*** to Stabilize the Operation of the State Government may be allocated directly by the Legislature to be used for any other purpose.

Sec. 4. NRS 2.490 is hereby amended to read as follows:

2.490 All gifts of money which the Supreme Court Librarian is authorized to accept must be deposited in the ~~[State Treasury in a fund to be known as the]~~ Supreme Court Law Library Gift ~~[Fund.]~~ ***Account, which is hereby created in the State General Fund.*** The ~~[Fund]~~ ***Account*** is a continuing ~~[fund]~~ ***account*** without reversion, and money in the ~~[Fund]~~ ***Account*** must be used for Supreme Court Law Library purposes only and expended in accordance with the terms of the gift.

Sec. 5. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 4 to 8, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. Any sale held under this section must be preceded by a single publication of notice, at least 3 weeks before sale, in a newspaper of general circulation in the county in which the property is to be sold.

3. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. The Administrator shall transfer property to the Office of Veterans' Services, upon its written request, if the property has military value.

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

7. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

8. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the ~~[account]~~

subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the ~~[account,]~~ ***subaccount,*** must be transferred to the Educational Trust ~~[Fund]~~ ***Account,*** which is hereby created in the State ~~[Treasury.]~~ ***General Fund.*** The money in the Educational Trust ~~[Fund]~~ ***Account*** may be expended only as authorized by the Legislature for educational purposes.

Sec. 6. NRS 206.340 is hereby amended to read as follows:

206.340 1. The Graffiti Reward ~~[Fund]~~ ***Account*** is hereby created in the State General Fund.

2. When a defendant pleads or is found guilty of violating NRS 206.125, 206.330 or 206.335, the court shall include an administrative assessment of $250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Graffiti Reward ~~[Fund.]~~ ***Account.***

3. All money received pursuant to subsection 2 must be deposited with the State Controller for credit to the Graffiti Reward ~~[Fund.]~~ ***Account.*** The money in the ~~[Fund]~~ ***Account*** must be used:

(a) To pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension and conviction of a person who violates NRS 206.125, 206.330 or 206.335; or

(b) For any other purpose authorized by the Legislature.

4. If sufficient money is available in the Graffiti Reward ~~[Fund,]~~ ***Account,*** a state law enforcement agency may offer a reward, not to exceed $1,000, for information leading to the identification, apprehension and conviction of a person who violates NRS 206.125, 206.330 or 206.335. The reward must be paid out of the Graffiti Reward ~~[Fund]~~ ***Account*** upon approval by the State Board of Examiners.

Sec. 7. ~~[NRS 218A.150 is hereby amended to read as follows:~~

~~218A.150 1. The Legislative [Fund] *Account* is hereby created [as a special revenue fund] *in the State General Fund* for the use of the Legislature, and where specifically authorized by law, for the use of the Legislative Counsel Bureau.~~

~~2. Support for the Legislative [Fund] *Account* must be provided by legislative appropriation from the State General Fund.~~

~~3. Expenditures from the Legislative [Fund] *Account* may be made for:~~

~~(a) The payment of necessary expenses of the Senate;~~

~~(b) The payment of necessary expenses of the Assembly;~~

~~(c) The payment of necessary improvements to the Legislative Building and its grounds;~~

~~(d) The payment of expenses for the interim operation of the Legislature; and~~

~~(e) The payment of necessary expenses of, but not limited to:~~

~~(1) The Legislative Commission;~~

~~(2) The Legal Division;~~

~~(3) The Research Division;~~

~~(4) The Audit Division;~~

~~(5) The Fiscal Analysis Division; and~~

~~(6) The Administrative Division,~~

~~of the Legislative Counsel Bureau.~~

~~4. Expenditures from the Legislative [Fund] *Account* for purposes other than those specified in subsection 3 or authorized specifically by another statute may be made only upon the authority of a concurrent resolution regularly adopted by the Senate and Assembly.~~

~~5. All money in the Legislative [Fund] *Account* must be paid out on claims approved by the Director of the Legislative Counsel Bureau or his or her designee.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 228.630 is hereby amended to read as follows:

228.630 1. The Registry ~~[Fund]~~ ***Account*** is hereby created ~~[as a special revenue fund]~~ in the State ~~[Treasury]~~ ***General Fund*** for the use of the Attorney General.

2. All money collected by the Attorney General pursuant to NRS 228.580 must be deposited in the State ~~[Treasury]~~ ***General Fund*** for credit to the Registry ~~[Fund.]~~ ***Account.*** The interest and income earned on the money in the Registry ~~[Fund,]~~ ***Account,*** after deducting any applicable charges, must be credited to the Registry ~~[Fund.]~~ ***Account.***

3. Expenditures from the Registry ~~[Fund]~~ ***Account*** must be made only to administer and enforce the provisions of NRS 228.500 to 228.640, inclusive.

4. The Attorney General shall administer the Registry ~~[Fund.]~~ ***Account.*** All claims against the Registry ~~[Fund]~~ ***Account*** must be paid as other claims against the State are paid.

5. Any money remaining in the Registry ~~[Fund]~~ ***Account*** at the end of a fiscal year does not revert to the State General Fund, and the balance in the Registry ~~[Fund]~~ ***Account*** must be carried forward to the next fiscal year.

6. Each year, the Attorney General shall submit an itemized statement of the income and expenditures for the Registry ~~[Fund:]~~ ***Account:***

(a) To the Legislature, if the Legislature is in session; or

(b) To the Interim Finance Committee, if the Legislature is not in session.

Sec. 9. NRS 231.153 is hereby amended to read as follows:

231.153 1. The Nevada Economic Development ~~[Fund]~~ ***Account*** is hereby created in the State ~~[Treasury as a special revenue fund.]~~ ***General Fund.***

2. Except as otherwise provided in subsection 4, the Nevada Economic Development ~~[Fund]~~ ***Account*** is a continuing ~~[fund]~~ ***account*** without reversion. The money in the ~~[Fund]~~ ***Account*** must be invested as the money in other state ~~[funds]~~ ***accounts*** is invested. The interest and income earned on the money in the ~~[Fund,]~~ ***Account,*** after deducting any applicable charges, must be credited to the ~~[Fund.]~~ ***Account.*** Claims against the ~~[Fund]~~ ***Account*** must be paid as other claims against the State are paid.

3. The Commission on Economic Development may accept gifts, grants and donations from any source for deposit in the Nevada Economic Development ~~[Fund.]~~ ***Account.***

4. The State Board of Examiners may, upon making a determination that any portion of any amount appropriated by the Legislature for deposit in the ~~[Fund]~~ ***Account*** is necessary to meet existing or future obligations of the State, recommend to the Interim Finance Committee that the amount so needed be transferred from the ~~[Fund]~~ ***Account*** to the State General Fund. Upon approval of the Interim Finance Committee, the money may be so transferred.

Sec. 10. NRS 233C.095 is hereby amended to read as follows:

233C.095 1. The Nevada Cultural ~~[Fund]~~ ***Account*** is hereby created ~~[as a special revenue fund.]~~ ***in the State General Fund.*** The purposes of the ~~[Fund]~~ ***Account*** are to:

(a) Ensure a stable and healthy cultural climate in this state;

(b) Advance and promote a meaningful role of the arts and humanities in the lives of individual persons, families and communities throughout this state; and

(c) Stimulate the provision of additional funding from private sources to carry out the provisions of paragraphs (a) and (b).

➥ The money in the ~~[Fund]~~ ***Account*** must be used to augment and must not be used to replace or supplant any legislative appropriations to the Division.

2. Except as otherwise provided in subsection 4, the ~~[Fund]~~ ***Account*** is a continuing ~~[fund]~~ ***account*** without reversion. The money in the ~~[Fund]~~ ***Account*** must be invested as the money in other state ~~[funds]~~ ***accounts*** is invested. The interest and income earned on the money in the ~~[Fund,]~~ ***Account,*** after deducting any applicable charges, must be credited to the ~~[Fund.]~~ ***Account.*** Claims against the ~~[Fund]~~ ***Account*** must be paid as other claims against the State are paid.

3. The Division may accept gifts, grants and donations from any source for deposit in the ~~[Fund.]~~ ***Account.***

4. The State Board of Examiners may, upon making a determination that any portion of any amount appropriated by the Legislature for deposit in the ~~[Fund]~~ ***Account*** is necessary to meet existing or future obligations of the State, recommend to the Interim Finance Committee that the amount so needed be transferred from the ~~[Fund]~~ ***Account*** to the State General Fund. Upon approval of the Interim Finance Committee, the money may be so transferred.

Sec. 11. NRS 240.018 is hereby amended to read as follows:

240.018 1. The Secretary of State may:

(a) Provide courses of study for the mandatory training of notaries public. Such courses of study must include at least 4 hours of instruction relating to the functions and duties of notaries public.

(b) Charge a reasonable fee to each person who enrolls in a course of study for the mandatory training of notaries public.

2. A course of study provided pursuant to this section must comply with the regulations adopted pursuant to subsection 1 of NRS 240.017.

3. The following persons are required to enroll in and successfully complete a course of study provided pursuant to this section:

(a) A person applying for appointment as a notary public for the first time.

(b) A person renewing his or her appointment as a notary public, if the appointment has expired for a period greater than 1 year.

(c) A person renewing his or her appointment as a notary public, if during the immediately preceding 4 years the person has been fined for failing to comply with a statute or regulation of this State relating to notaries public.

➥ A person who holds a current appointment as a notary public is not required to enroll in and successfully complete a course of study provided pursuant to this section if the person is in compliance with all of the statutes and regulations of this State relating to notaries public.

4. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 1 in the following manner:

(a) Seventy-five percent of the fees collected must be deposited in the State General Fund.

(b) Twenty-five percent of the fees collected must be deposited in the Notary Public Training ~~[Fund]~~ ***Account*** which is hereby created ~~[as a special revenue fund]~~ in the State ~~[Treasury.]~~ ***General Fund.*** The ~~[Fund]~~ ***Account*** must be administered by the Secretary of State. Any interest and income earned on the money in the ~~[Fund,]~~ ***Account,*** after deducting any applicable charges, must be credited to the ~~[Fund.]~~ ***Account.*** Any money remaining in the ~~[Fund]~~ ***Account*** at the end of a fiscal year does not revert to the State General Fund, and the balance in the ~~[Fund]~~ ***Account*** must be carried forward. All claims against the ~~[Fund]~~ ***Account*** must be paid as other claims against the State are paid. The money in the ~~[Fund]~~ ***Account*** may be expended:

(1) To pay for expenses related to providing courses of study for the mandatory training of notaries public, including, without limitation, the rental of rooms and other facilities, advertising, travel and the printing and preparation of course materials; or

(2) For any other purpose authorized by the Legislature.

Sec. 12. NRS 278.750 is hereby amended to read as follows:

278.750 1. The Southern Nevada Enterprise Community Projects ~~[Fund]~~ ***Account*** is hereby created in the State ~~[Treasury.]~~ ***General Fund.*** The interest and income earned on the money in the ~~[Fund,]~~ ***Account,*** after deducting any applicable charges, must be credited to the ~~[Fund.]~~ ***Account.***

2. The Southern Nevada Enterprise Community Board shall administer the ~~[Fund]~~ ***Account*** and may accept gifts, grants and other money for deposit in the ~~[Fund.]~~ ***Account.***

3. The money in the ~~[Fund]~~ ***Account*** may only be used to fund projects in the Southern Nevada Enterprise Community and is hereby authorized for expenditure as a continuing appropriation for this purpose.

Sec. 13. NRS 293.442 is hereby amended to read as follows:

293.442 1. As used in this section, "Act" means the Help America Vote Act of 2002, Public Law 107-252.

2. The Election ~~[Fund]~~ ***Account*** is hereby created ~~[as a special revenue fund]~~ in the State ~~[Treasury,]~~ ***General Fund,*** to be administered by the Secretary of State. The Secretary of State shall deposit all money received pursuant to the Act and any state appropriation of matching money pursuant to the Act in the Election ~~[Fund.]~~ ***Account.***

3. The interest and income earned on money in the Election ~~[Fund]~~ ***Account*** must be credited to the ~~[Fund.]~~ ***Account.*** Any balance of the money that was received pursuant to the Act remaining in the Election ~~[Fund]~~ ***Account*** at the end of a fiscal year does not revert and must be carried forward to the next fiscal year and is continuously available to the Secretary of State for expenditure consistent with this section.

4. The Secretary of State may:

(a) Only expend or disburse money in the Election ~~[Fund]~~ ***Account*** in accordance with the provisions of the Act.

(b) Receive and disburse money in the Election ~~[Fund]~~ ***Account*** by electronic transfer.

5. Claims against the Election ~~[Fund]~~ ***Account*** must be paid as other claims against the State are paid.

Sec. 14. NRS 350A.190 is hereby amended to read as follows:

350A.190 1. All revenues from lending projects must be deposited in the Fund for the Municipal Bond Bank in the State Treasury, which is hereby created as ~~[an enterprise]~~ ***a special revenue*** fund.

2. Any revenue from lending projects which is in the Fund must be applied in the following order of priority:

(a) Deposited into the Consolidated Bond Interest and Redemption Fund created pursuant to NRS 349.090 in amounts necessary to pay the principal of, interest on and redemption premiums due in connection with state securities issued pursuant to this chapter.

(b) Deposited into any reserve account created for the payment of the principal of, interest on and redemption premiums due in connection with state securities issued pursuant to this chapter, in amounts and at times determined to be necessary.

(c) Paid out for expenses of operation and maintenance.

(d) On July 1 of each odd-numbered year, to the extent of any uncommitted balance in the Fund, deposited in the State General Fund.

Sec. 15. NRS 361.920 is hereby amended to read as follows:

361.920 1. The Allodial Title Trust ~~[Fund]~~ ***Account*** is hereby created ~~[.]~~ ***in the State General Fund.*** The State Treasurer shall administer the ~~[Fund.]~~ ***Account.*** The interest and income earned on the money in the ~~[Trust Fund]~~ ***Account*** must be credited to the ~~[Fund.]~~ ***Account.*** The State Treasurer shall expend the money in the ~~[Trust Fund]~~ ***Account*** to make the payments of property tax on behalf of the residential properties for which allodial title has

been established and not relinquished and for no other purposes except that not more than 2 percent of the money in the ~~[Fund]~~ ***Account*** may be used as necessary to pay expenses of the State Treasurer that are directly related to the cost to invest the money in the ~~[Fund]~~ ***Account*** and to administer the program. The State Treasurer shall not make any payment from the money in the ~~[Trust Fund]~~ ***Account*** more than 5 business days before the day on which the payment becomes due.

2. The State Treasurer shall invest the money in the ~~[Trust Fund]~~ ***Account*** in obligations which would be legal investments for the state pursuant to NRS 355.140.

3. The State Treasurer shall maintain a separate ~~[account]~~ ***subaccount*** in the ~~[Trust Fund]~~ ***Account*** for each allodial title and an Allodial Title ~~[Account]~~ ***Subaccount*** for Stabilization. Any interest or other income earned on the money in ~~[an account]~~ ***a subaccount*** that exceeds the projection of estimated interest and income made pursuant to subsection 3 of NRS 361.900 for the fiscal year must be transferred to the Allodial Title ~~[Account]~~ ***Subaccount*** for Stabilization as soon as practicable after June 30 of that year.

4. The State Treasurer shall adopt such regulations as are necessary to carry out the provisions of NRS 361.900 to 361.920, inclusive, to ensure that the Allodial Title Trust ~~[Fund]~~ ***Account*** is efficiently and securely maintained.

Sec. 16. NRS 384.170 is hereby amended to read as follows:

384.170 1. The Commission may accept gifts, donations, devises or bequests of real or personal property for the purpose of enabling it to carry out a program of historic preservation and restoration within the District, and it may expend the same for that purpose. The Commission may sell, or lease for periods not to exceed 20 years, real or personal property for use within the District which it may acquire.

2. The Commission shall deposit gifts or donations of money and any money acquired from selling or leasing the items described in subsection 1 in the ~~[Trust Fund]~~ ***Account*** for the Comstock Historic District which is hereby created in the State ~~[Treasury.]~~ ***General Fund.*** The ~~[Fund]~~ ***Account*** must be administered by the Commission. Any interest earned on the money in the ~~[Fund]~~ ***Account*** must be credited to the ~~[Fund.]~~ ***Account.*** The money deposited in the ~~[Fund]~~ ***Account*** and all interest paid thereon may be expended only for the maintenance of the Commission or to carry out the program of historic preservation and restoration within the District.

3. The Commission has no power of eminent domain.

Sec. 17. NRS 386.576 is hereby amended to read as follows:

386.576 1. The ~~[Fund]~~ ***Account*** for Charter Schools is hereby created in the State ~~[Treasury]~~ ***General Fund*** as a revolving loan ~~[fund,]~~ ***account,*** to be administered by the Department.

2. The money in the ~~[revolving fund]~~ ***Account*** must be invested as ***money in*** other state ~~[funds are]~~ ***accounts is*** invested. All interest and income earned on the money in the ~~[revolving fund]~~ ***Account*** must be credited to the

~~[revolving fund.]~~ ***Account.*** Any money remaining in the ~~[revolving fund]~~ ***Account*** at the end of a fiscal year does not revert to the State General Fund, and the balance in the ~~[Fund]~~ ***Account*** must be carried forward.

3. All payments of principal and interest on all the loans made to a charter school from the ~~[revolving fund]~~ ***Account*** must be deposited ~~[in]~~ ***with*** the State ~~[Treasury]~~ ***Treasurer*** for credit to the ~~[revolving fund.]~~ ***Account.***

4. Claims against the ~~[revolving fund]~~ ***Account*** must be paid as other claims against the State are paid.

5. The Department may accept gifts, grants, bequests and donations from any source for deposit in the ~~[revolving fund.]~~ ***Account.***

Sec. 18. NRS 387.191 is hereby amended to read as follows:

387.191 1. Except as otherwise provided in this subsection, the proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest must be paid by the county treasurer to the State Treasurer for credit to the State Supplemental School Support ~~[Fund,]~~ ***Account,*** which is hereby created in the State ~~[Treasury as a special revenue fund.]~~ ***General Fund.*** The county treasurer may retain from the proceeds an amount sufficient to reimburse the county for the actual cost of collecting and administering the tax, to the extent that the county incurs any cost it would not have incurred but for the enactment of this section or NRS 244.33561, but in no case exceeding the amount authorized by statute for this purpose. Any interest or other income earned on the money in the State Supplemental School Support ~~[Fund]~~ ***Account*** must be credited to the ~~[Fund.]~~ ***Account.***

2. The money in the State Supplemental School Support ~~[Fund]~~ ***Account*** is hereby appropriated for the operation of the school districts and charter schools of the state, as provided in this section. The money so appropriated is intended to supplement and not replace any other money appropriated, approved or authorized for expenditure to fund the operation of the public schools for kindergarten through grade 12. Any money that remains in the State Supplemental School Support ~~[Fund]~~ ***Account*** at the end of the fiscal year does not revert to the State General Fund, and the balance in the State Supplemental School Support ~~[Fund]~~ ***Account*** must be carried forward to the next fiscal year.

3. On or before February 1, May 1, August 1 and November 1 of each year, the Superintendent of Public Instruction shall transfer from the State Supplemental School Support ~~[Fund]~~ ***Account*** all the proceeds of the tax imposed pursuant to NRS 244.33561, including any interest or other income earned thereon, and distribute the proceeds proportionally among the school districts and charter schools of the state. The proportionate amount of money distributed to each school district or charter school must be determined by dividing the number of students enrolled in the school district or charter school by the number of students enrolled in all the school districts and charter schools of the state. For the purposes of this subsection, the enrollment in each school district and the number of students who reside in the district and are enrolled in a charter school must be determined as of the

last day of the first school month of the school district for the school year. This determination governs the distribution of money pursuant to this subsection until the next annual determination of enrollment is made. The Superintendent may retain from the proceeds of the tax an amount sufficient to reimburse the Superintendent for the actual cost of administering the provisions of this section, to the extent that the Superintendent incurs any cost the Superintendent would not have incurred but for the enactment of this section, but in no case exceeding the amount authorized by statute for this purpose.

4. The money received by a school district or charter school from the State Supplemental School Support ~~[Fund]~~ ***Account*** pursuant to this section must be used to improve the achievement of students and for the payment of salaries to attract and retain qualified teachers and other employees, except administrative employees, of the school district or charter school. Nothing contained in this section shall be deemed to impair or restrict the right of employees of the school district or charter school to engage in collective bargaining as provided by chapter 288 of NRS.

5. On or before November 10 of each year, the board of trustees of each school district and the governing body of each charter school shall prepare a report to the Superintendent of Public Instruction, in the form prescribed by the Superintendent. The report must provide an accounting of the expenditures by the school district or charter school of the money it received from the State Supplemental School Support ~~[Fund]~~ ***Account*** during the preceding fiscal year.

6. As used in this section, "administrative employee" means any person who holds a license as an administrator, issued by the Superintendent of Public Instruction, and is employed in that capacity by a school district or charter school.

Sec. 19. NRS 396.545 is hereby amended to read as follows:

396.545 1. To the extent of legislative appropriation, the Board of Regents shall pay all registration fees, laboratory fees and expenses for required textbooks and course materials assessed against or incurred by a dependent child of:

(a) A police officer, firefighter or officer of the Nevada Highway Patrol who was killed in the line of duty; or

(b) A volunteer ambulance driver or attendant who was killed while engaged as a volunteer ambulance driver or attendant,

➥ for classes taken towards satisfying the requirements of an undergraduate degree at a school within the System. No such payment may be made for any fee assessed after the child reaches the age of 23 years.

2. There is hereby created in the State ~~[Treasury]~~ ***General Fund*** a Trust ~~[Fund]~~ ***Account*** for the Education of Dependent Children. The Board of Regents shall administer the ~~[Trust Fund.]~~ ***Account.*** The Board of Regents may accept gifts and grants for deposit in the ~~[Trust Fund.]~~ ***Account.*** All money held by the State Treasurer or received by the Board of Regents for

that purpose must be deposited in the ~~[Trust Fund.]~~ ***Account.*** The money in the ~~[Trust Fund]~~ ***Account*** must be invested as the money in other state ~~[funds]~~ ***accounts*** is invested. After deducting all applicable charges, all interest and income earned on the money in the ~~[Trust Fund]~~ ***Account*** must be credited to the ~~[Trust Fund.]~~ ***Account.***

3. As used in this section:

(a) "Firefighter" means a person who is a salaried employee or volunteer member of a fire prevention or suppression unit organized by a local government and whose principal duty is to control and extinguish fires.

(b) "Local government" means a county, city, unincorporated town or metropolitan police department.

(c) "Police officer" means a person who is a salaried employee of a police department or other law enforcement agency organized or operated by a local government and whose principal duty is to enforce the law.

(d) "Volunteer ambulance driver or attendant" means a person who is a driver of or attendant on an ambulance owned or operated by:

(1) A nonprofit organization that provides volunteer ambulance service in any county, city or town in this State; or

(2) A political subdivision of this State.

Sec. 20. NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created ***in the State General Fund*** the Emergency Assistance ~~[Subaccount within the Disaster Relief Account created pursuant to NRS 353.2735.]~~ ***Account.*** Beginning with the fiscal year that begins on July 1, 1999, the State Controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the Disaster Relief Account ***created pursuant to NRS 353.2735*** to the ~~[Subaccount]~~ ***Emergency Assistance Account*** in an amount not to exceed $500,000.

2. The Division of Emergency Management of the Department of Public Safety shall administer the ~~[Subaccount.]~~ ***Emergency Assistance Account.*** The Division may adopt regulations authorized by this section before, on or after July 1, 1999.

3. Except as otherwise provided in paragraph (c), all expenditures from the ~~[Subaccount]~~ ***Emergency Assistance Account*** must be approved in advance by the Division. Except as otherwise provided in subsection 4, all money in the ~~[Subaccount]~~ ***Emergency Assistance Account*** must be expended:

(a) To provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or human-caused emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy;

(b) To pay any actual expenses incurred by the Division for administration during a natural, technological or human-caused emergency or disaster; and

(c) For any other purpose authorized by the Legislature.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the ~~[Subaccount]~~ ***Emergency Assistance Account*** at the end of a fiscal year and the balance has not otherwise been committed for expenditure, the Division may, with the approval of the Interim Finance Committee, allocate all or any portion of the remaining balance, not to exceed $250,000, to this state or to a local government to:

(a) Purchase equipment or supplies required for emergency management;

(b) Provide training to personnel related to emergency management; and

(c) Carry out the provisions of NRS 392.600 to 392.656, inclusive.

5. Beginning with the fiscal year that begins on July 1, 1999, the Division shall, at the end of each quarter of a fiscal year, submit to the Interim Finance Committee a report of the expenditures made from the ~~[Subaccount]~~ ***Emergency Assistance Account*** for the previous quarter.

6. The Division shall adopt such regulations as are necessary to administer the ~~[Subaccount.]~~ ***Emergency Assistance Account.***

7. The Division may adopt regulations to provide for reimbursement of expenditures made from the ~~[Subaccount.]~~ ***Emergency Assistance Account.*** If the Division requires such reimbursement, the Attorney General shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the ***Disaster Relief*** Account, upon request by the Division.

Sec. 21. NRS 459.3824 is hereby amended to read as follows:

459.3824 1. The owner or operator of a facility shall pay to the Division an annual fee based on the fiscal year. The annual fee for each facility is the sum of a base fee set by the State Environmental Commission and any additional fee imposed by the Commission pursuant to subsection 2. The annual fee must be prorated and may not be refunded.

2. The State Environmental Commission may impose an additional fee upon the owner or operator of a facility in an amount determined by the Commission to be necessary to enable the Division to carry out its duties pursuant to NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto. The additional fee must be based on a graduated schedule adopted by the Commission which takes into consideration the quantity of hazardous substances located at each facility.

3. After the payment of the initial annual fee, the Division shall send the owner or operator of a facility a bill in July for the annual fee for the fiscal year then beginning which is based on the applicable reports for the preceding year.

4. The State Environmental Commission may modify the amount of the annual fee required pursuant to this section and the timing for payment of the annual fee:

(a) To include consideration of any fee paid to the Division for a permit to construct a new process or commence operation of a new process pursuant to NRS 459.3829; and

(b) If any regulations adopted pursuant to NRS 459.380 to 459.3874, inclusive, require such a modification.

5. The owner or operator of a facility shall submit, with any payment required by this section, the business license number assigned by the Secretary of State upon compliance by the owner with the provisions of chapter 76 of NRS.

6. All fees, fines, penalties and other money collected pursuant to NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto, other than a fine collected pursuant to subsection 3 of NRS 459.3834, must be deposited with the State Treasurer for credit to the ~~[Fund]~~ ***Account*** for Precaution Against Chemical Accidents, which is hereby created ~~[as a special revenue fund.]~~ ***in the State General Fund.*** All interest earned on the money in the ~~[Fund]~~ ***Account*** must be credited to the ~~[Fund.]~~ ***Account.***

Sec. 22. NRS 480.810 is hereby amended to read as follows:

480.810 1. The ~~[Fund]~~ ***Account*** for Reentry Programs is hereby created in the State ~~[Treasury as a special revenue fund, to]~~ ***General Fund. The Account must*** be administered by the Director or a designee of the Director.

2. The Director or designee may apply for and accept any gift, donation, bequest, grant or other source of money for the use of the ~~[Fund.]~~ ***Account.***

3. All money received for the use of the ~~[Fund]~~ ***Account*** pursuant to subsection 2 or NRS 209.4889 or from any other source must be deposited ~~[in]~~ ***with*** the State ~~[Treasury]~~ ***Treasurer*** for credit to the ~~[Fund.]~~ ***Account.***

4. All expenditures from the ~~[Fund]~~ ***Account*** must be approved by the Director or designee, in accordance with procedures established by regulation by the Director. The Director may designate an advisory group to assist in the preparation of such procedures. The money in the ~~[Fund]~~ ***Account*** may be expended only to pay necessary administrative costs and to pay for programs for reentry of persons into the community upon their release from incarceration, including, without limitation, judicial programs, training programs and programs for the treatment of addiction.

5. The interest and income earned on the money in the ~~[Fund,]~~ ***Account,*** after deducting any applicable charges, must be credited to the ~~[Fund.]~~ ***Account.*** All claims against the ~~[Fund]~~ ***Account*** must be paid as other claims against the State are paid.

6. To the extent money is available in the ~~[Fund,]~~ ***Account,*** the Director or designee may enter into one or more contracts with one or more public or private entities to provide services to persons participating in a program for reentry into the community upon their release from incarceration.

Sec. 23. NRS 534.360 is hereby amended to read as follows:

534.360 1. There is hereby created in the State ~~[Treasury a fund to be]~~ ***General Fund an account*** designated as the Water Rights Technical Support ~~[Fund to]~~ ***Account. The Account must*** be administered by the Board for Financing Water Projects.

2. The Water Rights Technical Support ~~[Fund]~~ ***Account*** is a continuing ~~[fund]~~ ***account*** without reversion. Money in the ~~[Fund]~~ ***Account*** must be invested as the money in other ~~[funds]~~ ***state accounts*** is invested. The interest and income earned on the money in the ~~[Fund,]~~ ***Account,*** after deducting any applicable charges, must be credited to the ~~[Fund.]~~ ***Account.*** Claims against the ~~[Fund]~~ ***Account*** must be paid as other claims against the State are paid.

3. The Board for Financing Water Projects may accept gifts, grants and donations from any source for deposit in the Water Rights Technical Support ~~[Fund.]~~ ***Account.***

4. Except as otherwise provided in subsection 5, money in the Water Rights Technical Support ~~[Fund]~~ ***Account*** must be used by the Board for Financing Water Projects only to make grants to a local government to:

(a) Obtain and provide expert and technical assistance to gather data to protect its existing water rights; or

(b) Fund projects to enhance or protect its existing water rights.

5. Any grant of money from the Water Rights Technical Support ~~[Fund]~~ ***Account*** must not be used by a local government to pay for any assistance or projects as set forth in subsection 4 if the only purpose of the assistance or project is to obtain evidence, including, without limitation, technical evidence and oral testimony or to pay for expert witnesses or attorney's fees for or in anticipation of any administrative or judicial proceeding, including, without limitation, hearings before the State Engineer or in any state or federal court.

Sec. 24. NRS 645F.270 is hereby amended to read as follows:

645F.270 1. The ~~[Fund]~~ ***Account*** for Mortgage Lending is hereby created in the State ~~[Treasury as a special revenue fund.]~~ ***General Fund.***

2. Except as otherwise provided by law, any money collected by the Commissioner or Division pursuant to law:

(a) Must be deposited in the ~~[Fund]~~ ***Account*** for Mortgage Lending; and

(b) May only be used to:

(1) Carry out the programs and laws administered by the Commissioner and the Division; and

(2) Pay the expenses related to the operations of the Commissioner and the Division.

3. Except as otherwise provided by law, any money that remains in the ~~[Fund]~~ ***Account*** for Mortgage Lending at the end of the fiscal year does not revert to the State General Fund, and the balance of the ~~[Fund]~~ ***Account*** for Mortgage Lending must be carried forward to the next fiscal year.

4. The Commissioner shall administer the ~~[Fund]~~ ***Account*** for Mortgage Lending. Any interest or income earned on the money in the ~~[Fund]~~ ***Account*** must be credited to the ~~[Fund]~~ ***Account*** after deducting any applicable charges. Any claims against the ~~[Fund]~~ ***Account*** must be paid as other claims against the State are paid.

Sec. 25. NRS 701.370 is hereby amended to read as follows:

701.370 1. The Trust [~~Fund~~] ***Account*** for Renewable Energy and Energy Conservation is hereby created in the State [~~Treasury.~~] ***General Fund.***

2. The Authority shall administer the [~~Fund.~~] ***Account.*** As administrator of the [~~Fund,~~] ***Account,*** the Authority:

(a) Shall maintain the financial records of the [~~Fund;~~] ***Account;***

(b) Shall invest the money in the [~~Fund~~] ***Account*** as the money in other state [~~funds~~] ***accounts*** is invested;

(c) Shall manage any [~~account~~] ***subaccount*** associated with the [~~Fund;~~] ***Account;***

(d) Shall maintain any instruments that evidence investments made with the money in the [~~Fund;~~] ***Account;***

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties that are necessary to administer the [~~Fund.~~] ***Account.***

3. The interest and income earned on the money in the [~~Fund~~] ***Account*** must, after deducting any applicable charges, be credited to the [~~Fund.~~] ***Account.*** All claims against the [~~Fund~~] ***Account*** must be paid as other claims against the State are paid.

4. Not more than 2 percent of the money in the [~~Fund~~] ***Account*** may be used to pay the costs of administering the [~~Fund.~~] ***Account.***

5. The money in the [~~Fund~~] ***Account*** remains in the [~~Fund~~] ***Account*** and does not revert to the State General Fund at the end of any fiscal year.

6. All money that is deposited or paid into the [~~Fund~~] ***Account*** may only be expended pursuant to an allocation made by the Authority. Money expended from the [~~Fund~~] ***Account*** must not be used to supplant existing methods of funding that are available to public agencies.

Sec. 26. NRS 701.575 is hereby amended to read as follows:

701.575 1. The [~~Fund~~] ***Account*** for Renewable Energy, Energy Efficiency and Energy Conservation Loans is hereby created [~~.~~] ***in the State General Fund.*** The Director shall administer the [~~Fund.~~] ***Account.***

2. The account to fund activities, other than projects, authorized by the American Recovery and Reinvestment Act, to be known as the Account for Set-Aside Programs, is hereby created in the Fund for the Municipal Bond Bank.

3. The money in the [~~Fund~~] ***Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans*** and the Account for Set-Aside Programs may be used only for the purposes set forth in the American Recovery and Reinvestment Act.

4. All claims against the [~~Fund~~] ***Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans*** and the Account for Set-Aside Programs must be paid as other claims against the State are paid.

5. The faith of the State is hereby pledged that the money in the ***Account*** [~~for the Revolving Fund~~] ***for Renewable Energy, Energy Efficiency and***

Energy Conservation Loans and the Account for Set-Aside Programs will not be used for purposes other than those authorized by the American Recovery and Reinvestment Act.

Sec. 27. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The Nevada Transportation Authority Regulatory ~~[Fund]~~ ***Account*** is hereby created ~~[as a special revenue fund.]~~ ***in the State General Fund.*** All money collected by the Authority pursuant to law must be deposited ~~[in]~~ ***with*** the State ~~[Treasury]~~ ***Treasurer*** for credit to the ~~[Fund.]~~ ***Account.***

2. Money in the ~~[Fund]~~ ***Account*** may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the Authority.

3. All claims against the ~~[Fund]~~ ***Account*** must be paid as other claims against the State are paid.

4. The Authority must furnish upon request a statement showing the balance remaining in the ~~[Fund]~~ ***Account*** as of the close of the preceding fiscal year.

Sec. 28. 1. The State Controller shall, if necessary to carry out the provisions of this act, cause the transfer of any money between funds and accounts whose designations are changed by the provisions of this act.

2. All rights and liabilities of a fund or account whose designation is changed by the provisions of this act are not affected by the change in designation and remain the rights and liabilities of the fund or account as newly designated.

Sec. 29. 1. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any reference to a fund or account whose designation has been changed pursuant to the provisions of this act.

2. Any reference in a bill or resolution passed by the 76th Session of the Nevada Legislature to a fund or account whose designation is changed pursuant to the provisions of this act shall be deemed to refer to the fund or account by its changed designation.

Sec. 30. 1. This section and sections 1 to 17, inclusive, and sections 19 to 29, inclusive, of this act become effective upon passage and approval.

2. Section 18 of this act becomes effective on July 1, 2011.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Senator Settelmeyer requested that his remarks be entered in the Journal.

Amendment No. 71 to Senate Bill No. 74 deletes Section 7 of the bill that would have changed the designation of the Legislative Fund. This was viewed as a friendly amendment that serves to maintain the separation between the Legislative and Executive branches of government relating to the Legislative Fund.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 17.

"SUMMARY—Revises provisions relating to notaries public. (BDR 19-404)"

"AN ACT relating to notaries public; subjecting a person to punishment for a category C felony if the person **knowingly** submits an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact; revising provisions relating to the requirements for appointment as a notary public, storage of the stamp and journal of a notary public, **documentation of notarial acts,** and liability and penalties for certain misconduct and violations of law by a notary public or an employer of a notary public; prohibiting a notary public from performing a notarial act on certain documents or from making or noting a protest of a negotiable instrument under certain circumstances; authorizing the Secretary of State to impose a civil penalty for certain violations; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Notaries public are appointed by and subject to the authority of the Secretary of State pursuant to the provisions of chapter 240 of NRS. **Section 1** of this bill makes it a category C felony for a person applying for appointment as a notary public to **knowingly** submit an application that contains a substantial and material misstatement or omission of fact. **Section 2** of this bill requires, if required by the Secretary of State, a person applying for appointment as a notary public to submit with the application a complete set of his or her fingerprints and a fee. **Sections 3 and 5** of this bill require a notary public to keep his or her stamp and journal in a secure ~~[and locked]~~ location when not using the stamp or journal. **Section 5 also revises provisions relating to the documentation of notarial acts performed: (1) at the same time and for the same person; or (2) for a person for whom a notary public has performed a notarial act within the previous 6 months.** **Section 4** of this bill prohibits a notary public from performing a notarial act on a document that is not completely filled out and signed and prohibits the notary public from making or noting a protest of a negotiable instrument under certain circumstances. **Section 6** of this bill amends

provisions relating to penalties for violations of law by notaries public and employers of notaries public.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 240.010 is hereby amended to read as follows:

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State has been revoked.

(c) Who, except as otherwise provided in subsection 3, has been convicted of:

(1) A crime involving moral turpitude; or

(2) Burglary, conversion, embezzlement, extortion, forgery, fraud, identity theft, larceny, obtaining money under false pretenses, robbery or any other crime involving misappropriation of the identity or property of another person or entity,

➥ if the Secretary of State is aware of such a conviction before the Secretary of State makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

(e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that the person has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

3. A person who has been convicted of a crime involving moral turpitude may apply for appointment as a notary public if the person provides proof satisfactory to the Secretary of State that:

(a) More than 10 years have elapsed since the date of the person's release from confinement or the expiration of the period of his or her parole, probation or sentence, whichever is later;

(b) The person has made complete restitution for his or her crime involving moral turpitude, if applicable;

(c) The person possesses his or her civil rights; and

(d) The crime for which the person was convicted is not one of the crimes enumerated in subparagraph (2) of paragraph (c) of subsection 2.

4. A notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.

5. It is unlawful for a person to:

(a) Represent himself or herself as a notary public appointed pursuant to this section if the person has not received a certificate of appointment from the Secretary of State pursuant to this chapter.

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

6. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 5.

7. A person who knowingly violates the provisions of paragraph (b) of subsection 5 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 2. NRS 240.030 is hereby amended to read as follows:

240.030 1. Each person applying for appointment as a notary public must:

(a) At the time the applicant submits his or her application, pay to the Secretary of State $35.

(b) Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if the applicant were a public officer.

(c) Submit to the Secretary of State proof satisfactory to the Secretary of State that the applicant has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

(d) Enter into a bond to the State of Nevada in the sum of $10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.

(e) If required by the Secretary of State, submit:

(1) A complete set of the fingerprints of the applicant and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(2) A fee established by regulation of the Secretary of State which must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

2. In addition to the requirements set forth in subsection 1, an applicant for appointment as a notary public who resides in an adjoining state must submit to the Secretary of State with the application:

(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;

(b) A copy of the applicant's state business license issued pursuant to chapter 76 of NRS and any business license required by the local government where the business is located, if the applicant is self-employed; and

(c) Unless the applicant is self-employed, a copy of the state business license of the applicant's employer, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's employer setting

forth the facts which show that the employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.

3. In completing an application, bond, oath or other document necessary to apply for appointment as a notary public, an applicant must not be required to disclose his or her residential address or telephone number on any such document which will become available to the public.

4. The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when the applicant applies for the appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as a notary public to the applicant.

5. The term of a notary public commences on the effective date of the bond required pursuant to paragraph (d) of subsection 1. A notary public shall not perform a notarial act after the effective date of the bond unless the notary public has been issued a certificate of appointment.

6. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of $10 for each duplicate or amended certificate of appointment which is issued to a notary. If the notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.

Sec. 3. NRS 240.040 is hereby amended to read as follows:

240.040 1. The statement required by paragraph (d) of subsection 1 of NRS 240.1655 must:

(a) Be imprinted in indelible, photographically reproducible ink with a rubber or other mechanical stamp; and

(b) Set forth:

(1) The name of the notary public;

(2) The phrase "Notary Public, State of Nevada";

(3) The date on which the appointment of the notary public expires;

(4) The number of the certificate of appointment of the notary public;

(5) If the notary public so desires, the Great Seal of the State of Nevada; and

(6) If the notary public is a resident of an adjoining state, the word "nonresident."

2. After July 1, 1965, an embossed notarial seal is not required on notarized documents.

3. The stamp required pursuant to subsection 1 must:

(a) Be a rectangle, not larger than 1 inch by 2 1/2 inches, and may contain a border design; and

(b) Produce a legible imprint.

4. A notary public shall not affix his or her stamp over printed material.

5. ***A notary public shall keep his or her stamp in a secure*** ~~***[and locked]***~~ ***location during any period in which the notary public is not using the stamp to perform a notarial act.***

6. As used in this section, "mechanical stamp" includes an imprint made by a computer or other similar technology.

Sec. 4. NRS 240.075 is hereby amended to read as follows:

240.075 A notary public shall not:

1. Influence a person to enter or not enter into a lawful transaction involving a notarial act performed by the notary public.

2. Certify an instrument containing a statement known by the notary public to be false.

3. Perform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120.

4. Endorse or promote any product, service or offering if his or her appointment as a notary public is used in the endorsement or promotional statement.

5. Certify photocopies of a certificate of birth, death or marriage or a divorce decree.

6. Allow any other person to use his or her notary's stamp.

7. Allow any other person to sign the notary's name in a notarial capacity.

8. Perform a notarial act on a document that contains only a signature.

9. Perform a notarial act on a document, including a form that requires the signer to provide information within blank spaces, unless the document has been filled out completely and has been signed.

10. Make or note a protest of a negotiable instrument unless the notary public is employed by a depository institution and the protest is made or noted within the scope of that employment. As used in this subsection, "depository institution" has the meaning ascribed to it in NRS 657.037.

Sec. 5. NRS 240.120 is hereby amended to read as follows:

240.120 1. ~~[Each]~~ ***Except as otherwise provided in subsection 2, each*** notary public shall keep a journal in his or her office in which the notary public shall enter for each notarial act performed, at the time the act is performed:

(a) The fees charged, if any;

(b) The title of the document;

(c) The date on which the notary public performed the service;

(d) ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** name and signature of the person whose signature is being notarized;

(e) ~~[A]~~ ***Subject to the provisions of subsection 4, a*** description of the evidence used by the notary public to verify the identification of the person whose signature is being notarized;

(f) An indication of whether the notary public administered an oath; and

(g) The type of certificate used to evidence the notarial act, as required pursuant to NRS 240.1655.

2. ***A notary public may make one entry in the journal which documents more than one notarial act if the notarial acts documented are performed:***

(a) For the same person and at the same time; and

(b) On one document or on similar documents.

3. When taking an acknowledgment for a person, a notary public need not require the person to sign the journal if the notary public has performed a notarial act for the person within the previous 6 months and the notary public has personal knowledge of the identity of the person.

4. If, pursuant to subsection 3, a notary public does not require a person to sign the journal, the notary public shall enter "known personally" as the description required to be entered into the journal pursuant to paragraph (e) of subsection 1.

5. If the notary verifies the identification of the person whose signature is being notarized on the basis of a credible witness, the notary public shall:

(a) Require the witness to sign the journal in the space provided for the description of the evidence used; and

(b) Make a notation in the journal that the witness is a credible witness.

~~[3.]~~ ***6.*** The journal must:

(a) Be open to public inspection.

(b) Be in a bound volume with preprinted page numbers.

~~[4.]~~ ***7.*** A notary public shall, upon request and payment of the fee set forth in NRS 240.100, provide a certified copy of an entry in his or her journal.

~~[5.]~~ ***8. A notary public shall keep his or her journal in a secure*** ~~*[and locked]*~~ ***location during any period in which the notary public is not making an entry or notation in the journal pursuant to this section.***

~~*[6.]*~~ ***9.*** A notary public shall retain each journal that the notary public has kept pursuant to this section until 7 years after the date on which he or she ceases to be a notary public.

~~[6.]~~ ~~*[7.]*~~ ***10.*** A notary public shall file a report with the Secretary of State and the appropriate law enforcement agency if the journal of the notary public is lost or stolen.

~~[7.]~~ ~~*[8.]*~~ ***11.*** The provisions of this section do not apply to a person who is authorized to perform a notarial act pursuant to paragraph (b), (c) or (d) of subsection 1 of NRS 240.1635.

Sec. 6. NRS 240.150 is hereby amended to read as follows:

240.150 1. For misconduct or neglect in a case in which a notary public appointed pursuant to the authority of this State may act, either by the law of this State or of another state, territory or country, or by the law of nations, or

by commercial usage, the notary public is liable on his or her official bond to the parties injured thereby, for all the damages sustained.

2. The employer of a notary public ***may be assessed a civil penalty by the Secretary of State of not more than $2,000 for each violation specified in subsection 4 committed by the notary public, and the employer*** is liable for any damages proximately caused by the misconduct of the notary public, if:

(a) The notary public was acting within the scope of his or her employment at the time the notary public engaged in the misconduct; and

(b) The employer of the notary public consented to the misconduct of the notary public.

3. The Secretary of State may refuse to appoint or may suspend or revoke the appointment of a notary public who fails to provide to the Secretary of State, within a reasonable time, information that the Secretary of State requests from the notary public in connection with a complaint which alleges a violation of this chapter.

4. Except as otherwise provided in this chapter, for any willful violation or neglect of duty or other violation of this chapter, or upon proof that ~~[the]~~ ***a*** notary public has been convicted of a crime ~~[involving moral turpitude:~~

~~(a) A notary public or other person who violates a provision of this chapter may be fined not more than $2000 for each violation;~~

~~(b)]~~ ***described in paragraph (c) of subsection 2 of NRS 240.010:***

(a) The appointment of the notary public may be suspended for a period determined by the Secretary of State, but not exceeding the time remaining on the appointment;

~~[(c)]~~ ***(b)*** The appointment of the notary public may be revoked ~~[; or~~

~~(d)]~~ ***after a hearing; or***

(c) The notary public may be ~~[fined and his or her appointment may be:~~

~~(1) Revoked; or~~

~~(2) Suspended for a period determined by the Secretary of State.]~~ ***assessed a civil penalty of not more than $2,000 for each violation.***

5. If the Secretary of State revokes or suspends the appointment of a notary public pursuant to this section, the Secretary of State shall:

(a) Notify the notary public in writing of the revocation or suspension; and

(b) Cause notice of the revocation or suspension to be published ~~[in a newspaper of general circulation in the county in which the notary public resides or works.]~~ ***on the website of the Secretary of State.***

6. Except as otherwise provided by law, the Secretary of State may ~~[impose the fine]~~ ***assess the civil penalty*** that is authorized pursuant to this section upon a notary public whose appointment has expired if the notary public committed the violation that justifies the ~~[fine]~~ ***civil penalty*** before his or her appointment expired.

7. The appointment of a notary public may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.

Sec. 6.5. NRS 240.201 is hereby amended to read as follows:

240.201 1. An electronic notary public shall keep a journal of each electronic notarial act which includes, without limitation, the requirements of subsections 1 and ~~[2]~~ ***5*** of NRS 240.120.

2. The Secretary of State may suspend the appointment of an electronic notary public who fails to produce any journal entry within 10 days after receipt of a request from the Secretary of State.

3. Upon resignation, revocation or expiration of an appointment as an electronic notary public, all notarial records required pursuant to NRS 240.001 to 240.206, inclusive, must be delivered to the Secretary of State.

Sec. 7. This act becomes effective upon passage and approval for the purpose of adopting regulations by the Secretary of State pursuant to the amendatory provisions of section 2 of this act and on January 1, 2012, for all other purposes.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senators Settelmeyer and Denis.

Senator Settelmeyer requested that the following remarks be entered in the Journal.

SENATOR SETTELMEYER:

Amendment No. 17 to Senate Bill No. 77 clarifies that the violations resulting in the penalty set forth in the bill must be "knowingly" committed and clarifies that the notary stamp and the notary journal be kept in a secure location. It also adds language providing for the notarization of documents performed at the same time and for the same person, or for a person for whom a notary public has performed a notarial act within the previous six months.

SENATOR DENIS:

Does this include a notary who tries to act like a lawyer?

SENATOR SETTELMEYER:

To my knowledge, the concept of an individual trying to be a paralegal, I believe it only applies to individuals who have a notary license. I do not know if a particular paralegal has a notary license. This applies only to individuals who are licensed notaries within the State of Nevada. The Chair of the Committee could follow up if necessary.

SENATOR DENIS:

I am not certain that answers my question, but I will talk to the Chair before we vote on this. I want to be clear because, I have worked in the past with some individuals who were notaries, who were trying to do legal things. I will follow up.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 18.

"SUMMARY—Makes various changes relating to governmental information systems. (BDR 19-267)"

"AN ACT relating to governmental administration; requiring the Chief of the Office of Information Security of the Department of Information Technology to investigate and resolve certain matters relating to security breaches of information systems of certain state agencies and elected officers; authorizing the Director of the Department or the Chief of the Office of Information Security to inform members of certain governmental entities of such security breaches; ~~[increasing]~~ **amending** the membership and **increasing** certain terms of office of the Information Technology Advisory Board; revising the authority of the Department to provide services and equipment to local governmental agencies; requiring certain agencies and officers that use the equipment and information services of the Department to report certain incidents to the ~~[Chief of the]~~ Office of Information Security; making various other changes relating to governmental information systems; ~~[authorizing]~~ **requiring** the Chief of the Purchasing Division of the Department of Administration **and local governments** to publish certain advertisements for bids or proposals on ~~[the]~~ **their respective** Internet ~~[website of the Purchasing Division;]~~ **websites;** authorizing the Chief to purchase and acquire services from a vendor who has entered into an agreement with the General Services Administration; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 4 of this bill requires the Chief of the Office of Information Security of the Department of Information Technology to investigate and resolve any security breach or unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of an information system of a state agency or elected officer that uses the equipment or services of the Department. **Section 4** also authorizes the Director to inform the members of certain boards and commissions of such security breaches and unauthorized acquisitions.

Section 12 of this bill adds the Attorney General or his or her designee **to** and **removes** the ~~[State Library and Archives Administrator]~~ **Superintendent of Public Instruction** or his or her designee ~~[to]~~ **from** the membership of the Information Technology Advisory Board. **Section 12** also increases from one person to three persons the number of members who are appointed to the Board by the Governor as representatives of a city or county in this State and increases from 2 to 4 years the term of the members of the Board who are appointed by the Governor.

Under existing law, the Department is authorized to provide services to counties, cities and towns, and their agencies, if there are sufficient resources available. (NRS 242.141) **Section 13** of this bill authorizes the Department to provide services to those local governmental agencies if the provision of services would result in reduced costs to the State for equipment and services.

Under existing law, the Department is responsible for the information systems of state agencies and elected state officers that are required to use its services and equipment. (NRS 242.171) **Section 14** of this bill adds certain testing and monitoring of information systems to the duties of the Department.

Under existing law, all users of equipment or services of the Department are required to comply with certain regulations. (NRS 242.181) **Section 15** of this bill requires such users to report **security-related** noncompliance and unauthorized access to their information systems or applications of their information systems to the ~~[Chief of the]~~ Office of Information Security of the Department within ~~[12]~~ **24** hours after discovery.

Existing law requires the Chief of the Purchasing Division of the Department of Administration to publish advertisements for bids or proposals for commodities or services in at least one newspaper of general circulation in the State. (NRS 333.310) **Section** ~~[19]~~ **20** of this bill ~~[authorizes]~~ **requires** the Chief to publish the advertisement on the Internet website of the Purchasing Division ~~[, rather than]~~ **and** in ~~[the]~~ **a** newspaper.

Section ~~[20]~~ **21**of this bill authorizes the Chief of the Purchasing Division to purchase and acquire services from a vendor who has entered into an agreement with the General Services Administration.

Under existing law, local governments are required to publish advertisements for bids or proposals for purchasing and public works in a newspaper. (NRS 332.045, 338.1378, 338.1385, 338.143, 338.1692, 338.1723, 338.1907 and 496.090) Sections 19 and 22-28 of this bill require a local government to publish such advertisements on the Internet website of the local government, if the local government maintains an Internet website, in addition to publishing such advertisements in a newspaper.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 242 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4, of this act.

Sec. 2. ***"Local governmental agency" means any branch, agency, bureau, board, commission, department or division of a county, incorporated city or town in this State.***

Sec. 3. ***"Security validation" means a process or processes used to ensure that an information system or a network associated with an information system is resistant to any known threat.***

Sec. 4. ***1. The Chief of the Office of Information Security shall investigate and resolve any breach of an information system of a state agency or elected officer that uses the equipment or services of the Department or an application of such an information system or unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of such an information system.***

2. The Director or Chief of the Office of Information Security, at his or her discretion, may inform members of the Technological Crime Advisory Board created by NRS 205A.040, the Nevada Commission on Homeland Security created by NRS 239C.120 and the Information Technology Advisory Board created by NRS 242.122 of any breach of an information system of a state agency or elected officer or application of such an information system or unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of such an information system.

Sec. 5. NRS 242.011 is hereby amended to read as follows:

242.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 242.015 to 242.068, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 242.055 is hereby amended to read as follows:

242.055 "Information service" means any service relating to the creation, maintenance, operation***, security validation, testing, continuous monitoring*** or use of an information system.

Sec. 7. NRS 242.057 is hereby amended to read as follows:

242.057 "Information system" means any communications or computer equipment, computer software, procedures, personnel or technology used to collect, process, distribute or store information. ~~[within the Executive Branch of State Government.]~~

Sec. 8. NRS 242.059 is hereby amended to read as follows:

242.059 "Information technology" means any information, information system or information service acquired, developed, operated, maintained or otherwise used . ~~[within the Executive Branch of State Government.]~~

Sec. 9. NRS 242.071 is hereby amended to read as follows:

242.071 1. The Legislature hereby determines and declares that the creation of the Department of Information Technology is necessary for the coordinated, orderly and economical processing of information in State Government, to ensure economical use of information systems and to prevent the unnecessary proliferation of equipment and personnel among the various state agencies.

2. The purposes of the Department are:

(a) To perform information services for state agencies.

(b) To provide technical advice but not administrative control of the information systems within the state agencies ~~[, county agencies and governing bodies and agencies of incorporated cities and towns.]~~ ***and, as authorized, of local governmental agencies.***

Sec. 10. NRS 242.101 is hereby amended to read as follows:

242.101 1. The Director shall:

(a) Appoint the chiefs of the ~~[divisions]~~ ***Programming Division and the Communication and Computing Division of the Department who are*** in the unclassified service of the State;

(b) ***Appoint the Chief of the Office of Information Security who is in the classified service of the State;***

(c) Administer the provisions of this chapter and other provisions of law relating to the duties of the Department; and

~~[(c)]~~ ***(d)*** Carry out other duties and exercise other powers specified by law.

2. The Director may form committees to establish standards and determine criteria for evaluation of policies relating to informational services.

Sec. 11. NRS 242.105 is hereby amended to read as follows:

242.105 1. Except as otherwise provided in subsection 3, records and portions of records that are assembled, maintained, overseen or prepared by the Department ***or a local governmental agency*** to mitigate, prevent or respond to acts of terrorism, ***or to maintain the continuity of government and governmental services in the case of an act of terrorism,*** the public disclosure of which would, in the determination of the Director, create a substantial likelihood of threatening the safety of the general public are confidential and not subject to inspection by the general public to the extent that such records and portions of records consist of or include:

(a) Information regarding the infrastructure and security of information systems, including, without limitation:

(1) Access codes, passwords and programs used to ensure the security of an information system;

(2) Access codes used to ensure the security of software applications;

(3) Procedures and processes used to ensure the security of an information system; and

(4) Plans used to reestablish security and service with respect to an information system after security has been breached or service has been interrupted.

(b) Assessments and plans that relate specifically and uniquely to the vulnerability of ***such*** an information system or to the measures which will be taken to respond to such vulnerability, including, without limitation, any compiled underlying data necessary to prepare such assessments and plans.

(c) The results of tests of the security of ***such*** an information system, insofar as those results reveal specific vulnerabilities relative to the information system.

2. The Director shall maintain or cause to be maintained a list of each record or portion of a record that the Director has determined to be confidential pursuant to subsection 1. The list described in this subsection must be prepared and maintained so as to recognize the existence of each such record or portion of a record without revealing the contents thereof.

3. At least once each biennium, the Director shall review the list described in subsection 2 and shall, with respect to each record or portion of a record that the Director has determined to be confidential pursuant to subsection 1:

(a) Determine that the record or portion of a record remains confidential in accordance with the criteria set forth in subsection 1;

(b) Determine that the record or portion of a record is no longer confidential in accordance with the criteria set forth in subsection 1; or

(c) If the Director determines that the record or portion of a record is obsolete, cause the record or portion of a record to be disposed of in the manner described in NRS 239.073 to 239.125, inclusive.

4. On or before February 15 of each year, the Director shall:

(a) Prepare a report setting forth a detailed description of each record or portion of a record determined to be confidential pursuant to this section, if any, accompanied by an explanation of why each such record or portion of a record was determined to be confidential; and

(b) Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

5. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 239C.030.

Sec. 12. NRS 242.122 is hereby amended to read as follows:

242.122 1. There is hereby created an Information Technology Advisory Board. The Board consists of:

(a) One member appointed by the Majority Floor Leader of the Senate from the membership of the Senate Standing Committee on Finance . ~~[during the immediately preceding session of the Legislature.]~~

(b) One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Ways and Means . ~~[during the immediately preceding session of the Legislature.]~~

(c) Two representatives of using agencies which are major users of the services of the Department. The Governor shall appoint the two representatives. Each such representative serves for a term of ~~[2]~~ ***4*** years. For the purposes of this paragraph, an agency is a "major user" if it is among the top five users of the services of the Department, based on the amount of money paid by each agency for the services of the Department during the immediately preceding biennium.

(d) The Director of the Department of Administration or his or her designee.

(e) ~~[The Superintendent of Public Instruction of the Department of Education or his or her designee.~~

~~(f)]~~ ~~[Three]~~ ***The Attorney General or his or her designee.***

~~*[(g) The State Library and Archives Administrator or his or her designee.*~~

~~*(h)]*~~ ***(f) Five*** persons appointed by the Governor ~~[in July of each odd-numbered year]~~ as follows:

(1) ~~[One person]~~ ***Three persons*** who ~~[represents]~~ ***represent*** a city or county in this State ~~[.]~~ ***, at least one of whom is engaged in the information technology or information security;*** and

(2) Two persons who represent the information technology industry but who:

(I) Are not employed by this State;

(II) Do not hold any elected or appointed office in State Government;

(III) Do not have an existing contract or other agreement to provide information services, systems or technology to an agency of this State; and

(IV) Are independent of and have no direct or indirect pecuniary interest in a corporation, association, partnership or other business organization which provides information services, systems or technology to an agency of this State.

2. Each person appointed pursuant to paragraph (f) ~~*[(h)]*~~ of subsection 1 serves for a term of ~~[2]~~ ***4*** years. No person so appointed may serve more than 2 consecutive terms.

3. At the first regular meeting of each calendar year, the members of the Board shall elect a Chair by majority vote.

Sec. 13. NRS 242.141 is hereby amended to read as follows:

242.141 To facilitate the economical processing of data throughout the State Government, the Department may provide service for agencies not under the control of the Governor, upon the request of any such agency. ~~[If there are sufficient resources available to the Department, it]~~ ***The Department*** may provide services***, including, without limitation, purchasing services,*** to ~~[counties, cities and towns and to their agencies.]~~ ***a local governmental agency upon request, if provision of such services will result in reduced costs to the State for equipment and services.***

Sec. 14. NRS 242.171 is hereby amended to read as follows:

242.171 1. The Department is responsible for:

(a) The applications of information systems;

(b) Designing and placing those ***information*** systems in operation;

(c) Any application of an information system which it furnishes to state agencies and officers after negotiation; and

(d) The ~~[writing,]~~ ***security validation,*** testing***, including, without limitation, penetration testing,*** and ~~[performance of programs,]~~ ***continuous monitoring of information systems,***

➥ for ~~[the state]~~ ***using*** agencies and ~~[elected state officers which are required to use its services.]~~ ***for state agencies and officers which use the equipment or services of the Department pursuant to subsection 2 of NRS 242.131.***

2. The Director shall review and approve or disapprove, pursuant to standards for justifying cost, any application of an information system having an estimated developmental cost of $50,000 or more. No using agency may commence development work on any such applications until approval and authorization have been obtained from the Director.

3. As used in this section, "penetration testing" means a method of evaluating the security of an information system or application of an information system by simulating unauthorized access to the information system or application.

Sec. 15. NRS 242.181 is hereby amended to read as follows:

242.181 1. Any state agency or elected state officer which uses the equipment or services of the Department shall adhere to the regulations, standards, practices, policies and conventions of the Department.

2. ***Each state agency or elected state officer described in subsection 1 shall report any suspected incident of:***

(a) Unauthorized access to an information system or application of an information system of the Department used by the state agency or elected state officer; and

(b) Noncompliance with the regulations, standards, practices, policies and conventions of the Department ~~[,]~~ ***that is identified by the Department as security-related,***

➥ ***to the*** ~~[Chief of the]~~ ***Office of Information Security of the Department within*** ~~[12]~~ ***24 hours after discovery of the suspected incident. If the*** ~~[Chief]~~ ***Office determines that an incident of unauthorized access or noncompliance occurred, the*** ~~[Chief]~~ ***Office shall immediately report the incident to the Director. The Director shall assist*** ~~[the Chief in investigating and resolving]~~ ***in the investigation and resolution of any such incident.***

3. The Department shall provide services to each ***state*** agency ***and elected state officer described in subsection 1*** uniformly with respect to degree of service, priority of service, availability of service and cost of service.

Sec. 16. NRS 242.191 is hereby amended to read as follows:

242.191 1. Except as otherwise provided in subsection 3, the amount receivable from ~~[an]~~ ***a state agency or officer or local governmental*** agency ~~[availing itself of]~~ ***which uses*** the services of the Department must be determined by the Director in each case and include:

(a) The annual expense, including depreciation, of operating and maintaining the Communication and Computing Division, distributed among the agencies in proportion to the services performed for each agency.

(b) A service charge in an amount determined by distributing the monthly installment for the construction costs of the computer facility among the agencies in proportion to the services performed for each agency.

2. The Director shall prepare and submit monthly to the ***state agencies and officers and local governmental*** agencies for which services of the Department have been performed an itemized statement of the amount receivable from each ***state agency or officer or local governmental*** agency.

3. The Director may authorize, if in his or her judgment the circumstances warrant, a fixed cost billing, including a factor for depreciation, for services rendered to ~~[an]~~ ***a state agency or officer or local governmental*** agency.

Sec. 17. NRS 242.231 is hereby amended to read as follows:

242.231 Upon the receipt of a statement submitted pursuant to subsection 2 of NRS 242.191, each ***state*** agency ***or officer*** shall authorize the State Controller by transfer or warrant to draw money from the agency's account in the amount of the statement for transfer to or placement in the Fund for Information Services.

Sec. 18. NRS 205.4765 is hereby amended to read as follows:

205.4765 1. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Modifies;

(b) Damages;

(c) Destroys;

(d) Discloses;

(e) Uses;

(f) Transfers;

(g) Conceals;

(h) Takes;

(i) Retains possession of;

(j) Copies;

(k) Obtains or attempts to obtain access to, permits access to or causes to be accessed; or

(l) Enters,

➥ data, a program or any supporting documents which exist inside or outside a computer, system or network is guilty of a misdemeanor.

2. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Modifies;

(b) Destroys;

(c) Uses;

(d) Takes;

(e) Damages;

(f) Transfers;

(g) Conceals;

(h) Copies;

(i) Retains possession of; or

(j) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

➥ equipment or supplies that are used or intended to be used in a computer, system or network is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Destroys;

(b) Damages;

(c) Takes;

(d) Alters;

(e) Transfers;

(f) Discloses;

(g) Conceals;

(h) Copies;

(i) Uses;

(j) Retains possession of; or

(k) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

➥ a computer, system or network is guilty of a misdemeanor.

4. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Obtains and discloses;

(b) Publishes;

(c) Transfers; or

(d) Uses,

➥ a device used to access a computer, network or data is guilty of a misdemeanor.

5. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization introduces, causes to be introduced or attempts to introduce a computer contaminant into a computer, system or network is guilty of a misdemeanor.

6. If the violation of any provision of this section:

(a) Was committed to devise or execute a scheme to defraud or illegally obtain property;

(b) Caused response costs, loss, injury or other damage in excess of $500; or

(c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

➥ the person is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than $100,000. In addition to any other penalty, the court shall order the person to pay restitution.

7. The provisions of this section do not apply to a person performing any testing, including, without limitation, penetration testing, of an information system of an agency that uses the equipment or services of the Department of Information Technology that is authorized by the Director of the Department of Information Technology or the chief of the Office of Information Security of the Department. As used in this subsection:

(a) "Information system" has the meaning ascribed to it in NRS 242.057.

(b) "Penetration testing" has the meaning ascribed to it in NRS 242.171.

Sec. 19. **NRS 332.045 is hereby amended to read as follows:**

332.045 1. The advertisement required by paragraph (a) of subsection 1 of NRS 332.039 must ~~[be published at least once and not less than 7 days before the opening of bids. The advertisement must]~~ be by notice to bid and must be published ~~[in]~~ ***:***

(a) In a newspaper qualified pursuant to chapter 238 of NRS that has a general circulation within the county wherein the local government, or a major portion thereof, is situated ~~[.]~~ ***at least once and not less than 7 days before the opening of bids; and***

(b) On the Internet website of the local government, if the local government maintains an Internet website, every day for not less than 7 days before the opening of bids.

2. The notice must state:

(a) The nature, character or object of the contract.

(b) If plans and specifications are to constitute part of the contract, where the plans and specifications may be seen.

(c) The time and place where bids will be received and opened.

(d) Such other matters as may properly pertain to giving notice to bid.

~~[Sec. 19.]~~ ***Sec. 20.*** NRS 333.310 is hereby amended to read as follows:

333.310 1. An advertisement must contain a general description of the classes of commodities or services for which a bid or proposal is wanted and must state:

(a) The name and location of the department, agency, local government, district or institution for which the purchase is to be made.

(b) Where and how specifications and quotation forms may be obtained.

(c) If the advertisement is for bids, whether the Chief is authorized by the using agency to be supplied to consider a bid for an article that is an alternative to the article listed in the original request for bids if:

(1) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(2) The purchase of the alternative article results in a lower price; and

(3) The Chief deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(d) Notice of the preference set forth in NRS 333.3366.

(e) The date and time not later than which responses must be received by the Purchasing Division.

(f) The date and time when responses will be opened.

➥ The Chief or a designated agent of the Chief shall approve the copy for the advertisement.

2. Each advertisement must be published ~~[in *one of the following ways:*]~~ ***:***

(a) In at least one newspaper of general circulation in the State. The selection of the newspaper to carry the advertisement must be made in the manner provided by this chapter for other purchases, on the basis of the lowest price to be secured in relation to the paid circulation ~~[.]~~ ***; and***

(b) On the Internet website of the Purchasing Division.

~~[Sec. 20.]~~ ***Sec. 21.*** NRS 333.480 is hereby amended to read as follows:

333.480 The Chief may purchase or acquire on behalf of the State of Nevada, and all officers, departments, institutions, boards, commissions, schools and other agencies in the Executive Department of the State Government, volunteer fire departments, local governments as defined in NRS 354.474, conservation districts or irrigation districts of the State of Nevada, any supplies, ***services,*** materials or equipment of any kind required or deemed advisable for the state officers, departments, institutions, boards, commissions, schools, volunteer fire departments and other agencies or local governments as defined in NRS 354.474, conservation districts or irrigation districts that may be available pursuant to an agreement with a vendor who has entered into an agreement with the General Services Administration or another governmental agency dealing in supplies, ***services,*** materials, equipment or donable surplus material if:

1. The prices for the supplies, ***services,*** materials or equipment negotiated in the agreement that the Chief enters into with the vendor are substantially similar to the prices for those supplies, ***services,*** materials or equipment that the vendor had negotiated with the General Services Administration or other governmental agency; and

2. The Chief determines that such an agreement would be in the best interests of the State.

Sec. 22. **NRS 338.1378 is hereby amended to read as follows:**

338.1378 1. Before a local government accepts applications pursuant to NRS 338.1379, the local government must ***:*** ~~[~~, ~~in accordance with subsection 2, advertise in a newspaper that is:]~~

(a) ***Publish an advertisement at least once and not less than 21 days before applications are to be submitted to the local government in a newspaper that is:***

(1) Qualified pursuant to the provisions of chapter 238 of NRS; and

~~[(b)]~~ ***(2)*** Published in a county in which the contracts for the potential public works will be performed or, if no qualified newspaper is published in that county, published in a qualified newspaper that is published in the State of Nevada and which has a general circulation in the county in which the contracts for the potential public works will be performed.

(b) Post on the Internet website of the local government, if the local government maintains an Internet website, an advertisement every day for not less than 21 days before applications are to be submitted to the local government.

2. An advertisement required pursuant to subsection 1 ~~[:~~

~~(a) Must be published at least once not less than 21 days before applications are to be submitted to the local government; and~~

~~(b) Must]~~ ***must*** include:

~~[(1)]~~ ***(a)*** A description of the potential public works for which applications to qualify as a bidder are being accepted;

~~[(2)]~~ ***(b)*** The time and place at which applications are to be submitted to the local government;

~~[(3)]~~ ***(c)*** The place at which applications may be obtained; and

~~[(4)]~~ ***(d)*** Any other information that the local government deems necessary.

Sec. 23. **NRS 338.1385 is hereby amended to read as follows:**

338.1385 1. Except as otherwise provided in subsection 9 and NRS 338.1906 and 338.1907, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises ***on the Internet website of the county where the public work will be performed, if the county maintains an Internet website, and*** in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.1699, inclusive.

Sec. 24. **NRS 338.143 is hereby amended to read as follows:**

338.143 1. Except as otherwise provided in subsection 8 and NRS 338.1907, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises ***on the Internet website of the local government, if the local government maintains an Internet website, and*** in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 and 338.1446.

(c) Divide a project work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.1699, inclusive.

Sec. 25. **NRS 338.1692 is hereby amended to read as follows:**

338.1692 1. A public body shall advertise for statements of qualifications for a construction manager at risk ***on the Internet website of the public body, if the public body maintains an Internet website, and*** in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

2. A request for a statement of qualifications published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work;

(b) An estimate of the cost of construction;

(c) A description of the work that the public body expects a construction manager at risk to perform;

(d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;

(e) The date by which statements of qualifications must be submitted to the public body;

(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a statement of qualifications;

(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work; and

(h) A list of the selection criteria and relative weight of the selection criteria that will be used to evaluate statements of qualifications.

3. A statement of qualifications must include, without limitation:

(a) An explanation of the experience that the applicant has with projects of similar size and scope;

(b) The contact information for references who have knowledge of the background, character and technical competence of the applicant;

(c) The applicant's preliminary proposal for managing the preconstruction and construction of the public work;

(d) Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;

(e) Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law; and

(f) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause; and

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333.

Sec. 26. **NRS 338.1723 is hereby amended to read as follows:**

338.1723 1. A public body shall advertise for preliminary proposals for the design and construction of a public work by a design-build team ***on the Internet website of the public body, if the public body maintains an Internet website, and*** in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

2. A request for preliminary proposals published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work to be designed and constructed;

(b) An estimate of the cost to design and construct the public work;

(c) The dates on which it is anticipated that the separate phases of the design and construction of the public work will begin and end;

(d) The date by which preliminary proposals must be submitted to the public body;

(e) If the proposal is for a public work of the State, a statement setting forth that the prime contractor must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a preliminary proposal;

(f) A description of the extent to which designs must be completed for both preliminary and final proposals and any other requirements for the design and construction of the public work that the public body determines to be necessary;

(g) A list of the requirements set forth in NRS 338.1721;

(h) A list of the factors and relative weight assigned to each factor that the public body will use to evaluate design-build teams who submit a proposal for the public work;

(i) Notice that a design-build team desiring to submit a proposal for the public work must include with its proposal the information used by the public body to determine finalists among the design-build teams submitting proposals pursuant to subsection 2 of NRS 338.1725 and a description of that information; and

(j) A statement as to whether a design-build team that is selected as a finalist pursuant to NRS 338.1725 but is not awarded the design-build contract pursuant to NRS 338.1727 will be partially reimbursed for the cost of preparing a final proposal and, if so, an estimate of the amount of the partial reimbursement.

Sec. 27. **NRS 338.1907 is hereby amended to read as follows:**

338.1907 1. A governing body may designate one or more energy retrofit coordinators for the buildings occupied by the local government.

2. If such a coordinator is designated, upon request by or consultation with an officer or employee of the local government who is responsible for the budget of a department, board, commission or other entity of the local government, the coordinator may request the approval of the governing body to advertise a request for proposals to retrofit a building, or any portion thereof, that is occupied by the department, board, commission or other entity, to make the use of energy in the building, or portion thereof, more efficient.

3. Upon approval of the governing body, the coordinator shall prepare a request for proposals for the retrofitting of one or more buildings, or any portion thereof, which includes:

(a) The name and location of the coordinator;

(b) A brief description of the requirements for the initial audit of the use of energy and the retrofitting;

(c) Where and how specifications of the requirements for the initial audit of the use of energy and the retrofitting may be obtained;

(d) The date and time not later than which proposals must be received by the coordinator; and

(e) The date and time when responses will be opened.

4. The request for proposals must be published ***on the Internet website of the governing body, if the governing body maintains an Internet website, and*** in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county where the public work will be performed.

5. After receiving the proposals but before making a decision on the proposals, the coordinator shall consider:

(a) The best interests of the local government;

(b) The experience and financial stability of the persons submitting the proposals;

(c) Whether the proposals conform with the terms of the request for proposals;

(d) The prices of the proposals; and

(e) Any other factor disclosed in the request for proposals.

6. The coordinator shall determine the relative weight of each factor before a request for proposals is advertised. The weight of each factor must not be disclosed before the date proposals are required to be submitted to the coordinator.

7. After reviewing the proposals, if the coordinator determines that the dollar value of the annual energy savings resulting from the retrofit will meet or exceed the total annual contract payments to be made by the local government, including any financing charges to be incurred by the local government over the life of the contract, the coordinator shall select the best

proposal and request the approval of the governing body to award the contract. The request for approval must include the proposed method of financing the audit and retrofit, which may include an installment contract, a shared savings contract or any other contract for a reasonable financing arrangement. Such a contract may commit the local government to make payments beyond the fiscal year in which the contract is executed or beyond the terms of office of the governing body, or both.

8. Before approving a retrofit pursuant to this section, the governing body shall evaluate any projects that would utilize shared savings as a method of payment or any method of financing that would commit the local government to make payments beyond the fiscal year in which the contract is executed or beyond the terms of office of the governing body to ensure that:

(a) The dollar value of the annual energy savings resulting from the retrofit will meet or exceed the total annual contract payments to be made by the local government related to the retrofit, including any financing charges to be incurred by the local government over the life of the contract; and

(b) The local government is likely to continue to occupy the building for the entire period required to recoup the cost of the retrofit in energy savings.

9. Upon approval of the governing body, the coordinator shall execute the contract and notify each officer or employee who is responsible for the budget of a department, board, commission or other entity which occupies a portion of a building that will be retrofitted of the amount of money it will be required to pay annually for its portion of the retrofit.

10. A change order to a contract executed pursuant to this section may not be approved by the local government if the cost of the change order would cause the dollar value of the annual energy savings resulting from the retrofit to be less than the total annual contract payments to be made by the local government, including financing charges to be incurred by the local government over the life of the contract, unless approval of the change order is more economically feasible than termination of the retrofit.

11. NRS 338.1385 and 338.143 do not apply to a project for which a request for proposals is advertised and the contract is awarded pursuant to the provisions of this section.

Sec. 28. **NRS 496.090 is hereby amended to read as follows:**

496.090 1. In operating an airport or air navigation facility or any other facilities appertaining to the airport owned, leased or controlled by a municipality, the municipality may, except as limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, enter into:

(a) Contracts, leases and other arrangements with any persons:

(1) Granting the privilege of using or improving the airport or air navigation facility, or any portion or facility thereof, or space therein, for commercial purposes. The municipality may, if it determines that an improvement benefits the municipality, reimburse the person granted the privilege for all or any portion of the cost of making the improvement.

(2) Conferring the privilege of supplying goods, commodities, things, services or facilities at the airport or air navigation facility or other facilities.

(3) Making available services to be furnished by the municipality or its agents or by other persons at the airport or air navigation facility or other facilities.

(4) Providing for the maintenance of the airport or air navigation facility, or any portion or facility thereof, or space therein.

(5) Allowing residential occupancy of property acquired by the municipality.

(b) Contracts for the sale of revenue bonds or other securities whose issuance is authorized by the Local Government Securities Law or NRS 496.150 or 496.155, for delivery within 10 years after the date of the contract.

2. In each case the municipality may establish the terms and conditions and fix the charges, rentals or fees for the privileges or services, which must be reasonable and uniform for the same class of privilege or service and must be established with due regard to the property and improvements used and the expenses of operation to the municipality.

3. Except as otherwise provided in this subsection, and as an alternative to the procedure provided in subsection 2 of NRS 496.080, to the extent of its applicability, the governing body of any municipality may authorize it to enter into any such contracts, leases and other arrangements with any persons, as provided in this section, for a period not exceeding 50 years, upon such terms and conditions as the governing body deems proper. The provisions of this subsection must not be used to circumvent the requirement set forth in subsection 2 of NRS 496.080 that the disposal of real property be made by public auction.

4. Before entering into any such contract, lease or other arrangements, the municipality shall publish notice of its intention in general terms ***on the Internet website of the municipality, if the municipality maintains an Internet website, for a period of not less than 10 consecutive days, and*** in a newspaper of general circulation within the municipality at least once a week for 21 days or three times during a period of 10 days. If there is not a newspaper of general circulation within the municipality, the municipality shall post a notice of its intention in a public place at least once a week for 30 days. The notice must specify that a regular meeting of the governing body is to be held, at which meeting any interested person may appear. No such contract, lease or other arrangement may be entered into by the municipality until after the notice has been given and a meeting held as provided in this subsection.

5. Any member of a municipality's governing body may vote on any such contract, lease or other arrangement notwithstanding the fact that the term of the contract, lease or other arrangement may extend beyond the member's term of office.

~~[Sec. 21.]~~ ***Sec. 29.*** Notwithstanding the provisions of NRS 242.122, as amended by section 12 of this act, the existing members of the Information Technology Advisory Board who are appointed to 2-year terms by the Governor pursuant to NRS 242.122 may continue to serve as a member of the Board until the expiration of their current terms and until the Governor appoints successors to 4-year terms pursuant to NRS 242.122, as amended by section 12 of this act. If a position on the Board becomes vacant on or after July 1, 2011, the vacancy must be filled in the manner provided in NRS 242.122, as amended by section 12 of this act.

~~[Sec. 22.]~~ ***Sec. 30.*** This act becomes effective on July 1, 2011.

Senator Lee moved the adoption of the amendment.

Remarks by Senator Lee.

Senator Lee requested that his remarks be entered in the Journal.

Amendment No. 18 to Senate Bill No. 82 removes the Superintendent of Public Instruction or his designee from the membership of the Information Technology Advisory Board and removes previously proposed language that would have added the Administrator of the State Library and Archives to the Board. It narrows the scope of the notifications required to be made to the State Chief of Information Security to those matters specifically related to information technology security issues, and it provides that advertisements for bids for State and local purchasing activities be posted on the appropriate State or local purchasing agency's Internet website, if available. The amendment also extends this posting requirement to bids on local public works projects.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 85.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 19.

"SUMMARY—Revises provisions governing land use decisions. (BDR 22-99)"

"AN ACT relating to land use planning; revising provisions relating to the appeal of land use decisions; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the governing body of each city and county is required to adopt an ordinance providing that an aggrieved person may appeal the decision of a planning commission, board of adjustment, hearing examiner or other similar official to the governing body. A person who is aggrieved by the decision of the governing body concerning that appeal may appeal the decision of the governing body to the district court by filing a petition for judicial review. (NRS 278.3195) This bill authorizes an aggrieved person also to appeal to a district court a decision of a governing body that considered a recommendation of a planning commission, board of adjustment, hearing examiner or other similar official or a decision of a

governing body which was made without the necessity of a decision or recommendation by a planning commission, board of adjustment, hearing examiner or other similar official. In a county whose population is 400,000 or more (currently Clark County), this bill also provides that, for the purpose of determining whether a person who has filed a petition for judicial review of a decision of a governing body is an aggrieved person who may seek judicial review of the decision: (1) the person shall be deemed not to be aggrieved by the decision unless the person appeared before the planning commission, board of adjustment, hearing examiner or other similar official on the matter which is the subject of the decision and before the governing body and fully set forth his or her position and the grounds in support of that position; and (2) the person must not be determined to be aggrieved by the decision solely on the basis that the decision may increase or create competition which the person claims may be detrimental to his or her property rights or other legal interests.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.3195 is hereby amended to read as follows:

278.3195 1. Except as otherwise provided in NRS 278.310, each governing body shall adopt an ordinance providing that any person who is aggrieved by a decision of:

(a) The planning commission, if the governing body has created a planning commission pursuant to NRS 278.030;

(b) The board of adjustment, if the governing body has created a board of adjustment pursuant to NRS 278.270;

(c) A hearing examiner, if the governing body has appointed a hearing examiner pursuant to NRS 278.262; or

(d) Any other person appointed or employed by the governing body who is authorized to make administrative decisions regarding the use of land,

➥ may appeal the decision to the governing body. In a county whose population is 400,000 or more, a person shall be deemed to be aggrieved under an ordinance adopted pursuant to this subsection if the person appeared, either in person, through an authorized representative or in writing, before a person or entity described in paragraphs (a) to (d), inclusive, on the matter which is the subject of the decision.

2. Except as otherwise provided in NRS 278.310, an ordinance adopted pursuant to subsection 1 must set forth, without limitation:

(a) The period within which an appeal must be filed with the governing body.

(b) The procedures pursuant to which the governing body will hear the appeal.

(c) That the governing body may affirm, modify or reverse a decision.

(d) The period within which the governing body must render its decision , except that:

(1) In a county whose population is 400,000 or more, that period must not exceed 45 days.

(2) In a county whose population is less than 400,000, that period must not exceed 60 days.

(e) That the decision of the governing body is a final decision for the purpose of judicial review.

(f) That, in reviewing a decision, the governing body will be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020.

(g) That the governing body may charge the appellant a fee for the filing of an appeal.

3. In addition to the requirements set forth in subsection 2, in a county whose population is 400,000 or more, an ordinance adopted pursuant to subsection 1 must:

(a) Set forth procedures for the consolidation of appeals; and

(b) Prohibit the governing body from granting to an aggrieved person more than two continuances on the same matter, unless the governing body determines, upon good cause shown, that the granting of additional continuances is warranted.

4. Any person who:

(a) Has appealed a decision to the governing body in accordance with an ordinance adopted pursuant to subsection 1 ~~[,]~~ and ***is aggrieved by the decision of the governing body;***

(b) Is aggrieved by ~~[the]~~ ***a*** decision of ~~[the]~~ ***a*** governing body ~~[,]~~ ***regarding the use of land in which the governing body considered a recommendation of a person or entity described in paragraphs (a) to (d), inclusive, of subsection 1; or***

(c) Is aggrieved by a decision of a governing body which, pursuant to the procedures contained in the applicable local ordinance, was made without the necessity of a decision or recommendation by a person or entity described in paragraphs (a) to (d), inclusive, of subsection 1,

➥ may appeal ~~[that]~~ ***the*** decision ***of the governing body*** to the district court of the proper county by filing a petition for judicial review within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in NRS 278.0235.

5. ***In a county whose population is 400,000 or more, for the purpose of determining whether a person who is appealing a decision of a governing body by filing a petition for judicial review is aggrieved by the decision:***

(a) The person shall be deemed not to be aggrieved by the decision unless the person appeared in person, through an authorized representative or in writing and fully set forth his or her position and the grounds in support of that position:

(1) Before the person or entity described in paragraphs (a) to (d), inclusive, of subsection 1 that considered the matter, if applicable; and

(2) Before the governing body; and

(b) The person must not be determined to be aggrieved by the decision of the governing body solely on the basis that the decision may increase or create competition that the person claims may be detrimental to his or her property rights or other legal interests.

6. The provisions of this section do not apply to a petition to designate the location of a proposed establishment as a gaming enterprise district pursuant to NRS 463.3084 or 463.3086.

7. As used in this section, "person" includes the ~~*[:*~~

~~*(a) The]*~~ Armed Forces of the United States or an official component or representative thereof . ~~*[; and*~~

~~*(b) Any governmental entity.]*~~

Sec. 2. This act becomes effective on July 1, 2011.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Senator Hardy requested that his remarks be entered in the Journal.

Amendment No. 19 to Senate Bill No. 85 deletes the addition of "any governmental entity" to the definition of "person" as it relates to the authority of a person to file an appeal of a land use decision made by a local governing body. This amendment serves to avoid a situation where one governmental entity such as the federal government might file an appeal against the decision of a local governing body.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 96.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 50.

"SUMMARY—Revises provisions governing the Governor Guinn Millennium Scholarship Program. (BDR 34-586)"

"AN ACT relating to education; ~~[requiring a student to perform community service as a condition to receipt of a Governor Guinn Millennium Scholarship; requiring the Board of Regents of the University of Nevada to establish an appeal process for students who are unable to complete the required community service;]~~ **encouraging a student who receives a Governor Guinn Millennium Scholarship to volunteer at least 20 hours of community service per year;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the Governor Guinn Millennium Scholarship Program and prescribes the eligibility requirements for receipt of a Millennium Scholarship. (NRS 396.911-396.938) ~~[This bill revises the eligibility requirements by requiring a student to perform at least 20 hours of community service which meets certain criteria established by the Board of Regents of the University of Nevada during the 4 years before the student first becomes eligible for a Millennium Scholarship. This requirement will~~

~~first apply to students who are eligible to receive a Millennium Scholarship on and after June 1, 2014.]~~ **This bill encourages a student who receives a Millennium Scholarship to volunteer at least 20 hours of community service during each year that the student receives a Millennium Scholarship.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 396.930 is hereby amended to read as follows:~~

~~396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a Millennium Scholarship if the student:~~

~~(a) Except as otherwise provided in paragraph [(e)] *(f)* of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;~~

~~(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:~~

~~(1) After May 1, 2000, but not later than May 1, 2003; or~~

~~(2) After May 1, 2003, and, except as otherwise provided in paragraphs [(c),] (d) *, (e)* and [(f)] *(g)* of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;~~

~~(c) Does not satisfy the requirements of paragraph (b) and:~~

~~(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;~~

~~(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and~~

~~(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;~~

~~(d) Maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:~~

~~(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;~~

~~(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or~~

~~(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class; [and]~~

~~(e) *Is eligible for a Millennium Scholarship on or after June 1, 2014, and submits a statement on or before June 1 of the year in which the student will enroll in an eligible institution which documents that the student has performed at least 20 hours of community service for this State, a political subdivision of this State or a charitable organization that provides service to a community or the residents of a community in this State during the 4 years before the student first becomes eligible for the Millennium Scholarship; and*~~

~~*(f)* Is enrolled in at least:~~

~~(1) Six semester credit hours in a community college within the System;~~

~~(2) Twelve semester credit hours in another eligible institution; or~~

~~(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.~~

~~2. The Board of Regents:~~

~~(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.~~

~~(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.~~

~~(c) *Shall establish criteria for the performance of community service required by paragraph (e) of subsection 1 and a process of appeal for students who are unable to complete the community service.*~~

~~*(d)* May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.~~

~~[(d)]~~ ~~*(e)* Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:~~

~~(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.~~

~~(2) The minimum number of credits prescribed in paragraph~~ [(c)] ~~*(f)* of subsection 1.

~~[(e)]~~ ~~*(f)* Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 3.~~

~~[(f)]~~ ~~*(g)* Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.~~

~~3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph~~ [(c)] ~~*(f)* of

~~subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:~~

~~(a) The minimum score on a standardized test that such students must receive; or~~

~~(b) Other criteria that students must meet,~~

~~➥ to be eligible for Millennium Scholarships.~~

~~4. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:~~

~~(a) Are pursuing a career in education or health care;~~

~~(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or~~

~~(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.~~

~~5. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.~~] **(Deleted by amendment.)**

Sec. 2. ~~[On or before January 1, 2012, the Board of Regents of the University of Nevada shall adopt the criteria required by paragraph (c) of subsection 2 of NRS 396.930, as amended by section 1 of this act. The Board of Regents shall ensure that the school districts in this State are provided with adequate notice of the criteria and otherwise provide for public dissemination of the criteria.~~] **(Deleted by amendment.)**

Sec. 3. **NRS 396.934 is hereby amended to read as follows:**

396.934 1. Except as otherwise provided in this section, within the limits of money available in the Trust Fund, a student who is eligible for a Millennium Scholarship is entitled to receive:

(a) If he or she is enrolled in a community college within the System, including, without limitation, a summer academic term, $40 per credit for each lower division course and $60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he or she is enrolled in a state college within the System, including, without limitation, a summer academic term, $60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he or she is enrolled in another eligible institution, including, without limitation, a summer academic term, $80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

(d) If he or she is enrolled in more than one eligible institution, including, without limitation, a summer academic term, the amount authorized pursuant to paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures and guidelines established by the Board of Regents.

➥ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of 12 semester credits per semester pursuant to this subsection.

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

(b) For a total amount in excess of $10,000.

3. A student who receives a Millennium Scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection ~~[7,]~~ ***8;*** and

(b) If the student graduated from high school after May 1, 2003, maintain:

(1) At least a 2.60 grade point average on a 4.0 grading scale for each semester during the first year of enrollment in the Governor Guinn Millennium Scholarship Program.

(2) At least a 2.75 grade point average on a 4.0 grading scale for each semester during the second year of enrollment in the Governor Guinn Millennium Scholarship Program and for each semester during each year of enrollment thereafter.

4. ***A student who receives a Millennium Scholarship is encouraged to volunteer at least 20 hours of community service for this State, a political subdivision of this State or a charitable organization that provides service to a community or the residents of a community in this State during each year in which the student receives a Millennium Scholarship.***

5. If a student does not satisfy the requirements of subsection 3 during one semester of enrollment, excluding a summer academic term, he or she is not eligible for the Millennium Scholarship for the succeeding semester of enrollment. If such a student:

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he or she is not eligible for the Millennium Scholarship, the student is eligible for the Millennium Scholarship for the student's next semester of enrollment.

(b) Fails a second time to satisfy the requirements of subsection 3 during any subsequent semester, excluding a summer academic term, the student is no longer eligible for a Millennium Scholarship.

~~[5.]~~ ***6.*** A Millennium Scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the eligible institution.

~~[6.]~~ ***7.*** The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection ~~[7.]~~ ***8.*** The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection ~~[5.]~~ ***6.*** If a student is enrolled in more than one eligible institution, the Millennium Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

~~[7.]~~ ***8.*** The Board of Regents shall establish:

(a) Criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection ~~[6.]~~ ***7.***

(b) Procedures to ensure that all money from a Millennium Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.

(c) Procedures and guidelines for the administration of a Millennium Scholarship for students who are enrolled in more than one eligible institution.

~~[Sec. 3.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2011.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Senator Denis requested that his remarks be entered in the Journal.

Amendment No. 50 makes significant revisions to the bill as a whole to encourage recipients of the Governor Guinn Millennium Scholarship to perform at least 20 hours of community service during each of the years they receive this scholarship. The amendment deletes provisions that would have made this a requirement for high school students to be eligible to receive this scholarship.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 74.

"SUMMARY— ~~[Requires the Board of Wildlife Commissioners to adopt regulations for]~~ **Revises provisions governing** the taking of ~~[shed antlers.]~~ **wildlife.** (BDR 45-764)"

"AN ACT relating to wildlife; **revising the civil penalties for unlawfully killing or possessing certain big game mammals and other wildlife and for hunting, fishing or trapping without a valid license, tag or permit;** requiring the Board of Wildlife Commissioners to adopt regulations for the taking of antlers naturally shed by big game mammals; ~~[requiring the Commission to fix a price for the commercial taking of shed antlers;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law imposes certain civil penalties against a person for unlawfully killing or possessing big game mammals, bobcats, swans, eagles or other fish or wildlife and for hunting, fishing or trapping without a license. (NRS 501.3855) Section 1 of this bill imposes a similar civil penalty against a person for unlawfully killing or possessing a trophy big game mammal in an amount that is not less than $5,000 or more than $30,000. Section 1 also imposes a civil penalty against a person for unlawfully killing or possessing a moose and revises the maximum civil penalty for which a person is liable for hunting, fishing or trapping without a license, tag or permit. The revised maximum amount of that civil penalty is changed from $250 to the amount of the fee for the required license, tag or permit for the activity in which the person engaged.

Existing law requires the Board of Wildlife Commissioners to establish broad policies for the management of wildlife in this State and to adopt regulations to carry out the provisions of title 45 of NRS governing wildlife in this State. (NRS 501.181) Existing law also prohibits a person from selling, bartering, trading or purchasing the parts of any species of wildlife except as otherwise provided in that title or in a regulation adopted by the Commission. (NRS 501.379) ~~[This]~~ **Section 2 of this** bill requires the Commission to adopt regulations for the ~~[commercial and noncommercial]~~ taking of antlers which have been naturally shed by any big game mammal in this State. ~~[This bill allows a person who possesses a valid Nevada hunting license or permit to take shed antlers for a noncommercial purpose without paying a fee. If a person wishes to take shed antlers but does not possess a license or permit to hunt in this State, this bill requires the Commission to issue the person a permit for a fee not to exceed $10. Finally, this bill requires the Commission to fix a price which does not exceed $1,500 for the commercial taking of shed antlers.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 501.3855 is hereby amended to read as follows:**

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this title, every person who ~~[unlawfully]~~ **:**

(a) Unlawfully kills or possesses a ***trophy*** big game mammal ~~[,]~~ ***is liable for a civil penalty of not less than $5,000 nor more than $30,000; or***

(b) Except as otherwise provided in paragraph (a), unlawfully kills or possesses a big game mammal, moose, bobcat, swan or eagle is liable for a civil penalty of not less than $250 ~~[nor more]~~ ***but less*** than $5,000.

2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, ~~[the court may order the defendant to pay]~~ ***a person is liable for*** a civil penalty of not less than $25 nor more than $1,000.

3. For hunting, fishing or trapping without a valid license, tag or permit, ~~[the court may order the defendant to pay]~~ ***a person is liable for*** a civil penalty of not less than $50 nor more than ~~[$250.]~~ ***the amount of the fee for the license, tag or permit required for the activity in which the person engaged.***

4. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each mammal, bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.

5. The Department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.

6. If a person who is ordered to pay a civil penalty pursuant to this section fails to do so within 90 days after the date set forth in the order, the Department may suspend, revoke, or refuse to issue or renew any license, tag, permit, certificate or other document or privilege otherwise available to the person pursuant to this title or chapter 488 of NRS.

7. Each court that receives money pursuant to the provisions of this section shall forthwith remit the money to the Department which shall deposit the money with the State Treasurer for credit to the Wildlife Account in the State General Fund.

8. As used in this section, "trophy big game mammal" means a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length, a mountain goat or a black bear. As used in this subsection:

(a) "Antler" means any bony growth originating from the pedicle portion of the skull of a big game mammal that is annually cast and regenerated as part of the annual life cycle of the big game mammal.

(b) "Antler point" means a projection which is at least 1 inch in length with the length exceeding the width of its base, excluding the first point on the main beam commonly known as the eye guard on mule deer.

(c) "Horn exceeding a half curl" means a horn tip that has grown at least through 180 degrees of a circle determined by establishing a parallel reference line from the base of the horn and measuring the horn tip to

determine whether the horn tip has grown at least to the projection of the reference line.

(d) "Outside antler measurement" means the perpendicular measurement at right angles to the center line of the skull of a deer at the widest point between the main antler beams or the antler points off the main antler beams.

~~[Section 1.]~~ ***Sec. 2.*** Chapter 503 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall ~~[:~~

~~*(a) Adopt]*~~ ***adopt regulations for the taking of shed antlers.***

~~[*(b) Allow a person who holds a license or permit to hunt in this State to take shed antlers for a noncommercial purpose without paying a fee.*~~

~~*(c) Issue a permit upon the payment of a fee not to exceed $10 to any person who is 12 years of age or older and who does not hold a license or permit to hunt in this State but wishes to take shed antlers for a noncommercial purpose.*~~

~~*(d) Fix a price not to exceed $1,500 to be paid to the Department for shed antlers taken for a commercial purpose.*~~]

2. As used in this section, "shed antlers" means antlers which have been naturally shed by any big game mammal in this State.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective:

1. Upon passage and approval for the purpose of adopting the regulations required by section ~~[1]~~ **2** of this act; and
2. On October 1, 2011, for all other purposes.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Senator Manendo requested that his remarks be entered in the Journal.

This amendment removes language from the bill that would have required the Wildlife Commission to set various fees for the commercial and non-commercial taking of shed antlers, and it adds language allowing the Wildlife Commission to adopt regulations for the taking of shed antlers. The amendment also adds a definition for a "trophy big game mammal" and adds a civil penalty.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 111.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 36.

"SUMMARY— ~~[Makes various changes]~~ **Revises provisions** concerning the placement of certain children who are in protective custody**.** ~~[in certain counties.]~~ (BDR 38-697)"

"AN ACT relating to the protection of children; ~~[revising provisions limiting the placement of certain children who are in protective custody in~~

~~certain counties;~~] **requiring agencies which provide child welfare services to develop and implement a plan to ensure that certain requirements concerning the placement of children in protective custody are understood and carried out;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a person from placing a child who is under 6 years of age and who is in protective custody into a child care institution unless appropriate foster care is not available at the time of the placement or certain other conditions are met, including that the medical needs of the child cannot be met at any other placement or if the placement is necessary to avoid separating siblings. (NRS 432B.3905) This bill ~~[provides an additional exception from the prohibition on the placement of such a child in a child care institution for a child who is placed in a child care institution in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties).]~~ **requires each agency which provides child welfare services to develop and implement a written plan to ensure that the provisions and exceptions for such placement of children in protective custody are understood and carried out.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432B.3905 is hereby amended to read as follows:

432B.3905 1. An employee of an agency which provides child welfare services or its designee, an agent or officer of a law enforcement agency, an officer of a local juvenile probation department or the local department of juvenile services or any other person who places a child in protective custody pursuant to this chapter:

(a) Except as otherwise provided in subsection 2, shall not transfer a child who is under the age of 6 years to, or place such a child in, a child care institution unless appropriate foster care is not available at the time of placement in the county in which the child resides; and

(b) Shall make all reasonable efforts to place siblings in the same location.

2. A child under the age of 6 years may be placed in a child care institution:

(a) If the child requires medical services and such medical services could not be provided at any other placement; or

(b) If necessary to avoid separating siblings . ~~[; or~~

~~*(c) If the child is being placed in a child care institution in a county whose population is less than 100,000.]*~~

3. If a child is transferred to or placed in a child care institution in violation of subsection 1, the agency which provides child welfare services that is responsible for the child shall immediately notify the Director of the Department of Health and Human Services and shall move the child to another placement as soon as possible.

4. The Director of the Department shall, on or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a written report concerning any child under the age of 6 years who was placed in a child care institution during the previous 12 months. Such a report must include, without limitation:

(a) An explanation of the situation that required the transfer of the child to or placement of the child in a child care institution;

(b) A summary of any actions that were taken to ensure the health, welfare and safety of the child; and

(c) The length of time that the child was required to remain in the child care institution.

➥ The Director of the Legislative Counsel Bureau shall cause such report to be made available to each Senator and member of the Assembly.

5. ***Each agency which provides child welfare services shall develop and implement a written plan to ensure that the provisions of this section are understood and carried out.***

6. As used in this section, "child care institution":

(a) Means any type of home or facility that:

(1) Provides care and shelter during the day and night to 16 or more children who are in protective custody of an agency which provides child welfare services; or

(2) Provides care and shelter during the day and night, through the use of caregivers who work in shifts, to children who are in protective custody of an agency which provides child welfare services.

(b) Does not include a home or facility that provides medical services to children.

Senator Copening moved the adoption of the amendment.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Amendment No. 36 revises the provisions to Senate Bill No. 111 by requiring each agency that provides child welfare services to develop and implement a written plan to ensure that the provisions and exceptions for placement of children in protective custody into a child care institution are understood and carried out.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 149.

"SUMMARY—Revises provisions governing certain real property held by banks. (BDR 55-737)"

"AN ACT relating to financial institutions; **revising provisions governing the period that a bank may hold certain real property;** removing

provisions requiring a bank annually to charge off a certain percentage of the value of certain real property held by the bank and acquired as a result of a debt owed to the bank; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes a bank to hold real property that the bank acquires through the collection of debts owed to it for up to 10 years ~~[. A]~~ **, and this bill reduces that period to 5 years, except that a bank may request an extension of that period from the Commissioner of Financial Institutions of not more than 5 years. Existing law also requires a** bank ~~[is required]~~ to charge off the real property on a schedule of not less than 10 percent per year, or at a greater percentage if so required by the Commissioner**.** ~~[of Financial Institutions.]~~ (NRS 662.015) This bill removes the requirement that a bank annually charge off a certain percentage of the value of such real property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 662.015 is hereby amended to read as follows:

662.015 1. In addition to the powers conferred by law upon private corporations and limited-liability companies, a bank may:

(a) Exercise by its board of directors, managers or authorized officers and agents, subject to law, all powers necessary to carry on the business of banking by:

(1) Discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of indebtedness;

(2) Receiving deposits;

(3) Buying and selling exchange, coin and bullion; and

(4) Loaning money on personal security or real and personal property.

➥ At the time of making loans, banks may take and receive interest or discounts in advance.

(b) Adopt regulations for its own government not inconsistent with the Constitution and laws of this State.

(c) Issue, advise and confirm letters of credit authorizing the beneficiaries to draw upon the bank or its correspondents.

(d) Receive money for transmission.

(e) Establish and become a member of a clearinghouse association and pledge assets required for its qualification.

(f) Exercise any authority and perform all acts that a national bank may exercise or perform, with the consent and written approval of the Commissioner. The Commissioner may, by regulation, waive or modify a requirement of Nevada law if the corresponding requirement for national banks is eliminated or modified.

(g) Provide for the performance of the services of a bank service corporation, such as data processing and bookkeeping, subject to any regulations adopted by the Commissioner.

(h) Unless otherwise specifically prohibited by federal law, sell annuities if licensed by the Commissioner of Insurance.

2. A bank may purchase, hold and convey real property:

(a) As is necessary for the convenient transaction of its business, including furniture and fixtures, with its banking offices and for future site expansion. This investment must not exceed, except as otherwise provided in this section, 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures. The Commissioner may authorize any bank located in a city whose population is more than 10,000 to invest more than 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures, in its banking offices, furniture and fixtures.

(b) As is mortgaged to it in good faith by way of security for loans made or money due to the bank.

(c) As is permitted by NRS 662.103.

3. This section does not prohibit any bank from holding, developing or disposing of any real property it may acquire through the collection of debts due it. ~~[Any]~~ ***Except as otherwise provided in subsection 4,*** real property acquired through the collection of debts due it may not be held for longer than ~~[10]~~ ***5*** years. It must be sold at private or public sale within 30 days thereafter. ~~[During the time that the bank holds the real property, the bank shall charge off the real property on a schedule of not less than 10 percent per year, or at a greater percentage per year as the Commissioner may require.]~~

4. A bank may request and the Commissioner may grant an extension of the period described in subsection 3 of not more than 5 years. The Commissioner shall not grant a bank more than one extension of the period prescribed in subsection 3 for any real property held by the bank.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Senator Settelmeyer requested that his remarks be entered in the Journal.

Amendment No. 149 to Senate Bill No. 136 prohibits a bank that acquires real property through the collection of debts from holding the property for longer than five years.

The amendment permits a bank to request the Commissioner of Financial Institutions to grant an extension of not more than five additional years. However, only one such extension may be granted.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 95.

"SUMMARY—Revises certain provisions governing insurance. (BDR 57-723)"

"AN ACT relating to insurance; removing the requirement that a resident producer of insurance maintain a place of business in this State which is accessible to the public; ~~[providing that]~~ **revising provisions relating to** a certificate of insurance issued pursuant to a contract ~~[of insurance]~~ or policy of **property or casualty** insurance **;** ~~[must contain certain information; revising provisions governing verification by the Department of Motor Vehicles of required insurance coverage for certain vehicles;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill removes the requirement that a resident producer of insurance maintain a place of business in this State which is accessible to the public and where he or she principally conducts transactions. **Section 1** also removes the requirement that the license of a producer of insurance be conspicuously displayed in the place of business and instead requires only that the license be made available for public inspection upon request.

Section 2 of this bill amends provisions governing the Nevada Insurance Code (title 57 of NRS) to ~~[require]~~ **provide** that any certificate of insurance issued ~~[pursuant to]~~ **regarding** a contract ~~[of insurance]~~ or policy of **property or casualty** insurance **, other than a group master policy,** which is delivered or issued for delivery in this State ~~[include certain provisions, including a statement that the terms set forth in the certificate of insurance are]~~ **: (1) is** informational only ~~[and do]~~ **; (2) does** not constitute any part of the contract ~~[of insurance]~~ or policy of insurance ~~[.~~ ~~Section 4 of this bill exempts certain commercial motor vehicles and fleet vehicles from provisions which require the Department of Motor Vehicles to verify that owners of motor vehicles maintain required insurance coverage.]~~ **; and (3) does not amend any term or alter or extend any coverage, exclusion or condition of the contract or policy of insurance.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability.

(b) Health insurance for sickness, bodily injury or accidental death, which may include benefits for disability.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

(e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed protection of assets, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(i) Fixed annuities as a limited line.

(j) Travel and baggage as a limited line.

(k) Rental car agency as a limited line.

(l) Continuous care coverage, which includes health insurance, as set forth in paragraph (b), and may include insurance for workers' compensation.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, all applicable fees for renewal and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account are paid for each license and each authorization to transact business on behalf of a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his or her license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of all applicable renewal fees, except for any fee required pursuant to NRS 680C.110. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his or her license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110, is required for

any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. ~~[A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where the resident producer of insurance principally conducts transactions under his or her license. The place of business may be in his or her residence.]~~ The license must be ~~[conspicuously displayed in an area of the place of business which is open to the public.]~~ ***made available for public inspection upon request.***

6. A licensee shall inform the Commissioner of ~~[each change of location from which the licensee conducts business as a producer of insurance and]~~ each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes ~~[the location from which the licensee conducts business as a producer of insurance or]~~ his or her business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 2. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

A certificate of insurance issued ~~[pursuant to]~~ regarding a contract ~~[of insurance]~~ or policy of property or casualty insurance , other than a group master policy, which is delivered or issued for delivery in this State ~~[must include, without limitation:~~

~~1. A description of the principal benefits and coverage provided by the contract of insurance or policy of insurance;~~

~~2. A statement of the principal exclusions, reductions and limitations contained in the contract of insurance or policy of insurance; and~~

~~3. A statement that the terms set forth in the certificate of insurance are~~] :

1. Is informational only ~~[and do]~~ ;

2. Does not constitute any part of the contract ~~[of insurance]~~ or policy of insurance ~~[.]~~ ; and

3. Does not amend any term or alter or extend any coverage, exclusion or condition of the contract or policy of insurance.

Sec. 3. ~~[NRS 695B.320 is hereby amended to read as follows:~~

~~695B.320 Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, *and section 2 of this act,* 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, and chapters 692C and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.~~**]** **(Deleted by amendment.)**

Sec. 4. ~~[NRS 485.313 is hereby amended to read as follows:~~

~~485.313 1. The Department:~~

~~(a) Shall, in cooperation with insurers, create a system for verifying through the secure transmission and receipt of information that the owners of motor vehicles maintain the insurance required by NRS 485.185; and~~

~~(b) May enter into a contract with any person to provide services relating to the system.~~

~~2. The Director shall adopt regulations to carry out the provisions of this section.~~ **[**~~, including, without limitation, regulations for verifying that registered owners described in paragraph (b) of subsection 5 of NRS 482.215 maintain the insurance required by NRS 485.185.~~**]**

~~3. As used in this section, "motor vehicle"~~ **[**~~:~~

~~(a) Does~~**]** ~~*does* not include~~ **[**~~, except~~**]** ~~:~~

~~*(a) Except* as otherwise provided in subsection 1 of NRS 482.398, a golf cart as that term is defined in NRS 482.044.~~

~~(b)~~ **[**~~Includes, without limitation:~~

~~(1)~~**]** ~~A motortruck, truck-tractor, bus or other vehicle that is registered pursuant to paragraph (c) of subsection 1 of NRS 482.482 or NRS 706.801 to 706.861, inclusive.~~

[~~(2)~~**]** ~~*(c)* A vehicle that is registered as part of a fleet of vehicles and described in paragraph (b) of subsection 5 of NRS 482.215.~~**]** **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2011.

Senator Copening moved the adoption of the amendment.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Amendment No. 95 to Senate Bill No.143 amends the provisions relating to a certificate of insurance to limit them to policies of property or casualty insurance, other than a group master policy. The certificate is informational only and does not amend any term or alter or extend any coverage, exclusion or condition of the contract or policy of insurance.

The amendment deletes the provisions specifying what information the certificate must contain.

Finally, the amendment deletes all provisions regarding the motor vehicle insurance verification system.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 152.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 94.

"SUMMARY—Revises provisions governing insurance adjusters. (BDR 57-939)"

"AN ACT relating to insurance; revising provisions governing insurance adjusters; exempting certain persons from provisions of the Nevada Insurance Adjusters Law governing the licensing and regulation of adjusters; **authorizing the Commissioner of Insurance to issue a license as an adjuster to a resident of Canada under certain circumstances;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

The Nevada Insurance Adjusters Law governs the licensing of adjusters and the regulation of their conduct. (NRS 684A.010-684A.260) The Nevada Insurance Adjusters Law defines "adjuster," "independent adjuster," "public adjuster" and "associate adjuster" for purposes of the Nevada Insurance Code. (NRS 684A.020, 684A.030) The Nevada Insurance Adjusters Law is applicable only to persons who satisfy the statutory definition of adjuster, but not to persons who adjust or settle claims relating to life insurance, health insurance or annuities. (NRS 684A.010)

Section 2 of this bill exempts certain persons from the provisions governing the licensing and regulation of adjusters by specifically providing that such persons are not considered adjusters for purposes of the Code. **Section 2** provides that the following persons are not considered adjusters: (1) ~~[officers, directors or managers of an insurer; (2)]~~ certain employees of an independent adjuster **or an affiliate of an independent adjuster** who collect information relating to a claim ~~[or]~~ **and** conduct data entry; **(2) licensed agents who supervise certain employees of an independent adjuster or an affiliate of an independent adjuster;** (3) persons employed only to collect factual information concerning a claim for coverage arising under an insurance contract; (4) persons employed only to provide technical assistance to an independent adjuster; (5) persons employed to investigate suspected fraudulent claims for coverage arising under an insurance contract but who do not adjust losses or determine the payment of claims; (6) persons who perform only executive, administrative, managerial or clerical duties, or any combination thereof, but do not investigate or settle claims for coverage arising under an insurance contract; (7) licensed health care providers or any employees thereof who provide managed care services if those services do not include the determination of compensability; (8) managed care organizations or any employees thereof or organizations that provide

managed care services or any employees thereof if the services provided do not include the determination of compensability; (9) persons who settle only ~~[claims for coverage for]~~ reinsurance or subrogation ~~[arising under an insurance contract;]~~ **claims;** (10) brokers, agents or representatives of risk retention groups; (11) attorneys-in-fact of reciprocal insurers; **and** (12) managers of branch offices of alien insurers that are located in the United States **. [**~~; (13) persons who investigate, negotiate or settle claims relating to accident or disability insurance claims; and (14) salaried employees of a self-insured who adjust claims arising under insurance contracts only on behalf of the self-insured.~~

~~Section 3 of this bill revises the definition of "independent adjuster" to mean an adjuster who, for compensation as an independent contractor, enters into a contract with an insurer or a self-insurer to investigate or settle claims for the insurer or self-insurer arising under insurance contracts for property or casualty coverage or coverage that relates to a claim for workers' compensation insurance.]~~

Section 5 of this bill authorizes the Commissioner of Insurance to issue a license as an adjuster to a resident of Canada who is otherwise qualified for licensure and who adjusts and pays claims on business written in Nevada. Sections 6 and 7 of this bill exempt a resident of Canada from certain requirements relating to licensure as an adjuster. A resident of Canada who applies for licensure as an adjuster is required to pay certain fees for the issuance or renewal of such a license. (NRS 680B.010, 680C.110, 684A.090, 684A.130, 684A.160)

Section 6 also revises provisions concerning applications for licensure submitted by an applicant that is a firm or corporation rather than a natural person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 684A of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this Code, "automated claims adjudication system" means a preprogrammed computer system which ~~[is designed]~~ :

1. Is designed for the collection, data entry, calculation and final resolution of claims arising under an insurance contract for ~~[property]~~ portable electronic insurance coverage ~~[.]~~ ;

2. Is used by a licensed adjuster, licensed agent or person supervised by a licensed adjuster or licensed agent; and

3. Complies with the requirements of this Code concerning the payment of claims.

Sec. 2. NRS 684A.020 is hereby amended to read as follows:

684A.020 1. ~~[As]~~ ***Except as otherwise provided in subsection 2, as*** used in this Code, "adjuster" means any person who, for compensation as an independent contractor or for a fee or commission, investigates and settles, and reports to his or her principal relative to, claims:

(a) Arising under insurance contracts for property, casualty or surety coverage, on behalf solely of the insurer or the insured; or

(b) Against a self-insurer who is providing similar coverage, unless the coverage provided relates to a claim for industrial insurance.

2. For the purposes of this chapter:

(a) An associate adjuster, as defined in NRS 684A.030;

(b) An attorney at law who adjusts insurance losses from time to time incidental to the practice of his or her profession;

(c) An adjuster of ocean marine losses;

(d) A ~~[An officer, director, manager or]~~ salaried employee of an insurer; ~~[or]~~

(e) A salaried employee of a managing general agent maintaining an underwriting office in this state ~~[.]~~ ***;***

(f) An employee of an independent adjuster or an employee of an affiliate of an independent adjuster who is one of not more than 25 such employees under the supervision of an independent adjuster or licensed agent and who:

(1) Collects information relating to a claim for coverage arising under an insurance contract from or furnishes such information to an insured or a claimant; ~~[or]~~ and

(2) Conducts data entry, including, without limitation, entering data into an automated claims adjudication system;

(g) A licensed agent who supervises not more than 25 employees described in paragraph (f);

(h) A person who is employed only to collect factual information concerning a claim for coverage arising under an insurance contract;

~~[(h)]~~ (i) A person who is employed only to provide technical assistance to an independent adjuster;

~~[(i)]~~ (j) A person who is employed to investigate suspected fraudulent claims for coverage arising under an insurance contract but who does not adjust losses or determine the payment of claims;

~~[(j)]~~ (k) A person who performs only executive, administrative, managerial or clerical duties, or any combination thereof, but does not investigate or settle claims for coverage arising under an insurance contract;

~~[(k)]~~ (l) A licensed health care provider or any employee thereof who provides managed care services if those services do not include the determination of compensability;

~~[(l)]~~ (m) A managed care organization or any employee thereof or an organization that provides managed care services or any employee thereof if the services provided do not include the determination of compensability;

~~[(m)]~~ (n) A person who settles only ~~[claims for coverage for]~~ reinsurance or subrogation ~~[arising under an insurance contract;~~

~~(n)]~~ claims;

(o) A broker, agent or representative of a risk retention group;

~~[(o)]~~ **(p)** ***An attorney-in-fact of a reciprocal insurer;***

~~[(p)]~~ **or**

(q) ***A manager of a branch office of an alien insurer that is located in the United States*** **,** ~~[~~**;**

~~*(q) A person who investigates, negotiates or settles claims relating to accident or disability insurance claims; or*~~

~~*(r) A salaried employee of a self-insured who adjusts claims arising under insurance contracts only on behalf of the self-insured.]*~~

➥ is not considered an adjuster.

Sec. 3. ~~[NRS 684A.030 is hereby amended to read as follows:~~

~~684A.030 As used in this Code:~~

~~1. "Independent adjuster" means an adjuster~~ **[**~~representing the interests of~~**]** ~~*who, for compensation as an independent contractor, enters into a contract with* an insurer or a self-insurer~~ **[.]** ~~*to investigate or settle claims for the insurer or self-insurer arising under insurance contracts for property or casualty coverage or coverage that relates to a claim for workers' compensation insurance.*~~

~~2. "Public adjuster" means an adjuster employed by and representing solely the financial interests of the insured named in the policy.~~

~~3. "Associate adjuster" means an employee of an adjuster who, under the direct supervision of the adjuster, assists in the investigation and settlement of insurance losses on behalf of his or her employer.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 684A.060 is hereby amended to read as follows:~~

~~684A.060 1. On behalf of, as authorized by, an insurer as to which he or she is licensed as an agent under chapter 683A of NRS, an agent [may from time to time]~~ **:**

~~*(a) Except as otherwise provided in paragraph (b), may* act as an adjuster without a license as an adjuster~~ **.** ~~[; but no such agent shall]~~

~~*(b) Shall not* act as an adjuster for an insurer with which the agent has a contract providing for compensation retrospectively contingent upon losses incurred under insurance sold or serviced by the agent.~~

~~2. No license [shall be]~~ ~~*is* required of a nonresident salaried adjuster or independent adjuster for the adjustment in this state of one or more losses arising out of a catastrophe common to all such losses where such losses are designated to be a catastrophe by responsible insurance associations or the Commissioner.]~~ **(Deleted by amendment.)**

Sec. 5. **NRS 684A.070 is hereby amended to read as follows:**

684A.070 1. For the protection of the people of this State, the Commissioner may not issue or continue any license as an adjuster except in compliance with the provisions of this chapter. Any person for whom a license is issued or continued must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in subsection 2, be a resident of this State, and have resided therein for at least 90 days before his or her application for the license;

(c) Be competent, trustworthy, financially responsible and of good reputation;

(d) Never have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(e) Have had at least 2 years' recent experience with respect to the handling of loss claims of sufficient character reasonably to enable the person to fulfill the responsibilities of an adjuster;

(f) Pass all examinations required under this chapter; and

(g) Not be concurrently licensed as a producer of insurance for property, casualty or surety or a surplus lines broker, except as a bail agent.

2. The Commissioner may waive the residency requirement set forth in paragraph (b) of subsection 1 if the applicant is:

(a) An adjuster licensed under the laws of another state who has been brought to this State by a firm or corporation with whom the adjuster is employed that is licensed as an adjuster in this State to fill a vacancy in the firm or corporation in this State;

(b) An adjuster licensed in an adjoining state whose principal place of business is located within 50 miles from the boundary of this State; ~~[or]~~

(c) ***A resident of Canada who adjusts and pays claims on business written in this State; or***

(d) An adjuster who is applying for a limited license pursuant to NRS 684A.155.

3. A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in paragraph (d) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend, revoke or limit the license of an adjuster pursuant to NRS 684A.210.

Sec. 6. **NRS 684A.090 is hereby amended to read as follows:**

684A.090 1. The applicant for a license as an adjuster shall file a written application therefor with the Commissioner on forms prescribed and furnished by the Commissioner. As part of, or in connection with, the application, the applicant shall furnish information as to his or her identity, personal history, experience, financial responsibility, business record and other pertinent matters as reasonably required by the Commissioner to determine the applicant's eligibility and qualifications for the license.

2. If the applicant is a natural person ~~[,]~~ ***other than an applicant described in paragraph (c) of subsection 2 of NRS 684A.070,*** the application must include the social security number of the applicant.

3. If the applicant is a firm or corporation, the application must ~~[also include the names of all firm members, all corporate officers and directors,~~

~~and shall~~] designate each individual who is to exercise the license powers. [.] ***and must include:***

(a) The name of each member of the firm or each officer and director of the corporation;

(b) The name of each executive officer and director who owns more than 10 percent of the outstanding voting securities of the applicant; and

(c) The name of any other individual who owns more than 10 percent of the outstanding voting securities of the applicant.

➥ Each such member, officer, director and individual shall furnish information to the Commissioner as though applying for an individual license.

4. If the applicant is a nonresident of this state, the application must be accompanied by an appointment of the Commissioner as process agent and agreement to appear pursuant to NRS 684A.200.

5. The application must be accompanied by the applicable license fee as specified in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

6. No applicant for such a license may willfully misrepresent or withhold any fact or information called for in the application form or in connection therewith. A violation of this subsection is a gross misdemeanor.

Sec. 7. **NRS 684A.170 is hereby amended to read as follows:**

684A.170 ***Except for an adjuster described in paragraph (c) of subsection 2 of NRS 684A.070:***

1. Every adjuster shall have and maintain in this state a place of business accessible to the public and from which the licensee principally conducts transactions under his or her license. The address of such place shall appear upon the application for a license and upon the license, when issued, and the licensee shall promptly notify the Commissioner in writing of any change thereof. Nothing in this section shall prohibit the maintenance of such place in the licensee's residence in this state.

2. The license of the licensee and those of associate adjusters employed by the licensee shall be conspicuously displayed in such place of business in a part thereof customarily open to the public.

Senator Copening moved the adoption of the amendment.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Amendment No. 94 to Senate Bill No. 152 revises the proposed definition of "automated claims adjudication system" as well as the provisions exempting certain persons from the requirements for licensure as an adjuster.

The amendment adds new sections to the bill authorizing the Commissioner of Insurance to issue a license as an adjuster to a resident of Canada, under certain conditions.

Finally, Amendment No. 94 revises provisions concerning applications for licensure submitted by an applicant that is a firm or corporation rather than a natural person.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 48.

"SUMMARY—Revises provisions governing the appropriation of water by municipalities. (BDR 48-821)"

"AN ACT relating to water; ~~[declaring the appropriation of certain water by a municipality or public utility to serve the present and reasonably anticipated future municipal, industrial or domestic needs of the municipality or public utility to be a beneficial use of that water; providing that certain provisions governing consideration by the State Engineer of the consumptive use of a water right do not apply to an application to appropriate water filed by a municipality under certain circumstances;]~~ revising the period ~~[within]~~ **for** which **the State Engineer may grant an extension of time to complete** an application of water for a ~~[certain]~~ municipal or quasi-municipal use **;** ~~[must be made; setting forth the measure of reasonable diligence for determining whether a municipality is proceeding with good faith and reasonable diligence to perfect an appropriation of water for a beneficial use; revising the provisions which must be included in certain statements filed with the State Engineer concerning the application of water for municipal or quasi- municipal use; requiring the State Engineer to issue a certificate for a partially perfected application under certain circumstances;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Existing law provides that, subject to existing rights, all water in this State may be appropriated for a beneficial use. Existing law specifically declares that certain uses of water are beneficial uses of that water. (NRS 533.030) Section 3 of this bill declares that the appropriation of water by a municipality or public utility to serve the needs of the customers of the municipality or public utility is a beneficial use of that water.~~

~~Existing law authorizes the State Engineer to consider the consumptive use of a water right in determining whether a proposed change in the place of diversion, manner of use or place of use of appropriated water is in compliance with certain requirements governing the appropriation of that water. (NRS 533.3703) Section 4 of this bill exempts from such consideration certain applications filed by a municipality for a change in the place or diversion, manner of use or place of use of appropriated water.]~~

Existing law requires the State Engineer, when endorsing an application for a permit to appropriate water for a municipal or quasi-municipal use on certain land, to establish a period of not less than 5 years within which the complete application of water to that use must be made. **Existing law also authorizes the State Engineer to grant any number of extensions of time to complete that application but limits each single extension of time to 5 years or less.** (NRS 533.380) ~~[Section 5 of this bill expands that period~~

~~from not less than 5 years to not less than 15 years or more than 50 years. Section 5 also~~] **This bill** revises the period for which the State Engineer may grant an extension of time to complete that application **from 5 years to 10 years.** [~~and revises the factors that the State Engineer must consider when granting or denying such an extension of time.~~

~~Existing law requires the holder of a permit to appropriate water for a beneficial use to proceed in good faith and with reasonable diligence to perfect the appropriation. (NRS 533.395) Section 6 of this bill specifies that a municipality may show that it is proceeding in good faith and with reasonable diligence by the adoption of a master plan or a plan approved by the State Engineer which includes the development of the complete application of the water to a beneficial use and a duty to meet the present and reasonably anticipated future needs of the customers of the municipality.~~

~~Existing law requires a holder of a permit to appropriate water for a beneficial use to file a statement with the State Engineer, on or before the date endorsed on the permit, which includes certain information concerning the holder and the use of the water. (NRS 533.400) Section 7 of this bill provides that, for a municipality, if the amount of water beneficially used for a municipal or quasi-municipal purpose is less than the amount endorsed on the permit, the statement must indicate whether the remaining portion of the water is being considered under an extension for future development to meet the reasonably anticipated future needs of the municipality's customers for water.~~

~~Existing law requires the State Engineer to issue a certificate to a holder of a permit to appropriate water for a beneficial use if the State Engineer determines that the holder has perfected his or her application to appropriate water or to change the place of diversion, manner of use or place of use of water already appropriated. (NRS 533.425) Section 8 of this bill requires the State Engineer to issue such a certificate to a municipality if the municipality has perfected at least 25 percent of the application and the municipality proceeds in good faith and reasonable diligence to perfect the remainder of the application.~~

~~The provisions of chapter 534 of NRS govern the appropriation of underground water in this State. (NRS 534.020) Existing law governing the use of underground water generally provides that the failure for 5 successive years on the part of the holder of a right to appropriate underground water for a beneficial use works a forfeiture of that right. Existing law also confers upon the State Engineer the authority to grant an extension of time if requested by the holder. A single extension of time for that purpose must not exceed 1 year. (NRS 534.090) Section 11 of this bill provides that, for any municipal or quasi-municipal use for a public water system, the State Engineer may grant any number of extensions of time for any number of years if requested and for good cause shown. Section 11 also provides that a municipality may avoid a forfeiture by perfecting at least 25 percent of its~~

~~application without losing its priority of right or without cancellation of any portion of its permit.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Planning horizon" means the length of time that the State Engineer determines to be reasonable for a municipality to hold a water right to serve the reasonably anticipated future municipal needs of its customers for water, as determined in accordance with a master plan adopted pursuant to chapter 278 of NRS or a plan approved by the State Engineer.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 533.005 is hereby amended to read as follows:~~

~~533.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 533.007 to 533.023, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 533.030 is hereby amended to read as follows:~~

~~533.030 1. Subject to existing rights, and except as otherwise provided in this section, all water may be appropriated for beneficial use as provided in this chapter and not otherwise.~~

~~2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:~~

~~(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19,884, April 11, 2008, and any subsequent amendment thereto.~~

~~(b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19,884, April 11, 2008, and any subsequent amendment thereto.~~

~~*3. The appropriation of water or the acquisition or lease of water already appropriated from any:*~~

~~*(a) Stream system as provided in this chapter; or*~~

~~*(b) Underground water as provided in NRS 534.080,*~~

~~*➥ by a municipality or public utility, as defined in NRS 704.020, to serve the present and reasonably anticipated future municipal, industrial or domestic needs of the customers of the municipality or public utility is hereby declared to be a beneficial use.*~~

~~*4.* Except as otherwise provided in subsection [4,] *5,* in any county whose population is 400,000 or more:~~

~~(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any~~

~~artificially created lake or stream located within the unincorporated areas of the county.~~

~~(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.~~

~~[4.]~~ *5.* ~~In any county whose population is 400,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection [3]~~ *4* ~~do not apply to:~~

~~(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;~~

~~(b) Water used in a mining reclamation project; or~~

~~(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 533.3703 is hereby amended to read as follows:~~

~~533.3703 1. The State Engineer may consider the consumptive use of a water right and the consumptive use of a proposed beneficial use of water in determining whether a proposed change in the place of diversion, manner of use or place of use complies with the provisions of subsection 5 of NRS 533.370.~~

~~2. The provisions of this section:~~

~~(a) Must not be applied by the State Engineer in a manner that is inconsistent with any applicable federal or state decree concerning consumptive use.~~

~~(b) Do not apply to any decreed, certified or permitted right to appropriate water which originates in the Virgin River or the Muddy River.~~

~~*(c) Do not apply to an application filed by a municipality for a change in the place of diversion, manner of use or place of use if the application is filed within the time set by the State Engineer for the municipality to apply the water to a municipal or quasi-municipal use or within any extension of time granted by the State Engineer for that purpose.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 533.380 is hereby amended to read as follows:

533.380 1. Except as otherwise provided in subsection 5, in an endorsement of approval upon any application, the State Engineer shall:

(a) Set a time before which the construction of the work must be completed, which must be within 5 years after the date of approval.

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land:

(1) For which a final subdivision map has been recorded pursuant to chapter 278 of NRS;

(2) For which a plan for the development of a project has been approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(3) On any land for which a plan for the development of a planned unit development has been recorded pursuant to chapter 278A of NRS , ~~[; or~~

~~*(4) For which a municipality has a plan approved by the State Engineer for the management of the water resources on the land and for analyzing the present usage needs and reasonably anticipated future needs of its customers for water,]*~~

➥ must not be less than ~~[5]~~ ~~*[15]*~~ ***10*** years . ~~*[for more than 50 years.]*~~

2. The State Engineer may limit the applicant to a smaller quantity of water, to a shorter time for the completion of work, and, except as otherwise provided in paragraph (b) of subsection 1, to a shorter time for the perfecting of the application than named in the application.

3. Except as otherwise provided in subsection 4 and NRS 533.395 and 533.4377, the State Engineer may, for good cause shown, grant any number of extensions of time within which construction work must be completed, or water must be applied to a beneficial use under any permit therefor issued by the State Engineer, but a single extension of time for a municipal or quasi-municipal use for a public water system, as defined in NRS 445A.235, must not exceed ~~[5]~~ ~~*[15]*~~ ***10*** years, and any other single extension of time must not exceed 1 year. An application for the extension must in all cases be:

(a) Made within 30 days following notice by registered or certified mail that proof of the work is due as provided for in NRS 533.390 and 533.410; and

(b) Accompanied by proof and evidence of the reasonable diligence with which the applicant is pursuing the perfection of the application.

➥ The State Engineer shall not grant an extension of time unless the State Engineer determines from the proof and evidence so submitted that the applicant is proceeding in good faith and with reasonable diligence to perfect the application. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the application.

4. Except as otherwise provided in subsection 5 and NRS 533.395, whenever the holder of a permit issued for any municipal or quasi-municipal use of water on any land referred to in paragraph (b) of subsection 1, or for any use which may be served by a county, city, town, public water district or public water company, requests an extension of time to apply the water to a beneficial use, the State Engineer shall, in determining whether to grant or deny the extension, consider, among other factors:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

(b) The number of parcels and commercial or residential units which are contained in or planned for the land being developed or the area being served by the county, city, town, public water district or public water company;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use;

(d) Any delays in the development of the land or the area being served by the county, city, town, public water district or public water company which were caused by unanticipated natural conditions; and

(e) ~~*[The extent to which the holder has perfected the application;*~~

~~*(f) The planning horizon for the holder, the reasonably anticipated future needs of the customers of the holder for water and the service area for which the holder is authorized or obligated to provide water; and*~~

~~*(g)]*~~ The period contemplated in the:

(1) Plan for the development of a project approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(2) Plan for the development of a planned unit development recorded pursuant to chapter 278A of NRS,

➥ if any, for completing the development of the land.

5. The provisions of subsections 1 and 4 do not apply to an environmental permit.

6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is composed of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

Sec. 6. ~~**[**NRS 533.395 is hereby amended to read as follows:~~

~~533.395 1. If, at any time in the judgment of the State Engineer, the holder of any permit to appropriate the public water is not proceeding in good faith and with reasonable diligence to perfect the appropriation, the State Engineer shall require the submission of such proof and evidence as may be necessary to show a compliance with the law. If, in the judgment of the State Engineer, the holder of a permit is not proceeding in good faith and with reasonable diligence to perfect the appropriation, the State Engineer shall cancel the permit, and advise the holder of its cancellation. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the appropriation.~~

~~2. If any permit is cancelled under the provisions of this section or NRS 533.390 or 533.410, the holder of the permit may within 60 days **[**of**]** *after* the cancellation of the permit file a written petition with the State Engineer requesting a review of the cancellation by the State Engineer at a public hearing. The State Engineer may, after receiving and considering evidence, affirm, modify or rescind the cancellation.~~

~~3. If the decision of the State Engineer modifies or rescinds the cancellation of a permit, the effective date of the appropriation under the~~

~~permit is vacated and replaced by the date of the filing of the written petition with the State Engineer.~~

~~4. The cancellation of a permit may not be reviewed or be the subject of any judicial proceedings unless a written petition for review has been filed and the cancellation has been affirmed, modified or rescinded pursuant to subsection 2.~~

~~5. For the purposes of this section, the measure of reasonable diligence [is]:~~

~~*(a) Except as otherwise provided in paragraph (b), is* the steady application of effort to perfect the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.~~

~~*(b) For a municipality is the adoption of a master plan pursuant to chapter 278 of NRS or a plan approved by the State Engineer which includes the development of the complete application of water on the permit to beneficial use and a duty to meet the present and reasonably anticipated future needs of the customers in the service area for which the municipality is authorized or obligated to provide water.*~~

~~6. The appropriation of water or the acquisition or lease of appropriated water from any:~~

~~(a) Stream system as provided for in this chapter; or~~

~~(b) Underground water as provided for in NRS 534.080,~~

~~➥ by a political subdivision of this State or a public utility, as defined in NRS 704.020, to serve the present or the reasonably anticipated future municipal, industrial or domestic needs of its customers for water, as determined in accordance with a master plan adopted pursuant to chapter 278 of NRS or a plan approved by the State Engineer, must be considered when reviewing an extension of time.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 533.400 is hereby amended to read as follows:~~

~~533.400 1. Except as otherwise provided in subsection 2, on or before the date set in the endorsement of a permit for the application of water to beneficial use, or on the date set by the State Engineer under a proper application for extension therefor, any person holding a permit from the State Engineer to appropriate the public waters of the State of Nevada, to change the place of diversion or the manner or place of use, shall file with the State Engineer a statement under oath, on a form prescribed by the State Engineer. The statement must include:~~

~~(a) The name and post office address of the person making the proof.~~

~~(b) The number and date of the permit for which proof is made.~~

~~(c) The source of the water supply.~~

~~(d) The name of the canal or other works by which the water is conducted to the place of use.~~

~~(e) The name of the original person to whom the permit was issued.~~

~~(f) The purpose for which the water is used.~~

~~(g) If for irrigation, the actual number of acres of land upon which the water granted in the permit has been beneficially used, giving the same by 40-acre legal subdivisions when possible.~~

~~(h) An actual measurement taken by a licensed state water right surveyor or an official or employee of the Office of the State Engineer of the water diverted for beneficial use.~~

~~(i) The capacity of the works of diversion.~~

~~(j) If for power, the dimensions and capacity of the flume, pipe, ditch or other conduit.~~

~~(k) The average grade and difference in elevation between the termini of any conduit.~~

~~(l) The number of months, naming them, in which water has been beneficially used.~~

~~(m) The amount of water beneficially used, taken from actual measurements, together with such other data as the State Engineer may require to become acquainted with the amount of the appropriation for which the proof is filed.~~

~~*(n) If for municipal or quasi-municipal use and the amount of water beneficially used is less than the amount endorsed on the permit, whether the remaining portion is being considered under an extension for future development to meet the reasonably anticipated future needs of the municipality's customers for water.*~~

~~2. The provisions of subsection 1 do not apply to a person holding an environmental permit.~~**] (Deleted by amendment.)**

Sec. 8. ~~[~~NRS 533.425 is hereby amended to read as follows:

~~533.425 1. Except as otherwise provided in NRS 533.503, as soon as practicable after satisfactory proof has been made to the State Engineer that any application to appropriate water or any application for permission to change the place of diversion, manner *of use* or place of use of water already appropriated has been perfected in accordance with the provisions of this chapter, the State Engineer shall issue to the holder or holders of the permit a certificate setting forth:~~

~~(a) The name and post office address of each holder of the permit.~~

~~(b) The date, source, purpose and amount of appropriation.~~

~~(c) If for irrigation, a description of the irrigated lands by legal subdivisions, when possible, to which the water is appurtenant.~~

~~(d) The number of the permit under which the certificate is issued.~~

~~2. If the water is appropriated from an underground source, the State Engineer shall issue with the certificate a notice of the provisions governing the forfeiture and abandonment of such water rights. The notice must set forth the provisions of NRS 534.090.~~

~~*3. If water is appropriated for a municipal or quasi-municipal use, and if the municipality has perfected at least 25 percent of the application, the State*~~

~~*Engineer shall issue a certificate for that portion of the permit. The municipality must proceed in good faith and with reasonable diligence to perfect the remainder of the application without losing its priority of right or cancellation of any portion of its permit.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~[Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Public water system" has the meaning ascribed to it in NRS 445A.235.]*~~

(Deleted by amendment.)

Sec. 10. ~~[NRS 534.010 is hereby amended to read as follows:~~

~~534.010 1. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 534.0105 to 534.0175, inclusive, *and section 9 of this act* have the meanings ascribed to them in those sections.~~

~~2. As used in this chapter, the terms "underground water" and "groundwater" are synonymous.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 534.090 is hereby amended to read as follows:~~

~~534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a permitted right, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. If the records of the State Engineer or any other documents specified by the State Engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that the owner has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of beneficial use is not sent to the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.~~

~~2. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension *for any use which is not a municipal or quasi-municipal use for a public water system* must not exceed 1 year. *For any municipal or quasi-municipal use for a public water system, the State Engineer may grant, upon request and for good cause shown, any number of extensions, for any number of years.* In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:~~

~~(a) Whether the holder has shown good cause for the holder's failure to use all or any part of the water beneficially for the purpose for which the holder's right is acquired or claimed;~~

~~(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;~~

~~(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;~~

~~(d) Any prolonged period in which precipitation in the basin where the water right is located is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin; [and]~~

~~(e) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation [.]~~ *~~; and~~*

~~*(f) If the holder is a municipality, the planning horizon for the holder, the reasonably anticipated future needs of the customers of the holder for water and the service area for which the holder is authorized or obligated to provide water.*~~

~~➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection.~~

~~3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.~~

~~4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place,~~

~~the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.~~

~~*5. A municipality may avoid forfeiture by perfecting at least 25 percent of its application without losing its priority of right or cancellation of any portion of its permit.*~~

~~*6. As used in this section, "planning horizon" has the meaning ascribed to it in section 1 of this act.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~[~~NRS 534.350 is hereby amended to read as follows:

~~534.350 1. The State Engineer shall adopt regulations establishing a program that allows a public water system to receive credits, as provided in this section, for the addition of new customers to the system. The program must be limited to public water systems in areas:~~

~~(a) Designated as groundwater basins by the State Engineer pursuant to the provisions of NRS 534.030; and~~

~~(b) In which the State Engineer has denied one or more applications for any municipal uses of groundwater.~~

~~2. Before the State Engineer adopts any regulations pursuant to this section regarding any particular groundwater basin, the State Engineer shall hold a public hearing:~~

~~(a) Within the basin to which the regulations will apply if adequate facilities to hold a hearing are available within that basin; or~~

~~(b) In all other cases, within the county where the major portion of that basin lies,~~

~~→ to take testimony from any interested persons regarding the proposed regulations.~~

~~3. Upon adoption of the regulations required by this section regarding a particular groundwater basin, a public water system which provides service in that basin is entitled to receive a credit for each customer who is added to the system after the adoption of those regulations and:~~

~~(a) Voluntarily ceases to draw water from a domestic well located within that basin; or~~

~~(b) Is the owner of a lot or other parcel of land, other than land used or intended solely for use as a location for a domestic well, which:~~

~~(1) Is located within that basin;~~

~~(2) Was established as a separate lot or parcel before July 1, 1993;~~

~~(3) Was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and~~

~~(4) Is subject to a written agreement which was voluntarily entered into by the owner with the public water system pursuant to which the owner agrees not to drill a domestic well on the land and the public water system agrees that it will provide water service to the land. Any such agreement~~

~~must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to chapter 111 of NRS.~~

~~4. If a county requires, by ordinance, the dedication to the county of a right to appropriate water from a domestic well which is located on a lot or other parcel of land that was established as a separate lot or parcel on or after July 1, 1993, the county may, by relinquishment to the State Engineer, allow the right to appropriate water to revert to the source of the water. The State Engineer shall not accept a relinquishment of a right to appropriate water pursuant to this subsection unless the right is in good standing as determined by the State Engineer. A right to appropriate water that is dedicated and relinquished pursuant to this subsection:~~

~~(a) Remains appurtenant only to the parcel of land in which it is located as specified on the parcel map; and~~

~~(b) Maintains its date of priority established pursuant to NRS 534.080.~~

~~5. If an owner of a parcel of land specified in subsection 4 becomes a new customer of a public water system for that parcel of land, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system pursuant to this section.~~

~~6. The State Engineer may require a new customer, who voluntarily ceases to draw water from a domestic well as provided in paragraph (a) of subsection 3 or whose right to appropriate water is dedicated pursuant to subsection 4, to plug that well.~~

~~7. A credit granted pursuant to this section:~~

~~(a) Must be sufficient to enable the public water system to add one service connection for a single-family dwelling to the system, except that the credit may not exceed the increase in water consumption attributable to the additional service connection or 2 acre-feet per year, whichever is less.~~

~~(b) May not be converted to an appropriative water right.~~

~~8. This section does not:~~

~~(a) Require a public water system to extend its service area.~~

~~(b) Authorize any increase in the total amount of groundwater pumped in a groundwater basin.~~

~~(c) Affect any rights of an owner of a domestic well who does not voluntarily comply with the provisions of this section.~~

~~9. As used in this section~~ **[**~~:~~

~~(a) "Domestic~~**]** ~~, "*domestic* well" means a well used for culinary and household purposes in:~~

[~~(1)~~**]** ~~*(a)* A single-family dwelling; and~~

[~~(2)~~**]** ~~*(b)* An accessory dwelling unit for a single-family dwelling if provided for in an applicable local ordinance,~~

~~➥ including the watering of a garden, lawn and domestic animals and where the draught does not exceed 2 acre-feet per year.~~

~~[(b) "Public water system" has the meaning ascribed to it in NRS 445A.840.]~~ **(Deleted by amendment.)**

Sec. 13. This act becomes effective on July 1, 2011.

Senator Lee moved the adoption of the amendment.

Remarks by Senator Lee.

Senator Lee requested that his remarks be entered in the Journal.

Amendment No. 48 to Senate Bill No. 153 deletes all sections of the bill in their entirety, except for Section 5, and amends Section 5 to increase, from five years to ten years, the one-time only extension of time the State Engineer may grant for construction relating to municipal or quasi-municipal uses for a public water system.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 35.

"SUMMARY—Revises provisions governing the release of certain reports of the abuse or neglect of children. (BDR 38-246)"

"AN ACT relating to the protection of children; authorizing an agency which provides child welfare services to make available reports of the abuse or neglect of children under certain circumstances; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes an agency which provides child welfare services to release data or information concerning reports of the abuse or neglect of a child to certain persons. (NRS 432B.290) This bill authorizes such data and information relating to a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, to be released to: (1) the court which has jurisdiction over the proceeding; (2) the person who filed **or intends to file** the petition; (3) the proposed guardian or proposed successor guardian; (4) the parent or guardian of the child; and (5) the child, if he or she is at least 14 years of age.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2 and 3 and NRS 432B.165, 432B.175 and 432B.513, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to

believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) ~~[A]~~ ***Except as otherwise provided in paragraph (f), a*** court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) ***A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;***

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

~~[(g)]~~ ***(h)*** The attorney and the guardian ad litem of the child;

~~[(h)]~~ ***(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;***

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

(k) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

~~[(i)]~~ ***(l)*** A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

~~[(j)]~~ ***(m)*** A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

~~[(k)]~~ ***(n)*** A team organized pursuant to NRS 432B.350 for the protection of a child;

~~[(l)]~~ ***(o)*** A team organized pursuant to NRS 432B.405 to review the death of a child;

~~[(m)]~~ ***(p)*** A parent or legal guardian of the child and an attorney of a parent or guardian of the child, ***including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to***

chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

~~[(n)]~~ ***(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:***

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

(r) The persons who are the subject of a report;

~~[(o)]~~ ***(s)*** An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

~~[(p)]~~ ***(t)*** Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

~~[(q)]~~ ***(u)*** The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

~~[(r)]~~ ***(v)*** Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

~~[(s)]~~ ***(w)*** The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

~~[(t)]~~ ***(x)*** The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services; or

~~[(u)]~~ ***(y)*** An employer in accordance with subsection 3 of NRS 432.100.

2. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

3. An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

4. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

➥ who is given access, pursuant to subsection 1, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

5. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

Sec. 2. This act becomes effective on July 1, 2011.

Senator Copening moved the adoption of the amendment.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Amendment No. 35 revises the provisions to Senate Bill No. 167 by specifying that release data or information concerning reports of the abuse or neglect of a child may be forwarded in certain circumstances to a person who intends to file a petition for the appointment of a guardian or successor guardian of a child.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 93.

"SUMMARY—Revises provisions governing the registration requirements for employee leasing companies. (BDR 53-1018)"

"AN ACT relating to employee leasing companies; revising the requirements for the issuance or renewal of a certificate of registration to

operate an employee leasing company in this State; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires certain applicants for the issuance or renewal of a certificate of registration to operate an employee leasing company in this State: (1) to maintain positive working capital throughout the entire period covered by certain financial statements which the applicant is required to submit with its application; or (2) if the applicant has not maintained positive working capital throughout the specified period, to provide a bond or certain other securities with a market value equaling the maximum deficiency in working capital during the specified period plus $100,000. (NRS 616B.679) This bill instead requires an applicant for the issuance or renewal of a certificate of registration to operate an employee leasing company in this State: (1) to have positive working capital at the time the ~~[applicant submits its]~~ **financial statements submitted with an** application ~~[,]~~ **are prepared;** or (2) if the applicant does not have positive working capital at the time ~~[of application,]~~ **the financial statements are prepared,** to provide a bond or certain other securities with a market value equaling the **maximum** deficiency in working capital at the time ~~[of application]~~ **the financial statements are prepared** plus $100,000. **This bill also requires that a financial statement which is submitted with an application be prepared not more than 13 months before the submission of the application.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616B.679 is hereby amended to read as follows:

616B.679 1. Each application must include:

(a) The applicant's name and title of his or her position with the employee leasing company.

(b) The applicant's age, place of birth and social security number.

(c) The applicant's address.

(d) The business address of the employee leasing company.

(e) The business address of the registered agent of the employee leasing company, if the applicant is not the registered agent.

(f) If the applicant is a:

(1) Partnership, the name of the partnership and the name, address, age, social security number and title of each partner.

(2) Corporation, the name of the corporation and the name, address, age, social security number and title of each officer of the corporation.

(g) Proof of:

(1) Compliance with the provisions of chapter 76 of NRS.

(2) The payment of any premiums for industrial insurance required by chapters 616A to 617, inclusive, of NRS.

(3) The payment of contributions or payments in lieu of contributions required by chapter 612 of NRS.

(4) Insurance coverage for any benefit plan from an insurer authorized pursuant to title 57 of NRS that is offered by the employee leasing company to its employees.

(h) A financial statement of the applicant setting forth the financial condition of the employee leasing company. Except as otherwise provided in subsection 5, the financial statement must include, without limitation:

(1) For an application for issuance of a certificate of registration, the most recent audited financial statement of the applicant, which must have been completed not more than 13 months before the date of application; or

(2) For an application for renewal of a certificate of registration, an audited financial statement which must have been completed not more than 180 days after the end of the applicant's fiscal year.

(i) A registration or renewal fee of $500.

(j) Any other information the Administrator requires.

2. Each application must be notarized and signed under penalty of perjury:

(a) If the applicant is a sole proprietorship, by the sole proprietor.

(b) If the applicant is a partnership, by each partner.

(c) If the applicant is a corporation, by each officer of the corporation.

3. An applicant shall submit to the Administrator any change in the information required by this section within 30 days after the change occurs. The Administrator may revoke the certificate of registration of an employee leasing company which fails to comply with the provisions of NRS 616B.670 to 616B.697, inclusive.

4. If an insurer cancels an employee leasing company's policy, the insurer shall immediately notify the Administrator in writing. The notice must comply with the provisions of NRS 687B.310 to 687B.355, inclusive, and must be served personally on or sent by first-class mail or electronic transmission to the Administrator.

5. A financial statement submitted with an application pursuant to this section must be prepared in accordance with generally accepted accounting principles, must be audited by an independent certified public accountant licensed to practice in the jurisdiction in which the accountant is located and must be without qualification as to the status of the employee leasing company as a going concern. An employee leasing company that has not had sufficient operating history to have an audited financial statement based upon at least 12 months of operating history must present financial statements reviewed by a certified public accountant covering its entire operating history. ~~[~~Each~~]~~ ***The*** financial ~~[~~statement~~]~~ ***statements*** must ~~[:]~~ ***be prepared not more than 13 months before the submission of an application and must:***

(a) Indicate that the applicant has ~~[~~maintained~~]~~ positive working capital, as defined by generally accepted accounting principles, ~~[~~throughout the period covered by the financial statement;~~]~~ ***at the time the*** ~~*[application is filed;]*~~ ***financial statements are prepared;*** or

(b) Be accompanied by a bond, irrevocable letter of credit or securities with a minimum market value equaling the maximum deficiency in working capital ***at the time the*** ~~*[application is filed]*~~ ***financial statements are prepared*** plus $100,000. The bond, irrevocable letter of credit or securities must be held by a depository institution designated by the Administrator to secure payment by the applicant of all taxes, wages, benefits or other entitlements payable by the applicant.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Senator Parks requested that his remarks be entered in the Journal.

Amendment No. 93 to Senate Bill No. 213 provides that the financial statements required from certain applicants for the issuance or renewal of a certificate of registration to operate an employee leasing company must meet certain specifications. The financial statements must be prepared not more than 13 months before the submission of the application, and must either indicate that the applicant has positive working capital at the time the statements are prepared, or be accompanied by specified security with a minimum market value equaling the maximum deficiency in working capital at the time the financial statements are prepared, plus $100,000.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 215.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 92.

"SUMMARY—Makes various changes concerning ~~[chiropractors' assistants.]~~ **persons regulated by the Chiropractic Physicians' Board of Nevada.** (BDR 54-834)"

"AN ACT relating to ~~[chiropractors' assistants;]~~ **chiropractic;** requiring the completion of certain continuing education requirements for the renewal of a certificate as a chiropractor's assistant; **revising certain provisions governing the issuance and renewal of a license to practice chiropractic;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a chiropractor's assistant may renew his or her certificate as a chiropractor's assistant by paying a fee and submitting certain information to the Chiropractic Physicians' Board of Nevada. (NRS 634.130) **Section 1** of this bill additionally requires a chiropractor's assistant to complete at least 12 hours of continuing education every 2 years as a condition of the renewal of his or her certificate as a chiropractor's assistant. **Section 1 also provides that courses related to lifesaving skills such as cardiopulmonary resuscitation may be included in the 12 hours of continuing education required to be completed by a chiropractor's assistant and requires the Board to determine how many hours of such course work are required.** **Section 1** further provides that the educational

requirement may be waived by the Board if a chiropractor's assistant is prevented by a serious or disabling illness or physical disability from completing the educational requirement.

Under existing law, a license to practice chiropractic or a certificate as a chiropractor's assistant is valid for 2 years and must be renewed before January 1 of each odd-numbered year. (NRS 634.130) Section 1 requires a license to practice chiropractic to be renewed before January 1 of each even-numbered year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed biennially. Each person who is licensed pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal certificate which authorizes the person to continue to practice for 2 years.

2. The renewal fee must be paid and all information required to complete the renewal must be submitted to the Board on or before January 1 of ~~[each odd-numbered year.]~~ ***:***

(a) Each even-numbered year for a licensee; and

(b) Each odd-numbered year for a holder of a certificate as a chiropractor's assistant.

3. Except as otherwise provided in subsection ~~[4,]~~ ***5 or 6,*** a licensee in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the license, the licensee has attended at least 36 hours of continuing education which is approved or endorsed by the Board.

4. Except as otherwise provided in subsection 5 or ~~*[6,]*~~ ***7, a holder of a certificate as a chiropractor's assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the Board*** ~~*[,]*~~ ***or the equivalent board of another state or jurisdiction that regulates chiropractors' assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills. Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection*** ~~*[must]*~~ ***may be conducted via the Internet or in a live setting, including, without limitation, a conference, workshop or academic course of instruction. The Board shall not approve or endorse a course of continuing education which is self-directed or conducted via home study .*** ~~*[or distance learning.]*~~

5. The educational requirement of ~~[this section]~~ ***subsection 3 or 4*** may be waived by the Board if the licensee ***or holder of a certificate as a chiropractor's assistant*** files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee ***or holder of a certificate as a chiropractor's assistant*** is suffering from a serious or disabling illness or physical disability which prevented the licensee ***or holder of a certificate as a chiropractor's assistant*** from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license.

~~[4.]~~ ***6.*** A licensee ~~*[or holder of a certificate as a chiropractor's assistant]*~~ is not required to comply with the requirements of subsection 3 ~~*[or 4, respectively,]*~~ until the first ~~[odd-numbered]~~ ***even-numbered*** year after the year the Board issues to the licensee ~~*[or certificate holder]*~~ an initial license ~~*[or certificate]*~~ to practice as a chiropractor ~~*[or chiropractor's assistant, as applicable,]*~~ in this State.

~~[5.]~~ ***7. A certificate holder is not required to comply with the requirements of subsection 4 until the first odd-numbered year after the Board issues to the certificate holder an initial certificate to practice as a chiropractor's assistant in this State.***

8. If a licensee fails to:

(a) Pay the renewal fee by January 1 of an ~~[odd-numbered]~~ ***even-numbered*** year;

(b) Submit proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

➥ the license is automatically suspended and, except as otherwise provided in NRS 634.131, may be reinstated only upon the payment, by January 1 of the ~~[even-numbered]~~ ***odd-numbered*** year following the year in which the license was suspended, of the required fee for reinstatement in addition to the renewal fee.

~~[6.]~~ ~~*[8.]*~~ ***9.*** If a holder of a certificate as a chiropractor's assistant fails to:

(a) Pay the renewal fee by January 1 of an odd-numbered year;

(b) ***Submit proof of continuing education pursuant to subsection 4;***

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

~~[(c)]~~ ***(d)*** Submit all information required to complete the renewal,

➥ the certificate is automatically suspended and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

Sec. 2. NRS 634.131 is hereby amended to read as follows:

634.131 1. If a license has been automatically suspended pursuant to the provisions of subsection ~~[5]~~ ~~*[7]*~~ ***8*** of NRS 634.130 and not reinstated

pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have a suspended license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

(I) That the applicant has maintained an active practice in another state, territory or country within the preceding 5 years;

(II) From all other licensing agencies which have issued the applicant a license that he or she is in good standing and has no legal actions pending against him or her; and

(III) That the applicant has participated in a program of continuing education in accordance with NRS 634.130 for the year in which he or she seeks to be reinstated to active status; or

(2) Score 75 percent or higher on an examination prescribed by the Board on the provisions of this chapter and the regulations adopted by the Board; and

(b) Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic; and

(2) The fee for reinstating a license to practice chiropractic which has been suspended or revoked.

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of a suspended license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

Sec. 2.5. **Notwithstanding the amendatory provisions of sections 1 and 2 of this act:**

1. A license to practice chiropractic issued or renewed on or after July 1, 2011, but before January 1, 2013, expires on December 31, 2013; and

2. The Chiropractic Physicians' Board of Nevada shall prorate the fee for any license to practice chiropractic issued or renewed on or after July 1, 2011, but before January 1, 2013.

Sec. 3. This act becomes effective on July 1, 2011.

Senator Roberson moved the adoption of the amendment.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Amendment No. 92 to Senate Bill No. 215 requires renewal of a license as a chiropractic physician each even-numbered year and renewal of a certificate as a chiropractor's assistant each odd-numbered year. The amendment contains a transition mechanism for renewal of a chiropractic physician license, as well as a renewal fee proration provision.

The amendment also authorizes continuing education requirements for a chiropractor's assistant to include education related to lifesaving skills and requires the Chiropractic Physicians' Board of Nevada to adopt regulations specifying how many hours of such education are required. Approved courses may be conducted via the Internet. Completion of the continuing education requirement is not required until the first odd-numbered year after the Board issues the initial certificate to practice as a chiropractor's assistant.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 244.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bill No. 244 be re-referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 280.

Bill read second time and ordered to third reading.

Senate Bill No. 353.

Bill read second time and ordered to third reading.

Senate Bill No. 358.

Bill read second time and ordered to third reading.

Senate Bill No. 408.

Bill read second time and ordered to third reading.

Senate Bill No. 438.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bill No. 438 be re-referred to the Committee on Finance.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 6.

Bill read third time.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Senate Bill No. 6 authorizes the electronic reproduction of the seal of a court on appropriate court documents in accordance with electronic filing rules established by the Supreme Court and any local rules of practice for implementation that are adopted by the court. The measure also

provides that an electronic seal has the same legal effect as a seal that is impressed. This measure is effective upon passage and approval.

Roll call on Senate Bill No. 6:
YEAS—21.
NAYS—None.

Senate Bill No. 6 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 13.

Bill read third time.

Remarks by Senator Denis.

Senator Denis requested that his remarks be entered in the Journal.

Senate Bill No. 13 authorizes the Department of Motor Vehicles to use e-mail to serve certain notices of determination related to the collection and payment of fuel taxes.

The bill additionally repeals *Nevada Revised Statutes* (NRS 365.135), which authorizes the Department to grant a 30-day extension for submitting any report or return pursuant to Chapter 365 of NRS. The repeal of this section related to motor vehicle and aircraft fuel provides consistency with Chapter 366 of NRS governing special fuels.

Roll call on Senate Bill No. 13:
YEAS—21.
NAYS—None.

Senate Bill No. 13 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 25.

Bill read third time.

Remarks by Senator Kihuen.

Senator Kihuen requested that his remarks be entered in the Journal.

Senate Bill No. 25 revises the number of justices of the peace in Clark County. For townships with populations under 1.1 million, one justice of the peace is required for each 100,000 residents or fraction thereof, until the township has four justices of the peace. Thereafter, another justice is added for each 125,000 residents or fraction thereof, over a population of 300,000.

In a township with a population of 1.1 million or more, one justice of the peace is required for each 100,000 residents or fraction thereof, up to a population of 1.1 million. Thereafter, another justice of the peace is added for each 125,000 population of the township or fraction thereof. This measure is effective on January 1, 2012.

Roll call on Senate Bill No. 25:
YEAS—21.
NAYS—None.

Senate Bill No. 25 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 27.

Bill read third time.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Senate Bill No. 27 requires persons employed in childcare facilities to complete at least 15 hours of training each year, at least two hours of which must be devoted to the lifelong wellness, health, and safety of children, and must include training relating to childhood obesity, nutrition, and physical activity.

Roll call on Senate Bill No. 27:

YEAS—21.

NAYS—None.

Senate Bill No. 27 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 34.

Bill read third time.

Remarks by Senator Leslie.

Senator Leslie requested that her remarks be entered in the Journal.

Senate Bill No. 34 makes various technical changes to the provisions governing sales and use taxes to ensure continued compliance with the Streamlined Sales and Use Tax Agreement.

The proposed changes reflect amendments made to the Agreement since the end of the 2009 75th Session.

Roll call on Senate Bill No. 34:

YEAS—21.

NAYS—None.

Senate Bill No. 34 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 67.

Bill read third time.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Senate Bill No. 67 provides that the money in the Fund for the Compensation of Victims of Crime must be disbursed in accordance with rules and regulations adopted by the State Board of Examiners. The rules and regulations must prioritize claims and pay the higher priority claims, in whole or in part, before paying lower priority claims. The measure is effective upon passage and approval.

Roll call on Senate Bill No. 67:

YEAS—21.

NAYS—None.

Senate Bill No. 67 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 89.

Bill read third time.

Remarks by Senator McGinness.

Senator McGinness requested that his remarks be entered in the Journal.

Senate Bill No. 89 eliminates the annual review requirement of financial statements for unit-owners' associations with a budget under $45,000, unless an audit is requested by 15 percent of the voting members.

Roll call on Senate Bill No. 89:

YEAS—21.

NAYS—None.

Senate Bill No. 89 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 101.

Bill read third time.

Remarks by Senator Breeden.

Senator Breeden requested that her remarks be entered in the Journal.

Senate Bill No. 101 revises the information that must be printed by a county clerk on the back of a consolidated marriage form to include language explaining that the certificate is not a certified copy and that a certified copy will need to be obtained for certain legal matters. The clerk may also include a time stamp on the back of the form to signify that the form has been filed. The measure further maintains validity of a certificate to perform marriage when a minister or other person authorized to solemnize a marriage, who is retired, moves to another county in this State. This measure is effective on July 1, 2011.

Roll call on Senate Bill No. 101:

YEAS—21.

NAYS—None.

Senate Bill No. 101 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 114.

Bill read third time.

Remarks by Senators Copening and Denis.

Senator Copening requested that the following remarks be entered in the Journal.

SENATOR COPENING:

Senate Bill No.114 authorizes the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to enter into a written agreement with an appropriate agency in another state to provide, receive, or exchange information obtained from Nevada's computerized system with a similar system to track prescriptions for controlled substances in that state. The measure also provides immunity from criminal and civil liability for certain persons who, with reasonable care, provide to the Division or Board reports or information related to the computerized system.

The bill also requires the Investigation Division to provide to the Legislative Committee on Health Care a copy of the annual report concerning the distribution and abuse of controlled substances.

SENATOR DENIS:

Thank you, Mr. President. This bill came out of a study of a bill that I did last session concerning prescription narcotic abuse. These were some of the recommendations that came from the study that was done. I urge the members support as we continue to fight this problem we have in the State of Nevada with prescription narcotic abuse.

Roll call on Senate Bill No. 114:

YEAS—21.

NAYS—None.

Senate Bill No. 114 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 117.

Bill read third time.

Roll call on Senate Bill No. 117:

YEAS—21.

NAYS—None.

Senate Bill No. 117 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 119.

Bill read third time.

Remarks by Senator Parks.

Senator Parks requested that his remarks be entered in the Journal.

Senate Bill No. 119 expands the scope of the duties and powers of the Executive Director and the Administrators of the Agency for Nuclear Projects by revising the definition of "radioactive waste" to include high-level radioactive waste, low-level radioactive waste, transuranic waste, spent nuclear fuel, and certain other radioactive materials. This bill is effective on July 1, 2011.

Roll call on Senate Bill No. 119:

YEAS—21.

NAYS—None.

Senate Bill No. 119 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 222.

Bill read third time.

Remarks by Senator Kihuen.

Senator Kihuen requested that his remarks be entered in the Journal.

Senate Bill No. 222 provides that the association has certain responsibilities if the governing documents of an association require a tenant or a unit's owner who leases or rents the unit to register the tenant or to provide information concerning the tenant or lease agreement.

First, the information must be obtained in accordance with the governing documents. Second, except for a copy of the lease agreement, the association may not require information about the tenant that is not otherwise required of the unit owner who occupies a unit. Finally, the association may not charge a fee to register or provide information concerning the tenant.

Roll call on Senate Bill No. 222:
YEAS—21.
NAYS—None.

Senate Bill No. 222 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 289.

Bill read third time.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Senate Bill No. 289 authorizes the Commissioner of Insurance, on behalf of the State, to enter into the Non-admitted Insurance Multi-State Agreement, or any other multi-state agreement, to preserve the ability of Nevada to collect premium tax on multi-state risks.

If the Commissioner enters into such an agreement, the Commissioner shall submit to the Legislature a report so indicating and include the contents of the agreement. The Commissioner shall also adopt regulations to comply with federal law and facilitate the collection, allocation, and distribution of premium taxes and participate in the clearinghouse established by the multi-state agreement for the purpose of collecting and disbursing to states any funds collected as the home state.

The Commissioner shall adopt the allocation schedule established by the multi-state agreement for the purpose of allocating risk and computing the tax due on the portion of the premium attributable to each state.

I have more background information on the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Roll call on Senate Bill No. 289:
YEAS—21.
NAYS—None.

Senate Bill No. 289 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 301.

Bill read third time.

Remarks by Senator Brower.

Senator Brower requested that his remarks be entered in the Journal.

Thank you, Mr. President. This may sound complicated but it is a simple bill, a clean-up measure brought on behalf of the State Dairy Commission. It updates several provisions in Chapter 584 of the NRS with the idea being to improve the regulation of dairy products in the State, and enhancing the efficiency of the Dairy Commission. It was unanimously approved by the Committee on Health & Human Services with the support of its Chair and I urge its passage today.

Roll call on Senate Bill No. 301:
YEAS—21.
NAYS—None.

Senate Bill No. 301 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 337.

Bill read third time.

Remarks by Senator Kieckhefer.

Senator Kieckhefer requested that his remarks be entered in the Journal.

Senate Bill No. 337 specifies that, prior to certain anatomical gifts passing to an appropriate eye, tissue, or organ bank, the gift must first pass to a family member of the donor who is a medically suitable recipient for the part, a resident of Nevada, and related to the donor within the fourth degree of consanguinity or affinity.

Roll call on Senate Bill No. 337:

YEAS—21.

NAYS—None.

Senate Bill No. 337 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 3.

Resolution read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Senate Joint Resolution No. 3 urges Congress to enact legislation requiring the Secretary of the Interior to convey ownership of certain land to the State of Nevada to help fund education. The resolution notes that because the federal government manages and controls such an extensive amount of the land in this State, Nevada is adversely affected in its ability to provide a quality education to its residents.

Roll call on Senate Joint Resolution No. 3:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 3 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 4.

Resolution read third time.

Remarks by Senator Rhoads.

Senator Rhoads requested that his remarks be entered in the Journal.

Senate Joint Resolution No. 4 notes that Nevada has an abundance of natural resources and renewable resources that are located on public lands managed and controlled by the federal government. The resolution urges Congress to ensure that the public lands in Nevada, which are managed and controlled by the federal government, remain open to multiple uses, and that the affected local governments in Nevada receive a portion of the revenue received by the federal government.

Roll call on Senate Joint Resolution No. 4:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 4 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Jose Alcaraz, Zafra Figueroa and Jordyn Barry.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Juan Vazquez and May Kastner.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Joe Mineiro.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to David Barriantos and Ashley Seda.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Emily Rhodenbaugh, Dustin Denis and Ariana Miranda.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Colin Seale, Kelly Woods and David Chavez.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to the following students from the Alice Maxwell Elementary School: Joel Aguilar, Claudio Arguello, Autumn Coltrin, Micah Crooks, Andrew Delgado, Cynthia Fernandez, Brandon Garcia Estrada, Naomi Gomez, Miguel Gonzalez, Destiny Henley, Luis Jacobo-Pedroza, Roberto Lopez, Luz Lopez Ramirez, Aracely Lopez-Rios, Jorge Martin, Alberto Melendez, Faviola Mendoza Martinez, Jayricho Nglam, Brandon Pearson, Elena Perez, Asiah Roach, Carlos Rodriguez, Christopher Silva, Alfredo Tamayo-Fierros, Gabriela Torres Ramirez, Angelica Umana, Angel Vega Sandoval, Tyler Waldman, Cassandra Workman, Nicklaus Adams, Christopher Agnew, Brianna Ambario Pena, Michael Anduja, Gerardo Batalla, Jairo Bonilla Ramirez, Aylin Bravo Ruiz, Jorge Dominguez, Brooke Ellis, Anahy Gomez, Daisy Guzman, Briana Izquierdo Sotelo, Jazell Kelly, Adorius Lane, Kade Macedo, Diana Martinez, Jacob Martinez, Elizabeth Marinez-Garcia, James Mullins, Diego Navarro Munoz, Luis Palma, Rommel Ramos, Monserat Reyes Fierros, Jorge Rivas, Maricarmen Salvador Ornelas, Erick Sanchez Leon, Derrick Simms, Katelyn Tate and Julio Cesar Valdez.

On request of Senator Manendo, the privilege of the Floor of the Senate Chamber for this day was extended to Kyle Chatmon, Justin Miller and Corbin Davis.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Marquis Richardson, Charlene Papke and Lorna Rivers.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to the following students and adults from the Silver Stage High School: Tianna Angulo, Milessent Dayanghirang, Samantha Frey, Brandon Marrs, Melissa Mendenhall, Hailey Gibson, Julie Parkin, Natasha Pascula, Michelle Senour, Amber Smallwood, Logan Roberts, Michelle Cottle, Alexis Mullens, Yadira Villalpando, Sarah Williams, Jerry Wingingham, Ashley Booth, Trevor Brandt, Chelsea Frandsen, Sarah McGee, Trina Wren, Holly Seiving, Tyler Griffith, J.R. Hesselgesser, Cassie Mohler, Ariel Foor, Crystal Hall; Adults: Todd Buchan, Patrick Billings and Crystal Viscarrett.

Senator Horsford moved that the Senate adjourn until Monday, April 11, 2011, at 11 a.m. and that it do so in memory of Reverend Onie Cooper.

Motion carried.

Senate adjourned at 12:39 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 11, 2011

Senate called to order at 11:11 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by Elder Dinah Pete of the Washoe Tribe of Nevada and California, who gave a reading of the Lord's Prayer in Native Washoe.

I thank you for letting me be here today. For each and every one of you, I thank you all. The prayer is similar to the Lord's Prayer plus all of the things everyone has in their minds. It is going to be all good for each and every one of you in this room.

Thank you.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 368, 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 60, 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MO DENIS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 10, 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

ALLISON COPENING, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 284, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 24, 127, 159, 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VALERIE WIENER, *Chair*

Mr. President:

Your Select Committee on Economic Growth and Employment, to which was re-referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RUBEN J. KIHUEN, *Chair*

Mr. President:

Your Committee on Transportation, to which was referred Assembly Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHIRLEY A. BREEDEN, *Chair*

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
OFFICE OF THE GOVERNOR
CARSON CITY, NEVADA 89701

April 7, 2011

MAJORITY LEADER STEVEN HORSFORD
SPEAKER JOHN OCEGUERA
401 SOUTH CARSON STREET
CARSON CITY, NV 89701

DEAR SENATOR HORSFORD AND SPEAKER OCEGUERA:

On February 7, 2011, Initiative Petition 1 ("the petition") was introduced in the Assembly. The petition is entitled:

> AN ACT relating to taxation; requiring the establishment of an arena district in certain larger counties; requiring the imposition of an additional sales and use tax in such a district; providing for the use of the proceeds of such a tax for the construction, improvement, equipment, operation and maintenance of a sports and entertainment arena through public and private cooperation; and providing other matters properly relating thereto.

On March 23, 2011, Senate Concurrent Resolution 4 was enrolled and delivered to the Secretary of State, thus reflecting the Legislature's rejection of the petition.

Article 19 of our State's Constitution requires that in the event the Legislature rejects an initiative petition proposing a statutory change or constitutional amendment, "the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election."

The plain meaning of Article 19 provides for a scenario in which, upon rejection of an initiative petition by the Legislature, the Governor has the discretion to recommend an alternative measure on the same subject. Upon doing so, and only upon doing so, the Legislature may propose an alternative measure, setting it before me for my approval or disapproval. If approved, the proposal shall be submitted to the people for a vote.

That my recommendation is a prerequisite to the Legislature's proposal is reflected in the legislative history of Article 19. Prior to 1962, Article 19 provided only that, upon rejection by the Legislature, the Legislature "may, with the approval of the governor, propose a different measure on the same subject …."

In the general election of 1962, the people chose to change the procedure in the event of a legislative rejection, requiring not only my approval of the Legislature's ultimate proposal, but my recommendation to make such a proposal as well.

On March 28, 2011, Senate Bill 495 was introduced in the Senate, and referred to the Senate Committee on Revenue, as a competing measure with the petition. SB 495 is entitled:

AN ACT relating to taxation; proposing a competing measure to Initiative Petition No. 1 by requiring a uniform and equal rate of sales and use tax in a county and prohibiting the creation of special districts in which a higher sales and use tax rate applies in a certain portion of the county; and providing other matters properly relating thereto.

In the exercise of my constitutional authority under Article 19, Section 2 of our State's constitution, I hereby recommend to the Legislature SB 495 as a different measure on the same subject as the petition. My recommendation today in no way undermines my constitutional authority to disapprove of the measure once it is ultimately proposed by the Legislature. Rather, it reflects the fact that I believe it is important for the people of Nevada to be afforded options when passing judgment on important questions of public policy.

Sincere regards,
BRIAN SANDOVAL
Governor

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 8, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 306, 322, 451, 464.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 2, 152, 156.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

COMMUNICATIONS

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

April 11, 2011

SENATOR STEVEN A. HORSFORD, MAJORITY LEADER OF THE SENATE
ASSEMBLYMAN JOHN OCEGUERA, SPEAKER OF THE ASSEMBLY
LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NV 89701

DEAR SENATOR HORSFORD AND SPEAKER OCEGUERA:

You have asked this office a question relating to the constitutional procedure for the Legislature to propose a legislative measure to compete on the general election ballot with an initiative petition that proposes a statute or an amendment to a statute (statutory initiative). In particular, you have asked whether the Governor's recommendation to the Legislature of a competing measure is a prerequisite or condition precedent to the Legislature's introduction, consideration or passage of a competing measure under Article 19, Section 2(3) of the *Nevada Constitution*.

Your question has arisen because of a letter Governor Brian Sandoval sent to Legislative leadership on April 7, 2011. In his letter, the Governor contends that his "recommendation is a prerequisite" to the Legislature's introduction, consideration and passage of a legislative measure to compete on the 2012 general election ballot with Initiative Petition No. 1 (I.P. 1), which was circulated under the name "Building an Arena for a Stronger Future."

After examining relevant provisions of the *Nevada Constitution*, reviewing historical evidence and prior legislative practice and applying the fundamental rules of constitutional construction, it is the opinion of this office that the Governor's recommendation to the Legislature of a competing measure is not a prerequisite or condition precedent to the Legislature's introduction, consideration or passage of a competing measure under Article 19, Section 2(3) of the *Nevada Constitution*. Furthermore, because this issue involves the interpretation of a constitutional provision affecting legislative procedure, the Legislature is entitled to follow an opinion of the Legislative Counsel which interprets the constitutional provision, and the judiciary will typically afford the Legislature deference in its counseled selection of that interpretation.

BACKGROUND

Under the *Nevada Constitution*, when a statutory initiative has met all the requirements for circulation and has been proposed by the required number of registered voters, the Secretary of State must transmit the statutory initiative to the Legislature when it convenes in regular session. Nev. Const. Art. 19, § 2(3). If the statutory initiative is enacted by the Legislature without change or amendment within 40 days and approved by the Governor in the same manner as other statutes, the statutory initiative becomes law. Id. If the statutory initiative is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State must submit the question of approval or disapproval of the statutory initiative to the voters at the next general election. Id.

If the statutory initiative will be submitted to the voters at the next general election, the Legislature may propose a different legislative measure on the same subject to compete on the ballot with the statutory initiative. Id. Specifically, Article 19, Section 2(3) provides:

> If the Legislature rejects such proposed statute or amendment, *the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject*, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election.

Nev. Const. Art. 19, § 2(3) (emphasis added).

On February 7, 2011, the Secretary of State transmitted I.P. 1 to the Legislature when it convened the Seventy-sixth Regular Session. On March 18, 2011, the Legislature adopted Senate Concurrent Resolution No. 4, which rejected the statutory initiative and expressed the Legislature's intent to "to propose a competing measure for submission to the voters on the November 2012 General Election ballot." On March 28, 2011, without the Governor's recommendation, the Senate introduced Senate Bill No. 495 (S.B. 495), which proposes a competing measure to I.P. 1.

On April 7, 2011, the Governor sent a letter to legislative leadership stating that "I hereby recommend to the Legislature S.B. 495 as a different measure on the same subject as the petition." The Governor also expressed a legal opinion that his "recommendation is a prerequisite" to the Legislature's introduction, consideration and passage of a legislative measure to compete on the 2012 General Election ballot with I.P. 1. The Governor explained his legal opinion as follows:

> The plain meaning of Article 19 provides for a scenario in which, upon rejection of an initiative petition by the Legislature, the Governor has the discretion to recommend an alternative measure on the same subject. Upon doing so, *and only upon doing so*, the Legislature may propose an alternative measure, setting it before me for my approval or disapproval. If approved, the proposal shall be submitted to the people for a vote.
>
> That my *recommendation is a prerequisite to the Legislature's proposal* is reflected in the legislative history of Article 19. Prior to 1962, Article 19 provided only that, upon rejection by the Legislature, the Legislature "may, with the approval of the governor, propose a different measure on the same subject . . . "
>
> In the General Election of 1962, the people chose to change the procedure in the event of a legislative rejection, requiring not only my approval of the Legislature's ultimate proposal, but my recommendation to make such a proposal as well.

(Emphasis added.)

DISCUSSION

The *Nevada Constitution* vests the state's legislative power in the Legislature. Nev. Const. Art. 4, § 1; Comm'n on Ethics v. Hardy, 125 Nev. Adv. Op. 27, 212 P.3d 1098, 1103 (2009). Because the legislative power of this state is vested in the Legislature, the Governor cannot exercise legislative power unless the Governor's exercise of that power is *expressly* permitted by the Constitution. Nev. Const. Art. 3, § 1; see State of Nev. Employees Ass'n v. Daines, 108 Nev. 15, 21 (1992); Galloway v. Truesdell, 83 Nev. 13, 20-21 (1967). In other words, under the

separation of powers in the *Nevada Constitution*, the Governor cannot exercise legislative power by implication. Furthermore, in the absence of *express* constitutional authority, the Governor may not interfere with the Legislature's exercise of its core legislative functions, including the introduction, consideration and passage of legislation. See Hardy, 212 P.3d at 1103-06; Heller v. Legislature, 120 Nev. 456, 466 (2004).

Under Article 5, Section 10 of the *Nevada Constitution*, the Governor is given the power to "recommend such measures as he may deem expedient". However, the Governor's power to recommend legislation under Article 5, Section 10 does not give the Governor any power to originate or introduce legislation in the Legislature because that is a legislative power. See 1 Thomas M. Cooley, Constitutional Limitations 325 (8th ed. 1927) (explaining that the Governor may recommend legislation but "cannot originate or introduce bills."); Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 632 (1952) (Douglas, J., concurring) ("The power to recommend legislation, granted to the President, serves only to emphasize that it is his function to recommend and that it is the function of the Congress to legislate."). Thus, under the separation of powers in the legislative process, the Governor and the Legislature each have separate and mutually exclusive powers when it comes to recommending and proposing legislative measures. The Governor may recommend a legislative measure to the Legislature, but the Legislature may decline to propose the legislative measure despite the Governor's recommendation. Conversely, the Governor may choose not to recommend a legislative measure to the Legislature, but the Legislature may propose the legislative measure without the Governor's recommendation.

Given how the legislative process traditionally operates under the separation of powers, an interpretation of Article 19, Section 2(3) which makes the Governor's power to recommend a competing measure a prerequisite or condition precedent to legislative action would be a significant departure from traditional separation-of-powers principles. When the Legislature proposes a competing measure, the Legislature is exercising legislative power because it is proposing a law to the voters through the passage of a bill. See Nev. Const. Art. 4, § 23 ("no law shall be enacted except by bill."). Consequently, when the Legislature proposes a competing measure, it is performing its core legislative function of introducing, considering and passing legislation. Because the Legislature's proposal of a competing measure may only be accomplished through the passage of a bill, the Legislature adheres to the traditional legislative process prescribed by Article 4 of the *Nevada Constitution* when it introduces, considers and passes a competing measure.

Despite the fact that a competing measure is processed in the same manner as other legislation, the Governor contends that his power to recommend a competing measure under Article 19, Section 2(3) is greater than his power to recommend legislation under Article 5, Section 10 in the traditional legislative process. For such a deviation from traditional separation-of-powers principles to be true, the provisions of Article 19, Section 2(3) would need to state, in clear and unmistakable terms, that the Governor's power to recommend a competing measure is an *express* condition precedent to the Legislature's exercise of its legislative power. Such an extraordinary restriction on legislative power could not arise by implication. Therefore, to answer your question, we must review the language of Article 19, Section 2(3) to determine whether it creates an *express* condition precedent which limits the Legislature's power to propose a competing measure.

I. Plain meaning and the Framers' intent.

When reviewing the language of Article 19, Section 2(3), we must follow the same rules of construction that apply to statutes. Nev. Mining Ass'n v. Erdoes, 117 Nev. 531, 538 (2001). Under those rules, the primary task is to ascertain the intent of the Framers of the constitutional provision and to adopt an interpretation that best captures their objective. Id. The first step in determining the intent of the Framers is to review the language used in the provision because that is the best evidence of intent. Miller v. Burk, 124 Nev. 579, 590 (2008). The language used in the provision must be given its plain meaning unless doing so would violate the spirit of the provision or would lead to an unreasonable or absurd result. Id. at 590-91; Nev. Mining Ass'n, 117 Nev. at 542 & N.29.

The language of Article 19, Section 2(3) states that "[i]f the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may

propose a different measure on the same subject." The Governor interprets his executive power to "recommend" a competing measure as a condition precedent to the Legislature's exercise of its legislative power to propose a competing measure. However, the Governor's interpretation ignores the grammatical structure of the sentence, and it requires reading an implied condition into the constitutional language contrary to its plain meaning.

If the Framers of the constitutional provision had intended for the Governor's power of recommendation to be an express condition precedent, they could have drafted the provision to state that "[i]f the Legislature rejects such proposed statute or amendment *and* the Governor recommends to the Legislature a different measure, the Legislature may propose a different measure on the same subject." If the Framers had drafted the provision in this manner, the language would have provided, in clear and unmistakable terms, that the Governor's power of recommendation operates as an express condition precedent to the Legislature's exercise of its legislative power to propose a competing measure.

However, that is not how the Framers drafted the constitutional provision. Instead, the Framers drafted the provision so that the Legislature's rejection of the statutory initiative is the only express condition precedent to the Governor's power to recommend a competing measure *and* the Legislature's power to propose a competing measure. In other words, when the Legislature rejects a statutory initiative, the Governor and the Legislature each have separate and mutually exclusive powers under Article 19, Section 2(3) that may be exercised independently of each other. Thus, the Governor may recommend a competing measure, but the Legislature may decline to propose a competing measure. Conversely, the Governor may decline to recommend a competing measure, but the Legislature may elect to propose a competing measure. Because this is how the legislative process traditionally operates under the separation of powers, it would be unreasonable and absurd to interpret the Governor's power of recommendation under Article 19, Section 2(3) as having greater force than the Governor's power of recommendation under Article 5, Section 10, especially since the Framers did not draft Article 19, Section 2(3) to make the Governor's power of recommendation an express condition precedent to legislative action.

This conclusion is supported by the presumption that the Framers drafted Article 19, Section 2(3) with full knowledge of all other provisions relating to the same subject. See State v. State Farm Mut. Auto. Ins. Co., 116 Nev. 290, 295 (2000) ("when the legislature enacts a statute, this court presumes that it does so 'with full knowledge of existing statutes relating to the same subject."). Because the Framers used the term "recommend" in Article 19, Section 2(3), it must be presumed that the Framers intended for that term to have the same meaning ascribed to it in Article 5, Section 10. See Savage v. Pierson, 123 Nev. 86, 94 (2007) ("when the same word is used in different statutes that are similar with respect to purpose and content, the word will be used in the same sense, unless the statutes' context indicates otherwise."). Under Article 5, Section 10, the Governor's recommendation of legislative measures is not a prerequisite or condition precedent to legislative action. Because the Framers only gave the Governor the power to "recommend" competing measures under Article 19, Section 2(3), it must be presumed that the Governor's power to recommend competing measures under that section is no greater than the Governor's power to recommend legislative measures under Article 5, Section 10, and that the Governor's recommendation of competing measures is not a prerequisite or condition precedent to legislative action.

Furthermore, because any competing measure passed by the Legislature must be presented to the Governor for approval or veto like any other bill under Article 4, Section 35 of the *Nevada Constitution*, it would be unreasonable and absurd to interpret Article 19, Section 2(3) to give the Governor absolute power to control whether the Legislature may propose a competing measure at the beginning of the legislative process when the Governor also has the power to approve or veto the competing measure at the end of the legislative process. Such a substantial and unusual shift in the balance of power in favor of the Governor could be accomplished only through the most clear and unmistakable language. Because the Framers did not draft Article 19, Section 2(3) with such clear and unmistakable language, it is the opinion of this office that the Governor's interpretation of Article 19, Section 2(3) is inconsistent with the constitutional provision's plain meaning and the Framers' intent and that such an interpretation would produce unreasonable and absurd results.

II. Historical evidence and legislative practice.

It is also the opinion of this office that the Governor's interpretation of Article 19, Section 2(3) is inconsistent with historical evidence and legislative practice. As noted by the Governor, Article 19 was substantially revised in 1962. However, based on the history and purpose of the 1962 constitutional amendment, it is clear that the revisions to Article 19 did not change the constitutional procedure for the Legislature to propose competing measures to statutory initiatives. Furthermore, since the ratification of the 1962 constitutional amendment, the Legislature has proposed several competing measures to statutory initiatives without the Governor's recommendation. This long-standing legislative practice under Article 19, Section 2(3) is entitled to great weight and deference, and it would not be readily disturbed by the courts.

Turning first to the 1962 constitutional amendment that revised Article 19, the intent of voters who approved the amendment may be determined by reviewing the ballot materials placed before the voters at the election, including the ballot question, the ballot explanation and the arguments for and against passage. Nev. Mining Ass'n, 117 Nev. at 539; Pellegrini v. State, 117 Nev. 860, 876-77 (2001). The ballot explanation for the 1962 constitutional amendment stated:

> Although entirely rewritten to clarify its provisions, the proposed amendment leaves Article 19 *substantially unchanged*, except that the method of *amending the Constitution* by the people is different.

Constitutional Amendments to be Voted Upon in State of Nevada at General Election, November 6, 1962, at p. 11 (Nev. Sec'y of State 1962) (emphasis added).

As clearly stated in the ballot explanation for the 1962 constitutional amendment, the purpose of the amendment was to change only the method of amending Nevada's Constitution by initiative petition. The 1962 constitutional amendment did not change the method of amending Nevada's statutes by initiative petition. It merely clarified those provisions without making substantive changes.

Thus, contrary to the Governor's contention, the voters at the 1962 General Election did not change the constitutional procedure for the Legislature to propose competing measures to statutory initiatives because the 1962 constitutional amendment did not make substantive changes to that procedure. Therefore, the 1962 constitutional amendment did not make the Governor's recommendation a prerequisite or condition precedent to legislative action under Article 19, Section 2(3) because that would have been a substantive change that fell outside the intent of the voters. This fact is confirmed by long-standing legislative practice over the past 50 years during which the Legislature has proposed several competing measures to statutory initiatives without the Governor's recommendation.

When interpreting constitutional provisions, courts often use extrinsic evidence to help ascertain the intent of the Framers, including historical evidence and long-standing legislative practices. See State ex rel. Harvey v. Second Jud. Dist. Ct., 117 Nev. 754, 761-71 (2001); State ex rel. Herr v. Laxalt, 84 Nev. 382, 387 (1968); State ex rel. Coffin v. Howell, 26 Nev. 93, 104-05 (1901). Typically, courts give great weight and deference to a long-standing legislative construction of a constitutional provision, especially if that construction is reasonable in light of the history and purpose of the provision. See State ex rel. Cardwell v. Glenn, 18 Nev. 34, 43-46 (1883); Halverson v. Miller, 124 Nev. 484, 489 (2008). Thus, a long-standing legislative construction will be "treated by the courts with the consideration which is due to a co-ordinate department of the state government, and in case of a reasonable doubt as to the meaning of the words, the construction given to them by the legislature ought to prevail." Dayton Gold & Silver Mining Co. v. Seawell, 11 Nev. 394, 400 (1876).

Since the revision of Article 19 in 1962, the Legislature has been presented with statutory initiatives during the 1981, 1989, 2003, 2005 and 2009 regular sessions.[1] Under Article 4,

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[1] Assembly Journal, 61st Reg. Sess., at p. 6, 29 (Nev. 1981) (protection of utility customers); Assembly Journal, 65th Reg. Sess., at p. 8, 9, 23 (Nev. 1989) (corporate net profits tax for educational purposes); Senate Journal, 72nd Reg. Sess., at p. 158, 982, 1082 (Nev. 2003) (medical malpractice); Assembly Journal, 73rd Reg. Sess., at p. 159 (Nev. 2005) ([1] Nevada Clean Indoor Air Act; [2] Responsibly Protect Nevadans from Second-Hand Smoke Act;

Section 14 of the *Nevada Constitution*, the Journals of the Senate and Assembly are the official records of the Legislature, and under the Joint Standing Rules of the Senate and Assembly, each message and proclamation received from the Governor is read and entered in full in the Journals. Based on an examination of the Journals, there is no official record of any message from a Nevada Governor recommending a specific bill as a competing measure to a statutory initiative even though the Legislature has introduced, considered and passed competing measures to statutory initiatives on several occasions.

For example, during the 61st Regular Session in 1981, the Legislature introduced three bills—A.B. 58, A.B. 85 and A.B. 473—which were proposed as competing measures to a statutory initiative relating to the protection of utility customers through the creation of a division of consumer advocacy in the office of the Attorney General. Assembly Journal, 61st Reg. Sess., at p. 53, 65, 498 (Nev. 1981). The competing measures were considered extensively by the Assembly Standing Committee on Government Affairs and the Senate Standing Committee on Commerce and Labor. Legislative History for A.B. 473, 61st Reg. Sess. (Nev. 1981). Although Governor List supported A.B. 58 as a competing measure, there is no official record in the Journals of a message from the Governor specifically recommending A.B. 58, A.B. 85 or A.B. 473 as a competing measure to the statutory initiative. Ultimately, the Legislature passed A.B. 473, which was approved by the Governor and submitted to the voters as a competing measure at the 1982 general election where it prevailed over the statutory initiative. Questions to be Voted Upon in State of Nevada at General Election, November 2, 1982, at pp. 20-32 (Nev. Sec'y of State 1982).

It is reasonable to conclude that if Governor List or the Legislature had interpreted Article 19, Section 2(3) to make the Governor's recommendation of a competing measure a prerequisite or condition precedent to legislative action, there would be an official record in the Journals of the Governor's message recommending a specific bill as a competing measure. The fact that no such official record exists for any year in which the Legislature has been presented with a statutory initiative is compelling evidence that neither the executive branch nor the legislative branch has previously interpreted Article 19, Section 2(3) to make the Governor's recommendation a prerequisite or condition precedent to legislative action on competing measures. Therefore, it is the opinion of this office that the Governor's interpretation of Article 19, Section 2(3) is inconsistent with historical evidence and legislative practice.

III. Any uncertainty or ambiguity in a constitutional provision must be resolved in favor of the power of the Legislature.

Even if there were some uncertainty or ambiguity regarding whether the Governor's recommendation is a prerequisite or condition precedent to legislative action on competing measures, that uncertainty or ambiguity would have to be resolved in favor of the Legislature. This rule of construction stems from the fact that the Governor possesses only express and limited powers under the Constitution, while the Legislature possesses almost unlimited powers under the Constitution.

The office of governor did not originate under the common law. The office is primarily a creature of the American system of constitutional government. See Royster v. Brock, 79 S.W.2d 707, 709 (Ky. 1935); 38 Am. Jur. 2d Governor § 1 (1999). As a result, courts have generally found that a governor has little or no inherent power or prerogative power which arises merely by virtue of the office. See Clark v. Boyce, 185 P. 136, 138 (Ariz. 1919); City of Bridgeport v. Agostinelli, 316 A.2d 371, 376 (Conn. 1972); Royster v. Brock, 79 S.W.2d 707, 709 (Ky. 1935); Richardson v. Young, 125 S.W. 664, 669 (Tenn. 1910). Instead, a governor possesses only those express and limited powers that are granted to the office by the State Constitution or by statute. Id.; Litchfield Elementary Sch. Dist. No. 79 v. Babbitt, 608 P.2d 792, 797 (Ariz. Ct. App. 1980).

In contrast to the Governor, the Legislature does not derive its constitutional powers from the text of the Constitution. Rather, the Legislature possesses all inherent power of the people unless that power is clearly limited by the Federal or State Constitution. Ex parte Boyce, 27 Nev. 299,

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[3] regulation of the sale, use and possession of one ounce or less of marijuana); Assembly Daily Journal, 75th Reg. Sess., at p. 17 (Nev. Feb. 2, 2009) (additional tax on gross receipts from rental of transient lodging in certain counties).

332, 334 (1904); Sarkes Tarzian, Inc. v. Legislature, 104 Nev. 672, 675 (1988). Whereas the Governor must be able to point to express provisions of the Constitution to justify the Governor's exercise of constitutional power, the Legislature does not need express constitutional authorization to justify its exercise of constitutional power because "[t]he constitution allows the legislature every power which it does not positively prohibit." City of Las Vegas v. Ackerman, 85 Nev. 493, 502 (1969) (quoting Sharpless v. Mayor of Phila., 21 Pa. 147 (1853)). As often noted by the Nevada Supreme Court, the power of the Legislature is extremely broad and "except where limited by Federal or State Constitutional provisions, that power is practically absolute." Galloway v. Truesdell, 83 Nev. 13, 20 (1967).

Even when the *Nevada Constitution* imposes limitations upon the Legislature's power, those limitations "are to be strictly construed, and are not to be given effect as against the general power of the legislature, unless such limitations clearly inhibit the act in question." In re Platz, 60 Nev. 296, 308 (1940) (quoting Baldwin v. State, 3 S.W. 109, 111 (Tex. Ct. App. 1886)). Additionally, because the powers of the executive and judicial branches are expressly defined by the *Nevada Constitution*, any power which is not clearly committed to those branches by the text of the Constitution is completely denied to them and is left exclusively to the legislative branch. See City of Pawtucket v. Sundlun, 662 A.2d 40, 44 (R.I. 1995). Therefore, because the provisions of the *Nevada Constitution* are to be strictly construed in favor of the power of the legislative branch, it is a fundamental rule of constitutional construction that any doubt or ambiguity concerning the constitutional powers of the executive branch must be resolved in favor of the power of the legislative branch.

Accordingly, even if the provisions of Article 19, Section 2(3) were considered to be uncertain or ambiguous, that uncertainty or ambiguity would have to be resolved in favor of the Legislature's power to introduce, consider and pass competing measures without the Governor's recommendation. Furthermore, the Nevada Supreme Court has held that when the meaning of a constitutional provision affecting legislative procedure is in doubt or subject to uncertainty, the Legislature is entitled to follow an opinion of the Legislative Counsel which interprets the constitutional provision and "the Legislature is entitled to deference in its counseled selection of this interpretation." Nev. Mining Ass'n, 117 Nev. at 540. Therefore, because an interpretation of Article 19, Section 2(3) involves legislative procedure, the Legislature is entitled to follow an opinion of the Legislative Counsel which interprets the constitutional provision, and the judiciary will typically afford the Legislature deference in its counseled selection of that interpretation.

CONCLUSION

After examining relevant provisions of the *Nevada Constitution*, reviewing historical evidence and prior legislative practice and applying the fundamental rules of constitutional construction, it is the opinion of this office that the Governor's recommendation to the Legislature of a competing measure is not a prerequisite or condition precedent to the Legislature's introduction, consideration or passage of a competing measure under Article 19, Section 2(3) of the *Nevada Constitution*. Furthermore, because this issue involves the interpretation of a constitutional provision affecting legislative procedure, the Legislature is entitled to follow an opinion of the Legislative Counsel which interprets the constitutional provision, and the judiciary will typically afford the Legislature deference in its counseled selection of that interpretation.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,
Brenda J. Erdoes
Legislative Counsel
By Kevin C. Powers
Senior Principal Deputy Legislative Counsel

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that the legal opinion on Initiative Petition 1 be entered in the Journal.

Motion carried.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 11, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 207, 208, 244, 485.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 188, 199, 201, 214, 223, 224, 228, 233, 240, 246, 255.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Segerblom, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Sherwood, Smith, Stewart and Woodbury:

Senate Concurrent Resolution No. 6—Memorializing Marie H. Soldo.

WHEREAS, The members of the Nevada Legislature were deeply aggrieved to learn of the passing of Marie H. Soldo on February 5, 2010; and

WHEREAS, Marie was born on February 11, 1941, in New York City, New York, to Lenfranco and Mary Soldo and lived in Las Vegas, Nevada, since September of 1984; and

WHEREAS, During her time in Las Vegas, she served as the Executive Vice President of Government Affairs and Special Projects for Sierra Health Services; and

WHEREAS, Marie represented the interests of Sierra Health Services, the Nevada Association of Health Plans and many other health care-related causes in the hallways of the State Legislature since 1984; and

WHEREAS, Marie was always willing to step in to help others and often put the interests of others before herself; and

WHEREAS, Marie traveled extensively and engaged her passion for helping the underserved, including being instrumental in the development of health care programs in Africa and helping children in Belize get specialized health care in the United States; and

WHEREAS, Marie's love and passion for helping others led her to support the St. John's University of Tanzania School of Nursing and its medical clinic in Tanzania, where she often traveled to work in the clinic; and

WHEREAS, St. John's University of Tanzania School of Nursing has recognized Marie's contributions by dedicating its computer center to her, the Marie Soldo Nursing Computer Center; and

WHEREAS, Marie leaves behind her son Christopher Soldo Hamner, his wife Kristina, her grandson William, a loving extended family and many dear friends and acquaintances who miss her generous heart, her passion and her spirit; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the Seventy-sixth Session of the Nevada Legislature hereby extend their earnest condolences to Marie's family and friends; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Marie's son Christopher Soldo Hamner.

Senator Breeden moved the adoption of the resolution.

Remarks by Senators Breeden, Cegavske, Schneider and Horsford.

Senator Breeden requested that the following remarks be entered in the Journal.

SENATOR BREEDEN:

It is an honor to rise today to make a few remarks about Marie Soldo, a person who was dear to the members of this body and to those who have traveled here today.

Most of you know her as the Executive Vice President for Government Affairs of Sierra Health Services, the Nevada Association of Health Plans, and other health organizations. In that capacity, she was a familiar face in the halls of the Nevada Legislature for many years. Those of you who had the honor of working with her as a lobbyist, relied upon her.

I never had the honor of working at the Nevada State Legislature with Marie. I became friends with her several years ago through mutual acquaintances, Dr. and Mrs. John and Judith Nanson.

When I decided to run for the Senate, she told me stories of what happened here. We always talked about children because her son was close to the age of my sons.

When I speak of Marie Soldo, I am reminded of the words spoken of Sir Christopher Wren, "If you seek his memorial, look around you." In truth, much of what is good, much of what is humane, and much of what is effective about the health care policies of this State owes its origin to the vision and foresight of Marie Soldo.

Though she has passed on, the shadow of her influence still lies over this body, over the State of Nevada, and over all those people throughout the world who are the knowing or unknowing beneficiaries of her work.

On behalf of this body, I extend our condolences and our comfort to her friends, and her family, Chris Hamner, his wife, Kristina Zajcnerova, their son, William, and Kristina's mother, Marie Zajcnerova, and all those who were fortunate enough to know and work with Marie Soldo.

She will always hold a dear spot in our hearts. We miss her.

SENATOR CEGAVSKE:

I rise in support of Senate Concurrent Resolution No. 6. Marie Soldo was not only a friend to everyone; she was someone who was ready to help educate us on healthcare issues. She was there for us no matter what the issue was and she was able to tell us both sides. She knew how to bring people together to resolve a difference of opinion. She taught us you could be friends with anyone. She could bring together those who would not have thought they could be friends or have a friendship. For her, her friendship and what she has done for the State of Nevada are irreplaceable. I want to thank her family for sharing her with all of us.

Marie is in our thoughts and prayers forever.

SENATOR SCHNEIDER:

For many years, I have been on the Senate Committee on Commerce, Labor & Energy. Marie Soldo came each morning to the committee meetings. She opposed every mandate placed on insurance. Once, the Chamber of Commerce had a stripped down healthcare bill. It eliminated a lot of coverage. I asked Marie to testify and asked her how she stood on this bill. She stated she opposed it. I asked how much money would be saved by eliminating pap smears and mammograms from the healthcare packages. She stated she did not know, but they could not sell a policy without that coverage in it. When I asked her what she meant, she said that no one would buy a policy without pap smear and mammogram coverage. But, she opposed the mandate. She always stated her views so nicely, and with class. The healthcare industry turned out better because of Marie Soldo.

SENATOR HORSFORD:

Thank you, Mr. President. I had the honor of working with Chris Hamner. Marie Soldo will be known for many things. She left many legacies, but one of the most important was her son. She struggled to raise him as a single parent, but she was committed to see him succeed and go on to do great things. Among all of her legacies, having her son here to receive this small token of appreciation on our behalf is important because of everything that she meant to Chris and what Chris meant to her. We are happy to have Chris and his family here in this body today.

Resolution adopted.

Senator Breeden moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 6 be immediately transmitted to the Assembly.

Motion carried unanimously.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:39 a.m.

SENATE IN SESSION

At 12:18 a.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Copening moved that Senate Bill No. 115 be re-referred to the Committee on Finance.

Motion carried.

Senator Wiener moved that Senate Bills Nos. 30, 44, 65, 74, 77, 82, 85, 96, 102, 111, 136, 143, 152, 153, 167, 213, 215, 280, 353, 358, 408 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 2.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 152.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 156.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 306.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 322.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 451.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 464.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 120.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 141.

"SUMMARY—Revises provisions governing the Committee on High-Level Radioactive Waste. (BDR 40-248)"

"AN ACT relating to ~~[hazardous]~~ **radioactive** materials; revising the scope of the duties of the Committee on High-Level Radioactive Waste; revising the name of the Committee; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the Committee on High-Level Radioactive Waste and requires the Committee to study and evaluate the proposed location of a facility for the disposal of high-level radioactive waste at Yucca Mountain. (NRS 459.0085) **Section 1** of this bill expands the scope of the Committee's duties to include the study and evaluation of other policies relating to the disposal of low-level radioactive waste, transuranic waste, spent nuclear fuel ~~[,]~~ **and** certain other radioactive materials**.** ~~[and hazardous waste.]~~ In addition, **section 1** changes the name of the Committee to the Committee on Radioactive Waste ~~[and Hazardous Waste]~~ to reflect the Committee's broader authority.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 459.0085 is hereby amended to read as follows:

459.0085 1. There is hereby created a Committee on ~~[~~High-Level~~]~~ Radioactive Waste **.** ~~*[and Hazardous Waste.]*~~ It is a committee of the Legislature composed of:

(a) Four members of the Senate, appointed by the Majority Leader of the Senate.

(b) Four members of the Assembly, appointed by the Speaker.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program. The Legislative Commission shall select a Chair and a Vice Chair from the members of the Committee.

3. Except as otherwise ordered by the Legislative Commission, the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the call of the Chair to study and evaluate:

(a) Information and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;

(b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and

(c) Any other policies relating to the disposal of ~~[~~high-level~~]~~ radioactive waste **.** ~~*[or hazardous waste.]*~~

4. The Committee shall report the results of its studies and evaluations to the Legislative Commission and the Interim Finance Committee at such times as the Legislative Commission or the Interim Finance Committee may require.

5. The Committee may recommend any appropriate legislation to the Legislature and the Legislative Commission.

6. The Director of the Legislative Counsel Bureau shall provide a Secretary for the Committee on ~~[~~High-Level~~]~~ Radioactive Waste **.** ~~*[and Hazardous Waste.]*~~ Except during a regular or special session of the Legislature, each member of the Committee is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which the member attends a Committee meeting or is otherwise engaged in the work of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218A.655. Per diem allowances, salary and travel expenses of members of the Committee must be paid from the Legislative Fund.

7. For the purposes of this section ~~*[:*~~

~~*(a) "Hazardous waste" has the meaning ascribed to it in NRS 459.430.*~~

~~*(b) "Radioactive]*~~ ***, "radioactive waste" means radioactive material, including, without limitation:***

~~*[(1)]*~~ ***(a) High-level radioactive waste;***

~~*[(2)]*~~ ***(b) Low-level radioactive waste;***

~~*[(3)]*~~ ***(c) Transuranic waste;***

~~[(4)]~~ ***(d) Spent nuclear fuel;***

~~[(5)]~~ ***(e) Any radioactive material resulting from, or a by-product of, the nuclear fuel cycle, the reprocessing of spent nuclear fuel or the reprocessing of nuclear weapons; and***

~~[(6)]~~ ***(f) Any other radioactive material that the Nuclear Regulatory Commission determines must be permanently isolated.***

➥ ***The term includes, without limitation, radioactive material that is a solid, semisolid, liquid or contained gas, or any combination thereof.***

Sec. 2. NRS 459.0094 is hereby amended to read as follows:

459.0094 The Executive Director shall:

1. Appoint, with the consent of the Commission, an Administrator of each Division of the Agency.

2. Advise the Commission on matters relating to the potential disposal of radioactive waste in this State.

3. Evaluate the potentially adverse effects of a facility for the disposal of radioactive waste in this State.

4. Consult frequently with local governments and state agencies that may be affected by a facility for the disposal of radioactive waste and appropriate legislative committees.

5. Assist local governments in their dealings with the Department of Energy and its contractors on matters relating to radioactive waste.

6. Carry out the duties imposed on the State by 42 U.S.C. §§ 10101 to 10226, inclusive, as those sections existed on July 1, 1995.

7. Cooperate with any governmental agency or other person to carry out the provisions of NRS 459.009 to 459.0098, inclusive.

8. Provide semiannual written reports to the Committee on ~~[~~High-Level~~]~~ Radioactive Waste ~~.~~ ***,*** ~~*[and Hazardous Waste.]*~~ The reports must contain:

(a) A summary of the status of the activities undertaken by the Agency since the previous report;

(b) A description of all contracts the Agency has with natural persons or organizations, including, but not limited to, the name of the recipient of each contract, the amount of the contract, the duties to be performed under the contract, the manner in which the contract assists the Agency in achieving its goals and responsibilities and the status of the performance of the terms of the contract;

(c) The status of any litigation relating to the goals and responsibilities of the Agency to which the State of Nevada is a party; and

(d) Any other information requested by the Legislative Committee.

Sec. 3. This act becomes effective on July 1, 2011.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Senator Parks requested that his remarks be entered in the Journal.

This amendment deletes language in the bill that would have expanded the duties of the Committee on High-Level Radioactive Waste to include the study of hazardous waste.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 175.
Bill read second time and ordered to third reading.

Senate Bill No. 279.
Bill read second time and ordered to third reading.

Senate Bill No. 317.
Bill read second time and ordered to third reading.

Senate Bill No. 348.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 14.
Resolution read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bill No. 193.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Christopher Hamner, Kristina Vajcnerova, Marie Vajcnerova, and William Hamner.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Shelley Cranley, Dr. Anthony Marlon, Linda Morris and Kathy Silver.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Judi Steele and John Marble.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to former Senator William J. Raggio and Dale Raggio.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Wayne Burke, Bryan Cassadore and Mervin Wright Jr.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Linda Cuddy.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to Frankie Sue Del Pappa, former Nevada Attorney General and Secretary of State.

Senator Wiener moved that the Senate adjourn until Thursday, April 14, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 12:35 p.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), April 14, 2011

Senate called to order at 11:13 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louis Locke.

O God we give You thanks and we give You praise.

Psalm 147 tells us: God does not delight in the strength of a horse or in the speed of a runner. The Lord delights in those who fear Him and worship Him, in those who put their hope in His steadfast, unfailing love.

Lord, help us not trust in our own strengths and abilities, but in the wisdom that comes from You, and in Your love and mercies that are new every morning — great is Your faithfulness.

I pray Your blessing on the members of this Senate body, their staff and families. We also ask for Your grace and protection on our service men and women serving around the world.

In the Name of the most high God.

AMEN.

Pledge of Allegiance to the Flag.

Senator Wiener moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 271, 392, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 40, 81, 110, 251, 262, 268, 361, 375, 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

JOHN J. LEE, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

ALLISON COPENING, *Chair*

Mr. President:

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 26, 57, 194, 277, 376, 402, 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

VALERIE WIENER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 373, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and re-refer to the Committee on Finance.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 309, 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Senate Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

Mr. President:

Your Committee on Revenue, to which was referred Senate Bill No. 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 11, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 6.

Also, I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 97, 168, 262.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 62, 83, 147, 203, 214, 225, 229, 280.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 14, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 372.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 197, 265, 271, 274, 276, 278, 285, 290, 294, 298, 308, 312, 313, 325, 326, 330, 333, 334, 336, 338, 340, 349, 352, 373, 413 and Senate Joint Resolution No. 7.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 349 be re-referred to the Committee on Finance.

Motion carried.

Senator Parks moved that Senate Bill No. 373 be re-referred to the Committee on Finance.

Motion carried.

Senator Lee moved that Senate Bills Nos. 439, 445 be re-referred to the Committee on Finance.

Motion carried.

Senator Copening moved that Senate Bill No. 448 be re-referred to the Committee on Finance.

Motion carried.

Senator Schneider moved that Senate Bill No. 213 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 62.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 83.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 97.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 147.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 168.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 203.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 214.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 225.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 229.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 262.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 280.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:49 a.m.

SENATE IN SESSION

At 11:59 a.m.

President Krolicki presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 135.

"SUMMARY— ~~[Requires approval for the establishment of certain services by a health facility in larger counties.]~~ **Revises the process for**

approving an amendment to the license of certain medical facilities to add certain services. (BDR 40-344)"

"AN ACT relating to health care; requiring the ~~[approval of the Director of]~~ **Health Division of** the Department of Health and Human Services ~~[before undertaking an expenditure]~~ **to apply certain standards in determining whether to approve an amendment to a license to operate certain medical facilities** to ~~[provide]~~ **add** certain services ~~[relating to health care in certain larger counties; providing a penalty;]~~ **to the license;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Existing law requires a person in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) to obtain the approval of the Director of the Department of Health and Human Services before undertaking an expenditure for certain new construction by or on behalf of a health facility. (NRS 439A.100) Section 1 of this bill requires a person in a county whose population is 400,000 or more (currently Clark County) to obtain the approval of the Director before undertaking an expenditure for the establishment of the following new services: (1) a center for the treatment of trauma; (2) the transplant of organs; (3) the treatment of burns; (4) the performance of open-heart surgery in the provision of cardiac care; and (5) the intensive care of newborn babies. Section 1 also revises the expenditures, projects and services which qualify for an exemption from the requirement of the approval of the Director.]~~ **Under existing law, the State Board of Health is required to adopt regulations for the licensing standards governing certain medical facilities and other related facilities. (NRS 449.037) Existing law further provides for the Health Division of the Department of Health and Human Services to issue a license to an applicant who meets the requirements set forth in statute and regulation. (NRS 449.080) Existing law requires a licensee who has a license to operate a facility to obtain the approval of the Health Division to amend his or her license to add certain services to the license. (NRS 449.087) Section 4.5 of this bill requires the State Board of Health to adopt standards for determining whether there are an adequate number of cases in the community to be served to support approving an amendment to a license and requires the Health Division to apply those standards in making a determination of whether to approve amending the license to add any such service.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.5. **NRS 449.087 is hereby amended to read as follows:**

449.087 1. A licensee must obtain the approval of the Health Division to amend his or her license to operate a facility before the addition of any of the following services:

(a) The intensive care of newborn babies.

(b) The treatment of burns.

(c) The transplant of organs.

(d) The performance of open-heart surgery.

(e) A center for the treatment of trauma.

2. The Health Division shall approve an application to amend a license to allow a facility to provide any of the services described in subsection 1 if ~~[the]~~ ***:***

(a) The applicant satisfies the requirements contained in NRS 449.080 ~~[.]~~ ***; (b) The Health Division determines on the basis of the standards adopted by the Board pursuant to subsection 4 that there are an adequate number of cases in the community to be served to support amending the license to add the service; and***

(c) The Health Division determines that the applicant satisfies any other standards adopted by the Board pursuant to subsection 4.

3. The Health Division may revoke its approval if the licensee fails to maintain substantial compliance with ***the*** standards ~~[approved]~~ ***adopted*** by the Board ***pursuant to subsection 4*** for the provision of such services, or with any conditions included in the written approval of the Director issued pursuant to the provisions of NRS 439A.100.

~~[3.]~~ ***4.*** The Board shall ~~[consider]~~ ***:***

(a) Adopt standards ***which have been*** adopted by appropriate national organizations ~~[as a guide for adopting standards for the approval of]~~ ***to be used by the Health Division in determining whether there are an adequate number of cases in the community to be served to support amending the license of a licensee to add a service pursuant to this section; and***

(b) Adopt such other standards as it deems necessary for determining whether to approve the provision of services pursuant to this section.

Sec. 5. This act becomes effective on July 1, 2011.

Senator Copening moved the adoption of the amendment.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Thank you, Mr. President. Amendment No. 135 revises Senate Bill No. 10 and requires the State Board of Health to adopt standards for determining whether there are an adequate number of cases in the community to be served to support approving an amendment to a license and requires the Health Division to apply these standards in making a determination of whether to approve amending the license to add such a service.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 24.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 6.

"SUMMARY—Revises provisions concerning writs of execution in justice courts. (BDR 6-321)"

"AN ACT relating to courts; revising provisions concerning writs of execution in justice courts; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that a writ of execution in a justice court may be issued by the justice of the peace who entered the judgment or any successor in office. (NRS 70.010) A justice of the peace may also renew such a writ of execution. (NRS 70.030) Additionally, existing law requires that a writ of execution in a justice court must contain certain information. (NRS 70.020)

Sections 1 and 2 of this bill authorize **a justice of the peace or** the clerk of the justice court ~~[, rather than a justice of the peace,]~~ to issue writs of execution in the justice court. **Section 2** also revises the required information that such a writ of execution must contain. **Section 3** of this bill provides that in addition to issuing writs of execution, **a justice of the peace or** the clerk of the justice court may also renew writs of execution.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 70.010 is hereby amended to read as follows:

70.010 1. Execution for the enforcement of a judgment of a justice court may be issued by ~~[the]~~ ***a*** **justice** ~~[who entered the judgment, or any successor in office,]~~ ***or the clerk of the court*** on the application of the party entitled thereto, at any time within 6 years from the entry of judgment.

2. The court, or any justice thereof, may stay the execution of any judgment, including any judgment in a case of forcible or unlawful detainer, for a period not exceeding 10 days.

Sec. 2. NRS 70.020 is hereby amended to read as follows:

70.020 The execution must:

1. Be directed to a sheriff of any county in the State or to a constable of the county in which the justice court is located.

2. Be ~~[subscribed by the justice.]~~ ***issued in the name of the State of Nevada, sealed with the seal of the court and subscribed by a justice or the clerk of the justice court.***

3. ~~[Bear date the day of its delivery to the officer.~~

~~4.]~~ Intelligibly refer to the judgment, by stating the ~~[names]~~ ***:***

(a) Justice court in which the judgment was entered;

(b) Date when the judgment was entered;

(c) Names of the parties ~~[, and the name]~~ ***;***

(d) Name of the justice ~~[before whom, and of the county]~~ ***who entered the judgment; and***

(e) County and the township or city where ~~[, and the time when it was rendered.~~

~~—5.]~~ ***the judgment was entered.***

4. State the ~~[amount of]~~ judgment, ***and*** if it ~~[be]~~ ***is*** for money, ~~[and, if less than the whole is due,]~~ the ~~[true]~~ amount ***thereof, and the amount actually*** due thereon.

~~[6.]~~ ***5.*** Contain, in like cases, similar directions to the sheriff or constable, as are required by the provisions of chapter 21 of NRS, in an execution to the sheriff.

Sec. 3. NRS 70.030 is hereby amended to read as follows:

70.030 An execution may, at the request of the judgment creditor, be renewed before the expiration of the time fixed for its return, by the word "renewed" written thereon, with the date thereof, and subscribed by ~~[the]~~ ~~[justice.]~~ ***a justice or the clerk of the justice court.*** Such renewal has the effect of an original issue ~~[,]~~ and may be repeated as often as necessary. If an execution is returned unsatisfied, another may be afterwards issued.

Sec. 4. NRS 70.050 is hereby amended to read as follows:

70.050 ~~[The]~~ ***Except as otherwise provided in this chapter, the*** provisions of chapter 21 of NRS are applicable to justice courts, the word "justice" being inserted in lieu of the ~~[words]~~ ***word*** "judge" ~~[and "clerk" whenever they occur,]~~ ***wherever the word appears*** and the word "constable" being ~~[substituted to that end for]~~ ***inserted in lieu of*** the word ~~["sheriff."]~~ ***"sheriff" wherever the word appears.***

Sec. 5. This act becomes effective upon passage and approval.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

The amendment provides flexibility so that the writ of execution can be signed by a Justice of the Peace or the Court Clerk brings the issuance of a writ of execution in Justice Courts in line with District Courts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 40.

"SUMMARY—Revises provisions relating to the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans. (BDR 58-410)"

"AN ACT relating to energy; revising certain provisions governing the administration of the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans; authorizing the Director of the Office of Energy to make loans from the Fund to qualified applicants for the construction of an energy efficiency project or an energy conservation project**_,** ~~[or]~~ the construction, expansion or operation of a renewable energy system ~~[,]~~ **or the manufacturing of components of a renewable energy system;**

authorizing the Director to use the interest earned from money in the Fund to defray certain costs and expenses; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans and authorizes the Director of the Office of Energy to make loans from the Fund for the construction of certain renewable energy projects. (NRS 701.545-701.595) **Section 8** of this bill expands the scope of financial assistance available from the Fund to include loans to qualified applicants for the construction of energy conservation projects ~~[and]~~ **, the construction of** energy efficiency projects ~~[.]~~ **and the manufacturing of components of a renewable energy system,** in addition to loans that are currently available to owners or operators of renewable energy systems for the construction of renewable energy projects. **Section 8 additionally excludes from participation in the loan program applicants who have received money for the energy efficiency or energy conservation project from another governmental entity and authorizes the Director to use the interest earned from money in the Fund to defray certain costs and expenses.** **Section 4** of this bill expands the scope of financial assistance available from the Fund to include loans to qualified governmental entities and other applicants for the construction, expansion or operation of renewable energy systems ~~[.]~~ **or for the manufacturing of components of a renewable energy system.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Energy conservation project" means a project designed, intended or used to improve energy conservation or to reduce the wasteful, inefficient, unnecessary or uneconomical use of energy.***

Sec. 3. ***"Energy efficiency project" means a project designed, intended or used to improve energy efficiency or to reduce the consumption of energy that is necessary to provide a certain product, function or service.***

Sec. 4. ***"Qualified applicant" means a person or governmental entity engaged in:***

1. The construction or operation of an energy conservation project;

2. The construction or operation of an energy efficiency project; ~~[or]~~

3. The construction, expansion or operation of a renewable energy system ~~[.]~~ ; or

4. The manufacturing of components of a renewable energy system.

Sec. 5. NRS 701.545 is hereby amended to read as follows:

701.545 As used in NRS 701.545 to 701.595, inclusive, ***and sections 2, 3 and 4 of this act,*** the words and terms defined in NRS 701.550 to 701.570, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 701.580 is hereby amended to read as follows:

701.580 1. The interest and income earned on money in the Fund and the Account for Set-Aside Programs must be credited to the Fund and the Account for Set-Aside Programs, respectively.

2. All payments of principal and interest on all loans made to a ~~[renewable energy system]~~ ***qualified applicant*** and all proceeds from the sale, refunding or prepayment of obligations of a ~~[renewable energy system]~~ ***qualified applicant*** acquired or loans made in carrying out the purposes of the Fund must be deposited in the State Treasury for credit to the Fund.

3. The Director may accept gifts, contributions, grants and bequests of money from any public or private source. The money so accepted must be deposited in the State Treasury for credit to the Fund, or the Account for Set-Aside Programs, and can be used to provide money from the State to match the federal grant, as required by the American Recovery and Reinvestment Act.

4. Only federal money deposited in a separate subaccount of the Fund, including repayments of principal and interest on loans made solely from federal money, and interest and income earned on federal money in the Fund, may be used to benefit ~~[renewable energy systems not governmentally owned.]~~ ***a qualified applicant who is not a governmental entity.***

Sec. 7. NRS 701.585 is hereby amended to read as follows:

701.585 1. The Director shall:

(a) Use the money in the Fund and the Account for Set-Aside Programs for the purposes set forth in the American Recovery and Reinvestment Act.

(b) Determine whether ~~[renewable energy systems which receive]~~ ***a qualified applicant who receives*** money or other assistance from the Fund or the Account for Set-Aside Programs ~~[comply]~~ ***complies*** with the American Recovery and Reinvestment Act and regulations adopted pursuant thereto.

2. The Director may:

(a) Prepare and enter into required agreements with the Federal Government for the acceptance of grants of money for the Fund and the Account for Set-Aside Programs.

(b) Bind the Office of Energy to terms of the required agreements.

(c) Accept grants made pursuant to the American Recovery and Reinvestment Act.

(d) Manage the Fund and the Account for Set-Aside Programs in accordance with the requirements and objectives of the American Recovery and Reinvestment Act.

(e) Provide services relating to management and administration of the Fund and the Account for Set-Aside Programs, including the preparation of any agreement, plan or report.

(f) Perform, or cause to be performed by agencies or organizations through interagency agreement, contract or memorandum of understanding, set-aside programs pursuant to the American Recovery and Reinvestment Act.

3. The Director shall not commit any money in the Fund for expenditure for the purposes set forth in NRS 701.590 without obtaining the prior approval of the Legislature or the Interim Finance Committee if the Legislature is not in session.

Sec. 8. NRS 701.590 is hereby amended to read as follows:

701.590 1. Except as otherwise provided in ***subsection 6 and*** NRS 701.580, money in the Fund, including repayments of principal and interest on loans, and interest and income earned on money in the Fund, may be used only to make loans at a rate of not more than 3 percent to ~~[~~renewable energy systems~~]~~ ***a qualified applicant*** for ~~[~~the~~]~~ ***:***

(a) The construction of an energy conservation project;

(b) The construction of an energy efficiency project; ~~*[or]*~~

(c) The construction *or* ***expansion*** of ***a*** renewable energy ~~[~~projects.~~]~~ ***system*** ~~*[.]*~~ ***; or***

(d) The manufacturing of components of a renewable energy system.

2. Money in the Account for Set-Aside Programs may be used only to fund set-aside programs authorized by the American Recovery and Reinvestment Act. Money in the Account for Set-Aside Programs may be transferred to the Fund pursuant to the American Recovery and Reinvestment Act.

3. A ~~[~~renewable energy system which~~]~~ ***qualified applicant who*** requests a loan or other financial assistance must demonstrate that ~~[~~it~~]~~ ***the qualified applicant*** has:

(a) Complied with the American Recovery and Reinvestment Act and regulations adopted pursuant thereto; or

(b) Agreed to take actions that are needed to ensure that ~~[~~it~~]~~ ***the qualified applicant*** has the capability to comply with the American Recovery and Reinvestment Act and regulations adopted pursuant thereto.

4. Money from the Fund may not be given to ***a qualified applicant for the expansion of*** an existing renewable energy system unless ~~[~~it~~]~~ ***the qualified applicant*** has the technical, managerial and financial capability to ensure compliance with the American Recovery and Reinvestment Act and regulations adopted pursuant thereto. ~~[~~A new renewable energy system, to~~]~~ ***To*** receive such funding ~~[~~,~~]~~ ***for the construction of a new renewable energy system, a qualified applicant*** must demonstrate that ~~[~~it~~]~~ ***the qualified applicant*** has the technical, managerial and financial capability to ensure compliance with the American Recovery and Reinvestment Act and regulations adopted pursuant thereto.

5. The Director shall not loan any money from the Fund to an applicant who has received from any other governmental entity any money or other financial incentive, including, without limitation, any grant, loan, tax credit or abatement of any tax for the purpose of financing in whole or in part the energy efficiency or energy conservation project of the applicant.

6. The Director may use the interest earned on money in the Fund to defray, in whole or in part, the costs and expenses of administering the Fund and to carry out the purposes of NRS 701.545 to 701.595, inclusive, and sections 2, 3 and 4 of this act.

7. The Director shall give preference to qualified applicants seeking funding or assistance from the Fund for larger energy conservation projects, energy efficiency projects or renewable energy systems. The Director shall, by regulation, define "larger energy conservation projects, energy efficiency projects or renewable energy systems" for purposes of this section.

Sec. 9. NRS 701.595 is hereby amended to read as follows:

701.595 The Director may adopt such regulations as are necessary to carry out the provisions of NRS 701.545 to 701.595, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.***

Sec. 10. This act becomes effective on July 1, 2011.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Senator Settelmeyer requested that his remarks be entered in the Journal.

Amendment No. 40 to Senate Bill No. 60 authorizes the Director of the Office of Energy to make loans from the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans to qualified applicants for manufacturing components of renewable energy systems. It also authorizes the Director to use the interest earned on the Fund to defray the costs of administering the Fund.

The Director shall not loan money from the fund to an applicant who receives any financial incentive from any other governmental entity for the same project.

Finally, the amendment requires the Director to give preference to larger projects.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bill No. 60 be re-referred to the Committee on Finance upon return from reprint.

Remarks by Senator Horsford.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 112.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 207.

"SUMMARY—Revises provisions relating to the ~~[release of certain records in the custody of an agency which provides child welfare services.]~~ **records that may be reviewed by a juvenile court in certain proceedings.** (BDR 38-199)"

"AN ACT relating to ~~[children; requiring certain records made by an agency which provides child welfare services to be provided to]~~ **juveniles; authorizing** a juvenile court ~~[; limiting the use and disclosure of records provided to a juvenile court by an agency which provides child welfare services;]~~ **to review certain records relating to the custody of a child or the involvement of a child with an agency which provides child welfare services for certain purposes;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Sections 1 and 4 of this bill require an agency which provides child welfare services to provide to a juvenile court any record, report, recommendation, order or file of an investigation that the agency made pursuant to chapters 432 and 432B of NRS. Further, sections 1 and 4:~~

~~(1) limit the use of the records by the juvenile court to the development of a plan for the care, treatment, supervision, commitment or placement of the child; (2) provide that the records may only be used as evidence against the child to prove the child committed a delinquent act or a criminal offense if otherwise authorized by a statute or procedural rule relating to evidence; and (3) prohibit the disclosure of the records by the juvenile court beyond the purposes or proceedings for which the records were provided.~~

~~Sections 2, 3 and 5-9 of this bill amend existing law which provides for the confidentiality or use of certain records to include an exception for the records provided to the juvenile court pursuant to sections 1 and 4 of this bill.]~~ **Existing law establishes the types of evidence that a juvenile court may receive during a proceeding. (NRS 62D.420) Section 8 of this bill allows the juvenile court to review certain records relating to the custody of a child or the involvement of a child with an agency which provides child welfare services when it has access to those records. Section 8 limits the use of such records by the juvenile court to assisting the court in determining the appropriate placement or plan of treatment for the child.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **(Deleted by amendment.)**

Sec. 2. **(Deleted by amendment.)**

Sec. 3. **(Deleted by amendment.)**

Sec. 4. **(Deleted by amendment.)**

Sec. 5. **(Deleted by amendment.)**

Sec. 6. **(Deleted by amendment.)**

Sec. 7. **(Deleted by amendment.)**

Sec. 8. NRS 62D.420 is hereby amended to read as follows:

62D.420 1. In each proceeding conducted pursuant to the provisions of this title, the juvenile court may:

(a) Receive all competent, material and relevant evidence that may be helpful in determining the issues presented, including, but not limited to, oral and written reports; and

(b) Rely ~~*[Except as otherwise provided in sections 1 and 4 of this act, rely]*~~ on such evidence to the extent of its probative value.

2. The juvenile court shall afford the parties and their attorneys an opportunity to examine and controvert each written report that is received into evidence and to cross-examine each person who made the written report, when reasonably available.

3. In any proceeding involving a child for which the court has access to records relating to the custody of the child or the involvement of the child with an agency which provides child welfare services, the juvenile court may review those records to assist the court in determining the appropriate placement or plan of treatment for the child.

4. Except when a record described in subsection 3 would otherwise be admissible as evidence in the proceeding, the juvenile court shall not use a record reviewed pursuant to subsection 3 to prove that the child committed a delinquent act or is in need of supervision or for any purpose other than a purpose set forth in subsection 3. Except as otherwise provided in subsection 5, such records must not be disclosed or otherwise made open to inspection unless the records are admitted as evidence and used to determine the disposition of the case.

5. The juvenile court shall afford the parties and their attorneys an opportunity to examine and address any record reviewed by the juvenile court pursuant to subsection 3.

6. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 9. (Deleted by amendment.)

Sec. 10. This act becomes effective on July 1, 2011.

Senator Copening moved the adoption of the amendment.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Amendment No. 207 revises Senate Bill No. 112 and allows the juvenile court to review certain records relating to the custody of a child or the involvement of a child with an agency that provides child welfare services when it has access to those records. The amendment also limits the use of such records by the juvenile court to assisting the court in determining the appropriate placement or plan of treatment for the child.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 127.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 34.

"SUMMARY—Revises provisions concerning guardianships for certain veterans and their dependents. (BDR 13-160)"

"AN ACT relating to guardianships; requiring, under certain circumstances, a guardian who is appointed for a ward who is a beneficiary of the Department of Veterans Affairs to handle certain other money payable to the ward in the same manner as money payable by the Department of Veterans Affairs; **revising the limitation on the number of such wards for whom a guardian may serve;** revising provisions relating to the compensation of a guardian of such a ward; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law sets forth the general procedures for the appointment of a guardian for a ward, the powers and duties of a guardian and the allowable compensation for a guardian's services. (Chapter 159 of NRS) Existing law, the Uniform Veterans' Guardianship Act, sets forth specific procedures for the appointment of a guardian for a ward who is a beneficiary of the Department of Veterans Affairs, the powers and duties of such a guardian and the allowable compensation for such a guardian's services. (Chapter 160 of NRS)

Section 1 of this bill requires a guardian for a ward who is a beneficiary of the Department of Veterans Affairs to handle any money payable to the ward from a source other than the Department of Veterans Affairs in the same manner as money payable to the ward by the Department of Veterans Affairs unless doing so would be inconsistent with federal law.

Under existing law it is unlawful, with certain exceptions, for a person to accept appointment as a guardian of a ward who is a beneficiary of the Department of Veterans Affairs if the person is at the time serving as guardian for five such wards. (NRS 160.040) Section 2 of this bill:
(1) increases from 5 to 10 the number of wards who are beneficiaries of the Department of Veterans Affairs for whom a guardian may serve;
(2) deletes the existing exception which allows a guardian to serve more than five such wards if the wards are all members of the same family; and (3) provides an exception which allows a guardian to serve more than 10 such wards if the Department of Veterans Affairs authorizes the person to do so.

Section ~~[2]~~ 3 of this bill decreases the allowable compensation for a guardian of a ward who is a beneficiary of the Department of Veterans Affairs from 5 percent to 4 percent of the income of the ward during any year. **Section ~~[2]~~ 3** also removes the authority of the court to authorize the payment of additional compensation to such guardians for extraordinary services.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent consistent with federal law, a guardian of a ward who is a beneficiary of the Department of Veterans Affairs shall handle any money payable to the ward by a source other than the Department of Veterans Affairs in the same manner as money payable to the ward by the United States through the Department of Veterans Affairs. In handling the money pursuant to this section, the guardian shall comply with the provisions of chapter 160 of NRS and any relevant federal law, including, without limitation, the requirements concerning filing an account as set forth in NRS 160.100 and compensating the guardian as set forth in NRS 160.120.

2. As used in this section, "Department of Veterans Affairs" has the meaning ascribed to it in NRS 160.020.

Sec. 2. **NRS 160.040 is hereby amended to read as follows:**

160.040 1. Except as otherwise provided in this section, it is unlawful for any person to accept appointment as guardian of any ward if the proposed guardian is at that time acting as guardian for ~~[five]~~ ***10*** wards. In any case, upon presentation of a petition by an attorney of the Department of Veterans Affairs pursuant to this section alleging that a guardian is acting in a fiduciary capacity for more than ~~[five]~~ ***10*** wards and requesting his or her discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting from the guardian and shall discharge the guardian in the case.

2. The limitations of this section do not apply where the guardian is a bank or trust company acting for the wards' estates only.

3. ~~[An individual]~~ ***A person*** may be guardian of more than ~~[five]~~ ***10*** wards if ~~[they are all members of the same family.]~~ ***the Department of Veterans Affairs authorizes the person to do so.***

4. The limitations of this section do not apply to the Executive Director for Veterans' Services or to a public guardian.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 160.120 is hereby amended to read as follows:

160.120 Compensation payable to a guardian must not exceed ~~[5]~~ ***4*** percent of the income of the ward during any year. ~~[In the event of extraordinary services rendered by any guardian, the court may, upon petition and after hearing thereon, authorize additional compensation therefor payable from the estate of the ward. Notice of such petition and hearing must be given to the proper office of the Department of Veterans Affairs in the manner provided in NRS 160.100.]~~ No compensation may be allowed on the corpus of an estate received from a preceding guardian. The guardian may be allowed from the estate of the ward of the guardian reasonable premiums paid by him or her to any corporate surety upon his or her bond.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Amendment No. 34 to Senate Bill No. 127 increases from five to ten the number of veterans a guardian may have as wards at any one time, and allows for a higher number if the Department of Veteran's Affairs grants an exception.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 159.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 87.

"SUMMARY—Makes various changes governing offenders. (BDR 16-74)"

"AN ACT relating to offenders; requiring the Director of the Department of Corrections to provide **certain information** to an offender upon his or her release **, including** information regarding employment assistance; authorizing a court to require the earnings of a probationer to be held in trust for certain purposes; authorizing a court to require certain offenders to complete an alternative program, treatment or activity as a condition of probation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to provide certain information to an offender upon the offender's release from prison. (NRS 209.511) **Section 1** of this bill requires the Director to provide such an offender with **: (1)** information relating to assistance for obtaining employment, including information regarding obtaining bonding for employment **[.]** **; and (2) information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment if the offender requests such information and assistance and is eligible to acquire a driver's license or identification card.**

Existing law authorizes a court to set terms and conditions for placing an offender on probation. (NRS 176A.400) **Section 2** of this bill specifies that such terms and conditions may include the requirement that any earnings of the offender while on probation be placed in trust for certain purposes. **Section 2** also authorizes a court to require certain persons, found guilty of certain felonies which do not involve the use or threatened use of force or violence, to complete an alternative program, treatment or activity as a condition of probation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) ***Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;***

(f) Shall provide the offender with information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests such information and assistance; and

(2) Is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(g) May provide the offender with clothing suitable for reentering society;

~~[(f)]~~ ~~*[(g)]*~~ ***(h)*** May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

~~[(g)]~~ ~~*[(h)]*~~ ***(i)*** May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

~~[(h)]~~ ~~*[(i)]*~~ ***(j)*** Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a) ~~[,]~~ ~~[(c),]~~ ~~[(f)]~~, ***(g)*** ~~[and]~~ ~~[(h)]~~ ~~*[(i)]*~~ ***, (h) and (j)*** of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

3. As used in this section, "facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

Sec. 2. NRS 176A.400 is hereby amended to read as follows:

176A.400 1. In issuing an order granting probation, the court may fix the terms and conditions thereof, including, without limitation:

(a) A requirement for restitution;

(b) ***A requirement that any earnings of the probationer be held in a trust:***

(1) Which is administered by a trustee designated by the court; and

(2) From which a portion of the earnings is designated to pay for restitution, child support or any other obligation of the probationer specified by the court;

(c) An order that the probationer dispose of all the weapons the probationer possesses; or

~~[(c)]~~ ***(d)*** Any reasonable conditions to protect the health, safety or welfare of the community or to ensure that the probationer will appear at all times and places ordered by the court, including, without limitation:

(1) Requiring the probationer to remain in this State or a certain county within this State;

(2) Prohibiting the probationer from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the probationer's behalf;

(3) Prohibiting the probationer from entering a certain geographic area; or

(4) Prohibiting the probationer from engaging in specific conduct that may be harmful to the probationer's own health, safety or welfare, or the health, safety or welfare of another person.

2. In issuing an order granting probation to a person who is found guilty of a category C, D or E felony, ***or who is found guilty of a category B felony which does not involve the use or threatened use of force or violence,*** the court may require the person as a condition of probation to participate in and complete to the satisfaction of the court any alternative program, treatment or activity deemed appropriate by the court.

3. The court shall not suspend the execution of a sentence of imprisonment after the defendant has begun to serve it.

4. In placing any defendant on probation or in granting a defendant a suspended sentence, the court shall direct that the defendant be placed under the supervision of the Chief Parole and Probation Officer.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Amendment No. 87 to Senate Bill No. 159 requires the Department of Corrections, upon an inmate's release from prison, to provide information and reasonable assistance regarding how to obtain identification that the inmate will need to seek employment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 180.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 77.

"SUMMARY—Expands provisions governing criminal and civil liability for certain crimes to include crimes motivated by the victim's gender identity or expression. (BDR 15-414)"

"AN ACT relating to crimes; providing an additional penalty for certain crimes motivated by the victim's gender identity or expression; ~~[expanding the aggravating circumstances for murder of the first degree to include murder which was motivated by the victim's gender identity or expression;]~~ providing certain civil liability for a person who commits certain crimes motivated by the victim's gender identity or expression; revising provisions concerning the reporting of certain crimes; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that if a person commits certain crimes because of the victim's actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation: (1) the person who committed the crime is subject to an additional penalty; (2) ~~[a charge of murder of the first degree may be aggravated based on the crime committed; (3)]~~ unless a greater penalty is provided by law, the person who committed the crime is guilty of a gross misdemeanor; and ~~[(4)]~~ **(3)** a person injured by the crime may bring a civil action against the person who committed the crime. (NRS 41.690, 193.1675, ~~[200.033,]~~ 207.185) Further, existing law requires the Director of the Department of Public Safety to establish a Program for Reporting Crimes that is designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability or sexual orientation. (NRS 179A.175) This bill expands those provisions to include cases in which a person commits a crime because of the victim's actual or perceived gender identity or expression.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

"Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

Sec. 2. NRS 193.010 is hereby amended to read as follows:

193.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 193.011 to 193.0245, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 193.1675 is hereby amended to read as follows:

193.1675 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.508, 200.5099 or subsection 2 of NRS 200.575 because the actual or perceived race, color, religion, national origin, physical or mental disability**,** ~~[or]~~ sexual orientation ***or gender identity or expression*** of the victim was different from that characteristic of the perpetrator may, in addition to the term of imprisonment prescribed by

statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.

2. A sentence imposed pursuant to this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 4. ~~[NRS 200.033 is hereby amended to read as follows:~~

~~200.033 The only circumstances by which murder of the first degree may be aggravated are:~~

~~1. The murder was committed by a person under sentence of imprisonment.~~

~~2. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of:~~

~~(a) Another murder and the provisions of subsection 12 do not otherwise apply to that other murder; or~~

~~(b) A felony involving the use or threat of violence to the person of another and the provisions of subsection 4 do not otherwise apply to that felony.~~

~~➥ For the purposes of this subsection, a person shall be deemed to have been convicted at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.~~

~~3. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.~~

~~4. The murder was committed while the person was engaged, alone or with others, in the commission of, or an attempt to commit or flight after committing or attempting to commit, any robbery, arson in the first degree, burglary, invasion of the home or kidnapping in the first degree, and the person charged:~~

~~(a) Killed or attempted to kill the person murdered; or~~

~~(b) Knew or had reason to know that life would be taken or lethal force used.~~

~~5. The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.~~

~~6. The murder was committed by a person, for himself or herself or another, to receive money or any other thing of monetary value.~~

~~7. The murder was committed upon a peace officer or firefighter who was killed while engaged in the performance of his or her official duty or because of an act performed in his or her official capacity, and the defendant knew or reasonably should have known that the victim was a peace officer or firefighter. For the purposes of this subsection, "peace officer" means:~~

~~(a) An employee of the Department of Corrections who does not exercise general control over offenders imprisoned within the institutions and facilities of the Department, but whose normal duties require the employee to come into contact with those offenders when carrying out the duties prescribed by the Director of the Department.~~

~~(b) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, when carrying out those powers.~~

~~8. The murder involved torture or the mutilation of the victim.~~

~~9. The murder was committed upon one or more persons at random and without apparent motive.~~

~~10. The murder was committed upon a person less than 14 years of age.~~

~~11. The murder was committed upon a person because of the actual or perceived race, color, religion, national origin, physical or mental disability~~ , [or] ~~sexual orientation~~ *or gender identity or expression* of that person.

~~12. The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree. For the purposes of this subsection, a person shall be deemed to have been convicted of a murder at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.~~

~~13. The person, alone or with others, subjected or attempted to subject the victim of the murder to nonconsensual sexual penetration immediately before, during or immediately after the commission of the murder. For the purposes of this subsection:~~

~~(a) "Nonconsensual" means against the victim's will or under conditions in which the person knows or reasonably should know that the victim is mentally or physically incapable of resisting, consenting or understanding the nature of his or her conduct, including, but not limited to, conditions in which the person knows or reasonably should know that the victim is dead.~~

~~(b) "Sexual penetration" means cunnilingus, fellatio or any intrusion, however slight, of any part of the victim's body or any object manipulated or inserted by a person, alone or with others, into the genital or anal openings of the body of the victim, whether or not the victim is alive. The term includes,~~

~~but is not limited to, anal intercourse and sexual intercourse in what would be its ordinary meaning.~~

~~14. The murder was committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person. For the purposes of this subsection, "school bus" has the meaning ascribed to it in NRS 483.160.~~

~~15. The murder was committed with the intent to commit, cause, aid, further or conceal an act of terrorism. For the purposes of this subsection, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.~~ **(Deleted by amendment.)**

Sec. 5. NRS 207.185 is hereby amended to read as follows:

207.185 Unless a greater penalty is provided by law, a person who, by reason of the actual or perceived race, color, religion, national origin, physical or mental disability**,** ~~[or]~~ sexual orientation ***or gender identity or expression*** of another person or group of persons, willfully violates any provision of NRS 200.471, 200.481, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 is guilty of a gross misdemeanor.

Sec. 6. NRS 41.690 is hereby amended to read as follows:

41.690 1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.464, 200.465, 200.467, 200.468, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability**,** ~~[or]~~ sexual orientation ***or gender identity or expression*** may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award the person costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

3. As used in this section, "gender identity or expression" has the meaning ascribed to it in section 1 of this act.

Sec. 7. NRS 179A.175 is hereby amended to read as follows:

179A.175 1. The Director of the Department shall establish within the Central Repository a Program for Reporting Crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability**,** ~~[or]~~ sexual orientation ~~[.]~~ ***or gender identity or expression.***

2. The Program must be designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability**,** ~~[or]~~ sexual orientation ~~[.]~~ ***or gender identity or expression.*** The Director shall adopt guidelines for the collection of the statistical data, including, but not limited to, the criteria to establish the presence of prejudice.

3. The Central Repository shall include in its annual report to the Governor pursuant to subsection 6 of NRS 179A.075, and in any other appropriate report, an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability**,** ~~[or]~~ sexual orientation ~~[.]~~ ***or gender identity or expression.***

4. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.

5. As used in this section, "gender identity or expression" has the meaning ascribed to it in section 1 of this act.

Senator Wiener moved the adoption of the amendment.

Remarks by Senators Wiener and Lee.

Senator Wiener requested that the following remarks be entered in the Journal.

SENATOR WIENER:

Amendment No. 77 to Senate Bill No. 180 deletes Section 4 of the bill that would add crimes committed on the basis of gender identity or expression to the list of aggravating circumstances for which a defendant can be charged with capital murder and subject to the death penalty.

SENATOR LEE:

Do we not already have hate crimes that already cover something of that nature?

SENATOR WIENER:

We do have hate crimes that address certain populations. Senate Bill No. 180 includes certain persons who are not included under current laws. The only major concerns of the original bill involved whether or not this inclusion should be used as an aggravator when considering capital punishment and the death penalty.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 159.

"SUMMARY—Revises provisions governing empowerment schools. (BDR 34-86)"

"AN ACT relating to education; removing the restriction on the number of empowerment schools that may be established statewide; ~~[providing that an empowerment school is not required to revert certain grants of money made by the Legislature;]~~ removing the prospective expiration of the Program of

Empowerment Schools; ~~[requiring a plan for each public school of a school district to convert to an empowerment school;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the Program of Empowerment Schools and imposes a cap on the number of empowerment schools that may be established statewide of 100 schools. (NRS 386.700-386.780) **Section 1** of this bill removes the cap.

~~[Existing law sets forth provisions governing the sources of money which constitute the budget for an empowerment school and the discretion each empowerment school has over its budget. (NRS 386.740) Section 2 of this bill provides that if the Legislature appropriates money for grants to empowerment schools, each empowerment school awarded a grant may carry forward any money remaining from that grant to the next fiscal year and is not required to revert the money to the school district or the State.]~~

Existing law provides for the prospective expiration of the Program of Empowerment Schools on June 30, 2011. (Section 20 of chapter 530, Statutes of Nevada 2007, p. 3285) **Section 3** of this bill removes the prospective expiration of the Program.

~~[Under existing law, the boards of trustees of school districts in counties whose population is 100,000 or more (currently Clark and Washoe Counties) are required to approve not less than 5 percent of the schools within the school district to operate as empowerment schools, and the boards of trustees in all other counties are authorized to approve public schools within the school district to operate as empowerment schools. (NRS 386.720) Section 4 of this bill requires each school district to submit a report to the Superintendent of Public Instruction setting forth a timetable and process to convert each public school within the school district to an empowerment school not later than July 1, 2013. Section 4 also requires the Superintendent to compile the reports and prepare a written report of the compilation for submission to the Nevada Legislature.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.720 is hereby amended to read as follows:

386.720 1. There is hereby established a Program of Empowerment Schools for public schools within this State. The Program does not include a university school for profoundly gifted pupils.

2. ~~[Except as otherwise provided in this subsection, the]~~ ***The*** board of trustees of a school district which is located:

(a) In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.

(b) In a county whose population is 100,000 or more shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.

~~[➥ The total number of schools which operate as empowerment schools in this State must not exceed 100 schools. The Department shall adopt procedures to ensure compliance with the provisions of this subsection.]~~

3. The board of trustees of a school district which participates in the Program of Empowerment Schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:

(a) At least one representative of the board of trustees;

(b) The superintendent of the school district, or the superintendent's designee;

(c) Parents and legal guardians of pupils enrolled in public schools in the school district;

(d) Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;

(e) Representatives of organizations that represent teachers and other educational personnel;

(f) Representatives of the community in which the school district is located and representatives of businesses within the community; and

(g) Such other members as the board of trustees determines are necessary.

5. If a design team is created for a school district, the design team shall:

(a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and

(b) Advise the board of trustees on issues relating to empowerment schools.

6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.

Sec. 2. ~~[NRS 386.740 is hereby amended to read as follows:~~

~~386.740 1. Each empowerment plan for a school must:~~

~~(a) Set forth the manner by which the school will be governed;~~

~~(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;~~

~~(c) If a school support team has been established for the school in accordance with the regulations of the State Board adopted pursuant to NRS 385.361, require the principal and the empowerment team for the school to work in consultation with the school support team;~~

~~(d) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the~~

~~pupils enrolled in the school and any special programs that will be offered for pupils;~~

~~(e) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 389.015 and 389.550;~~

~~(f) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;~~

~~(g) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;~~

~~(h) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;~~

~~(i) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 or 388.720, as applicable;~~

~~(j) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;~~

~~(k) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;~~

~~(l) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385.357, the turnaround plan for the school implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, whichever is applicable for the school;~~

~~(m) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and~~

~~(n) Set forth the calendar and schedule for the school.~~

~~2. If the empowerment plan includes an incentive pay structure, that pay structure must:~~

~~(a) Provide an incentive for all staff employed at the school;~~

~~(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and~~

~~(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.~~

~~3. An empowerment plan may:~~

~~(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.~~

~~(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the~~

~~empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.~~

~~4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:~~

~~(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.~~

~~(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.~~

~~*5. If money is appropriated by the Legislature for awarding grants to empowerment schools to develop or carry out an empowerment plan, each empowerment school that is awarded such a grant may carry forward any money remaining from that grant at the end of a fiscal year to the next fiscal year and is not required to revert the money to the school district in which the empowerment school is located or to the State.]*~~ **(Deleted by amendment.)**

Sec. 3. Section 20 of chapter 530, Statutes of Nevada 2007, at page 3285, is hereby amended to read as follows:

Sec. 20. This act becomes effective on July 1, 2007 **.** ~~[, and expires by limitation on June 30, 2011.]~~

Sec. 4. ~~[1. On or before December 1, 2012, the board of trustees of each school district shall submit a written report to the Superintendent of Public Instruction which includes a timetable and process for each public school of the school district to convert to an empowerment school pursuant to the provisions of NRS 386.700 to 386.780, inclusive, not later than July 1, 2013.~~

~~2. The Superintendent of Public Instruction shall compile the written reports prepared pursuant to subsection 1 and submit a written report of the compilation and any recommendations for legislation to the Director of the Legislative Counsel Bureau for submission to the 77th Session of the Nevada Legislature.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective upon passage and approval.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Senator Denis requested that his remarks be entered in the Journal.

Thank you, Mr. President. Amendment No. 159 deletes sections of the Senate Bill No. 196 that would have required a timetable and plan from each school district to convert all of its schools to empowerment schools. The amendment also deletes provisions that would have exempted empowerment schools from reverting certain grants of money made by the Legislature.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 198.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 144.

"SUMMARY—Revises certain provisions governing financial institutions. (BDR 55-822)"

"AN ACT relating to financial institutions; removing provisions requiring a bank annually to charge off a certain percentage of the value of real property held by the bank and acquired as a result of a debt owed to the bank; revising provisions governing the review of certain applications for licensure by the Commissioner of Financial Institutions; revising provisions relating to the control of a retail trust company; revising provisions governing the assets which certain trust companies are required to maintain; revising provisions governing applications for a license to operate a retail trust company; authorizing certain persons to appeal certain decisions of the Commissioner; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law regulates the activities of and establishes the licensure requirements for various financial institutions, including banks and trust companies, that operate in this State. (Title 55 of NRS) Existing law authorizes a bank to hold real property that the bank acquires through the collection of debts owed to it for not more than 10 years ~~[. A]~~ **, and section 1 of this bill reduces that period to 5 years, except that a bank may request an extension of that period from the Commissioner of Financial Institutions of not more than 5 years. Existing law also requires a** bank ~~[is required]~~ to charge off the real property on a schedule of not less than 10 percent per year, or at a greater percentage if so required by the Commissioner **.** ~~[of Financial Institutions. (NRS 662.015)]~~ **Section 1** ~~[of this bill]~~ **additionally** removes the requirement that a bank annually charge off a certain percentage of the value of such real property. **(NRS 662.015)**

Existing law also charges the Commissioner of Financial Institutions with certain duties and responsibilities related to retail trust companies, including investigating companies that apply for licensure as a retail trust company, issuing licenses to qualified companies to operate as a retail trust company and removing from office an officer, director, manager or employee of a retail trust company for certain conduct. (NRS 657.180, 669.085, 669.090,

669.130, 669.150, 669.160, 669.281) **Section 3** of this bill requires the Commissioner to consider certain criteria related to the potential long-term success of a trust company before approving the company's application for licensure to operate as a retail trust company. **Section 4** of this bill requires a person who ~~[acquires]~~ **intends to obtain** control of a retail trust company to submit an application for licensure to the Commissioner**.** ~~[within 5 days after acquiring control of the company.]~~ **Section 7** of this bill requires the Commissioner to provide to an applicant for licensure as a retail trust company written notice of any grounds for denial of an application and authorizes the applicant to cure any defect or deficiency in the application and resubmit the application within a certain period. **Section 8** of this bill provides that a person who is removed from office by the Commissioner may appeal his or her removal from office within a certain period.

Existing law requires a retail trust company to maintain at least 50 percent of its required stockholders' equity in cash, unless the Commissioner approves a different amount, with the remaining amount to be held in the form of readily marketable securities or certain other assets that may be approved by the Commissioner. Existing law also requires a noncustodial trust company to maintain 50 percent of its required minimum capital in cash. (NRS 669.100) **Section 6** of this bill ~~[authorizes]~~ **requires** a retail trust company to maintain ~~[all of the]~~ **a certain amount of its** required stockholders' equity in the form of cash ~~[,]~~ **or certain cash equivalents and authorizes a retail trust company to hold the remaining amount of the required stockholders' equity in the form of** readily marketable securities or certain other assets upon the approval of the Commissioner. **Section 6 further requires that bonds or other evidence of indebtedness held by a retail trust company as part of its required stockholders' equity meet certain investment standards. Section 6** also ~~[authorizes]~~ **requires** a noncustodial trust company to maintain ~~[50]~~ **25** percent of its required minimum capital in the form of cash**.** ~~[or readily marketable securities.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 662.015 is hereby amended to read as follows:

662.015 1. In addition to the powers conferred by law upon private corporations and limited-liability companies, a bank may:

(a) Exercise by its board of directors, managers or authorized officers and agents, subject to law, all powers necessary to carry on the business of banking by:

(1) Discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of indebtedness;

(2) Receiving deposits;

(3) Buying and selling exchange, coin and bullion; and

(4) Loaning money on personal security or real and personal property.

➥ At the time of making loans, banks may take and receive interest or discounts in advance.

(b) Adopt regulations for its own government not inconsistent with the Constitution and laws of this State.

(c) Issue, advise and confirm letters of credit authorizing the beneficiaries to draw upon the bank or its correspondents.

(d) Receive money for transmission.

(e) Establish and become a member of a clearinghouse association and pledge assets required for its qualification.

(f) Exercise any authority and perform all acts that a national bank may exercise or perform, with the consent and written approval of the Commissioner. The Commissioner may, by regulation, waive or modify a requirement of Nevada law if the corresponding requirement for national banks is eliminated or modified.

(g) Provide for the performance of the services of a bank service corporation, such as data processing and bookkeeping, subject to any regulations adopted by the Commissioner.

(h) Unless otherwise specifically prohibited by federal law, sell annuities if licensed by the Commissioner of Insurance.

2. A bank may purchase, hold and convey real property:

(a) As is necessary for the convenient transaction of its business, including furniture and fixtures, with its banking offices and for future site expansion. This investment must not exceed, except as otherwise provided in this section, 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures. The Commissioner may authorize any bank located in a city whose population is more than 10,000 to invest more than 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures, in its banking offices, furniture and fixtures.

(b) As is mortgaged to it in good faith by way of security for loans made or money due to the bank.

(c) As is permitted by NRS 662.103.

3. This section does not prohibit any bank from holding, developing or disposing of any real property it may acquire through the collection of debts due it. ~~[Any]~~ ***Except as otherwise provided in subsection 4,*** real property acquired through the collection of debts due it may not be held for longer than ~~[10]~~ ***5*** years. It must be sold at private or public sale within 30 days thereafter. ~~[During the time that the bank holds the real property, the bank shall charge off the real property on a schedule of not less than 10 percent per year, or at a greater percentage per year as the Commissioner may require.]~~

4. A bank may request and the Commissioner may grant an extension of the period described in subsection 3 of not more than 5 years. The Commissioner shall not grant a bank more than one extension of the period prescribed in subsection 3 for any real property held by the bank.

Sec. 2. NRS 669.083 is hereby amended to read as follows:

669.083 1. A retail trust company licensed in this State shall maintain its principal office in this State.

2. The conditions for a retail trust company to fulfill the requirements of subsection 1 include, but are not limited to:

(a) A verifiable physical office in this State that conducts such business operations in this State as are necessary to administer trusts in this State;

(b) The presence of an employee that is a resident of Nevada in the principal office who has experience that is satisfactory to the Commissioner in accepting and administering trusts;

(c) Maintenance of originals or true copies of all material business records and accounts of the retail trust company which may be accessed and are readily available for examination by the Division of Financial Institutions;

(d) Maintenance of ***any cash as a portion of*** the required ~~[cash portion of the]~~ stockholders' equity pursuant to NRS 669.100 in accounts with one or more banks or other financial institutions located in this State;

(e) The provision of services to residents of this State consistent with the business plan provided by the trust company with its license application; and

(f) Such other conditions that the Commissioner may ***reasonably*** require to protect the public interest.

Sec. 3. NRS 669.085 is hereby amended to read as follows:

669.085 1. ~~[The Commissioner may conduct a pre-opening examination of a retail trust company and, in]~~ ***In*** rendering a decision on an application for a license as a retail trust company, ***the Commissioner shall*** consider:

(a) The proposed market or markets to be served and, if they extend outside of this State, any exceptional risk, examination or supervision concerns associated with such markets;

(b) Whether the proposed organizational and capital structure and the amount of initial capital appear adequate in relation to the proposed business and market or markets, including, without limitation, the average level of assets under management and administration projected for each of the first 3 years of operation;

(c) ~~[Whether the anticipated volume and nature of business indicate a reasonable probability of success and profitability based on the market or markets proposed to be served;~~

~~(d)]~~ Whether the proposed officers and directors or managers of the proposed retail trust company, as a group, have sufficient experience, ability, standing and competence and whether each individually has sufficient trustworthiness and integrity to justify a belief that the proposed retail trust company will be free from improper or unlawful influence and otherwise will operate in compliance with the law and applicable fiduciary duties and that success of the proposed retail trust company is reasonably probable;

~~[(e)]~~ ***(d)*** Whether any investment services to trusts, estates, charities, employee benefit plans and other fiduciary accounts or to natural persons, partnerships, limited-liability companies and other entities, including, without limitation, providing investment advice with or without discretion or selling investments in or investment products of affiliated or nonaffiliated

persons, will be conducted in compliance with all applicable fiduciary standards, including, without limitation, NRS 164.700 to 164.775, inclusive, the duty of loyalty and disclosure of material information;

~~[(f)]~~ ***(e)*** Whether the proposed retail trust company will be exempt from registration under the Investment Advisers Act of 1940, 15 U.S.C. § 80b-1 et seq., and any similar state laws in each state where it would otherwise be required to register and, if not, whether it will comply with such registration requirements before commencing business and thereafter will comply with all federal and state laws and regulations applicable to it, its employees and representatives as a registrant under such laws;

~~[(g)]~~ ***(f)*** Whether the proposed retail trust company will obtain suitable annual audits by qualified outside auditors of its books and records and its fiduciary activities under applicable account rules and standards as well as suitable internal audits; and

~~[(h)]~~ ***(g)*** Any other factors that the Commissioner may ***reasonably*** require.

2. The Commissioner may require a retail trust company to maintain capital in excess of the minimum required either initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the retail trust company's business plan or any other circumstances revealed in the application, the Commissioner's investigation of the application or any examination of or filing by the retail trust company thereafter, including any examination before the opening of the retail trust company for business. In making such a determination, the Commissioner may consider:

(a) The nature and type of business proposed to be conducted by the retail trust company;

(b) The nature and liquidity of assets proposed to be held in its own account;

(c) The amount of fiduciary assets projected to be under management or under administration of the retail trust company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of fiduciary duties and degree of discretion proposed to be undertaken by the retail trust company;

(f) The competence and experience of proposed management of the retail trust company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence or absence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The existence and adequacy of insurance proposed to be obtained by the retail trust company for the purpose of protecting its fiduciary assets;

(k) The success of the retail trust company in achieving the financial projections submitted with its licensing application;

(l) The fulfillment by the retail trust company of its representations and its descriptions of its business structures and methods and management set forth in its licensing application; and

(m) Any other factor that the Commissioner may require.

Sec. 4. NRS 669.087 is hereby amended to read as follows:

669.087 1. A license issued pursuant to this chapter is not transferable or assignable ~~[. Upon]~~ ***, but upon*** approval of the Commissioner, a licensee may merge or consolidate with, or transfer its assets and control to, another entity that has been issued a license under this chapter. In making a determination regarding whether to grant such approval, the Commissioner may consider the factors set forth in paragraphs (a) to (m), inclusive, of subsection 2 of NRS 669.085.

2. If there is a change in control of any retail trust company, the chief executive officer or managing member of the retail trust company shall report the fact and the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A retail trust company shall, within 5 business days after there is a change in the chief executive officer, managing member or a majority of the directors or managing directors of the retail trust company, report the change to the Commissioner. The retail trust company shall include in its report a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director or managing director. A new chief executive officer, managing member, director or managing director shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who ~~[acquires]~~ ***intends to acquire*** control ~~[as a result of a change of control]~~ of a retail trust company shall submit an application to the Commissioner . ~~*[within 5 business days after obtaining control of the retail trust company.]*~~ The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation ***pursuant to NRS 669.160*** to determine whether the person has a good reputation for honesty, trustworthiness and integrity and is competent to ~~[transact the business of a]~~ ***control the*** trust company in a manner which protects the interests of the general public.

5. The retail trust company with which the applicant described in subsection 4 is affiliated shall pay the nonrefundable cost of the investigation as the Commissioner requires. If the Commissioner denies the application, the Commissioner may forbid or limit the applicant's participation in the business of the trust company.

6. As used in this section, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management

and policy of a retail trust company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, a retail trust company.

Sec. 5. NRS 669.092 is hereby amended to read as follows:

669.092 1. It is unlawful for any retail trust company licensed in this State to engage in trust company business at any office outside this State without the prior approval of the Commissioner.

2. Before the Commissioner will approve a branch to be located in another state, the retail trust company must ~~[~~:

~~(a) Obtain from that state a license as a trust company; or~~

~~(b) Meet~~] ***provide proof satisfactory to the Commissioner that the retail trust company has met*** all the requirements to do business as a trust company at an office in that **state** ~~[.]~~ ***, including, without limitation, written documentation from the appropriate state agency that the retail trust company is authorized to do business in that state.***

Sec. 6. NRS 669.100 is hereby amended to read as follows:

669.100 1. No retail trust company may be organized or operated with a stockholders' equity of less than $1,000,000, or in such greater amount as may be required by the Commissioner. The full amount of the initial stockholders' equity must be paid in cash, exclusive of all organization expenses, before the trust company is authorized to commence business.

2. A retail trust company shall maintain at least ~~[50]~~ ***25*** percent of its ~~*[the]*~~ required stockholders' equity in cash ~~[unless the Commissioner approves a smaller amount.~~***] and at least an additional 25 percent of its required stockholders' equity in cash or cash equivalents comprising certificates of deposit, money market funds or other insured deposits. Cash equivalents held by a retail trust company pursuant to this subsection may, upon prior approval by the Commissioner, comprise investments in treasury bills, government obligations or commercial paper which, if acquired after October 1, 2011, must mature not later than 3 months after the date of acquisition by the retail trust company. Any certificate of deposit, money market fund, insured deposit, commercial paper, treasury bill or government obligation, other than an obligation of the United States or an obligation guaranteed by the United States, that is held as a cash equivalent by a retail trust company pursuant to this subsection must not exceed 10 percent of the total required stockholders' equity at the time the cash equivalent is purchased.*** The remaining ~~[50 percent]~~ ***amount*** of ~~[its]~~ ***the retail trust company's*** required stockholders' equity may be a different ~~*[or in the]*~~ form of readily marketable securities , or with prior approval by the Commissioner , other liquid, secure asset, bond, surety or insurance, or some combination of the foregoing. ***Any bond or other evidence of indebtedness held by a retail trust company pursuant to this subsection must have an investment grade credit rating and must have received a rating within one of the top three rating categories of Moody's Investors Service, Inc. or Standard and Poor's Ratings Services.***

3. Any grandfathered trust company other than a noncustodial trust company that does not have the minimum capital required by this section as of October 1, 2009, shall:

(a) Except as otherwise determined by the Commissioner, increase its capital to a minimum of:

(1) By October 1, 2010, $500,000;

(2) By October 1, 2011, $750,000; and

(3) By October 1, 2012, $1,000,000; and

(b) Maintain ~~[$500,000]~~ ***25 percent*** of such minimum capital in cash on and after October 1, 2010.

4. Any noncustodial trust company that does not have the minimum capital required by this section as of October 1, 2009, shall:

(a) Except as otherwise determined by the Commissioner, increase its capital to a minimum of:

(1) By October 1, 2010, $350,000;

(2) By October 1, 2011, $400,000; and

(3) By October 1, 2012, $500,000; and

(b) Maintain ~~[50]~~ ***25*** percent of such minimum capital in cash ~~*[or in the form of readily marketable securities]*~~ on and after October 1, 2010. ~~*[2011.]*~~

5. As used in this section, "in cash" means in depository accounts with one or more banks in this State.

Sec. 7. NRS 669.160 is hereby amended to read as follows:

669.160 1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:

(a) That the persons who will serve as directors or officers of the corporation, or the managers or members acting in a managerial capacity of the limited-liability company, as applicable:

(1) Have a good reputation for honesty, trustworthiness and integrity and display competence to transact the business of a trust company in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Have not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(3) Have not made a false statement of material fact on the application.

(4) Have not been an officer or member of the board of directors for an entity which had a license issued pursuant to the provisions of this chapter that was suspended or revoked within the 10 years immediately preceding the date of the application, and in the reasonable judgment of the Commissioner, there is evidence that the officer or member of the board of directors materially contributed to the actions resulting in the license suspension or revocation.

(5) Have not been an officer or member of the board of directors for a company which had a license as a trust company which was issued in any other state, district or territory of the United States or any foreign country

suspended or revoked within the 10 years immediately preceding the date of the application, and in the reasonable judgment of the Commissioner, there is evidence that the officer or member of the board of directors materially contributed to the actions resulting in the license suspension or revocation.

(6) Have not violated any of the provisions of this chapter or any regulation adopted pursuant to the provisions of this chapter.

(b) That the financial status of the directors and officers of the corporation or the managers or members acting in a managerial capacity of the limited-liability company is consistent with their responsibilities and duties.

(c) That the name of the proposed company complies with the provisions of NRS 657.200.

(d) That the initial stockholders' equity is not less than the required minimum.

(e) That the applicant has retained the employee required by paragraph (b) of subsection 2 of NRS 669.083.

2. ~~[~~Notice~~]~~ ***After an investigation by the Commissioner pursuant to subsection 1, if the Commissioner finds any defect or deficiency in an application for licensure which would constitute grounds for denial of the application, written notice of such grounds for denial must be served personally or sent by certified mail to the applicant. The Commissioner shall allow the applicant*** ~~*[the]*~~ ***an opportunity to cure any defect or deficiency in the application and, not later than 30 days after receipt of the notice of denial, to resubmit the application for approval.***

3. If a defect or deficiency in an application is not cured pursuant to subsection 2, written notice of the entry of an order refusing a license to a trust company must be ~~[~~given in writing,~~]~~ served personally or sent by certified mail to the company affected. The company, upon application, is entitled to a hearing before the Commissioner, but if no such application is made within 30 days after the entry of an order refusing a license to any company, the Commissioner shall enter a final order.

~~[~~3.~~]~~ ***4.*** The order of the Commissioner is final for the purposes of judicial review.

Sec. 8. NRS 669.281 is hereby amended to read as follows:

669.281 ***1.*** The Commissioner may require the immediate removal from office of any officer, director, manager or employee of any retail trust company doing business under this chapter who is found to be dishonest, incompetent or reckless in the management of the affairs of the retail trust company, or who persistently violates the laws of this State or the lawful orders, instructions and regulations issued by the Commissioner.

2. An officer, director, manager or employee of a retail trust company who is removed from office pursuant to subsection 1 may appeal his or her removal by filing a written request for a hearing with the Commissioner within 10 days after the effective date of his or her removal. The Commissioner shall conduct the hearing after providing at least 5 days' written notice to ~~*[all interested parties.]*~~ ***the retail trust company and the***

officer, director, manager or employee who is removed from office. Within 5 days after the hearing, the Commissioner shall enter an order affirming or disaffirming the removal of the person from office. An order of the Commissioner entered pursuant to this subsection is final for the purposes of judicial review.

Sec. 9. **This act becomes effective upon passage and approval.**

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Senator Settelmeyer requested that his remarks be entered in the Journal.

Amendment No. 144 to Senate Bill No. 198 prohibits a bank that acquires real property through debt collection from holding the property for longer than five years. A bank may request the Commissioner of Financial Institutions to grant an extension of not more than five additional years. However, only one such extension may be granted.

A person who intends to acquire control of a retail trust company must submit an application to the Commissioner.

The Commissioner may approve locating a branch of a retail trust company in another state if the company provides written documentation from an appropriate state agency that the company is authorized to do business in that state.

The amendment makes certain changes in the allowable investments of stockholders' equity and the minimum capital requirements. It also makes the bill effective upon passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 284.

Bill read second time and ordered to third reading.

Senate Bill No. 368.

Bill read second time and ordered to third reading.

Senate Bill No. 413.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bill No. 413 be re-referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 477.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bill No. 477 be re-referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 76.

"SUMMARY—Revises provisions relating to the authorization of certain emergency vehicles. (BDR 43-457)"

"AN ACT relating to motor vehicles; revising provisions relating to the authorization of certain emergency vehicles; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Nevada Highway Patrol Division is the only division of the Department of Public Safety expressly authorized to obtain permits from the Department of Motor Vehicles to own and operate authorized emergency vehicles. (NRS 484A.480, 484A.490) This bill expressly authorizes the issuance of such permits for vehicles owned and operated by **: (1)** the Capitol Police Division, the Investigation Division, the State Fire Marshal Division, the Training Division and the Office of the Director of the Department of Public Safety ~~[.]~~ **; and (2) the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel in the Department of Motor Vehicles. This bill also transfers from the Department of Motor Vehicles to the Department of Public Safety the statutory authority to establish standards for certain equipment for emergency vehicles and to issue permits for authorized emergency vehicles.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484A.480 is hereby amended to read as follows:

484A.480 1. Except as otherwise provided in NRS 484A.490, authorized emergency vehicles are vehicles publicly owned and operated in the performance of the duty of:

(a) A police or fire department.

(b) A sheriff's office.

(c) ~~[The Nevada Highway Patrol.]~~ ***The Capitol Police Division, the Investigation Division, the Nevada Highway Patrol Division, the State Fire Marshal Division, the Training Division and the Office of the Director of the Department of Public Safety.***

(d) The Division of Forestry of the State Department of Conservation and Natural Resources in responding to a fire.

(e) ***The Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel in the Department of Motor Vehicles.***

(f) A public ambulance agency.

~~[(f)]~~ ***(g)*** A public lifeguard or lifesaving agency.

2. A vehicle publicly maintained in whole or in part by the State, or by a city or county, and privately owned and operated by a regularly salaried

member of a police department, sheriff's office or traffic law enforcement department, is an authorized emergency vehicle if:

(a) The vehicle has a permit, pursuant to NRS 484A.490, from the Department ~~[,]~~ ***of Public Safety;***

(b) The person operates the vehicle in responding to emergency calls or fire alarms, or at the request of the Nevada Highway Patrol or in the pursuit of actual or suspected violators of the law; and

(c) The State, county or city does not furnish a publicly owned vehicle for the purposes stated in paragraph (b).

3. Every authorized emergency vehicle must be equipped with at least one flashing red warning lamp visible from the front and a siren for use as provided in chapters 484A to 484E, inclusive, of NRS, which lamp and siren must be in compliance with standards approved by the Department ~~[.]~~ ***of Public Safety.*** In addition, an authorized emergency vehicle may display revolving, flashing or steady red or blue warning lights to the front, sides or rear of the vehicle.

4. An authorized emergency vehicle may be equipped with a system or device that causes the upper-beam headlamps of the vehicle to continue to flash alternately while the system or device is activated. The driver of a vehicle that is so equipped may use the system or device when responding to an emergency call or fire alarm, while escorting a funeral procession, or when in pursuit of an actual or suspected violator of the law. As used in this subsection, "upper-beam headlamp" means a headlamp or that part of a headlamp which projects a distribution of light or composite beam meeting the requirements of subsection 1 of NRS 484D.210.

5. Except as otherwise provided in subsection 4, a person shall not operate a motor vehicle with any system or device that causes the headlamps of the vehicle to continue to flash alternately or simultaneously while the system or device is activated. This subsection does not prohibit the operation of a motorcycle equipped with any system or device that modulates the intensity of light produced by the headlamp of the motorcycle, if the system or device is used only during daylight hours and conforms to the requirements of 49 C.F.R. § 571.108.

6. A person shall not operate a vehicle with any lamp or device displaying a red light visible from directly in front of the center of the vehicle except an authorized emergency vehicle, a school bus or an official vehicle of a regulatory agency.

7. A person shall not operate a vehicle with any lamp or device displaying a blue light, except a motorcycle pursuant to NRS 486.261 or an authorized emergency vehicle.

Sec. 2. **NRS 484A.490 is hereby amended to read as follows:**

484A.490 1. The Department ***of Public Safety*** may issue permits for authorized emergency vehicles to vehicles required to be operated primarily for the immediate preservation of life or property or for the apprehension of violators of the law. The permits must not be issued to vehicles when there

are available comparable services provided by agencies referred to in NRS 484A.480.

2. The issuance of the permits to vehicles under this section must be limited to:

(a) Agencies designated in NRS 484A.480;

(b) Vehicles owned or operated by an agency of the United States engaged primarily in law enforcement work;

(c) Ambulances designed and operated exclusively as such; and

(d) Supervisory vehicles which are:

(1) Marked and used to coordinate and direct the response of ambulances to emergencies;

(2) Privately owned by a person licensed to operate an ambulance; and

(3) Operated under contract with a local governmental agency and at the request of its law enforcement agency or fire department.

3. The following are not emergency vehicles and must not be permitted to operate as such:

(a) Tow cars;

(b) Vehicles used by public utilities;

(c) Vehicles used in merchant patrols;

(d) Vehicles used in private escort service;

(e) Privately owned vehicles of volunteer firefighters;

(f) Privately owned vehicles of reserve members of a police department or a sheriff's office; and

(g) Vehicles of private detectives.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective upon passage and approval.

Senator Breeden moved the adoption of the amendment.

Remarks by Senator Breeden.

Senator Breeden requested that her remarks be entered in the Journal.

Amendment No. 76 to Assembly Bill No. 30 designates vehicles used by the Department of Motor Vehicles for enforcement as emergency vehicles. The amendment also transfers the authority to establish standards and permitting for emergency vehicles from the Department of Motor Vehicles to the Department of Public Safety.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time.

The following amendment was proposed by the Select Committee on Economic Growth and Employment:

Amendment No. 51.

"SUMMARY—Makes various changes relating to bidder preferences on state and local public works projects. (BDR 28-64)"

"AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects;

requiring the inclusion in a contract for a public work of certain conditions that must be satisfied to obtain such a preference in bidding; providing for the investigation of a failure to satisfy the conditions for such a preference in bidding; providing for the recovery of damages for a failure to satisfy the provisions in a contract relating to preferences in bidding; prohibiting the use of a certificate of eligibility to receive a preference in bidding in certain circumstances; prohibiting a person from bidding on a public work in certain circumstances; revising provisions relating to the keeping, by certain persons, of records relating to public works; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a contract for a public work is awarded to the contractor who submits the best bid. A contractor may qualify for a preference in bidding on a contract for a public work if the contractor has submitted proof to the State Contractors' Board that the contractor has paid certain taxes to the State for the past 5 years. (NRS 338.1389, 338.147)

Sections 2, 9-11, 13 and 16 of this bill require that a contractor, an applicant or a design-build team, respectively, must meet five additional criteria to receive a preference in bidding on a contract for a public work. Specifically, **section 2** requires that, in addition to the existing requirements for a preference in bidding on a contract for a public work, the contractor, applicant or design-build team must ensure that: (1) at least 50 percent of the workers on the public work have a Nevada driver's license or identification card; (2) all of the non-apportioned vehicles primarily used on the public work are registered in Nevada; (3) at least 50 percent of the design professionals who work on the public work have a Nevada driver's license or identification card; (4) at least 25 percent of the **suppliers of the** materials used in the public work are ~~[purchased]~~ **located** in Nevada; and (5) certain payroll records related to the public work are maintained and available within this State.

Section 2 also requires that, if a contractor, applicant or design-build team who receives a preference in bidding is awarded a contract for a public work, the contract must include those five requirements for a preference in bidding on a contract for a public work and provide that failure to comply with any of those five requirements is a material breach of the contract that entitles the public body to damages in the amount of 10 percent of the cost of the contract. **Additionally, section 2 requires each contract between a contractor, applicant or design-build team who receives a preference in bidding and a subcontractor to include a provision that apportions the liability for damages for a material breach of the contract for a public work between the contractor and subcontractor in proportion to each party's liability. Sections 9 and 10** of this bill provide that a contractor who breaches any of those five requirements for a contract for a public work the cost of which exceeds $5,000,000 loses his or her certification for a preference in bidding for 5 years. **Sections 3, 6-8 and 14** of this bill provide

that a contractor, applicant or design-build team who breaches any of those five requirements for a contract for a public work the cost of which exceeds $25,000,000 loses his or her ability to bid on any contracts for public works for one year.

Section 17 of this bill provides that those five requirements for a preference in bidding on a contract for a public work apply to any public work that is first advertised for bid after the effective date of this bill.

Section 17 also declares that any contract for such a public work that fails to comply with this bill is void.

Section 5 of this bill revises the records that a contractor or subcontractor engaged on a public work must keep relating to their workers.

WHEREAS, The State of Nevada has been disproportionately affected by the Great Recession, suffering from the nation's highest unemployment rate at 14.5 percent as of December 2010, which is also the highest unemployment rate in state history; and

WHEREAS, According to the current employment statistics compiled by the Research and Analysis Bureau of the Department of Employment, Training and Rehabilitation, the construction sector in the State has been particularly hard-hit, with over 60 percent of all construction jobs in the State eliminated from June 2006 through December 2010, accounting for a loss of about 91,700 jobs; and

WHEREAS, Investment in the State's public works and infrastructure is both crucial to the economic recovery of the State today and essential to investing in Nevada's future; and

WHEREAS, Giving priority in bidding on state and local public works projects to Nevada businesses that employ Nevada workers is critically important in addressing both the historically high state unemployment rate in general and the incredible damage done to the construction sector in particular by the Great Recession; and

WHEREAS, The Nevada Legislature has determined that the extreme shortage of jobs for Nevada workers poses a serious threat to the economy of the State which necessitates a reasonable yet immediately effective response to put Nevadans back to work; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project:***

(a) At least 50 percent of all workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) At least 50 percent of the design professionals working on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles;

(d) At least 25 percent of the suppliers of the materials used for the public work will be [purchased] located in this State; and

(e) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (e), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to (e), inclusive, of subsection 1 is a material breach of the contract and entitles the public body to liquidated damages in the amount of 10 percent of the cost of the contract.

3. A person or entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 may file a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public

body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover by civil action liquidated damages as described in paragraph (b) of subsection 2 for a breach of a contract for a public work caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1. If a public body recovers liquidated damages pursuant to this subsection for a breach of a contract for a public work, the public body shall report to the State Contractors' Board the date of the breach, the name of each entity which breached the contract and the cost of the contract. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract, each contract between the contractor, applicant or design-build team and a subcontractor must provide for the apportionment of liquidated damages assessed pursuant to subsection 5 if a person other than the contractor was responsible for the breach of a contract for a public work caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1. The apportionment of liquidated damages must be in proportion to the responsibility of each party for the breach.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (e), inclusive, of subsection 1.

Sec. 3. ***A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has, within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act.***

Sec. 4. NRS 338.0115 is hereby amended to read as follows:

338.0115 1. Except as otherwise provided in subsection 2, the provisions of this chapter and chapters 332 and 339 of NRS do not apply to a contract under which a private developer, for the benefit of a private development, constructs a water or sewer line extension and any related appurtenances:

(a) Which qualify as a public work pursuant to NRS 338.010; and

(b) For which the developer will receive a monetary contribution or refund from a public body as reimbursement for a portion of the costs of the project.

2. If, pursuant to the provisions of such a contract, the developer is not responsible for paying all of the initial construction costs of the project, the provisions of NRS 338.013 to 338.090, inclusive, and 338.1373 to 338.148, inclusive, ***and sections 2 and 3 of this act*** apply to the contract.

Sec. 5. NRS 338.070 is hereby amended to read as follows:

338.070 1. Any public body awarding a contract shall:

(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and

(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive.

2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.

3. Except as otherwise provided in subsection 6, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.

4. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept ~~[an]~~ **:**

(a) An accurate record showing ~~[the]~~ ***, for each worker employed by the contractor or subcontractor in connection with the public work:***

~~[(a)]~~ (1) The name ~~[,]~~ ***of*** the ***worker;***

~~[(b)]~~ (2) The occupation ***of the worker;***

~~[(c)]~~ ***(3) If*** ~~[any, the driver's license number or identification card number of]~~ ***the worker*** ~~[, including, without limitation,]~~ ***has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card;*** and ~~[the]~~

~~[(d)]~~ ***(4) The*** actual per diem, wages and benefits paid to ~~[each]~~ ***the*** worker ~~[.]~~ ~~[employed by the contractor and subcontractor in connection with the public work.]~~ ***; and***

(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:

(1) The name of the worker;

(2) The driver's license number or identification card number of the worker; and

(3) The state or other jurisdiction that issued the license or card.

5. The ~~[record]~~ ***records*** maintained pursuant to subsection 4 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of ~~[the]~~ ***each*** record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy ***of the record maintained pursuant to paragraph (a) of subsection 4*** must be open to public inspection as provided in NRS 239.010. ***The copy of the record maintained pursuant to paragraph (b) of subsection 4 is confidential and not open to public inspection.*** The ~~[record]~~ ***records*** in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work.

6. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 4 for a calendar month by the time specified in subsection 5 if:

(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:

(1) Ten days after the end of the month; or

(2) A date agreed upon by the contractor and subcontractor; and

(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 5.

➥ Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 5.

7. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.

Sec. 6. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of ~~[:]~~ ***section 3 of this act and:***

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.1699, inclusive; or

(d) NRS 338.1711 to 338.1727, inclusive.

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.1699, inclusive, and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 7. NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the State Public Works Board or the local government.

2. Upon receipt of an application pursuant to subsection 1, the State Public Works Board or the local government shall:

(a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The State Public Works Board or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.

4. The State Public Works Board or the local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the State Public Works Board or the local government.

5. ~~[The]~~ ***Except as otherwise provided in subsection 8, the*** State Public Works Board shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. ~~[The]~~ ***Except as otherwise provided in subsection 8, the*** local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the State Public Works Board or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

8. The State Public Works Board or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has, within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act.

Sec. 8. NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person ***has not, within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act, and*** has been determined by:

(a) The State Public Works Board pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

Sec. 9. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382; ~~[and]~~

(2) At the time the contractor submits his or her bid, has a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) At the time the contractor submits his or her bid, submits a signed affidavit that meets the requirements of subsection 1 of section 2 of this act; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who ~~[does]~~ ***:***

(1) Does not have, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4 ~~[.]~~ ***; or***

(2) Does not submit, at the time he or she submits the bid, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of

chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor

has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works ~~[submits]~~ ***:***

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information ~~[.]~~ ***; or***

(b) Is found by the Board to have, within the preceding 5 years, breached a contract for a public work for which the cost exceeds $5,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may be deemed the best bid only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 10. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative; ~~[and]~~

(2) At the time the contractor submits his or her bid, has a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) At the time the contractor submits his or her bid, submits a signed affidavit that meets the requirements of subsection 1 of section 2 of this act; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who ~~[does]~~ ***:***

(1) Does not have, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4 ~~[,]~~ ***; or***

(2) Does not submit, at the time he or she submits the bid, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months

immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works ~~[submits]~~ ***:***

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on

public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information ~~[.]~~ ***; or***

(b) Is found by the Board to have, within the preceding 5 years, breached a contract for a public work for which the cost exceeds $5,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may be deemed a best bid only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 11. NRS 338.1693 is hereby amended to read as follows:

338.1693 1. The local government shall appoint a panel consisting of at least three members to rank the statements of qualifications submitted to the local government by evaluating the statements of qualifications as required pursuant to subsections 2 and 3.

2. The panel shall rank the statements of qualifications by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Conducting an evaluation of the qualifications of each applicant based on the factors and relative weight assigned to each factor that the local government specified in the request for statements of qualifications advertised pursuant to NRS 338.1692.

3. When ranking the statements of qualifications, the panel shall assign a relative weight of 5 percent to the ***applicant's*** possession of a certificate of eligibility to receive a preference in bidding on public works ~~[.]~~ ***if the applicant submits a signed affidavit that meets the requirements of subsection 1 of section 2 of this act.***

4. After the panel ranks the statements of qualifications, the local government shall:

(a) Make available to the public the rankings of the applicants; and

(b) Except as otherwise provided in subsection 5, select at least the two but not more than the five applicants that the panel determined to be most qualified as finalists to submit final proposals to the local government pursuant to NRS 338.1694.

5. If the local government did not receive at least two statements of qualifications from applicants that the panel determines to be qualified pursuant to this section and NRS 338.1691, the local government may not contract with a construction manager at risk.

Sec. 12. NRS 338.1699 is hereby amended to read as follows:

338.1699 1. To be eligible to provide materials, equipment, work or other services on a public work for which a construction manager at risk was awarded a contract pursuant to NRS 338.1696, a subcontractor must be:

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Selected by the construction manager at risk based on the process of competitive bidding set forth in the applicable provisions of NRS 338.1373 to 338.148, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. A construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to NRS 338.1696 shall submit to the local government that awarded the contract or its authorized representative a list containing the names of each subcontractor with whom the construction manager at risk intends to enter into a contract for the provision of materials, equipment, work or other services on the public work.

Sec. 13. NRS 338.1727 is hereby amended to read as follows:

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the public body.

2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.

3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5 percent to the ***design-build team's*** possession of a certificate of eligibility to receive a preference in bidding on public works ***if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of section 2 of this act,*** and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to preference in bidding on public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.

5. A final proposal is exempt from the requirements of NRS 338.141.

6. After receiving and evaluating the final proposals for the public work, the public body, at a regularly scheduled meeting, shall:

(a) Select the final proposal, using the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected; or

(b) Reject all the final proposals.

7. If a public body selects a final proposal and awards a design-build contract pursuant to paragraph (a) of subsection 6, the public body shall:

(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

8. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

(b) Must specify:

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.

(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.

(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.

Sec. 14. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to

questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. ***If the Director determines that the person has, within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act, the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project.*** Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 15. NRS 408.3883 is hereby amended to read as follows:

408.3883 1. The Department shall advertise for preliminary proposals for the design and construction of a project by a design-build team in a newspaper of general circulation in this State.

2. A request for preliminary proposals published pursuant to subsection 1 must include, without limitation:

(a) A description of the proposed project;

(b) Separate estimates of the costs of designing and constructing the project;

(c) The dates on which it is anticipated that the separate phases of the design and construction of the project will begin and end;

(d) The date by which preliminary proposals must be submitted to the Department, which must not be less than 30 days after the date that the

request for preliminary proposals is first published in a newspaper pursuant to subsection 1; and

(e) A statement setting forth the place and time in which a design-build team desiring to submit a proposal for the project may obtain the information necessary to submit a proposal, including, without limitation, the information set forth in subsection 3.

3. The Department shall maintain at the time and place set forth in the request for preliminary proposals the following information for inspection by a design-build team desiring to submit a proposal for the project:

(a) The extent to which designs must be completed for both preliminary and final proposals and any other requirements for the design and construction of the project that the Department determines to be necessary;

(b) A list of the requirements set forth in NRS 408.3884;

(c) A list of the factors that the Department will use to evaluate design-build teams who submit a proposal for the project, including, without limitation:

(1) The relative weight to be assigned to each factor pursuant to NRS 408.3886; and

(2) A disclosure of whether the factors that are not related to cost are, when considered as a group, more or less important in the process of evaluation than the factor of cost;

(d) Notice that a design-build team desiring to submit a proposal for the project must include with its proposal the information used by the Department to determine finalists among the design-build teams submitting proposals pursuant to subsection 2 of NRS 408.3885 and a description of that information;

(e) A statement that a design-build team whose prime contractor holds a certificate of eligibility to receive a preference in bidding on public works issued pursuant to NRS 338.1389 or 338.147 should submit ***with its proposal*** a copy of the certificate of eligibility ~~[with its proposal;]~~ ***and a signed affidavit that meets the requirements of subsection 1 of section 2 of this act;*** and

(f) A statement as to whether a bidding design-build team that is selected as a finalist pursuant to NRS 408.3885 but is not awarded the design-build contract pursuant to NRS 408.3886 will be partially reimbursed for the cost of preparing a final proposal or best and final offer, or both, and, if so, an estimate of the amount of the partial reimbursement.

Sec. 16. NRS 408.3886 is hereby amended to read as follows:

408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of 5 percent to the ***design-build team's*** possession of a certificate of eligibility to receive a preference in bidding on public works ***if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of section 2 of this act,*** and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to preference in bidding on public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;

(b) Reject all the final proposals; or

(c) Request best and final offers from all finalists in accordance with subsection 5.

5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:

(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or

(b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:

(a) Review and ratify the selection.

(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

7. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and

(b) Must specify:

(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

8. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.

Sec. 17. 1. The amendatory provisions of this act apply to all public works for which bids are first advertised after the effective date of this act.

2. Any contract awarded for a public work to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

➥ is void.

3. As used in this section, "contract" and "public work" have the meanings ascribed to them in NRS 338.010.

Sec. 18. This act becomes effective upon passage and approval.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Senator Kihuen requested that his remarks be entered in the Journal.

Amendment No. 51 to Assembly Bill No. 144 modifies the requirement that 25 percent of the materials for a public works project be purchased in Nevada and instead requires that 25 percent of the suppliers of materials purchased for a public works project be in Nevada. The amendment provides that penalties imposed for violation of certain provisions of the bill are to be shared by the primary contractor and subcontractors, in the event that the primary contractor was not solely at fault for the violation. It also requires local governments and certain State agencies to report annually to the Legislative Commission on the contracts awarded under the program.

In addition, Amendment No. 51 makes changes to protect the personal identifying information of employees working on projects awarded under the program. It requires the driver's license and identification card information collected to be kept confidential and not open to public inspection.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 30.

Bill read third time.

Remarks by Senator Kihuen.

Senator Kihuen requested that his remarks be entered in the Journal.

Senate Bill No. 30 revises procedures for the transfer or withdrawal of money from the operating account of a unit-owners' association. First, electronic transfers can be made without certain signatures to a State or federal agency pursuant to the appropriate law. Second, an association may use electronic signatures to withdraw money under certain circumstances. There must be a written agreement with the financial institution where the account is held, the withdrawal must be authorized by the executive board, and the association must have internal controls to safeguard the assets.

The bill also repeals existing law concerning the availability of certain financial records and instead requires that they be available in a manner similar to other association records. The measure retains the existing provision that a copy of the financial records must be made available, at a cost not to exceed 25 cents per page, to a unit owner or the Ombudsman within 14 days of receiving a written request.

Roll call on Senate Bill No. 30:

YEAS—21.

NAYS—None.

Senate Bill No. 30 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 44.

Bill read third time.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Senate Bill No. 44 requires the Division of Mental Health and Developmental Services, Department of Health and Human Services, to adopt regulations that define when a consumer may receive services from the Division, and that establish policies and procedures for the referral of a consumer to another organization or resource when the Division cannot provide the services that the consumer needs.

The bill also replaces the term "client" in certain existing statutes with the term "consumer" to reflect currently acceptable nomenclature within the field of mental health for individuals who seek and can benefit from services offered by the Division. Finally, the bill requires the Legislative Counsel to make corresponding changes to existing regulations.

Roll call on Senate Bill No. 44:

YEAS—21.

NAYS—None.

Senate Bill No. 44 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 65.

Bill read third time.

Remarks by Senator Settelmeyer.

Senator Settelmeyer requested that his remarks be entered in the Journal.

Senate Bill No. 65 changes the requirement that a Board of County Commissioners and the Clerk and Council of each incorporated city publish a quarterly financial statement detailing the receipts and disbursements of each bill that the county and city has paid.

The bill provides that a summary statement showing the total amounts of receipts, disbursements, and bills to be published quarterly in a newspaper of general circulation and on the county's or city's Internet website, if available, for a period of five consecutive days. The measure requires the quarterly statement to include instructions for the public indicating for the statement published in the newspaper, where on the county's or city's Internet website the statement can be viewed; a telephone number the public may call to obtain financial documents; and an address of the city or county offices where the public may view the statements.

Finally, the bill clarifies that the documents and receipts that support the local financial transactions set forth in the quarterly statements are considered public records.

Roll call on Senate Bill No. 65:

YEAS—21.

NAYS—None.

Senate Bill No. 65 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 74.

Bill read third time.

Remarks by Senator Settelmeyer.

Senator Settelmeyer requested that his remarks be entered in the Journal.

Senate Bill No. 74 changes the designation of certain State funds and accounts and realigns numerous special funds into separate accounts within the State General Fund.

This brings us into accordance with the Government Accounting Standards Board rules.

Roll call on Senate Bill No. 74:
YEAS—21.
NAYS—None.

Senate Bill No. 74 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 77.

Bill read third time.

Remarks by Senators Hardy and Kieckhefer.

Senator Hardy requested that the following remarks be entered in the Journal.

SENATOR HARDY:
The key points are fingerprints being required and the complete form needs to be filled out before it is notarized. The notary will have notice of any suspension on the Internet, and the submission of fingerprints will take place upon passage, as opposed to January 1, 2012, for the rest of the bill.

SENATOR KIECKHEFER:
Thank you, Mr. President. With the amendment, does it maintain the establishment of a class C felony for notaries who intentionally misuse their stamp?

SENATOR HARDY:
Yes, if there is a substantial and material misstatement or omission of fact, the notary public is guilty of a category C felony. Likewise, the stamp and the notary journal must be kept in a secure location.

SENATOR KIECKHEFER:
Is this an ongoing problem we are trying to fix?

SENATOR HARDY:
Not after this amendment.

SENATOR KIECKHEFER:
I do not have a problem with the bill, but I would like to say that list of class C felonies is very strange, including anything from bribing a legislator to sex crimes or stealing $250. It is a diverse list of crimes with which we are making this consistent.

Roll call on Senate Bill No. 77:
YEAS—21.
NAYS—None.

Senate Bill No. 77 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 82.

Bill read third time.

Remarks by Senator Hardy.

Senator Hardy requested that his remarks be entered in the Journal.

Senate Bill No. 82 requires an investigation of security breaches and report of the breach to the appropriate people. It makes changes in the Information Technology Board as well as requires some local government assistance when it does not increase the cost to the State or

would be allowed to reduce the cost to the State. It requires Internet use for advertisements and for the local governments to use the Internet websites if they have them available.

Roll call on Senate Bill No. 82:
YEAS—21.
NAYS—None.

Senate Bill No. 82 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 85.

Bill read third time.

Remarks by Senators Lee and Manendo.

Senator Lee requested that the following remarks be entered in the Journal.

SENATOR LEE:

Senate Bill No. 85 clarifies which decisions of a planning commission, board of adjustment, hearing examiner, or governing body may be appealed to the district court. For the purposes of judicial review within Clark County, Senate Bill No. 85 revises the definition of "aggrieved" to specifically exclude a person who has not submitted in writing to, or appeared before, the appropriate bodies and stated the grounds for his or her appeal, or whose claims are based solely on increased or new competition.

SENATOR MANENDO:

I rise in opposition to Senate Bill No. 85. An individual cannot appeal a land use decision by the planning commission or other governing body unless they have been aggrieved by that decision. As the Chair of the Committee mentioned, to be deemed aggrieved, you must appear in person through an authorized representative or in writing and state your position on that particular item. This is fine unless you miss the public hearing. Many times citizens miss items on an agenda due to a wide variety of reasons such is they are at work or caring for their families. Sometimes they just cannot decipher the agenda item. I remember an incident in Clark County where there was a controversial item that had to do with building a minimum-security facility. It started out being a 500-bed facility then grew to be a 2,000-bed facility, which was within a half mile of homes and within a mile of a school. That item was moved to the consent items. We did not know where the item went. We could not find it. We did not see it on the agenda. We had almost 2,000 signatures against this item. Those of us who could leave work did so. We begged and they moved the item from the consent items. Things like that happen. Often the public is not alerted to an item until after it has been heard by the planning commission. They must deal with it at the city or county commission level. In Senate Bill No. 85 if a member of the public does not appear at that hearing and wants to appeal a decision, under this legislation they cannot appeal it.

The unintended consequences are not in the public's best interest. We should not place undue restrictions on the public input in an appeal process in land and zoning decisions.

I urge your opposition to this bill.

SENATOR LEE:

I agree with what he is saying. However, these go through the planning commission, the board of adjustments, or the hearing examiner and are vetted there. From there, the decision goes to the county commission. If I thought for one minute that someone would not have a chance to have an opportunity to have their opinions heard, I would not push this bill. You have time to submit your concerns in writing or appear before the appropriate body. I understand the residential issue, but sometimes some businesses try to act as if they are aggrieved every time another industry wants to place a business nearby. For instance, an auto dealership might not want another dealership four miles away because they do not want the competition. What we were trying to do with this is to use language in such a way that someone would have to come to

the hearing and have to talk about it, not just file a claim, thus stopping the process. I agree that things do happen to people. Sometimes they cannot make meetings. I would hope that, in that case, a county commissioner would be available if someone missed the meeting and they would still listen to them.

I offer this bill with my full support.

Roll call on Senate Bill No. 85:

YEAS—19.

NAYS—Leslie, Manendo—2.

Senate Bill No. 85 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 96.

Bill read third time.

Remarks by Senator Hardy.

Senator Hardy requested that his remarks be entered in the Journal.

Encouraging young adults to volunteer to serve their community is widely viewed as beneficial to the individual as well as to society. Past research has found that students who participate in these programs tend to have stronger ties to school, peers, and the community, and generally demonstrate positive social behaviors. Not the least of which, is networking with other people who like to volunteer. Many times that leads to knowing people who hire people. You get jobs by knowing someone who knows someone.

Roll call on Senate Bill No. 96:

YEAS—21.

NAYS—None.

Senate Bill No. 96 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 102.

Bill read third time.

Remarks by Senator Lee.

Senator Lee requested that his remarks be entered in the Journal.

Senate Bill No. 102 imposes a civil penalty of not less than $5,000 nor more than $30,000 for unlawfully killing or possessing a trophy big game mammal. The bill imposes a civil penalty against a person for unlawfully killing or possessing a moose.

Mr. President, I was not certain about this, but I learned that moose from California sometimes come across the State line and they become our property. We do not hunt moose in Nevada.

The measure also revises the maximum amount of a civil penalty for hunting, fishing, or trapping without a license from $250 to the amount of the fee for the required license or permit. Finally, Senate Bill No. 102 requires the Board of Wildlife Commissioners to adopt regulations for the taking of antlers naturally shed by big game mammals. I encourage this body's support.

Roll call on Senate Bill No. 102:

YEAS—21.

NAYS—None.

Senate Bill No. 102 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 111.

Bill read third time.

Remarks by Senator Kieckhefer.

Senator Kieckhefer requested that his remarks be entered in the Journal.

Senate Bill No. 111 requires each agency that provides child welfare services to develop and implement a written plan to ensure that the provisions and exceptions for placement of children in protective custody into a childcare institution are understood and carried out.

Roll call on Senate Bill No. 111:

YEAS—21.

NAYS—None.

Senate Bill No. 111 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 120.

Bill read third time.

Remarks by Senator Lee.

Senator Lee requested that his remarks be entered in the Journal.

Senate Bill No. 120 changes the name of the Committee on High-Level Radioactive Waste to the Committee on Radioactive Waste, and expands the scope of the duties and powers of the Committee by revising the definition of "radioactive waste" to include high-level radioactive waste, low-level radioactive waste, transuranic waste, spent nuclear fuel, and certain other radioactive materials that the Nuclear Regulatory Commission determines must be permanently isolated.

Roll call on Senate Bill No. 120:

YEAS—21.

NAYS—None.

Senate Bill No. 120 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 136.

Bill read third time.

Remarks by Senator Settelmeyer.

Senator Settelmeyer requested that his remarks be entered in the Journal.

Senate Bill No. 136 prohibits a bank that acquires real property through the collection of debts from holding the property for longer than five years. A bank may request, and the Commissioner of Financial Institutions, Department of Business and Industry, may grant, an extension of not more than five additional years. The Commissioner shall not grant more than one extension.

Roll call on Senate Bill No. 136:

YEAS—21.

NAYS—None.

Senate Bill No. 136 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 143.

Bill read third time.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Senate Bill No. 143 makes several changes to insurance industry practices. The bill repeals the requirement that a resident insurance producer maintain a place of business in this State which is accessible to the public and at which the producer principally conducts transaction subject to the producer's license. Basically, this saying a "brick and mortar" requirement is repealed.

The bill provides that a certificate of insurance issued regarding a contract or policy of property or casualty insurance, other than a group master policy, is informational only and does not amend any term or alter or extend any coverage, exclusion, or condition of the contract or policy of insurance.

This bill is effective on July 1, 2011.

Roll call on Senate Bill No. 143:

YEAS—21.

NAYS—None.

Senate Bill No. 143 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:57 p.m.

SENATE IN SESSION

At 1:35 p.m.

President Krolicki presiding.

Quorum present.

Senate Bill No. 152.

Bill read third time.

The following amendment was proposed by Senator Schneider:

Amendment No. 206.

"SUMMARY—Revises provisions governing insurance adjusters. (BDR 57-939)"

"AN ACT relating to insurance; revising provisions governing insurance adjusters; exempting certain persons from provisions of the Nevada Insurance Adjusters Law governing the licensing and regulation of adjusters; ~~[authorizing the Commissioner of Insurance to issue a license as an adjuster to a resident of Canada under certain circumstances;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

The Nevada Insurance Adjusters Law governs the licensing of adjusters and the regulation of their conduct. (NRS 684A.010-684A.260) The Nevada Insurance Adjusters Law defines "adjuster," "independent adjuster," "public adjuster" and "associate adjuster" for purposes of the Nevada Insurance Code. (NRS 684A.020, 684A.030) The Nevada Insurance Adjusters Law is applicable only to persons who satisfy the statutory definition of adjuster, but not to persons who adjust or settle claims relating to life insurance, health insurance or annuities. (NRS 684A.010)

Section 2 of this bill exempts certain persons from the provisions governing the licensing and regulation of adjusters by specifically providing that such persons are not considered adjusters for purposes of the Code. **Section 2** provides that the following persons are not considered adjusters: (1) certain employees of an independent adjuster or an affiliate of an independent adjuster who collect information relating to a claim and conduct data entry; (2) licensed agents who supervise certain employees of an independent adjuster or an affiliate of an independent adjuster; (3) persons employed only to collect factual information concerning a claim for coverage arising under an insurance contract; (4) persons employed only to provide technical assistance to an independent adjuster; (5) persons employed to investigate suspected fraudulent claims for coverage arising under an insurance contract but who do not adjust losses or determine the payment of claims; (6) persons who perform only executive, administrative, managerial or clerical duties, or any combination thereof, but do not investigate or settle claims for coverage arising under an insurance contract; (7) licensed health care providers or any employees thereof who provide managed care services if those services do not include the determination of compensability;
(8) managed care organizations or any employees thereof or organizations that provide managed care services or any employees thereof if the services provided do not include the determination of compensability; (9) persons who settle only reinsurance or subrogation claims; (10) brokers, agents or representatives of risk retention groups; (11) attorneys-in-fact of reciprocal insurers; and (12) managers of branch offices of alien insurers that are located in the United States.

~~[Section 5 of this bill authorizes the Commissioner of Insurance to issue a license as an adjuster to a resident of Canada who is otherwise qualified for licensure and who adjusts and pays claims on business written in Nevada. Sections 6 and 7 of this bill exempt a resident of Canada from certain requirements relating to licensure as an adjuster. A resident of Canada who applies for licensure as an adjuster is required to pay certain fees for the issuance or renewal of such a license. (NRS 680B.010, 680C.110, 684A.090, 684A.130, 684A.160)]~~

Section 6 ~~[also]~~ **of this bill** revises provisions concerning applications for licensure submitted by an applicant that is a firm or corporation rather than a natural person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 684A of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this Code, "automated claims adjudication system" means a preprogrammed computer system which:

1. Is designed for the collection, data entry, calculation and final resolution of claims arising under an insurance contract for portable electronic insurance coverage;

2. Is used by a licensed adjuster, licensed agent or person supervised by a licensed adjuster or licensed agent; and

3. Complies with the requirements of this Code concerning the payment of claims.

Sec. 2. NRS 684A.020 is hereby amended to read as follows:

684A.020 1. ~~[As]~~ ***Except as otherwise provided in subsection 2, as*** used in this Code, "adjuster" means any person who, for compensation as an independent contractor or for a fee or commission, investigates and settles, and reports to his or her principal relative to, claims:

(a) Arising under insurance contracts for property, casualty or surety coverage, on behalf solely of the insurer or the insured; or

(b) Against a self-insurer who is providing similar coverage, unless the coverage provided relates to a claim for industrial insurance.

2. For the purposes of this chapter:

(a) An associate adjuster, as defined in NRS 684A.030;

(b) An attorney at law who adjusts insurance losses from time to time incidental to the practice of his or her profession;

(c) An adjuster of ocean marine losses;

(d) A salaried employee of an insurer; ~~[or]~~

(e) A salaried employee of a managing general agent maintaining an underwriting office in this state ~~[.]~~ ***;***

(f) An employee of an independent adjuster or an employee of an affiliate of an independent adjuster who is one of not more than 25 such employees under the supervision of an independent adjuster or licensed agent and who:

(1) Collects information relating to a claim for coverage arising under an insurance contract from or furnishes such information to an insured or a claimant; and

(2) Conducts data entry, including, without limitation, entering data into an automated claims adjudication system;

(g) A licensed agent who supervises not more than 25 employees described in paragraph (f);

(h) A person who is employed only to collect factual information concerning a claim for coverage arising under an insurance contract;

(i) A person who is employed only to provide technical assistance to an independent adjuster;

(j) A person who is employed to investigate suspected fraudulent claims for coverage arising under an insurance contract but who does not adjust losses or determine the payment of claims;

(k) A person who performs only executive, administrative, managerial or clerical duties, or any combination thereof, but does not investigate or settle claims for coverage arising under an insurance contract;

(l) A licensed health care provider or any employee thereof who provides managed care services if those services do not include the determination of compensability;

(m) A managed care organization or any employee thereof or an organization that provides managed care services or any employee thereof if the services provided do not include the determination of compensability;

(n) A person who settles only reinsurance or subrogation claims;

(o) A broker, agent or representative of a risk retention group;

(p) An attorney-in-fact of a reciprocal insurer; or

(q) A manager of a branch office of an alien insurer that is located in the United States,

➥ is not considered an adjuster.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. **(Deleted by amendment.)**

Sec. 6. NRS 684A.090 is hereby amended to read as follows:

684A.090 1. The applicant for a license as an adjuster shall file a written application therefor with the Commissioner on forms prescribed and furnished by the Commissioner. As part of, or in connection with, the application, the applicant shall furnish information as to his or her identity, personal history, experience, financial responsibility, business record and other pertinent matters as reasonably required by the Commissioner to determine the applicant's eligibility and qualifications for the license.

2. If the applicant is a natural person , ~~[other than an applicant described in paragraph (c) of subsection 2 of NRS 684A.070,]~~ the application must include the social security number of the applicant.

3. If the applicant is a firm or corporation, the application must ~~[also include the names of all firm members, all corporate officers and directors, and shall]~~ designate each individual who is to exercise the license powers ~~[.]~~ ***and must include:***

(a) The name of each member of the firm or each officer and director of the corporation;

(b) The name of each executive officer and director who owns more than 10 percent of the outstanding voting securities of the applicant; and

(c) The name of any other individual who owns more than 10 percent of the outstanding voting securities of the applicant.

➥ Each such member, officer, director and individual shall furnish information to the Commissioner as though applying for an individual license.

4. If the applicant is a nonresident of this state, the application must be accompanied by an appointment of the Commissioner as process agent and agreement to appear pursuant to NRS 684A.200.

5. The application must be accompanied by the applicable license fee as specified in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

6. No applicant for such a license may willfully misrepresent or withhold any fact or information called for in the application form or in connection therewith. A violation of this subsection is a gross misdemeanor.

Sec. 7. **(Deleted by amendment.)**

Senator Schneider moved the adoption of the amendment.

Remarks by Senators Schneider and Copening.

Senator Schneider requested that the following remarks be entered in the Journal.

SENATOR SCHNEIDER:

Amendment No. 206 to Senate Bill No. 152 deletes the provisions of the bill authorizing the Commissioner of Insurance to issue a license as an adjuster to a resident of Canada.

The change occurs with the deletion of Section 5 and Section 7. By removing those two sections we remove the 2/3 majority vote requirement.

SENATOR COPENING:

Senate Bill No. 152 makes several changes to the conduct of insurance business. The bill authorizes the use of an automated claims adjudication system with claims arising under an insurance contract for portable electronic insurance coverage. It specifies additional persons who are not considered to be adjustors for purposes of the Nevada Insurance Code. It authorizes the Commissioner of Insurance to issue a license as an adjuster to a resident of Canada under certain conditions, and revises provisions concerning applications for licensure submitted by an applicant that is a firm or corporation rather than a natural person.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 153.

Bill read third time.

Remarks by Senators Lee, Settelmeyer, Brower and Copening.

Senator Lee requested that the following remarks be entered in the Journal.

SENATOR LEE:

Thank you, Mr. President. Senate Bill No. 153 revises the period for which a State engineer may grant an extension of time to complete the application from five years to ten years. This is only for subdivision maps that have been recorded. If you have a project and you are in the middle of the process of financing which is a little tight right now, the water engineer will extend the one time extension from five to ten years so that the water is kept on that property without losing it.

SENATOR SETTELMEYER:

Thank you, Mr. President. I rise in opposition to this bill. We had testimony from the State Water Engineer, Jason King that this allows municipalities to tie up water. For that reason, I object to this bill. What the bill goes after is a discussion of beneficial use of water. Currently, if you are a private water user and you do not have a beneficial use, you will be sent a notice. You can receive a one-year extension if you are a private person. Currently, if you are a municipality,

you receive five years. This bill would let a municipality go to ten years. With all of the over-appropriated basins in the State, I do not think it is wise to allow us to further extend out and not let people use water beneficially.

I urge everyone to vote "no" on this bill.

SENATOR BROWER:

Did the State Water Engineer oppose the bill?

SENATOR SETTELMEYER:

The original bill was called the Caliente Bill. That was stricken in its entirety. The same principles still apply. It is wrong to allow individuals to further tie up water. His opposition in the testimony did not occur on the amendment. However, in private discussions he said it is still not a good idea to tie up water.

He did not specifically state to the Committee on Government Affairs that he opposes the concept that is currently within the bill, but he does oppose the overall concept of allowing people to tie up water and not allow it to go to beneficial use.

SENATOR LEE:

This bill works toward the public benefit. Sometimes the local governments do not know what their land use planning is going to be for certain areas. They stretch it out a little to see what growth might happen in that area. I understand what Senator Settelmeyer is saying, but there is a difference between the public benefit use of water and the water rights of an individual in this case. I urge your support.

SENATOR COPENING:

Does this have an adverse affect on private water rights owner?

SENATOR LEE:

No, it does not.

SENATOR SETTELMEYER:

In Government Affairs, I disagreed with that comment. If you allow municipalities to further tie up water, that affects the rest of the water basin. Therefore, the concept of allowing them five additional years to continue to hold water and to tie it up, adversely affects the private holder's rights.

Roll call on Senate Bill No. 153:

YEAS—11.

NAYS—Brower, Cegavske, Copening, Gustavson, Halseth, Leslie, McGinness, Rhoads, Roberson, Settelmeyer—10.

Senate Bill No. 153 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 167.

Bill read third time.

Remarks by Senator Leslie.

Senator Leslie requested that her remarks be entered in the Journal.

Senate Bill No. 167 specifies that data or information concerning reports of the abuse or neglect of a child, relating to a child over whom a guardianship is sought, may be released in certain circumstances to the court that has jurisdiction over the proceeding, the person who filed or intends to file the petition, the proposed guardian or proposed successor guardian, the parent or guardian of the child, and the child, if he or she is at least 14 years of age.

Roll call on Senate Bill No. 167:
YEAS—21.
NAYS—None.

Senate Bill No. 167 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 175.

Bill read third time.

Remarks by Senator Gustavson.

Senator Gustavson requested that his remarks be entered in the Journal.

Senate Bill No. 175 provides that the identity of a concealed weapons permit holder and any information and records concerning the permittee are confidential in the same manner as the identity, information, and records concerning an applicant for such a permit.

Roll call on Senate Bill No. 175:
YEAS—21.
NAYS—None.

Senate Bill No. 175 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215.

Bill read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Senate Bill No. 215 makes several changes to the manner in which the Chiropractic Physicians' Board of Nevada licenses practitioners. The license for a chiropractic physician must be renewed biennially each even-numbered year; the certificate for a chiropractor's assistant must be renewed each odd-numbered year. The bill contains a transition mechanism for renewal of a chiropractic physician license, as well as a renewal fee proration provision, to accommodate the change in the renewal cycle from every odd-numbered year to every even-numbered year.

Roll call on Senate Bill No. 215:
YEAS—21.
NAYS—None.

Senate Bill No. 215 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 279.

Bill read third time.

Remarks by Senator Gustavson.

Senator Gustavson requested that his remarks be entered in the Journal.

Senate Bill No. 279 requires a sheriff to conduct an investigation of an applicant who wishes to renew his or her Concealed Carry Weapon (CCW) permit to carry a concealed firearm.

It is required to have background check when you initially get your CCW permit, but it was not required to do so upon renewal. This bill will correct that.

Roll call on Senate Bill No. 279:
YEAS—21.
NAYS—None.

Senate Bill No. 279 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 280.

Bill read third time.

Remarks by Senator Brower.

Senator Brower requested that his remarks be entered in the Journal.

Senate Bill No. 280 clarifies that the money deposited in the Gift Account for Veterans from fees collected from holders of Nevada's veterans' license plates may be used for both veterans outreach programs and services benefitting veterans and their families.

The bill was introduced at the request of the Nevada Office of Veterans Services. I want to thank all of the cosponsors of this bill in this Chamber and behalf of all Nevada veterans, I urge your support.

Roll call on Senate Bill No. 280:
YEAS—21.
NAYS—None.

Senate Bill No. 280 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 317.

Bill read third time.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Senate Bill No. 317 requires crisis response development committees established by school districts, charter schools, and private schools to include emergency response matters within their crisis plans. The measure defines emergencies as occurrences or threatened occurrences that may require action to save lives, to avert property damage, or to protect the health and safety of persons on school property or at school events.

Roll call on Senate Bill No. 317:
YEAS—21.
NAYS—None.

Senate Bill No. 317 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 348.

Bill read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Senate Bill No. 348 eliminates the $15,000 premium limit for an exemption from execution of money, benefits, privileges, or immunities arising out of a policy of life insurance, thereby allowing for a complete exemption.

The measure also eliminates the $350 monthly benefit exemption limit for execution of any annuity benefits due and payable to an annuitant on a scheduled or periodic basis, thereby allowing for a complete exemption from the execution of annuity benefits.

Roll call on Senate Bill No. 348:
YEAS—21.
NAYS—None.

Senate Bill No. 348 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 353.
Bill read third time.
Remarks by Senator Roberson.
Senator Roberson requested that his remarks be entered in the Journal.
Senate Bill No. 353 exempts from the definition of "secondhand dealer" a person who engages in the business of buying and selling coins and collectibles.

Roll call on Senate Bill No. 353:
YEAS—21.
NAYS—None.

Senate Bill No. 353 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 358.
Bill read third time.
Remarks by Senator Denis.
Senator Denis requested that his remarks be entered in the Journal.
Senate Bill No. 358 removes the exemption established for the Regional Transportation Commission of Southern Nevada from giving priority of right in vending operations to persons who are blind or visually impaired.

Roll call on Senate Bill No. 358:
YEAS—21.
NAYS—None.

Senate Bill No. 358 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 408.
Bill read third time.
Remarks by Senator Breeden.
Senator Breeden requested that her remarks be entered in the Journal.
Senate Bill No. 408 increases from 25 to 30 the number of specialty license plates that may be issued by the Department of Motor Vehicles for charitable causes.

Roll call on Senate Bill No. 408:
YEAS—21.
NAYS—None.

Senate Bill No. 408 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 14.

Resolution read third time.

Remarks by Senators Roberson, Settelmeyer, Lee and Brower.

Senator Roberson requested that the following remarks be entered in the Journal.

SENATOR ROBERSON:

Senate Joint Resolution No. 14 proposes an amendment to the *Nevada Constitution* to create an intermediate appellate court, known as the Court of Appeals, to be comprised of three judges initially appointed to two-year terms by the Governor from nominees chosen by the Commission on Judicial Selection. Following initial appointment, the judges will be elected at the general election to serve a term of six years.

The Court of Appeals will have appellate jurisdiction in civil cases arising from the district courts and in criminal cases within the original jurisdiction of the district courts. The Nevada Supreme Court will fix the appellate court's jurisdiction and provide for the review of appeals decided by the Court of Appeals. Finally, the Nevada Supreme Court must provide for the assignment of one or more judges of the Court of Appeals to devote part of their time to serve as supplemental district judges where needed.

If approved in identical form during the 2013 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2014 General Election.

SENATOR SETTELMEYER:

The voters just voted on this and it failed 53-46. Why are we dealing with it again?

SENATOR ROBERSON:

I supported this vote in Committee. Chief Justice Douglas testified in favor of this. The courts are over loaded. It is something we need. I acknowledge that the voters disapproved this. Part of the reason was that people were in the mood to vote "no" on anything that included more government spending. There was the initiative to change the way we select our judges. Many people probably just threw up their hands and voted "no" to things that otherwise they may have considered voting in favor of.

Another reason I voted for this is because we heard testimony from the Chief Justice that this court would cost $1.3 million. If the decision that we had to make today was to spend $1.3 million we do not have, I would have voted "no." But, this is something that is not going to come into play unless we vote for it this time, again in two years and then the voters vote on it in 2014. I am in favor of giving the people of Nevada another opportunity to vote on this. We truly do need this appellate court.

SENATOR LEE:

Would this entail building a brand new building? Would they use existing structures? What would the financial costs be for this?

SENATOR ROBERSON:

It is my understanding from the Chief Justice that we would be using existing facilities. Senator Wiener has more information on this. We are not talking about building a new building. The cost would just be the salaries, judges, the appellate court justices and certain administration involved with that. We are being told that if it were implemented today, it would be $1.3 million. We are not creating new facilities.

SENATOR BROWER:

I also rise in support of this resolution. Part of the Supreme Court's presentation included the information that the court returned more money from its budget to the General Fund last year

than this would cost. It has a net zero fiscal impact. This is a long-term process. As our case-backlog problem becomes more acute in this State, and we are one of the few states that does not have intermediate court, that unless we start the process now, there is no chance for the voters to approve this if they want to in 2014.

If this was just us voting, I would probably be a "no" vote, but the idea of letting the voters have another chance in 2014 makes a lot of sense because of the increasingly difficult backlog which means that justice, whether in the civil system or in the criminal system, is more difficult for Nevadans to achieve every day for they cannot get their cases heard in court because there are too many cases given the number of judges we have. I want to let the voters decide one more time in 2014.

I urge your support.

Roll call on Senate Joint Resolution No. 14:

YEAS—16.

NAYS—Cegavske, Gustavson, Halseth, Kieckhefer, Settelmeyer—5.

Senate Joint Resolution No. 14 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Jonathan Steele and Regina Teza.

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Lori Martin, Earl "Doos" Mays III, Karin Mracek, and Sujeewa Arjuna Senasingha.

On request of Senator Copening, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Arezo Fathie.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to John Wilkinson and Jason Woodbury.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Tina Nelson and Drew Simmons.

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Justin Fong.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Florence Jameson.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Harry Krasner, Henry Krasner and Lisa Krasner.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Bakhodirzhon Abdulrasulovich Radzhaper.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Chingiz Koktemserikovich Lepsibayev.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to Brian Callister.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Ron Kline, M.D.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Pat Hicks, Brenda Kolling and Jeff Martin.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to Anna Ocasio-McAndrew.

Senator Horsford moved that the Senate adjourn until Friday, April 15, 2011, at 10:30 a.m.

Motion carried.

Senate adjourned at 2:09 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate