

## THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 9, 2007

Senate called to order at 11:20 a.m.  
 President Krolicki presiding.

Roll called.

All present except Senator Coffin, who was excused.

Prayer by the Chaplain, Reverend Peggy Locke.

O Most High, we thank You for Your faithfulness, the unconditional love You have shown us and the grace and strength You give to us.

May we work and live together in peace and unity with our fellow laborers. May You give us wisdom, understanding, clarity of thought and speech as we prepare for today.

May we not become weary in doing good. That in Your timing, we will reap what we have sown if we do not give up.

Create in us clean hearts, renew us, refresh us and revive our spirits as we continue to serve the people of this great State in the days ahead.

Giving glory to God,

AMEN.

Pledge of Allegiance to the Flag.

Senator Raggio 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 Human Resources and Education, to which were referred Senate Bills Nos. 6, 143, 288, 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAURICE E. WASHINGTON, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 14, 31, 77, 89, 129, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, *Chair*

*Mr. President:*

Your Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 300, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chair*

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 5, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Joint Resolution No. 1; Assembly Bills Nos. 5, 22, 153, 179, 228, 306, 397, 505, 555.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 21.

LUCINDA BENJAMIN  
*Assistant Chief Clerk of the Assembly*

WAIVERS AND EXEMPTIONS  
NOTICE OF EXEMPTION

April 4, 2007  
The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 321, 327, 355, 401, 437, 510.

GARY GHIGGERI  
*Fiscal Analysis Division*

April 5, 2007  
The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 544, 551.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 546.

GARY GHIGGERI  
*Fiscal Analysis Division*

April 6, 2007  
The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 465, 524, 547.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 429.

GARY GHIGGERI  
*Fiscal Analysis Division*

April 9, 2007  
The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 540.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 123, 380, 434, 487, 492, 501.

GARY GHIGGERI  
*Fiscal Analysis Division*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bills Nos. 161, 390 be taken from the Second Reading File and referred to the Committee on Finance. Remarks by Senator Raggio. Motion carried.

Senator Raggio moved that Senate Bill No. 32 be taken from the General File and referred to the Committee on Finance. Remarks by Senator Raggio. Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:  
Senate Bill No. 555—AN ACT making appropriations to the Department of Public Safety from both the State General Fund and the State Highway Fund; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.  
Motion carried.

Assembly Bill No. 5.  
Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.  
Motion carried.

Assembly Bill No. 22.  
Senator Nolan moved that the bill be referred to the Committee on Government Affairs.  
Motion carried.

Assembly Bill No. 153.  
Senator Nolan moved that the bill be referred to the Committee on Judiciary.  
Motion carried.

Assembly Bill No. 179.  
Senator Nolan moved that the bill be referred to the Committee on Judiciary.  
Motion carried.

Assembly Bill No. 228.  
Senator Nolan moved that the bill be referred to the Committee on Natural Resources.  
Motion carried.

Assembly Bill No. 306.  
Senator Nolan moved that the bill be referred to the Committee on Judiciary.  
Motion carried.

Assembly Bill No. 397.  
Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.  
Motion carried.

Assembly Bill No. 505.  
Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.  
Motion carried.

Assembly Bill No. 555.  
Senator Nolan moved that the bill be referred to the Committee on Finance.  
Motion carried.

Senator Washington moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:32.

#### SENATE IN SESSION

At 11:34 a.m.

President Krolicki presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on the previous day, Senator Washington moved that the vote whereby Senate Bill No. 22 was passed be reconsidered.

Remarks by Senator Washington.

Motion carried.

Senator Raggio moved that Senate Bill No. 22 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 25.

"SUMMARY—Revises provisions governing claims against subsequent injury accounts. (BDR 53-562)"

"AN ACT relating to industrial insurance; revising certain deadlines relating to claims against a subsequent injury account; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law creates certain subsequent injury accounts for the payment of compensation for a disability that is the result of a work-related subsequent injury. If the disability from a subsequent injury is substantially greater because of the combined effects of a preexisting work-related injury and the subsequent injury, the compensation due the injured employee must be paid from a subsequent injury account. (NRS 616B.557, 616B.578, 616B.587) Existing law establishes certain requirements relating to the notification of a possible claim against the account and to when decisions on claims for reimbursement from an account must be made. (NRS 616B.557, 616B.560, 616B.578, 616B.581, 616B.587, 616B.590) Sections ~~1, 3 and 5~~ 1, 3 and 5 of this bill revise the deadlines for the ~~submission~~ notification of a claim for reimbursement from a subsequent injury account and for the notification of a decision on a claim for reimbursement from a subsequent injury account.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616B.557 is hereby amended to read as follows:

616B.557 Except as otherwise provided in NRS 616B.560:

1. If an employee of a self-insured employer has a permanent physical impairment from any cause or origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone, the compensation due must be charged to the Subsequent Injury Account for Self-Insured Employers in accordance with regulations adopted by the Board.
2. If the subsequent injury of such an employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must be charged to the Subsequent Injury Account for Self-Insured Employers in accordance with regulations adopted by the Board.
3. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, a condition is not a "permanent physical impairment" unless it would support a rating of permanent impairment of 6 percent or more of the whole man if evaluated according to the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.
4. To qualify under this section for reimbursement from the Subsequent Injury Account for Self-Insured Employers, the self-insured employer must establish by written records that the self-insured employer had knowledge of the "permanent physical impairment" at the time the employee was hired or that the employee was retained in employment after the self-insured employer acquired such knowledge.
5. A self-insured employer ~~shall notify~~ must submit to the Board ~~for any possible claim against~~ a claim for reimbursement from the Subsequent Injury Account for Self-Insured Employers, ~~as soon as practicable, but~~ ~~not later than 100 weeks after the~~ ~~injury or death.~~ ~~State of the subsequent~~ ~~#####~~
6. The Board shall adopt regulations establishing procedures for submitting claims against the Subsequent Injury Account for Self-Insured Employers. The Board shall notify the self-insured employer of ~~his~~ *its* decision on such a claim within ~~90~~ 120 days after the claim is received.
7. An appeal of any decision made concerning a claim against the Subsequent Injury Account for Self-Insured Employers must be submitted directly to the district court.

Sec. 2. ~~NRS 616B.560 is hereby amended to read as follows:~~

~~616B.560 1. A self-insured employer who pays compensation due [to] an employee who has a permanent physical impairment from any cause of origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone is entitled to be reimbursed from the Subsequent Injury Account for Self-Insured Employers if:~~

- ~~(a) The employee knowingly made a false representation as to his physical condition at the time he was hired by the self-insured employer;~~
- ~~(b) The self-insured employer relied upon the false representation and this reliance formed a substantial basis of the employment; and~~
- ~~(c) A causal connection existed between the false representation and the subsequent disability.~~

~~2. If the subsequent injury of the employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, any compensation paid is entitled to be reimbursed from the Subsequent Injury Account for Self-Insured Employers.~~

~~2. A self-insured employer [shall notify] *must submit to the Board* [of any possible claim against] *a claim for reimbursement from the Subsequent Injury Account for Self-Insured Employers pursuant to this section* [no] *not later than [60 days] 50 weeks after the date of the subsequent injury or the date the self-insured employer learns of the employee's false representation, whichever is later* [ ], *except that under no circumstances may such a claim be filed later than 100 weeks after the date of the subsequent injury.* *(Deleted by amendment.)*~~

Sec. 3. NRS 616B.578 is hereby amended to read as follows:

616B.578 Except as otherwise provided in NRS 616B.581:

1. If an employee of a member of an association of self-insured public or private employers has a permanent physical impairment from any cause or origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone, the compensation due must be charged to the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers in accordance with regulations adopted by the Board.
2. If the subsequent injury of such an employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must be charged to the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers in accordance with regulations adopted by the Board.

3. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, a condition is not a "permanent physical impairment" unless it would support a rating of permanent impairment of 6 percent or more of the whole man if evaluated according to the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

4. To qualify under this section for reimbursement from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers, the association of self-insured public or private employers must establish by written records that the employer had knowledge of the "permanent physical impairment" at the time the employee was hired or that the employee was retained in employment after the employer acquired such knowledge.

5. An association of self-insured public or private employers ~~shall notify~~ *must submit to the Board [of any possible claim against] a claim for reimbursement from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers, [as soon as practicable, but] [not later than 100 weeks after the] [injury or death.] [date of the subsequent injury.]*

6. The Board shall adopt regulations establishing procedures for submitting claims against the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers. The Board shall notify the Association of Self-Insured Public or Private Employers of its decision on such a claim within ~~[90]~~ 120 days after the claim is received.

7. An appeal of any decision made concerning a claim against the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers must be submitted directly to the district court.

Sec. 4. ~~[NRS 616B.581 is hereby amended to read as follows:~~

~~616B.581. 1. An association of self-insured public or private employers that pays compensation due [to] an employee who has a permanent physical impairment from any cause or origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone is entitled to be reimbursed from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers if:~~

~~(a) The employee knowingly made a false representation as to his physical condition at the time he was hired by the member of the Association of Self-Insured Public or Private Employers;~~

~~(b) The employer relied upon the false representation and this reliance formed a substantial basis of the employment; and~~

~~(e) A causal connection existed between the false representation and the subsequent disability.~~

~~1. If the subsequent injury of the employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, any compensation paid is entitled to be reimbursed from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers.~~

~~2. An association of self-insured public or private employers shall notify and submit to the Board [of any possible claim against] a claim for reimbursement from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers pursuant to this section [no] later than [60 days] 50 weeks after the date of the subsequent injury or the date the employer learns of the employee's false representation, whichever is later [.] except that under no circumstances may such a claim be filed later than 100 weeks after the date of the subsequent injury.] *(Deleted by amendment.)*~~

Sec. 5. NRS 616B.587 is hereby amended to read as follows:

616B.587 Except as otherwise provided in NRS 616B.590:

1. If an employee of an employer who is insured by a private carrier has a permanent physical impairment from any cause or origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone, the compensation due must be charged to the Subsequent Injury Account for Private Carriers in accordance with regulations adopted by the Administrator.

2. If the subsequent injury of such an employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must be charged to the Subsequent Injury Account for Private Carriers in accordance with regulations adopted by the Administrator.

3. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, a condition is not a "permanent physical impairment" unless it would support a rating of permanent impairment of 6 percent or more of the whole man if evaluated according to the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

4. To qualify under this section for reimbursement from the Subsequent Injury Account for Private Carriers, the private carrier must establish by written records that the employer had knowledge of the "permanent physical



impairment" at the time the employee was hired or that the employee was retained in employment after the employer acquired such knowledge.

5. A private carrier ~~[shall notify] must submit to the Administrator [of any possible claim against] a claim for reimbursement from the Subsequent Injury Account for Private Carriers, [as soon as practicable, but] [not later than 100 weeks after the] [injury or death.] [date of the subsequent injury.]~~

6. The Administrator shall adopt regulations establishing procedures for submitting claims against the Subsequent Injury Account for Private Carriers. The Administrator shall notify the private carrier of his decision on such a claim within ~~[90] 120~~ days after the claim is received.

7. An appeal of any decision made concerning a claim against the Subsequent Injury Account for Private Carriers must be submitted directly to the appeals officer. The appeals officer shall hear such an appeal within 45 days after the appeal is submitted to him.

Sec. 6. ~~[NRS 616D.500 is hereby amended to read as follows:~~

~~616D.500. 1. A private carrier who pays compensation due [to] an employee who has a permanent physical impairment from any cause of origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone is entitled to be reimbursed from the Subsequent Injury Account for Private Carriers. 2.~~

~~(a) The employee knowingly made a false representation as to his physical condition at the time he was hired by the employer insured by a private carrier;~~

~~(b) The employer relied upon the false representation and this reliance formed a substantial basis of the employment; and~~

~~(c) A causal connection existed between the false representation and the subsequent disability;~~

~~3. If the subsequent injury of the employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, any compensation paid is entitled to be reimbursed from the Subsequent Injury Account for Private Carriers.~~

~~2. A private carrier [shall notify] [not submit to the Administrator] [of any possible claim against] [a claim for reimbursement from the Subsequent Injury Account for Private Carriers pursuant to this section] [not] [not later than [60 days] 50 weeks after the date of the subsequent injury of the date the employer learns of the employee's false representation, whichever is later.] [ ] except that under no circumstances may such a claim be filed later than 100 weeks after the date of the subsequent injury.] (Deleted by amendment.)~~

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 48.

Bill read second time.

The following amendment was proposed by Senator Amodet: Amendment No. 24.

"SUMMARY—Redesignates district brand inspectors as agricultural enforcement ~~officers~~ *officers and clarifies the circumstances under which field agents and inspectors of the State Department of Agriculture may stop or detain a person operating a vehicle.* (BDR 50-628)"

"AN ACT relating to animals; redesignating district brand inspectors as agricultural enforcement officers, ~~and~~ *and clarifying the circumstances under which the field agents and inspectors of the State Department of Agriculture may stop or detain a person operating a vehicle;* and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~This~~ *Sections 1 and 2 of this bill ~~eliminate~~ eliminate the outdated references to the term "district brand inspector" in NRS and ~~delete~~ replace those references with the term "agricultural enforcement officer."*  
*Under existing law, a peace officer may stop or detain any person whom the officer encounters "under circumstances which reasonably indicate that the person has committed, is committing or is about to commit a crime," which is commonly referred to as reasonable suspicion. (NRS 171.123)*  
*Section 2.5 of this bill clarifies the circumstances under which the field agents and inspectors of the State Department of Agriculture may stop or detain a person operating a vehicle.*

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 561.218 is hereby amended to read as follows:

561.218 1. The Director shall appoint a person to manage the activities of the Department relating to natural resources, land use planning and the management and control of wild horses, estrays and feral livestock. The person must be appointed on the basis of merit and is in the unclassified service of the State. The Director may remove the person from office with the approval of the Board.

2. The person appointed shall:

- (a) Establish and carry out a policy for the management and control of estrays and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.
- (b) Develop cooperative agreements and working relationships with federal and state agencies and local governments for land use planning and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.
- (c) Cooperate with private organizations and governmental agencies to develop procedures and policies for the management and control of wild horses.

- (d) Monitor gatherings of estrays and feral livestock conducted pursuant to the provisions of NRS 569.040 to 569.130, inclusive, and assist ~~inspectors~~ *agricultural enforcement officers* in identifying estrays before they are sold or given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031.
- (e) Provide the members of the general public with information relating to the activities of the Department and solicit recommendations from the members of the general public and advisory groups concerning those activities.
- (f) Make assessments of the level of competition between livestock and wildlife for food and water, collect data concerning the movement of livestock and perform activities necessary to control noxious weeds.
- (g) Participate in land use planning relating to the competition for food and water between livestock and wildlife to ensure the maintenance of the habitat of both livestock and wildlife.
- (h) Present testimony, conduct research and prepare reports for the Governor, the Legislature, the Director and any other person or governmental entity as directed by the Director.
- (i) Develop and carry out a program to educate the members of the general public concerning the programs administered by the Department, including programs for the management and control of estrays and feral livestock.
- (j) Make proposals to the Director for the amendment of the regulations adopted by the Board pursuant to NRS 561.105.
- (k) Perform such other duties as directed by the Director.
3. As used in this section:
- (a) *"Agricultural enforcement officer" means a person designated by the Director as a field agent or an inspector pursuant to subsection 2 of NRS 561.225.*
- (b) "Estray" has the meaning ascribed to it in NRS 569.0075.
- ~~(b)~~ (c) "Feral livestock" has the meaning ascribed to it in NRS 569.008.
- ~~(c)~~ (d) "Wild horse" has the meaning ascribed to it in NRS 504.430.
- Sec. 2. NRS 574.055 is hereby amended to read as follows:
- 574.055 1. Any peace officer or officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040 shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.
2. If an officer takes possession of an animal, he shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, he shall post the notice on the property from which he takes the animal. If the identity and address of

the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if he has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (b) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or his designee, a licensed veterinarian and ~~the district-brand inspector~~ an *agricultural enforcement officer* or his designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (b) of subsection 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to his custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

8. *As used in this section, "agricultural enforcement officer" has the meaning ascribed to it in NRS 561.218.*

Sec. 2.5. NRS 289.290 is hereby amended to read as follows:

289.290 1. A person designated by the Director of the State Department of Agriculture as a field agent or an inspector pursuant to subsection 2 of NRS 561.225 has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure, and may temporarily stop a vehicle in the enforcement of the provisions of titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS.

2. An officer appointed by the Nevada Junior Livestock Show Board pursuant to NRS 563.120 has the powers of a peace officer for the preservation of order and peace on the grounds and in the buildings and the

approaches thereto of the livestock shows and exhibitions that the Board conducts.

3. In carrying out the provisions of chapter 565 of NRS, an inspector of the State Department of Agriculture has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure.

4. A field agent or an inspector who has the powers of a peace officer shall not stop or otherwise detain a person operating a vehicle except under circumstances which reasonably indicate that the person has committed, is committing or is about to commit a violation of a statute or regulation the enforcement of which is within the jurisdiction of the State Department of Agriculture.

Sec. 3. This act becomes effective upon passage and approval.

Senator Amodei moved the adoption of the amendment.

Remarks by Senators Amodei, Carlton and Titus.

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 Natural

Resources:

Amendment No. 56.

"SUMMARY—~~Revises~~ Revises the maximum amount of the proceeds collected from administrative penalties that may be retained by a local air pollution control board. (BDR 40-347)"

"AN ACT relating to the control of air pollution; ~~Revising~~ revising the maximum amount of the proceeds collected from administrative penalties that may be retained by a local air pollution control board under certain circumstances; and providing other matters properly relating thereto." Legislative Counsel's Digest:

Under existing law, a local air pollution control board in a county whose population is 400,000 or more (currently Clark County) may delegate its authority to adjudicate violations of air quality laws and levy administrative penalties to an independent hearing officer or hearing board. A local air pollution control board that makes this delegation may retain 17.5 percent of the amount of the proceeds from the administrative penalties that it collects up to a maximum of \$17,500 per year. The remainder of the proceeds are turned over to the county school district. (NRS 445B.500) This bill ~~Revises~~ revises the maximum amount of the proceeds from administrative penalties that may be retained by the local air pollution control board ~~based on the amount of the administrative penalties collected.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 445B.500 is hereby amended to read as follows:

445B.500 1. Except as otherwise provided in this section and in NRS 445B.310:

(a) The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded.

(b) The program:

(1) Must include, without limitation, standards for the control of emissions, emergency procedures and variance procedures established by ordinance or local regulation which are equivalent to or stricter than those established by statute or state regulation;

(2) May, in a county whose population is 400,000 or more, include requirements for the creation, receipt and exchange for consideration of credits to reduce and control air contaminants in accordance with NRS 445B.508; and

(3) Must provide for adequate administration, enforcement, financing and staff.

(c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and the Federal Act insofar as it pertains to local programs, and that agency is authorized to take all action necessary to secure for the county the benefits of the Federal Act.

(d) Powers and responsibilities provided for in NRS 445B.210, 445B.240 to 445B.470, inclusive, 445B.560, 445B.570, 445B.580 and 445B.640 are binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction.

2. The local air pollution control board shall carry out all provisions of NRS 445B.215 with the exception that notices of public hearings must be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, once a week for 3 weeks. The notice must specify with particularity the reasons for the proposed regulations and provide other informative details. NRS 445B.215 does not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445B.610.

3. In a county whose population is 400,000 or more, the local air pollution control board may delegate to an independent hearing officer or hearing board its authority to determine violations and levy administrative penalties for violations of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640, inclusive, or any regulation adopted pursuant to those sections.

4. If such a delegation is made, ~~17.5 percent of any penalty~~ the amount of penalties collected each year must be distributed in the following manner:

(a) Of the first \$1,000,000 collected, 17.5 percent of the amount, but not more than \$17,500, must be deposited in the county treasury in an account to be administered by the local air pollution control board. ~~He~~

~~[\$17,500] [~~\$400,000 per year]~~ Any remaining amount must be deposited in the county school district fund of the county where the violation occurred.~~

(b) Of any amount collected that exceeds \$1,000,000, 50 percent of the amount that exceeds \$1,000,000, but not more than \$382,500, must be deposited in the county treasury in an account to be administered by the local air pollution control board. Any remaining amount must be deposited in the county school district fund of the county where the violation occurred.

→ The money in the account may only be used to defray the administrative expenses incurred by the local air pollution control board in enforcing the provisions of NRS 445B.100 to 445B.640, inclusive. ~~The remainder of the penalty must be deposited in the county school district fund of the county where the violation occurred.~~

~~4.]~~ 5. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties, or through agreement with the State, or may establish its own program for the control of air pollution. If the county establishes such a program, it is subject to the approval of the Commission.

~~5.]~~ 6. No district board of health, county board of health or board of county commissioners may adopt any regulation or establish a compliance schedule, variance order or other enforcement action relating to the control of emissions from plants which generate electricity by using steam produced by the burning of fossil fuel.

~~6.]~~ ~~[For the purposes of]~~

7. *As used in this section, "plants which generate electricity by using steam produced by the burning of fossil fuel" means plants that burn fossil fuels in a boiler to produce steam for the production of electricity. The term does not include any plant which uses technology for a simple or combined cycle combustion turbine, regardless of whether the plant includes duct burners.*

Sec. 2. This act becomes effective on July 1, 2007.

Senator Rhoads moved the adoption of the amendment.

Remarks by Senators Lee, Rhoads and Titus.

Senator Rhoads moved that Senate Bill No. 60 be taken from the Second Reading File and placed on the Secretary's desk.

Remarks by Senator Rhoads.

Motion carried.

Senate Bill No. 142.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 41.

"SUMMARY—Revises provisions governing certain forms used by hospitals in this State. (BDR 40-602)"

"AN ACT relating to public health; revising provisions concerning the billing form that a hospital in this State is required to use for all patients discharged from the hospital; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill eliminates references in existing law to the uniform billing form commonly referred to as the "UB-82," therefore requiring hospitals to use the billing form prescribed by the Director of the Department of Health and Human Services with the approval of a majority of the hospitals licensed in this State for all patients discharged. (NRS 449.485, 686A.315)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.485 is hereby amended to read as follows:

449.485 1. Each hospital in this State shall use for all patients discharged ~~the form commonly referred to as the "UB-82," or a different~~ a form prescribed by the Director with the approval of a majority of the hospitals licensed in this State, and shall include in the form all information required by the Department. *Any form prescribed by the Director must be a form that is commonly used nationwide by hospitals, if applicable, and comply with federal laws and regulations.*

2. The Department shall by regulation:
  - (a) Specify the information required to be included in the form for each patient; and
  - (b) Require each hospital to provide specified information from the form to the Department.
3. Each insurance company or other payer shall accept the form as the bill for services provided by hospitals in this State.
4. Except as otherwise provided in subsection 5, each hospital with 100 or more beds shall provide the information required pursuant to paragraph (b) of subsection 2 on magnetic tape or by other means specified by the Department, or shall provide copies of the forms and pay the costs of entering the information manually from the copies.
5. The Director may exempt a hospital from the requirements of subsection 4 if requiring the hospital to comply with the requirements would cause the hospital financial hardship.

Sec. 2. NRS 686A.315 is hereby amended to read as follows:

686A.315 1. If a hospital submits to an insurer the form ~~commonly referred to as the "UB-82," that~~ prescribed by the Director of the Department of Health and Human Services pursuant to NRS 449.485, that form must contain or be accompanied by a statement ~~in substantially the following form:~~ that reads substantially as follows:

Any person who misrepresents or falsifies essential information requested on this form may, upon conviction, be subject to a fine and imprisonment under state or federal law, or both.



2. If a person who is licensed to practice one of the health professions regulated by title 54 of NRS submits to an insurer the form commonly referred to as the "HCFA-1500" for a patient who is not covered by any governmental program which offers insurance coverage for health care, the form must be accompanied by a statement ~~that reads substantially as follows:~~ ~~that reads substantially as follows:~~

Any person who knowingly files a statement of claim containing any misrepresentation or any false, incomplete or misleading information may be guilty of a criminal act punishable under state or federal law, or both, and may be subject to civil penalties.

3. The failure to provide any of the statements required by this section is not a defense in a prosecution for insurance fraud pursuant to NRS 686A.291.

Sec. 3. This act becomes effective upon passage and approval.

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 155.

Bill read second time and ordered to third reading.

Senate Bill No. 243.

Bill read second time and ordered to third reading.

Senate Bill No. 303.

Bill read second time and ordered to third reading.

Senate Bill No. 320.

Bill read second time and ordered to third reading.

Senate Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 95.

"SUMMARY—Makes a supplemental appropriation to the High Level Nuclear Waste Project Office to fund nuclear waste litigation. (BDR S-1242)"

"AN ACT making a supplemental appropriation to the High Level Nuclear Waste Project Office to fund nuclear waste litigation; and providing other matters properly relating thereto."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the High Level Nuclear Waste Project Office the sum of ~~(\$604,201)~~ \$400,000 to assist the Yucca Mountain high-level nuclear waste litigation in

Fiscal Year 2006-2007. This appropriation is supplemental to that made by section 2 of chapter 434, Statutes of Nevada 2005, at page 1936.

Sec. 2. This act becomes effective upon passage and approval.

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 16.

Bill read third time.

Remarks by Senator Care.

Roll call on Senate Bill No. 16:

YEAS—20.

NAYS—None.

EXCUSED—Coffin.

Senate Bill No. 16 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 30.

Bill read third time.

Remarks by Senator Amodei.

Roll call on Senate Bill No. 30:

YEAS—20.

NAYS—None.

EXCUSED—Coffin.

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. 35.

Bill read third time.

Roll call on Senate Bill No. 35:

YEAS—20.

NAYS—None.

EXCUSED—Coffin.

Senate Bill No. 35 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 40.

Bill read third time.

Remarks by Senators Titus and Nolan.

Roll call on Senate Bill No. 40:

Yeas—20.

Nays—None.

Excused—Coffin.

Senate Bill No. 40 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 93.

Bill read third time.

The following amendment was proposed by Senator Care:

Amendment No. 63.

"SUMMARY—Revises the provisions governing the crime of grand larceny of a motor vehicle and an offense involving a stolen vehicle. (BDR 15-697)"

"AN ACT relating to crimes against property; revising the provisions governing the crime of grand larceny of a motor vehicle; revising the provisions governing an offense involving a stolen vehicle; and providing other matters properly relating thereto." Legislative Counsel's Digest.

Under existing law, a person who commits grand larceny of a motor vehicle is guilty of a category C felony, which is punishable by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 5 years and a fine of not more than \$10,000. (NRS 193.130, 205.228) If the value of the motor vehicle is \$2,500 or more, the penalty increases to a category B felony, which is punishable by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 10 years and a fine of not more than \$10,000. (NRS 205.228) This bill provides that a person who is convicted of grand larceny of a motor vehicle and who has previously been convicted of grand larceny of a motor vehicle or ~~felony involving the theft~~ an attempt to commit grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence.

Under existing law, a person who commits an offense involving a stolen vehicle is guilty of a category C felony. (NRS 205.273) If the value of the stolen vehicle is \$2,500 or more, the penalty is increased to a category B felony. (NRS 205.273) This bill provides that a person who is convicted of an offense involving a stolen vehicle and who has previously been convicted of an offense involving a stolen vehicle or ~~felony involving the theft~~ an attempt to commit an offense involving a stolen vehicle must not be released on probation or granted a suspension of his sentence.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. Except as otherwise provided in ~~subsection 3.~~ this section, a person who commits grand larceny of a motor vehicle is guilty of a

category C felony and shall be punished as provided in NRS 193.130. *A person who is convicted of grand larceny of a motor vehicle and who has previously been convicted of grand larceny of a motor vehicle or ~~felony~~ ~~involving the theft~~ an attempt to commit grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence.*

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is \$2,500 or more, the person who committed the grand larceny of the motor vehicle 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 10 years, and by a fine of not more than \$10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

Sec. 2. NRS 205.273 is hereby amended to read as follows:

205.273 1. A person commits an offense involving a stolen vehicle if the person:

(a) With the intent to procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen, receives or transfers possession of the vehicle from or to another person; or

(b) Has in his possession a motor vehicle which he knows or has reason to believe has been stolen.

2. The provisions of subsection 1 do not apply to an officer of the law if the officer is engaged in the performance of his duty as an officer at the time of the receipt, transfer or possession of the stolen vehicle.

3. Except as otherwise provided in ~~subsection 4,~~ *this section*, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130. *A person who is convicted of an offense involving a stolen vehicle and who has previously been convicted of an offense involving a stolen vehicle or ~~felony~~ ~~involving the theft of a motor~~ an attempt to commit an offense involving a stolen vehicle must not be released on probation or granted a suspension of his sentence.*

4. If the prosecuting attorney proves that the value of the vehicle involved is \$2,500 or more, the person who violated the provisions of subsection 1 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 10 years, and by a fine of not more than \$10,000.

5. In addition to any other penalty, the court shall order the person to pay restitution.

6. For the purposes of this section, the value of a vehicle shall be deemed to be the highest value attributable to the vehicle by any reasonable standard.

Sec. 3. The amendatory provisions of this act apply to offenses committed before October 1, 2007, for the purpose of determining whether a

person is subject to the provisions of subsection 2 of NRS 205.228 or subsection 3 of NRS 205.273, as amended by this act.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 133.

Bill read third time.

Roll call on Senate Bill No. 133:

YEAS—16.

NAYS—Care, Carlton, Horsford, Titus—4.

EXCUSED—Coffin.

Senate Bill No. 133 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 481.

Bill read third time.

Roll call on Senate Bill No. 481:

YEAS—20.

NAYS—None.

EXCUSED—Coffin.

Senate Bill No. 481 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 490.

Bill read third time.

Roll call on Senate Bill No. 490:

YEAS—20.

NAYS—None.

EXCUSED—Coffin.

Senate Bill No. 490 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 548.

Bill read third time.

Remarks by Senators Carlton, Beers and Titus.

Senator Amodei moved that Senate Bill No. 548 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Amodei.

Motion carried.

Senate Joint Resolution No. 6.

Resolution read third time.

Roll call on Senate Joint Resolution No. 6:

YEAS—20.

NAYS—None.

EXCUSED—Coffin.

Senate Joint Resolution No. 6 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 Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Joseph Nolan.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Anne Kirstine Rasmussen.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Gail A. Sande

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and teachers from the O'Brien Middle School: Alex Cook, Alysia Chavez, Amber Dutra, Angel Ortiz, Ashley Rains, Austin Davis, Becky Mueller, Bobbie Cuevas, Brenda Rodriguez, Brenda Rodriguez-Jacobo, Brooke Fowler, Chad Peaslee, Cheriann Cook, Chris Young, Cierra Robinson, Clarissa Dominguez, Danna Soto, Dylan Cleary, Eric Ciavarelli, Evelyn Lopez, Geroge Machado, Gladys Salazar, Gus Garcia, Irma Delgado, Ivanna Morfin, Jay Inso, Jenny Guzman, Joleen Braithwaite, Jose Perez-Sanchez, Juan Perez-Ramirez, Kim Guardado, Madison Harrison, Monica Ponce, Nicole Davidson, Orlando Mejia, Rosio Bogarin, Ryan Souza, Tyler Stuard, Zarahy Romero, Arely Andrade, Ashley Mazzanti, Austin Villarreal, Bernie Rangel, Brian Smith, Cathy Amaya, Chris Campbell, Cody Idso, Cody Pritchard, Danny Smith, Desean Bible, Eduar Martinez, Felix Sandoval, Gabby Holbrook, Glenn Lopez, Humberto Chavez, Jasmine Garcia, Jason Moriarty, Jordan Garcia, Karlee Jones, Kassie Lissenbee, Kassandra Michel, Kenichi Rogers, Laura Castro, Marcos Alas, Monserat Quiononez, Morgan McLachlan, Naomi Margraf, Phillip Kellogg, Roberto Contreras, Salvador Vega, Santiago Sanchez, Stacy Navarro, Stephen Lemons, Steven Morales, Tiffany Teninty, Trevor Johnson, Veronica Gonzalez, Alex Fong, Ana Ontiveros, Andrew Fritter, Andrew Martinez, Angel Ibarra, Anthony Beltran, April Girard, Ariel Dross, Brandon Perez, Brittanie Jones, Cathy Tuzone, Cesilia Payen, Charles Poindexter, Chelsea Mead, Diego Zamudio, Edwin Martin, Ike Sanders, Ingrid Bravo, Isabel Solorzano, Jaime Lopez, Javier Velez, Jaycee Valencia, Jayme Penberthy, Jorge Rosales, Joselinne Figueroa, Juan Ortiz, Justin Gerard, Kurtis Gibney, Kyle Purdy, Linda Rubio, Luis Garcia, Miguel Fuentes, Patrick Hamilton, Peter Skibinowsky, Raul Silverio,

Sean Lokke, Tatiana Amador, Tyler France; chaperones: DeeDee Cook, Billee Hirsch, Monica Griggs, Jim Mueller, Westley Campbell, Brian Smith, Yadira Valdez, Josefina Muniz, Norma Kaponen, Jonathan Sandoval; teachers: Amy Waters, Christina Leavitt, Bryan Scott, Pete Fendelander, Samara Wenten and Jennifer Haney.

Senator Raggio moved that the Senate adjourn until Tuesday, April 10, 2007, at 11 a.m.  
Motion carried.

Senate adjourned at 12:16 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*