

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 24, 2007

Senate called to order at 11:31 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Marie Hanson.

Please join with me now as we invite the presence and power within each of us into our awareness, into our oneness, with all that is. From this point of light and unity, may we know and accept divine and perfect order in our affairs, schedules and deadlines.

May we know and accept Your ease and effortlessness in accomplishing all that is before us today. May we invite the great and Holy Spirit to give us His strength to do that which will be done. For this, we celebrate in thanksgiving today. And, so it is.

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 Transportation and Homeland Security, to which was referred Senate Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 23, 2007

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. 12, 25, 39, 53, 70, 80, 97, 101, 139, 145, 147, 207, 209, 234, 263, 278, 279, 283, 285, 297, 311, 321, 335, 352, 365, 375, 383, 396, 415, 424, 431, 433, 439, 446, 461, 462, 478, 490, 491, 494, 496, 506, 507, 513, 527, 535, 569, 570, 576, 577, 592, 600, 602, 605.

LUCINDA BENJAMIN

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 24, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 45, 52, 499.

GARY GHIGGERI

Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 12.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 25.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 39.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 53.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 70.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 80.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 97.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 101.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 139.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 145.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 147.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 207.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 209.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

Assembly Bill No. 234.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 263.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 278.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 279.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 283.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 285.

Senator Nolan moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 297.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 311.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 321.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 335.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 352.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 365.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 375.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 383.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 396.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 415.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 424.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 431.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 433.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 439.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 446.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 461.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 462.

Senator Nolan moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 478.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 490.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 491.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 494.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 496.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 506.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 507.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 513.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 527.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 535.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 569.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 570.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 576.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 577.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 592.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 600.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 602.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 605.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

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

Motion carried.

Senate in recess at 11:41 a.m.

SENATE IN SESSION

At 11:48 a.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on the previous day, Senator Nolan moved that the vote whereby Senate Bill No. 42 was lost be reconsidered.

Remarks by Senator Nolan.

Motion carried.

Senator Nolan moved that Senate Bill No. 42 be placed at the top of the General File.

Remarks by Senator Nolan.

Motion carried.

Senator Townsend moved that Senate Bill No. 141 be taken from the General File and placed on the General File on the second agenda.

Remarks by Senator Townsend.

Motion carried.

Senator Amodei moved that Amendment No. 612 to Senate Bill No. 209 be considered before Amendment No. 355.

Remarks by Senator Amodei.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 299.

Bill read second time.

The following amendment was proposed by Senators Amodei, Care, Hardy, Horsford, McGinness, Nolan, Washington and Wiener:

Amendment No. 628.

"SUMMARY—~~[Establishes]~~ Revises provisions relating to crimes against ~~[unborn children.]~~ pregnant women. (BDR 15-730)"

"AN ACT relating to criminal liability; ~~[establishing]~~ revising provisions relating to crimes against ~~[unborn children; repealing the provisions relating to the willful killing of an unborn quick child.]~~ pregnant women; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~† This bill provides that the mother of an unborn child and the unborn child constitute separate and distinct victims for purposes of prosecuting any criminal offense involving violence, except in certain circumstances. This bill also eliminates the crime of killing an "unborn quick child," as the provisions of this bill make it unnecessary for the Nevada Revised Statutes to include a specific crime for the killing of an unborn child.]~~

Existing law provides additional penalties for certain crimes committed against older persons and vulnerable persons. (NRS 193.167) Section 1 of this bill provides an additional penalty for certain crimes committed against pregnant women.

Existing law provides that if a person drives under the influence of alcohol or a controlled substance and proximately causes the death of, or substantial bodily harm to, a person other than himself, the person is guilty of a category B felony which is punishable by imprisonment for a minimum term of not less than 2 years and a maximum term of not more than 20 years and a fine of not less than \$2,000 nor more than \$5,000. Section 2 of this bill provides that a person is guilty of the same offense and subject to the same penalty if the person drives under the influence of alcohol or a controlled substance and proximately causes the termination of the pregnancy of a person other than himself.

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

Delete existing sections 1 and 2 of this bill and replace with the following new sections 1 through 4:

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

- (a) Murder;
 - (b) Attempted murder;
 - (c) Assault;
 - (d) Battery;
 - (e) Kidnapping;
 - (f) Robbery;
 - (g) Sexual assault;
 - (h) Embezzlement of money or property of a value of \$250 or more;
 - (i) Obtaining money or property of a value of \$250 or more by false pretenses; or
 - (j) Taking money or property from the person of another,
- ↪ against any person who is 60 years of age or older or against a vulnerable person shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the crime.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the criminal violation. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the criminal violation.

3. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

- (a) Murder;
- (b) Attempted murder;
- (c) Assault;
- (d) Battery;
- (e) Kidnapping;
- (f) Robbery; or
- (g) Sexual assault.

↪ against a woman who is pregnant at the time the crime is committed, and who knows or reasonably should know, at the time the crime is committed, that the woman is pregnant, shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the crime.

4. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

~~44~~ 5. As used in this section, "vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 2. NRS 484.3795 is hereby amended to read as follows:

484.3795 1. Unless a greater penalty is provided pursuant to NRS 484.37955, a person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his blood or breath;
- (c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his blood or breath;
- (d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;
- (e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379, and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, or proximately causes the termination of the pregnancy of a person other than himself, 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 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.08 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 3. NRS 484.3795 is hereby amended to read as follows:

484.3795 1. Unless a greater penalty is provided pursuant to NRS 484.37955, a person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.10 or more in his blood or breath;
- (c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.10 or more in his blood or breath;
- (d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;
- (e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or
- (f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379, and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, or proximately causes the termination of the pregnancy of a person other than himself, 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 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other

time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 4. 1. This section and sections 1 and 2 of this act become effective on October 1, 2007.

2. Section 2 of this act expires by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

3. Section 3 of this act becomes effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 516.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 605.

"SUMMARY—Revises provisions governing the compensation of certain elected county officers. (BDR 20-225)"

"AN ACT relating to public officers; revising the ~~limitation on the amount at which the annual salary for county commissioners may be set; increasing the compensation of certain elected county officers; providing for a waiver from payment of those increases in certain circumstances; clarifying the eligibility of county commissioners for longevity pay;~~ *provisions governing the compensation of certain elected county officers;* and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill increases the amount at which the board of county commissioners may set the annual salary for a county commissioner of that county. ~~(NRS 245.043)~~ Section 1 also increases the compensation to be paid to certain *other* elected county officers. (NRS 245.043) Pursuant to section 3 of this bill, those increases become effective on July 1, 2007. However, section 4 of this bill authorizes a county that has not commenced payment of the increased annual salaries to request and receive a waiver from

payment of the increases based on insufficient financial resources. If a waiver is granted for Fiscal Year 2007-2008, section 4 prohibits retroactive payment of the increases for that fiscal year. If a waiver is granted for any subsequent fiscal year, however, a county may pay the increases retroactively for those fiscal years. *Section 1 also changes the salary classification of Storey County, thereby increasing the amount of the annual salaries paid to its elected county officers.* Section 2 of this bill clarifies that county commissioners are eligible for longevity pay. (NRS 245.044)

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

Section 1. NRS 245.043 is hereby amended to read as follows:

245.043 1. As used in this section:

(a) "County" includes Carson City.

(b) "County commissioner" includes the Mayor and supervisors of Carson City.

2. Except as otherwise provided by any special law, the elected officers of the counties of this State are entitled to receive annual salaries in the base amounts specified in the following table. The annual salaries are in full payment for all services required by law to be performed by such officers. Except as otherwise provided by law, all fees and commissions collected by such officers in the performance of their duties must be paid into the county treasury each month without deduction of any nature.

ANNUAL SALARIES

Class	County	District	County	County	County	County	County	Public
		Attorney	Sheriff	Clerk	Assessor	Recorder	Treasurer	Administrator
1	Clark	\$155,745	\$134,263	\$91,138	\$91,138	\$91,138	\$91,138	\$91,138
		\$181,994	\$156,892	\$106,498	\$106,498	\$106,498	\$106,498	\$106,498
2	Washoe	137,485	110,632	83,543	83,543	83,543	83,543	83,543
		160,657	129,278	97,623	97,623	97,623	97,623	97,623
3	Carson City	98,707	81,846	65,012	65,012	-----	65,012	-----
		115,343	95,640	75,969	75,969	-----	75,969	-----
	Churchill	98,707	81,846	65,012	65,012	65,012	-----	-----
		115,343	95,640	75,969	75,969	75,969	-----	-----
	Douglas	98,707	81,846	65,012	65,012	65,012	-----	-----
		115,343	95,640	75,969	75,969	75,969	-----	-----
	Elko	98,707	81,846	65,012	65,012	65,012	65,012	-----
		115,343	95,640	75,969	75,969	75,969	75,969	-----
	Humboldt	98,707	81,846	65,012	65,012	65,012	65,012	-----
		115,343	95,640	75,969	75,969	75,969	75,969	-----
	Lyon	98,707	81,846	65,012	65,012	65,012	-----	-----
		115,343	95,640	75,969	75,969	75,969	-----	-----
	Nye	98,707	81,846	65,012	65,012	65,012	65,012	-----
		115,343	95,640	75,969	75,969	75,969	75,969	-----
4	Lander	93,223	73,662	54,227	54,227	54,227	54,227	-----
		108,935	86,077	63,366	63,366	63,366	63,366	-----
	Storey	108,935	86,077	63,366	63,366	63,366	63,366	-----
		108,935	86,077	63,366	63,366	63,366	63,366	-----
	White Pine	93,223	73,662	54,227	54,227	54,227	54,227	-----
		108,935	86,077	63,366	63,366	63,366	63,366	-----
5	Eureka	82,256	58,929	48,607	48,607	48,607	-----	-----
		96,120	68,861	56,799	56,799	56,799	-----	-----
	Lincoln	82,256	58,929	48,607	48,607	48,607	48,607	-----
		96,120	68,861	56,799	56,799	56,799	56,799	-----
	Mineral	82,256	58,929	48,607	48,607	48,607	-----	-----
		96,120	68,861	56,799	56,799	56,799	-----	-----

	Pershing	{82,256	58,929	48,607	48,607	48,607	-----	-----}
		96,120	68,861	56,799	56,799	56,799	-----	-----}
	{Storey}	{82,256	58,929	48,607	48,607	48,607	-----	-----}
		96,120	68,861	56,799	56,799	56,799	-----	-----}
6	Esmeralda	{65,314	52,382	42,531	42,531	42,531	-----	-----}
		76,322	62,379	49,699	49,699	49,699	-----	-----}

3. A board of county commissioners may, by a vote of at least a majority of all the members of the board, set the annual salary for the county commissioners of that county, but in no event may the annual salary exceed an amount which equals ~~{126.65}~~ 143.504 percent of the amount of the annual salary for the county commissioners of that county that was in effect by operation of statute on January 1, 2003.

Sec. 2. NRS 245.044 is hereby amended to read as follows:

245.044 1. On and after July 1, 1973, if an elected county officer has served in his office for more than 4 years, he is entitled to an additional salary of 2 percent of his base salary provided in subsection 2 of NRS 245.043 or his annual salary set pursuant to subsection 3 of NRS 245.043, as applicable, for each full calendar year he has served in his office.

2. The additional salary provided in this section for an eligible county officer:

(a) Must be computed on July 1 of each year by multiplying 2 percent of the base salary provided in NRS 245.043 or the annual salary set pursuant to subsection 3 of NRS 245.043 by the number of full calendar years the elected county officer has served in his office; and

(b) Must not exceed 20 percent of the base salary provided in NRS 245.043 ~~{}~~ or the annual salary set pursuant to subsection 3 of NRS 245.043.

3. Service on the Board of Supervisors of Carson City for the initial term which began on July 1, 1969, and ended on the first Monday of January, 1973, shall be deemed to constitute 4 full calendar years of service for the purposes of this section.

Sec. 3. Except as otherwise provided in section 4 of this act, each county shall commence payment of the increased annual salaries of the elected officers of the county set forth in the table of annual salaries contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, on July 1, 2007.

Sec. 4. 1. Except as otherwise provided in subsection 3, a board of county commissioners may apply to the Committee on Local Government Finance for a waiver from the requirement to increase the annual salaries of elected officers of the county to the annual salaries set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, if the board determines that the financial resources of the county are insufficient to pay those increased annual salaries in Fiscal Year 2007-2008. The Committee on Local Government Finance shall grant such a waiver if it

finds that the financial resources of the county are insufficient to pay those increased annual salaries in Fiscal Year 2007-2008.

2. A board of county commissioners that has been granted a waiver for a fiscal year may apply to the Committee on Local Government Finance for an additional waiver for the next consecutive fiscal year if it finds that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act. There is no limitation on the number of waivers for consecutive fiscal years that the board of county commissioners may be granted if the board of county commissioners finds that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in that fiscal year.

3. After commencing payment of the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, a board of county commissioners may not apply for a waiver in any subsequent fiscal year.

4. The increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act:

(a) Must not be paid retroactively for the period of Fiscal Year 2007-2008 for which a waiver was granted to the county pursuant to subsection 1.

(b) May be paid retroactively for any fiscal year after Fiscal Year 2007-2008 for which a waiver was granted to the county pursuant to subsection 2.

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. This act becomes effective on July 1, 2007.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bills Nos. 45, 172, 321, 324, 422, 476, 499, 501 be taken from the General File and rereferred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bill No. 123 be taken from the General File and placed on the General File on the second agenda.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bill No. 487 be taken from the General File and placed on the General File on the second agenda.

Remarks by Senator Raggio.

Motion carried.

Senator Washington moved that Senate Bill No. 112 be moved to the bottom of the General File.

Remarks by Senator Washington.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 42.

Bill read third time.

Remarks by Senator Nolan.

Roll call on Senate Bill No. 42:

YEAS—11.

NAYS—Beers, Care, Carlton, Cegavske, Coffin, Horsford, Mathews, McGinness, Titus, Wiener—10.

Senate Bill No. 42 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 48.

Bill read third time.

The following amendment was proposed by Senator Amodei:

Amendment No. 560.

"SUMMARY—Redesignates district brand inspectors as agricultural enforcement 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 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:

~~[Sections 1 and 2 of this bill eliminate]~~ *This bill eliminates* the outdated references to the term "district brand inspector" in NRS and ~~[replace]~~ *replaces* 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 ~~district brand 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.~~ *(Deleted by amendment.)*

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

Senator Amodei moved the adoption of the amendment.

Remarks by Senators Amodei and Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 52.

Bill read third time.

Roll call on Senate Bill No. 52:

YEAS—14.

NAYS—Beers, Coffin, Hardy, Heck, Horsford, Mathews, Titus—7.

Senate Bill No. 52 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 60.

Bill read third time.

Roll call on Senate Bill No. 60:

YEAS—21.

NAYS—None.

Senate Bill No. 60 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 61.

Bill read third time.

Remarks by Senators Nolan, Carlton, Cegavske, Schneider, Mathews, Lee and Beers.

Senators Raggio, Hardy and Coffin moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 61.

Roll call on Senate Bill No. 61:

YEAS—6.

NAYS—Amodei, Beers, Care, Carlton, Cegavske, Hardy, Horsford, Mathews, McGinness, Raggio, Rhoads, Schneider, Titus, Washington, Wiener—15.

Senate Bill No. 61 having failed to receive a constitutional majority, Mr. President declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bill No. 487 be taken from the General File and placed on the bottom of the General File on the first agenda.

Remarks by Senator Raggio.

Motion carried.

Senator Hardy moved that Senate Bill No. 377 be taken from the General File and placed on the General File on the second agenda.

Remarks by Senator Hardy.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 94.

Bill read third time.

Roll call on Senate Bill No. 94:

YEAS—9.

NAYS—Beers, Care, Carlton, Cegavske, Coffin, Heck, Horsford, Mathews, Schneider, Titus, Wiener, Woodhouse—12.

Senate Bill No. 94 having failed to receive a constitutional majority, Mr. President declared it lost.

Senate Bill No. 106.

Bill read third time.

Roll call on Senate Bill No. 106:

YEAS—13.

NAYS—Care, Carlton, Coffin, Horsford, Mathews, Schneider, Titus, Wiener—8.

Senate Bill No. 106 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 180.

Bill read third time.

Roll call on Senate Bill No. 180:

YEAS—20.

NAYS—Lee.

Senate Bill No. 180 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 199.

Bill read third time.

Roll call on Senate Bill No. 199:

YEAS—21.

NAYS—None.

Senate Bill No. 199 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 201.

Bill read third time.

Roll call on Senate Bill No. 201:

YEAS—21.

NAYS—None.

Senate Bill No. 201 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 203.

Bill read third time.

Roll call on Senate Bill No. 203:

YEAS—21.

NAYS—None.

Senate Bill No. 203 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 216.

Bill read third time.

Roll call on Senate Bill No. 216:

YEAS—21.

NAYS—None.

Senate Bill No. 216 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.

Roll call on Senate Bill No. 222:

YEAS—21.

NAYS—None.

Senate Bill No. 222 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 230.

Bill read third time.

Roll call on Senate Bill No. 230:

YEAS—21.

NAYS—None.

Senate Bill No. 230 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 234.

Bill read third time.

Senator Wiener disclosed she has ownership interest in a parcel of land in a redevelopment area in Las Vegas.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

I would like to disclose that, pursuant to NRS 281.501, I have an ownership interest in a parcel of land in a redevelopment area in Las Vegas. Senate Bill No. 234 exempts contracts for certain public improvement projects within a redevelopment area performed by a private developer in connection with certain large private development projects from procedures for competitive bidding. Because the benefit or, detriment occurring to me as a result of the passage of this bill is not greater than that occurring to any other owner or property within a redevelopment area, I am required to make this disclosure, but am not required to abstain from voting on this bill.

Senator Mathews disclosed that she owns property in a redevelopment district.

Roll call on Senate Bill No. 234:

YEAS—19.

NAYS—Care, Titus—2.

Senate Bill No. 234 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 242.

Bill read third time.

Roll call on Senate Bill No. 242:

YEAS—21.

NAYS—None.

Senate Bill No. 242 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 265.

Bill read third time.

Roll call on Senate Bill No. 265:

YEAS—21.

NAYS—None.

Senate Bill No. 265 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 269.

Bill read third time.

Roll call on Senate Bill No. 269:

YEAS—21.

NAYS—None.

Senate Bill No. 269 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 274.

Bill read third time.

Remarks by Senators Amodei, Care, Lee and Titus.

Senator Lee requested that the following remarks and letter be entered in the Journal.

SENATOR AMODEI:

Thank you, Mr. President. This bill has been the subject of questions and e-mail correspondence to my colleagues in Clark Districts 1, 6, 7 and 10.

There was a meeting in my office this morning with the State Engineer to discuss those issues. I would like to thank those colleagues who attended.

There was some concern expressed about a \$10,000 limit in terms of how the discretion would be used for the administrative fines. I believe my colleague from Clark District 1 has a letter from the State Engineer that he would like made part of the legislative record. I have no objection to this. The discussion encompassed the ability to amend the bill on the Assembly side providing some general statutory language. The discussion took place in the context that this came to some peoples' attention within 48-72 hours of the deadline that looms at midnight tonight. I have no objection to continuing to work on that issue.

I think it is appropriate that we look at the several water bills coming over from the Assembly and we should amend those to provide some statutory general guidance for when a fine is made. There be certain findings made in an administrative order concerning severity of the offense. Prior warnings should be considered as well as if the person had ever had the offense before. These are general things that would be part of any order defined but not limited to those.

There was some information provided by the Southern Nevada Water Authority which I think is important just to validate the process whereby this bill came through the State Wide Water Committee. The Minority Leader served on this committee as well as other members here. It talks about a study that was initiated as far back as 2003 regarding the ability to fine and to ask the Advisory Committee for ground water management in Las Vegas to assist with the development of a reasonable fine proposal. The committee voted in favor of a proposal.

Over the past four years, the Advisory Committee has held 20 meetings all of which were open to the public and focused to some extent on over-pumping. Representatives from the Nevada Well Owners Association were present at the meetings and participated in those discussions. The State Engineer's office mailed four letters to more than 13,000 well owners in Clark County on the issue of over pumping. Over the past four years, one letter was general in nature and was mailed to all well owners. The three remaining were sent to well owners who were over pumping and explained the consequences of over pumping in a resource context. The committee also held four public workshops at which 300 people attended. Over-pumping was discussed at length. The committee also mailed five newsletters to all well owners in the Las Vegas Valley. All newsletters referred to the over-pumping issue in some way. In addition, the S.C.R. 26 Statewide Water Committee met seven times and was given express authority to address the State Engineer's ability to assess fines. The committee voted last June for the bill draft request that is before you now. This was not something where someone woke up one day and got an idea. It represents an on-going process. Hopefully, we have some confidence in the work of that committee and also the committee that is in Las Vegas.

With the respect to the issue of community-well owners versus domestic-well owners, there was correspondence regarding the equity of treating them equally in the proposed amendment and also in the regulations that will come. There was discussion of including a provision that said, "In any community-well-owner context, if there is a problem, it is the State Engineers burden to prove which one of those community-well owners was the source of the over pumping, not the community-well owners, as individuals, to prove they were not the source of activity which may lead to an administrative fine."

The process continues. Senate Bill No. 274, with the provisions from the State Engineer that I requested we put into the record and the on-going regulatory process and the amendment process still open, is appropriate for your favorable vote at this time.

SENATOR CARE:

Thank you, Mr. President. This issue is extremely important, and we need a clear record of legislative history. We have all read in the paper about the pipeline and the purchase of ranches with water rights and, in some cases, just water rights in the northern part of the State by the Southern Nevada Water Authority.

This body might appreciate having some idea who these potential violators might be. I have a copy of the letter by the State Engineer. He discusses constructing a dam without a permit, the plugging and abandonment of water wells, the construction of an illegal diversion structure on a stream or creek, just to name a few. Maybe this goes on or maybe it is the threat of it going on, but to seek \$10,000 a day is extreme. I appreciate the comments about the regulations and the tiers we will see later. I also appreciate replacing, in the case of diversion, not more than 200 percent of the water used, wasted or diverted language under section 1 of section 3 of the bill. These people must have lots of money and many assets. This is using heavy artillery in the war over the equivalent of oil in the State of Nevada.

SENATOR AMODEI:

I appreciate the comments from my colleague in Clark District 7. I would like to put the \$10,000 into context. According to personnel from the Southern Nevada Water Authority, if you are in the Las Vegas Valley, are on a community-well, have a five-acre parcel, are sub-metered—which means not the meter on the well in general but the submeter on the line that

goes to your parcel—have water rights for an acre foot, the sub-meter indicates that you are over pumping by an acre foot, it would cost you about a \$25,000 - \$27,000 to buy nonrevocable water rights in the Las Vegas Valley.

In urban, western Nevada and southern Nevada, if you were to be hit with the maximum potential fine, replacing the water is a more expensive proposition for you than the \$10,000 fine.

These administrative procedures are subject to being taken to the District Court, which involves expenditures, if you feel you have been wrongly fined. The average price of an acre-foot of water in the Las Vegas Valley is \$25,000 - \$27,000 for non revocable rights. The difference between revocable and non revocable rights are that one after 1955 granted by the State Engineer's Office. If you were given the ability to hook up to a municipal water system you had to hook up to that system. After 1955, those rights were provided to a person with that proviso. To get the water you may not have the ability to pump which you are pumping is a five-figure proposition. That is why replacing the water may be a more appropriate measure for someone who is a violator of the agreed-upon amounts for pumping acre footages in that particular basin.

There are tremendous resources and efforts going into providing the primary quality of life determiner for a community. To ignore what the State Engineer has designated, based on scientific considerations, as an appropriate amount to be pumping is a serious community issue in a designated basin, which most of the ones in urban Nevada surrounding the two major urban areas are. The \$10,000 may be a bargain depending on how much was being over pumped.

SENATOR LEE:

Thank you, Mr. President. Senate Bill No. 274 gives the State Engineer the authority to impose administrative penalties up to \$10,000 per day for violations of Nevada Water Law. The State Engineer needs an administrative mechanism to protect Nevada's limited water supply, existing water rights and public safety. The State Engineer does not have adequate tools to address over pumping of a water right, the illegal use of the State's water, the plugging of abandoned wells that pose a risk to water quality and the construction of dams or stream diversion structures without a permit.

Initially, I was concerned that the amount of the fines was too high. However, given the vast differences in the value of water throughout the State, I can see the wisdom in giving the State Engineer some discretion in the dollar amount of the fines. When I met with the State Engineer on Friday, he gave me a copy of a draft regulation that would establish the framework for the State Engineer's fining authority. It allows the State Engineer to impose fines based on the nature and gravity of the offense and provides opportunities for the alleged violator to appeal any administrative action to an independent review committee or to the State courts. The State Engineer also committed to me, in writing, that he would impose significantly smaller fines for first time offenses with the fines going up if the violations are not corrected.

Mr. President, water in the State of Nevada belongs to the public. It is necessary for the State Engineer to be able to impose administrative penalties so that the State's water is protected from illegal uses.

HONORABLE SENATOR JOHN LEE

c/o Nevada Senate
401 S. Carson Street
Carson City, NV 89701
RE: Senate Bill 274
DEAR SENATOR LEE:

Thank you for the opportunity to meet with you this morning regarding your concerns on Senate Bill No. 274 which gives the Division of Water Resources (DWR) the ability to administer penalties and fines.

The need for enhanced enforcement authority for DWR was discussed at length in Senator Rhoads' S.C.R. 26 Interim Study Committee on Water Resources. Senate Bill No. 274 was the outcome of those extensive hearings along with a provision that DWR submit draft regulations indicating how the statutes would be implemented. The draft regulations were provided to the Senate Natural Resources Committee during hearing and to you in our meeting. I would like to emphasize that the intent of Senate Bill No. 274 and the associated draft

regulations is to protect Nevada's limited water supplies, existing water rights and public safety. The State Engineer currently does not have adequate tools to address issues such as over pumping of a water right, the illegal use of a water right, the construction of a dam without a permit, plugging and abandonment of water wells and the construction of an illegal diversion structure on a stream or creek to name a few. Passage of Senate Bill No. 274 will give DWR the tool necessary to ensure an equitable playing field for all water users and protect this precious resource.

Even though this law would establish a maximum fine of \$10,000 per day per violation, the goal is to ensure compliance with Nevada Water Law. The State Engineer has no intentions of imposing the maximum penalties except under egregious circumstances and after appropriate due process. We commit to developing regulations that provide appropriate penalties that take into consideration the nature and gravity of the violation, number of offenses and the economic benefit to the violator. Included in the regulations will be a staged approach that provides for a smaller fine for first offenses and coinciding increases for repeat or continued offenses.

However, because the cost of water varies a great deal across the State, the State Engineer must have the flexibility to adjust those penalties to ensure they are a meaningful deterrent to noncompliance.

The regulations will provide the alleged violator numerous opportunities to achieve compliance and avoid a penalty. Any penalty imposed under this authority would be subject to review by an Independent Committee and judicial review. If fines are collected, the regulations propose to deposit such fines into the school district in the county where the infraction occurred.

In developing the regulations, we are required to hold workshops across the State to receive public comment and work with interested individuals before compiling a final version for codification. The final draft must be submitted to the Legislative Commission for final approval; consequently, there will be at least one other opportunity for legislative review.

Should you like to discuss this further, please contact me at your earliest convenience.

Sincerely,
TRACY TAYLOR, P.E.
State Engineer

SENATOR TITUS:

One of my reservations with this bill is that it is just one in a whole series of pieces we are considering this Session that is giving more, more and more power to the State Engineer. The State Engineer is becoming the water Czar. Most people do not know who the State Engineer is, much less how to get in touch with that person. We do not have many ways to hold that person accountable. We may have a good engineer now who is making moderate, split-the-baby decisions, but there is no guarantee of that in the future. If we give the engineer too much authority, how will you ever rein him or her in?

SENATOR AMODEI:

This office is a creation of the Legislature. The person serves at the pleasure of the Governor, but there is nothing in the Nevada Constitution about the Division of Water Resources or a State Engineer. We created that person.

If there are concerns about exercise of discretion or amount of power, then that is a legitimate area for future and current legislation.

Referring to Senate Bill No. 274, under existing law, if you violate the terms of your permit or do not have a permit, the State Engineer's only tool is to send you a letter asking you to stop or to take you to District Court and to ask the Court to enjoin you from continuing what you were doing, basically ordering you to stop.

The way water has evolved for purposes of municipal use in Nevada, it has become no-enforcement authority at all. Of the surrounding states, we are the last one to provide them with this.

Many of the provisions you see before you in Senate Bill No. 274 were culled from Utah's laws. Arizona has a similar law. If this person is going to be responsible when someone is granted a permit to use the public waters of the State of Nevada that the water is going to be there first, foremost and always, they can rely on that. You then need to give them the authority to prevent those people who have not gone through that process from usurping or taking the

rights of the other people who have gone through the process. Make no mistake, in the fastest growing state in the Nation, water is the most important resource, and the person who makes the decision as to if it is there, if it can be transferred from agricultural to municipal, wields a considerable amount of authority. If someone has a better structure for how those decisions ought to be made, then we should take a look at that. The historical processes as they have evolved will continue to evolve as the State's use of water changes. This is the best one I have heard of so far.

Roll call on Senate Bill No. 274:

YEAS—21.

NAYS—None.

Senate Bill No. 274 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 280.

Bill read third time.

Remarks by Senator Titus.

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, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 292.

Bill read third time.

Roll call on Senate Bill No. 292:

YEAS—21.

NAYS—None.

Senate Bill No. 292 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 293.

Bill read third time.

Roll call on Senate Bill No. 293:

YEAS—21.

NAYS—None.

Senate Bill No. 293 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Amodei moved that Senate Bill No. 302 be placed on the bottom of the General File.

Remarks by Senator Amodei.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 307.

Bill read third time.

Roll call on Senate Bill No. 307:

YEAS—21.

NAYS—None.

Senate Bill No. 307 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 317.

Bill read third time.

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, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 325.

Bill read third time.

Remarks by Senator Coffin.

Senator Coffin requested that his remarks be entered in the Journal.

Mr. President, the operative language that is of importance in this bill is only one line. "That the State declares English to be the official language." That is all that is really operative. The rest of this is "lipstick on a pig." The code words behind "English as an official language" are deadly in certain sectors of our society.

I do not think there are any racists in this body or in this House. I do not believe the sponsor is racist. However, what legislation like this does, is to bring out the worst in people who are racist, who carry their bigotry beyond their public persona.

You have seen e-mails come in. Suggesting that if the Minority Leader had been elected Governor, she would have appointed wetbacks as judges. I have gotten a lot of similar messages. You do not have to be Mexican to understand who it is aimed at. On the other hand, there are many people from many different races who speak many languages other than Spanish who this bill will affect. When we officially put a persona, a stamp of approval on code language that calls out the worst, base instincts in the population, you enable racism. I am sure it is not the intent of the bill, but it is the unintended consequence of the bill.

Racism is deep here. Those of us who are evidently of color have a lot more experience with it than I do. You might as well put something in this bill about hairstyles, about "nappy hair." It is a code word. It sounds fine, but we all know what it means. I think the people who have been slurred with words like "nappy hair" and others much worse, are the ones who have been the greatest supporters of the Latino people in this Country.

I am speaking from my personal 25-year experience here in the Legislature, that the greatest support for people of my Latino extraction has come from other minority individuals. I have been lucky in the sense that I have not experienced personal discrimination. In my lifetime, it has occurred in my family. We are not talking very many lifetimes ago. My mother, rest her soul, grew up in Anaheim, CA. She went to high school in the 1920s. She grew up in the 1930s. She was a beautiful lady, fairly fair skinned. She had green eyes and was quite attractive. She was chosen the Queen for their homecoming celebration at Anaheim Union High School but was singled out by the Principal as not being eligible because they could not pronounce her name, Carrisosa. My mother and her mother could not swim in the Anaheim Plunge, the old name for

the public swimming pool, except on Monday. Monday was the day they drained the pool. Everyone else could swim for six days and not have to swim in water probably made greasy from the people of Mexican descent. This was not very long ago.

This measure has been around for a long time. The first time I saw this language was about 20 years ago when it surfaced by our former colleague, Senator Getto, who brought it up in the Assembly once in 1987. There was a tremendous response against it. He pulled the bill when he understood the significance of it. Those were the days when U.S. English was really peppering people with this idea. They said it was the greatest new thing and it was going to solve the immigration problem. If we make them speak English, they will be good people. They will come into our society, and they will integrate better. However, it did not work. It has not changed anything.

Yesterday, after the ink had gone dry and the energy had left the press, well after dark, this body had a chance to make a change in what is going on in this State and set precedent for what is happening in the western United States. The Democrats offered an amendment to this bill, Senate Bill No. 325, which would have required that employers investigate, report and not hire people who are undocumented aliens. The Democrats voted for that en masse and lost on a 11 to 10 vote. That is the first time that has ever happened. That is the first time that proposal has ever had to be made in this State. It is 21 years after Congress passed and the President signed similar legislation. It has not been enforced by the federal government. After 21 years, the Democrats took the step to try to see if people really believed what people were talking about.

Instead of putting "lipstick on a pig," what we hoped they would do is actually walk the talk that had been made, certainly by the people who send messages and know what the people want.

The employers are responsible for people coming in; yet, somehow or another, now Senate Bill No. 325 does not address the problem. This does not say anything about the responsibilities of employers to make a real check about whom they are employing. We have homebuilders in southern Nevada who send Coyotes to Mexico to hire entire villages, knowingly building very expensive houses for the rest of us. People see them on the roofs without their safety harnesses, and they see them, and they know about them falling. They do not get headlines like someone working on a project at the MGM or a Boyd Company project might. It never is reported when you have a Mexican worker hurt on a job in Nevada. They are just another statistic in an emergency room. I know this.

We went for a solution, and this bill stands naked of a solution. To me it is just cosmetic, a poor choice of lipstick, if you ask me. Why can we not do something to this bill? Why can we not do something that the people really want? This bill is useless. It only serves to inflame racial hatred. I will not vote for this. I urge my colleagues to change their minds, to not send this to the Assembly. Do not embarrass the Senate. Thank you.

Roll call on Senate Bill No. 325:

YEAS—19.

NAYS—Carlton, Coffin—2.

Senate Bill No. 325 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 354.

Bill read third time.

Remarks by Senator Horsford.

Roll call on Senate Bill No. 354:

YEAS—21.

NAYS—None.

Senate Bill No. 354 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 366.

Bill read third time.

Roll call on Senate Bill No. 366:

YEAS—20.

NAYS—Carlton.

Senate Bill No. 366 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 374.

Bill read third time.

Roll call on Senate Bill No. 374:

YEAS—21.

NAYS—None.

Senate Bill No. 374 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 401.

Bill read third time.

Roll call on Senate Bill No. 401:

YEAS—21.

NAYS—None.

Senate Bill No. 401 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 412.

Bill read third time.

Remarks by Senator Carlton.

Senator Carlton requested that her remarks be entered in the Journal.

Thank you, Mr. President. I rise in opposition to Senate Bill No. 412. I made my views clear in committee. This bill contains what is known as the Nurse Licensure Compact. I have concerns that it would restrict our State Board of Nursing from evaluating the nurses who come into the State. I agree we have a nursing shortage. There is a problem. We have the lowest per capita rate of nurses in the country. In joining this Nurse Licensure Compact, we will have to take nurses from any other state that has joined the compact.

I have always stressed in these bills the importance of background checks. The person who takes care of you in the hospital and the doctor's office is the nurse. That is the person who is doing the hands-on care. We need to be certain we have enough nurses, but we need to be certain we have good, qualified nurses also. There are a number of states who have joined that currently do not do background checks. We do not know how many other states will join in the future that do not do background checks. We will be tying the hands of our Nursing Board when it comes to looking at nurses and their history when they come to this State.

We checked with the State Board of Nursing, to become a nurse in this State, if your paperwork is done correctly, it takes about a week and a half to two weeks to be able to practice in Nevada.

Roll call on Senate Bill No. 412:

YEAS—14.

NAYS—Care, Carlton, Coffin, Mathews, Titus, Wiener, Woodhouse—7.

Senate Bill No. 412 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Raggio moved that the Senate recess until 1:40 p.m.

Motion carried.

Senate in recess at 1:18 p.m.

SENATE IN SESSION

At 1:37 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Heck moved that Senate Bill No. 415 be taken from the General File and placed on the General File on the third agenda.

Remarks by Senator Heck.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 337.

Bill read third time.

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, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 417.

Bill read third time.

Roll call on Senate Bill No. 417:

YEAS—21.

NAYS—None.

Senate Bill No. 417 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Townsend moved that Senate Bill No. 432 be taken from the General File and placed on the General File on the next agenda.

Remarks by Senator Townsend.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 436.

Bill read third time.

Senator Townsend disclosed that his wife is a certificated and practicing licensee of the Real Estate Division.

Senator Nolan disclosed that he is a real estate broker.

Senator Lee disclosed that his wife is a licensed realtor.

Roll call on Senate Bill No. 436:

YEAS—19.

NAYS—Care, Horsford—2.

Senate Bill No. 436 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Titus moved that Senate Bill No. 487 be taken from the General File and placed on the General File on the second agenda.

Remarks by Senator Titus.

Motion failed.

Senator Titus moved that Senate Bill No. 549 be taken from the General File on the first agenda and placed on the General File on the second agenda.

Remarks by Senator Titus.

Motion failed.

GENERAL FILE AND THIRD READING

Senate Bill No. 448.

Bill read third time.

Roll call on Senate Bill No. 448:

YEAS—21.

NAYS—None.

Senate Bill No. 448 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 1:47 p.m.

SENATE IN SESSION

At 1:55 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Amodei moved that Senate Bill No. 487 be taken from the General File and placed on the General File on the second agenda.

Remarks by Senator Amodei.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 452.

Bill read third time.

Roll call on Senate Bill No. 452:

YEAS—21.

NAYS—None.

Senate Bill No. 452 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 483.

Bill read third time.

Roll call on Senate Bill No. 483:

YEAS—21.

NAYS—None.

Senate Bill No. 483 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 489.

Bill read third time.

Remarks by Senator Care.

Roll call on Senate Bill No. 489:

YEAS—11.

NAYS—Care, Carlton, Coffin, Horsford, Lee, Mathews, Schneider, Titus, Wiener, Woodhouse—10.

Senate Bill No. 489 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 495.

Bill read third time.

Roll call on Senate Bill No. 495:

YEAS—21.

NAYS—None.

Senate Bill No. 495 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 502.

Bill read third time.

Roll call on Senate Bill No. 502:

YEAS—21.

NAYS—None.

Senate Bill No. 502 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 509.

Bill read third time.

Roll call on Senate Bill No. 509:

YEAS—21.

NAYS—None.

Senate Bill No. 509 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 511.

Bill read third time.

Roll call on Senate Bill No. 511:

YEAS—21.

NAYS—None.

Senate Bill No. 511 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 549.

Bill read third time.

Roll call on Senate Bill No. 549:

YEAS—18.

NAYS—Care, Schneider, Titus—3.

Senate Bill No. 549 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 3.

Resolution read third time.

Roll call on Senate Joint Resolution No. 3:

YEAS—20.

NAYS—Care.

Senate Joint Resolution No. 3 having received a constitutional majority,
Mr. President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Heck moved that Senate Bill No. 112 be taken from the General File and placed on the General File on the second agenda.

Remarks by Senator Heck.

Motion carried.

Senator Raggio moved that Assembly Bills Nos. 5, 18, 27, 30, 35, 75, 100, 152, 264, 294, 482 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 302.

Bill read third time.

Roll call on Senate Bill No. 302:

Yeas—21.

Nays—None.

Senate Bill No. 302 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

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

Remarks by Senator Beers.

Motion carried.

Senator Raggio moved that Senate Bill No. 312 be taken from the Secretary's desk and placed on the General File on the second agenda.

Remarks by Senator Raggio.

Motion carried.

Senator Nolan moved that Senate Bill No. 62 be taken from the Secretary's desk and placed on the General File on the second agenda.

Remarks by Senator Nolan.

Motion carried.

Senator Raggio moved that the Senate recess until 4 p.m.

Motion carried.

Senate in recess at 2:07 p.m.

SENATE IN SESSION

At 4:34 p.m.

President Krolicki presiding.

Quorum present.

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 24, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 377.

GARY GHIGGERI
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 382.

"SUMMARY—Makes changes relating to certain traffic violations. (BDR 43-991)"

"AN ACT relating to traffic laws; ~~providing for the imposition of an additional fee for a license renewal under certain circumstances; establishing provisions relating to 911 emergency telephone calls regarding certain traffic violations;~~ increasing the penalty for certain traffic violations; requiring certain persons to appear personally in court for traffic violations; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~¶ Section 1 of this bill requires the Department of Motor Vehicles to charge a \$50 fee for the third and each subsequent conviction of a moving traffic violation that occurred between the date of a person's last license renewal and the date of his most current application for renewal. Section 1 also apportions any amount collected from the fees for deposit in the State Highway Fund and the State General Fund for use by the Department of Motor Vehicles.~~

~~Section 6 of this bill provides that a 911 emergency telephone dispatcher may inform a caller who is reporting that a vehicle is being operated in a reckless, aggressive or dangerous manner that the caller may appear personally at the local law enforcement agency to file a sworn complaint regarding the incident. Section 6 also provides that a local law enforcement agency may issue a citation to a person presumably operating a vehicle without further proof if two or more persons have filed complaints regarding the same incident of that vehicle being operated in a reckless, aggressive or dangerous manner.~~

Section 7 of this bill ~~increases the penalty from a misdemeanor to a category D felony for refusal to stop a vehicle or to elude a peace officer when given a signal to stop. (NRS 484.348) Section 7 also~~ increases the maximum term of imprisonment for refusal to stop a vehicle or to elude a peace officer when given a signal to stop which results in the death or bodily harm of another person from 15 years to 20 years and the fine from \$10,000 to \$50,000. ~~for any such violation that results in the death or bodily harm of another person.~~ (NRS 484.348) Section 7 also provides that if the driver of a

motor vehicle is convicted of a violation of NRS 484.379 arising out of the same act or transaction as the refusal to stop a vehicle or to elude a peace officer when given a signal to stop, the driver is guilty of a category D felony for refusing to stop the vehicle or eluding a peace officer when given a signal to stop.

Section 8 of this bill establishes penalties for aggressive driving. (NRS 484.3765) Section 9 of this bill establishes penalties for reckless driving. (NRS 484.377) Section 9 also increases the penalty for reckless driving that results in the death or substantial bodily harm of another person from a term of imprisonment between 1 and 6 years, a fine, or both, to mandatory imprisonment and a fine of not less than \$2,000.

Existing law allows a person to comply with a written promise to appear in court by an appearance by counsel. (NRS 171.17885) Section 10 of this bill requires a person to appear personally to comply with a written promise if the written promise is a result of a third or subsequent arrest or citation for a moving traffic violation in unrelated incidents within a 12-month period.

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

Section 1. ~~{Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1.—The Department shall charge and collect a fee of \$50, in addition to the fees set forth in NRS 483.410 and 483.415, for the third and each subsequent conviction of a moving traffic violation that occurred between the date of a person's last license renewal and the date of his most current application for renewal. Any fines imposed pursuant to this subsection must be paid before a renewal license may be issued.~~

~~2.—The money collected pursuant to subsection 1 must be deposited in the following manner:~~

- ~~(a) Eighty percent for credit to the State Highway Fund; and~~
- ~~(b) Twenty percent for credit to the State General Fund for use by the Department.~~

~~3.—As used in this section, "moving traffic violation" means an act that is a moving traffic violation for the purposes of NRS 483.473.} (Deleted by amendment.)~~

Sec. 2. ~~{NRS 483.410 is hereby amended to read as follows:~~

~~483.410 1. Except as otherwise provided in subsection 6 and NRS 483.417, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:~~

An original or renewal license issued to a person 65 years of age or older	\$13.50
An original or renewal license issued to any person less than 65 years of age	18.50
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of	

NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385	\$40.00
Reinstatement of a license after revocation for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385	65.00
A new photograph, change of name, change of other information, except address, or any combination	5.00
A duplicate license	14.00

~~2.—For every motorcycle endorsement to a driver’s license, a fee of \$5 must be charged.~~

~~3.—If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee’s social security number, or a number that was formulated by using the licensee’s social security number as a basis for the number, to a unique number that is not based on the licensee’s social security number.~~

~~4.—Except as otherwise provided in NRS 483.417, the increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.~~

~~5.—A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.~~

~~6.—The Department may not charge a fee for the reinstatement of a driver’s license that has been:~~

- ~~(a) Voluntarily surrendered for medical reasons; or~~
- ~~(b) Cancelled pursuant to NRS 483.310.~~

~~7.—All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.~~

~~8.—Except as otherwise provided in NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS 483.863, and section 1 of this act, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund. (Deleted by amendment.)~~

~~Sec. 3. [NRS 483.415 is hereby amended to read as follows:~~

~~483.415—1.—The Department shall charge and collect a fee of 50 cents, in addition to the fees set forth in NRS 483.410 [.] and section 1 of this act, for every driver’s license, including a motorcycle driver’s license, issued or renewed.~~

~~2.—The Department shall deposit the money into the Highway and Safety Administrative Account which is hereby created in the State Highway Fund. The money in the Account may be used only as follows:~~

- ~~(a) Thirty five percent of the money must be used for the support of the position of Motor Vehicle Recovery and Transportation Planner created within the Department of Transportation pursuant to NRS 408.234; and~~
- ~~(b) Sixty five percent of the money must be used for the support of the position of Drivers’ Education and Safety Officer created pursuant to~~

~~NRS 483.203, and to carry out the provisions of that section.] (Deleted by amendment.)~~

Sec. 4. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection ~~{2}~~ 3 of NRS 484.377.

(2) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

↪ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 5. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

↪ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

(I) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(II) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection ~~{2}~~ 3 of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484.379, 484.3795 or 484.384;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↪ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 6. ~~[Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1.—When a person places a telephone call on the 911 primary emergency telephone number or any other telephone number used in an emergency to report that a vehicle is being operated in a reckless, aggressive or dangerous manner, the dispatcher who answers the telephone call may inform the caller that he may appear personally at the local law enforcement agency in whose jurisdiction the incident occurred and file a written, sworn complaint regarding the incident.~~

~~2.—If two or more persons file a written, sworn complaint pursuant to subsection 1 regarding the same incident of a vehicle being operated in a reckless, aggressive or dangerous manner, the local law enforcement agency in whose jurisdiction the incident occurred may issue a citation to the person who was presumably operating the vehicle without further proof.] (Deleted by amendment.)~~

Sec. 7. NRS 484.348 is hereby amended to read as follows:

484.348 1. Except as otherwise provided in this section, the driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring his vehicle to a stop is guilty of a misdemeanor. ~~[category D felony and shall be punished as provided in NRS 193.130.]~~

2. The signal by the peace officer described in subsection 1 must be by flashing red lamp and siren.

3. Unless the provisions of NRS 484.377 apply if, while violating the provisions of subsection 1, the driver of the motor vehicle:

(a) Is the proximate cause of damage to the property of a person other than himself; or

(b) Operates the motor vehicle in a manner which endangers or is likely to endanger any person other than himself or the property of any person other than himself,

↪ the driver 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.

4. If, while violating the provisions of subsection 1, the driver of the motor vehicle is the proximate cause of the death of or bodily harm to any person other than himself, the driver 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 2 years and a maximum term of not more than ~~15~~ 20 years, or by a fine of not more than ~~10,000~~ \$50,000, or by both fine and imprisonment.

5. If the driver of the motor vehicle is convicted of a violation of NRS 484.379 arising out of the same act or transaction as a violation of subsection 1, the driver is guilty of a category D felony and shall be punished as provided in NRS 193.130 for the violation of subsection 1.

Sec. 8. NRS 484.3765 is hereby amended to read as follows:

484.3765 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484.361 or 484.366.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484.278.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484.297.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484.305.

(4) Following another vehicle too closely in violation of NRS 484.307.

(5) Failing to yield the right-of-way in violation of any provision of NRS 484.315 to 484.323, inclusive.

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is prosecuted or convicted for committing any of the acts described in paragraphs (a) and (b) of subsection 1.

3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor ~~and~~:

(a) For the first offense, shall be punished:

(1) By a fine of not less than ~~500~~ \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. In addition to any other penalty ~~{ }~~ pursuant to subsection 3:

(a) For the first offense within 2 years, the court shall order the driver to attend, at his own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

~~{4 }~~ 5. To determine whether the provisions of paragraph (a) or (b) of subsection ~~{3 }~~ 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

~~{5 }~~ 6. If the driver is already the subject of any other order suspending or revoking his driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

~~{6 }~~ 7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

~~{7 }~~ 8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

~~{8 }~~ 9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

~~{9 }~~ 10. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 9. NRS 484.377 is hereby amended to read as follows:

484.377 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

↪ A violation of this subsection or subsection 1 of NRS 484.348 constitutes reckless driving.

2. *Except as otherwise provided in subsection 3, a person who violates subsection 1 is guilty of a misdemeanor and:*

(a) *For the first offense, shall be punished:*

(1) *By a fine of not less than ~~+\$500~~ \$250 but not more than \$1,000; or*

(2) *By both fine and imprisonment in the county jail for not more than 6 months.*

(b) *For the second offense, shall be punished:*

(1) *By a fine of not less than \$1,000 but not more than \$1,500; or*

(2) *By both fine and imprisonment in the county jail for not more than 6 months.*

(c) *For the third and each subsequent offense, shall be punished:*

(1) *By a fine of not less than \$1,500 but not more than \$2,000; or*

(2) *By both fine and imprisonment in the county jail for not more than 6 months.*

3. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484.348, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to a person other than himself, 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]~~ and by a fine of not less than \$2,000 and not more than \$5,000. ~~[-or by both fine and imprisonment.]~~

~~3-]~~ 4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484.348.

Sec. 10. NRS 171.17785 is hereby amended to read as follows:

171.17785 1. It is unlawful for a person to violate his written promise to appear given to a peace officer upon the issuance of a misdemeanor citation prepared manually or electronically, regardless of the disposition of the charge for which the citation was originally issued.

2. ~~[-A]~~ *Except as otherwise provided in this subsection, a person may comply with a written promise to appear in court by an appearance by counsel. A person who has been convicted of two or more moving traffic violations in unrelated incidents within a 12-month period and is subsequently arrested or issued a citation within that 12-month period shall appear personally in court with or without counsel.*

3. A warrant may issue upon a violation of a written promise to appear.

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Heck moved that Senate Bill No. 112 be placed on the bottom of the General File.

Remarks by Senator Heck.

Motion carried.

Senator Raggio moved that Senate Bill No. 123 be rereferred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.

Senator Nolan moved that Senate Bill No. 62 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Nolan.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 48.

Bill read third time.

Roll call on Senate Bill No. 48:

YEAS—21.

NAYS—None.

Senate Bill No. 48 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 141.

Bill read third time.

The following amendment was proposed by Senator Townsend:

Amendment No. 629.

"SUMMARY—Contingently imposes or increases the rate of certain taxes in certain counties to fund capital projects for the county school district. (BDR 32-757)"

"AN ACT relating to taxation; contingently imposing a tax on retail sales, increasing the rate of the tax on transfers of real property and imposing a tax on residential construction in certain counties; requiring any proceeds of the additional taxes to be deposited in the county school district's fund for capital projects; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill imposes a sales and use tax of one-quarter of 1 percent in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County), and requires the deposit of the proceeds of the tax in the county school district's fund for capital projects.

Under existing law, subject to certain exceptions, a tax is imposed on the transfer of real property in each county. In a county whose population is *less than 400,000* ~~for more~~ (currently *all counties other than* Clark County), ~~the tax is imposed at a rate of \$1.25 for each \$500 of value of the property. In all other counties,~~ the tax is imposed at a rate of 65 cents for each \$500 of value. (NRS 375.020, 375.090) Section 2 of this bill ~~makes the~~ *increases that rate* ~~for \$1.25~~ *to \$1.15* for each \$500 of value applicable in ~~a county whose population is 100,000 or more, thereby increasing the rate of the tax~~

~~the~~ counties whose population is 100,000 or more but less than 400,000 (currently Washoe County).

Under existing law, in a county whose population is 400,000 or more ~~and~~ (currently Clark County), a portion of the proceeds of the tax on the transfer of real property that is equal to 60 cents for each \$500 of value must be deposited in the county school district's fund for capital projects. (NRS 375.070) Section 3 of this bill makes that requirement applicable to the 50-cent increase in the tax in a county whose population is 100,000 or more ~~and~~ but less than 400,000 (currently Washoe County).

Section 4 of this bill imposes a tax on residential construction in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) in the amount of \$1,600 for each lot for a mobile home, residential dwelling unit and suite in an apartment house, and requires the deposit of the proceeds of the tax in the county school district's fund for capital projects.

The provisions of sections 1-4 of this bill will become effective on January 1, 2009, only if the voters of the affected counties approve of the effect of those provisions at the 2008 General Election.

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

Section 1. Chapter 374A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A tax is hereby imposed on all retailers in a county whose population is 100,000 or more but less than 400,000 at the rate of one-quarter of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county.*

2. *The tax must be administered, collected and distributed in the manner set forth in chapter 374 of NRS.*

3. *The board of trustees of the county school district shall transfer the proceeds of the tax from the county school district fund to the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.*

Sec. 2. NRS 375.020 is hereby amended to read as follows:

375.020 1. A tax, at the rate of:

(a) In a county whose population is 400,000 ~~#100,000#~~ or more, \$1.25; ~~and~~

(b) In a county whose population is 100,000 or more but less than 400,000, \$1.15; and

(c) In a county whose population is less than ~~[400,000,]~~ 100,000, 65 cents, ~~↪~~ for each \$500 of value or fraction thereof, is hereby imposed on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, if the consideration or value of the interest or property conveyed exceeds \$100.

2. The amount of tax must be computed on the basis of the value of the transferred real property as declared pursuant to NRS 375.060.

Sec. 3. NRS 375.070 is hereby amended to read as follows:

375.070 1. The county recorder shall transmit the proceeds of the tax imposed by NRS 375.020 at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each \$500 of value or fraction thereof must be transmitted to the State Controller who shall deposit that amount in the Account for Low-Income Housing created pursuant to NRS 319.500.

(b) In a county whose population ~~is~~ ~~more than~~:

(1) Is 100,000 or more but less than 400,000, an amount equal to that portion of the proceeds which is equivalent to 50 cents for each \$500 of value or fraction thereof; or

(2) Is 400,000, ~~100,000~~ or more, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each \$500 of value or fraction thereof.

↪ must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

(c) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.

2. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of affordable housing for families whose income does not exceed 80 percent of the median income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development. A county or city that uses the proceeds in that manner must give priority to the development of affordable housing for persons who are disabled or elderly.

3. The expenses authorized by subsection 2 include, but are not limited to:

- (a) The costs to acquire land and developmental rights;
- (b) Related predevelopment expenses;
- (c) The costs to develop the land, including the payment of related rebates;
- (d) Contributions toward down payments made for the purchase of affordable housing; and
- (e) The creation of related trust funds.

Sec. 4. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A tax on residential construction is hereby imposed in a county whose population is 100,000 or more but less than 400,000, for the privilege of*

constructing apartment houses and residential dwelling units and developing lots for mobile homes in the county, in the amount of \$1,600 for each:

- (a) Lot for a mobile home;*
- (b) Residential dwelling unit; and*
- (c) Suite in an apartment house.*

2. The board of county commissioners of the county shall administer and collect the tax, and may retain not more than 1 percent of the proceeds of the tax for administrative costs.

3. Except as otherwise provided in subsection 2, the proceeds of the tax must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

Sec. 5. NRS 387.328 is hereby amended to read as follows:

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. The proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962 and 375.070 *and sections 1 and 4 of this act* may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 6. NRS 387.329 is hereby amended to read as follows:

387.329 As used in NRS 387.331 ~~+~~ *and section 4 of this act:*

1. "Apartment house" means a building arranged in several suites of connecting rooms, each suite designed for independent housekeeping, but with certain typical mechanical conveniences, such as air-conditioning, heat, light or elevator services shared in common by all families occupying the building.

2. "Lot for a mobile home" means any area or tract of land designated, designed or used for the occupancy of a mobile home. A "mobile home" is a

vehicle without motive power designed or equipped for living purposes and to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

3. "Residential dwelling unit" means a building or a portion of a building planned, designed or used as a residence for one family only, living independently of other families or persons, and having its own bathroom and housekeeping facilities included in the unit.

Sec. 7. NRS 387.332 is hereby amended to read as follows:

387.332 The Nevada Tax Commission shall, every 4 years after it has approved the imposition of a tax on residential construction in a particular county or area of a county ~~+~~ pursuant to NRS 387.331, review the need for the tax under the circumstances existing at the time of the review. If the Commission finds that the tax is no longer needed, it shall so inform the board of county commissioners of that county, who shall repeal the tax as of the end of the current fiscal year.

Sec. 8. At the general election on November 4, 2008, in each county whose population is 100,000 or more but less than 400,000, a question must be placed on the general election ballot in substantially the following form:

Shall:

1. A sales and use tax be imposed in this county at the rate of one-quarter of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county;

2. The tax on transfers of real property in this county be increased by ~~60~~ 50 cents for each \$500 of the value of the transferred property; and

3. A tax on residential construction be imposed in this county at the rate of \$1,600 for the privilege of constructing each lot for a mobile home, residential dwelling unit and suite in an apartment house in the county,
 ➔ to fund capital projects for the county school district?

Sec. 9. 1. This section and section 8 of this act become effective on July 1, 2007.

2. Sections 1 to 7, inclusive, of this act become effective on January 1, 2009, only if a majority of the voters voting on the question placed on the ballot pursuant to section 8 of this act vote affirmatively on the question in all the counties in which the question was placed on the ballot.

Senator Townsend moved the adoption of the amendment.

Remarks by Senator Townsend.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 299.

Bill read third time.

Remarks by Senator Hardy.

Roll call on Senate Bill No. 299:

YEAS—21.

NAYS—None.

Senate Bill No. 299 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 312.

Bill read third time.

The following amendment was proposed by Senators Amodei, Beers, Cegavske, Hardy, Heck, McGinness, Nolan, Raggio, Rhoads, Townsend and Washington:

Amendment No. 616.

"SUMMARY—Revises provisions relating to education. (BDR 34-604)"

"AN ACT relating to education; revising provisions relating to the annual reports of accountability information relating to public schools; requiring the State Board of Education to establish alternative criteria for *certain* high school pupils to receive a standard high school diploma; establishing a process by which a high school pupil may take an examination to demonstrate competency in lieu of attending a course of study; expanding the age of compulsory school attendance from 17 years to 18 years; authorizing certain pupils to earn credit for high school courses before completion of certain requirements for promotion to high school; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

The State Board of Education and each school district are required to prepare annual reports of accountability information. Those reports must include information on the drop out rate of pupils in grades 9 to 12, inclusive. (NRS 385.3469, 385.347, 385.349) Sections 1 and 2 of this bill expand the annual reports of accountability information to include the rate of pupils who drop out of school in grades 6, 7 and 8.

Existing law requires a pupil to pass all subject areas of the high school proficiency examination for receipt of a standard high school diploma. (NRS 389.015) Section 4 of this bill requires the State Board to prescribe alternative criteria that a pupil may satisfy to receive a standard high school diploma if that pupil passes ~~at least two of~~ the *mathematics and reading* subject areas of the high school proficiency examination but has not passed the examination in its entirety ~~or~~ *after taking the examination at least three times before 12th grade.*

Current regulations adopted by the State Board allow a pupil to receive credit for a course of study if the pupil demonstrates competency in the course by taking an examination. (NAC 389.670) Section 5 of this bill provides that a pupil may be granted credit for a course without attending the course if he passes an examination, as prescribed by the State Board, demonstrating competency in the subject area of the course.

Existing law requires the State Board to prescribe requirements for promotion to high school and provides that a pupil must not be promoted to high school until those requirements are met. (NRS 392.033) Section 8 of this bill requires the board of trustees of each school district to adopt a policy for a pupil to be placed on academic probation and to earn credits required for high school while the pupil is completing the requirements for promotion to high school.

Existing law requires a child between the ages of 7 and 17 years to attend school. (NRS 392.040) Section 9 of this bill expands the age of compulsory school attendance to 18 years.

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term

substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in *grades 6, 7 and 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive*, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. ~~[excluding]~~ *The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:*

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma ~~+~~, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of section 4 of this act; and

(II) Paragraph (b) of subsection 1 of section 4 of this act.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) The number and percentage of pupils who ~~did not receive a high school diploma because the pupils~~ failed to pass the high school proficiency examination, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

2. A separate reporting for a subgroup of pupils must not be made pursuant to this section if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum

number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

3. The annual report of accountability must:

- (a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;
- (b) Be prepared in a concise manner; and
- (c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

- (a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

- (1) Governor;
- (2) Committee;
- (3) Bureau;
- (4) Board of Regents of the University of Nevada;
- (5) Board of trustees of each school district; and
- (6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed *educational* personnel ~~[in education]~~ in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall:

(a) Report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.

(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

(4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

(5) The percentage of pupils who were not tested;

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (3);

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils

in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

↪ A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute

teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

- (1) Any special programs for pupils at an individual school; and
- (2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in *grades 6, 7 and 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive*, for each such grade, for each school in the district and for the district as a whole. ~~[-, excluding]~~ *The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:*

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma ~~to~~, *reported separately for pupils who received the diploma pursuant to:*

(I) Paragraph (a) of subsection 1 of section 4 of this act; and

(II) Paragraph (b) of subsection 1 of section 4 of this act.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who ~~did not receive a high school diploma because the pupils~~ failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting

requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

↪ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. 1. *A pupil must receive a standard high school diploma if he:*

(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or

(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than three times before beginning grade 12 and the pupil:

(1) Passes ~~for at least two~~ the subject areas of mathematics and reading on the ~~high school~~ proficiency examination ~~administered pursuant to NRS 389.015, satisfies~~ ;

(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;

(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection 3 ; and ~~otherwise~~

(4) Otherwise satisfies the requirements for graduation from high school.

2. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if he satisfies the requirements set forth in his individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

3. The State Board shall adopt regulations that prescribe the alternative criteria for a pupil to receive a standard high school diploma pursuant to paragraph (b) of subsection 1, including, without limitation:

(a) An essay;

(b) A senior project; or

(c) A portfolio of work,

↪ or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.

Sec. 5. 1. A pupil may be granted credit for a specific course of study without having attended the regularly scheduled classes in the course if he demonstrates his competence to meet the objectives of the course through his performance on an examination prescribed by the State Board.

2. The State Board shall adopt regulations that prescribe the:

(a) Form on which a pupil may apply to the board of trustees of a school district in which he attends school to take an examination pursuant to subsection 1;

(b) Courses of study for which pupils may take an examination pursuant to subsection 1; and

(c) Minimum score on each such examination that is required to demonstrate competency in a course.

Sec. 6. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body

of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Mathematics; and
- (c) Science.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 7, 10 and 11.
- (b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

- (1) The plan adopted by the Department; and
- (2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

➔ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil *of each subject*

area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. If a pupil fails to pass the *high school* proficiency examination , ~~administered before the completion of grade 11,~~ he must not be graduated ~~until~~ unless he ~~is~~ :

(a) Is able, through remedial study, to pass the proficiency examination ~~;~~ ; or

(b) ~~Passes at least two~~ the subject areas of mathematics and reading tested on the proficiency examination , has at least a 2.75 grade point average on a 4.0 grading scale and satisfies the alternative criteria prescribed by the State Board pursuant to section 4 of this act,

↳ but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of ~~17~~ 18 years.

6. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Sec. 7. NRS 389.0173 is hereby amended to read as follows:

389.0173 1. The Department shall develop an informational pamphlet concerning the high school proficiency examination for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the examination, including, without limitation, an explanation that if the pupil fails the examination, ~~or does not pass at least two subject areas tested on the examination and meet the alternative requirements prescribed by the State Board,~~ satisfy the requirements of paragraph (b) of subsection 1 of section 4 of this act, he is not eligible to receive a standard high school diploma;

(b) Subject areas tested on the examination;

(c) Format for the examination, including, without limitation, the range of items that are contained on the examination;

(d) Manner by which the scaled score, as reported to pupils and their parents or legal guardians, is derived from the raw score;

(e) Timeline by which the results of the examination must be reported to pupils and their parents or legal guardians;

(f) Maximum number of times that a pupil is allowed to take the examination if he fails to pass the examination after the first administration;

(g) Courses of study that the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the examination and pass the examination; and

(h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the examination.

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school

district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before January 15, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 8. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, which may include the credits to be earned.

2. ~~The~~ *Except as otherwise provided in subsection 4, the board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs to complete the courses of study required for promotion to high school.*

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. *The board of trustees of each school district shall adopt a policy that allows a pupil who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school or otherwise earn the credits required in high school while the pupil completes the requirements for promotion to high school pursuant to this section. The policy must include the criteria for eligibility of a pupil to be placed on academic probation.*

Sec. 9. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and ~~17~~ 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides ~~and~~ *unless the child has graduated from high school.*

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child

is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:

(a) If he has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If he has completed kindergarten, be admitted to the first grade at the beginning of that school year,

↪ and his enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following his sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:

(a) If he has completed kindergarten and the first grade, be admitted to the second grade.

(b) If he has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the

district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, he must be admitted to the first grade. If the district determines that the child is not so prepared, he must be admitted to kindergarten.

➔ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before September 30 of the next school year; and

(b) Whose parents waived his attendance from kindergarten pursuant to subsection 4,

➔ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. A child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade he was attending or would be attending had he remained a resident of the other state regardless of his age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 10. NRS 392.110 is hereby amended to read as follows:

392.110 1. Any child between the ages of 14 and ~~17~~ 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority ~~shall~~ *must* state the reason or reasons for such excuse.

2. In all such cases no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit ~~shall~~ *must* be kept on file by the employer ~~and~~ , upon the termination of employment ~~shall~~ , *must* be returned by the employer to the board of trustees or other authority issuing it.

Sec. 11. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of his teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or principal.

2. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the Department.

5. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

6. ~~Notwithstanding the provisions of NRS 392.040 to the contrary, the~~ The provisions of this section apply to all pupils who are ~~less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.~~ *required to attend school pursuant to NRS 392.040.*

Sec. 12. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of his teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,

↪ may again be declared a habitual truant.

3. ~~Notwithstanding the provisions of NRS 392.040 to the contrary, the~~ The provisions of this section apply to all pupils who are ~~less than 18 years of age and enrolled in public schools, including, without limitation, pupils~~

~~who are 17 years of age or older but less than 18 years of age.] required to attend school pursuant to NRS 392.040.~~

Sec. 13. NRS 392.141 is hereby amended to read as follows:

392.141 ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ The provisions of NRS 392.144, 392.146 and 392.147 apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ required to attend school pursuant to NRS 392.040.

Sec. 14. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

- (a) The local law enforcement agency;
- (b) A school police officer employed by the board of trustees of the school district; or
- (c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ The provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ required to attend school pursuant to NRS 392.040.

Sec. 15. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

- (a) Any child between the ages of 7 and ~~[17]~~ 18 years; and
- (b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,
 ↳ who has been reported to him by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which he is lawfully required to attend.

2. ~~[Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant any child who is 17 years of age or older but less than 18 years of age if:~~

- ~~(a) The child is enrolled in a public school; and~~
- ~~(b) A teacher, superintendent of schools or other school officer has reported the child as absent from instruction.~~

~~3.]~~ Except as otherwise provided in subsection ~~[4:]~~ 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

~~{4}~~ 3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 16. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is ~~{17}~~ *under 18* years of age ~~{or younger}~~ and required to attend school pursuant to NRS 392.040 for violation of any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 17. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is ~~{17}~~ *under 18* years of age ~~{or younger}~~ and required to attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 18. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is ~~{17}~~ *under 18* years of age ~~{or younger}~~ and required to attend school pursuant to NRS 392.040 who violates any of the provisions of law requiring the attendance of children in the public schools of this State.

Sec. 19. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to 392.110, inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or

3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

↪ of a child under ~~17~~ 18 years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 20. NRS 394.145 is hereby amended to read as follows:

394.145 1. A private elementary or secondary school in this state shall not permanently admit any child until the parent or guardian of the child furnishes a birth certificate or other document suitable as proof of the child's identity and, if applicable, a copy of the child's records from the school he most recently attended.

2. Except as otherwise provided in subsection 3, a child must be admitted to a school under his name as it appears in the identifying document or records required by subsection 1, unless the parent or guardian furnishes a court order or decree authorizing a change of name or directing the principal or other person in charge of that school to admit the child under a name other than the name which appears in the identifying document or records.

3. A child who is in the custody of the agency which provides child welfare services, as defined in NRS 432B.030, may be admitted to a school under a name other than the name which appears in the identifying document or records required by subsection 1 if the court determines that to do so would be in the best interests of the child.

4. If the parent or guardian fails to furnish the identifying document or records required by subsection 1 within 30 days after the child is conditionally admitted, the principal or other person in charge of the school shall notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

5. Any parent, guardian or other person who, with intent to deceive under this section:

(a) Presents a false birth certificate or record of attendance at school; or

(b) Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4,

↪ of a child under ~~17~~ 18 years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 21. On or before January 1, 2008, the State Board of Education shall adopt regulations that prescribe, in accordance with section 4 of this act, the alternative criteria for receipt of a standard high school diploma. The regulations must be effective on January 1, 2008, for application to the pupils who graduate in 2008 and thereafter.

Sec. 22. This act becomes effective on July 1, 2007.

Senator Raggio moved the adoption of the amendment.

Remarks by Senators Raggio, Titus and Horsford.

Senator Raggio requested that the following remarks be entered in the final Journal.

SENATOR RAGGIO:

In its original form, Senate Bill No. 312 removes the requirement that students pass all portions of the High School Proficiency Examination in order to graduate from high school.

Historically, Nevada was one of the first states to mandate statewide testing. The High School Exit Exam was first administered in 1979 and was later changed to the present day High School Proficiency Examination (HSPE). Passage of the HSPE has always been mandatory to graduate from high school in Nevada. We are not alone in this requirement. As of 2004, Nevada and 19 other states require high school exit exams be passed in all aspects in order to receive a diploma or to graduate, and an additional five states will require exit exams by Fiscal Year 2008-09.

Removing the requirement that students pass all portions of the High School Proficiency Examination for graduation purposes contains a philosophy of lowered expectations that reflects poorly upon the education community. The High School Proficiency Exam is not that difficult by those who measure the extent and the limitations of the exam. The State Board of Education approved the test, set the passing score and indicated it was a good method of determining what a student would learn in a standards-based curriculum. Our experience has shown that Nevada students will live up to our expectations; whenever the State Board has raised the bar for this test, students have responded accordingly. We are realizing that with a high 90-percent passing rate and with 12 opportunities given to students to take the test and providing all kinds of mentoring and tutoring.

Under the federal No Child Left Behind Act, the High School Proficiency Examination is utilized in determining adequate yearly progress (AYP) of schools. Performance of students on all four separate areas of the examination, including mathematics, reading and writing, are utilized in determining AYP. In the future, science will most likely be included in the calculation of AYP as the fourth area. The passage of this legislation would make our graduation standards different from the standards by which our State complies with the NCLBA. How will our State begin to succeed under the No Child Left Behind Act?

The message, the original version of Senate Bill No. 312, sent to the students is, "If you do not succeed, give up and take an easier path." That is why I have consistently, over the many legislative sessions in which we have been dealing with this effort to lower the requirements of passing the High School Proficiency Exam, I have been against that. There are good arguments being made. Some articles have been submitted, and I am familiar with them, indicating that the alternatives to passing all sections of the test will be beneficial.

I think the legislation, as it was originally presented, goes against the strides we have made in strengthening our K-12 education in expecting more from our children so that they can compete in the global market. I have always stressed that. We are not educating our young students just to compete with one another. We must have a goal where they can compete with not only their own students in their school but also with the students in this State, this country and students internationally. Otherwise, we are doing them a great disservice because we are not adequately preparing them. What better assessment is there than the capability to pass the High School Proficiency Exam? I am concerned about this amendment's potential to destroy the high expectations we have established for all of Nevada's pupils. The critics of the program should be focusing their efforts upon challenging our students, not challenging the basic test of their skills.

I told the sponsor I would try to compromise with what the bill did; therefore, I am supporting this amendment, reluctantly. What the amendment does is provide that the alternatives to passage can be utilized if the student passes the math and reading portions, two of the three, soon to be four areas, of the High School Proficiency Exam. It says that the student must have at least a 2.75 average and that the student has at least tried to pass the High School Proficiency Exam on the three occasions available prior to that student entering his or her senior high-school year. I will offer to support the amendment if they at least have tried to pass the tests. Then the student

will be eligible for the alternative methods of graduation in lieu of passing all of the portions of the test.

SENATOR TITUS:

I respect the Majority Leader's concern about the need to educate Nevada's children so they can compete in the modern global economy. However, the fact is, you can give as many tests as you want and it will not improve what a student knows. You have to put resources in education so children have opportunities to learn. Only then can they pass the proficiency tests. That means supporting initiatives like class-size reduction and all-day kindergarten. These are needed in addition to the provisions in this amendment that I will support.

SENATOR HORSFORD:

Thank you, Mr. President. First, I would like to thank the Majority Leader and the sponsors of this amendment. I recognize that the Majority Leader has provided many years of leadership in bringing forward academic standards for the State of Nevada, and I respect the role he has played in helping to advance public education in this State.

Senate Bill No. 312 was a bill brought forward after more than two years of work by more than 50 community organizations, educators, parents and students in response to the fact that Nevada ranks second to last in the Nation for the rate of students who successfully complete high school. The statewide coalition established a successful initiative referred to as "ready for life." The purpose of this initiative is to help connect students by the age of 25 to post-secondary education and/or employment so they can successfully compete in life and not impose significant social costs on the rest of society.

I respect the Majority Leader, and I understand the concerns he has with the bill as it was originally drafted. However, I believe it is consistent with other measures that this Legislature has supported to increase standards and to insure all students have the skills they need to compete in the 21-Century workforce. I do not believe that any of the provisions lower standards but provide multiple pathways for students to demonstrate proficiency based on the State's required exams. The pathways identified are research based and utilized in many other states. In fact, 17 other states use standardized tests, and they use alternative routes to a standards' diploma. Only four states, Nevada, Alabama, Louisiana and South Carolina, have exit exams and no alternative routes to a standard diploma.

I have distributed, to this body, a study that was commissioned in January, 2007, from New York that supports the ideas of the multiple pathways with respect to the amendment before us. I will support the amendment because I believe that it provides a necessary first step to allow these students to graduate. I believe that multiple pathways allow critical thinking and analytical skills be demonstrated that sometimes a student cannot perform because they may not be good at taking a test. Currently, tests are the only way they can exhibit they have proficiency in an area. I compare it to what is happening in many of our colleges and university campuses where students have to demonstrate their proficiency in their degree areas in what is known as a "capstone." It is in line with many of the other provisions in standards this Legislature and prior Legislatures have adopted.

In addition, Senate Bill No. 312 requires local districts to report dropout data to the State Department of Education starting at the sixth grade. Currently, local districts only report dropout data from the 9th – 12th grades.

The bill allows our brightest students, those who can demonstrate proficiency in a subject, to take the tests and move on which I think is important.

The bill addresses a problem in regulations that do not allow students in the middle-school levels to continue to advance into high school.

Finally, the bill increases the compulsory age to attend school if they have not satisfied the necessary credits from 17 years of age to 18 years of age.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 377.

Bill read third time.

Roll call on Senate Bill No. 377:

YEAS—15.

NAYS—Carlton, Coffin, Schneider, Titus, Wiener, Woodhouse—6.

Senate Bill No. 377 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 415.

Bill read third time.

The following amendment was proposed by Senators Titus, Care, Carlton, Coffin, Horsford, Lee, Mathews, Schneider, Wiener and Woodhouse:

Amendment No. 617.

"SUMMARY—Provides that certain alien students are not eligible to receive certain types of financial assistance through the Nevada System of Higher Education ~~and~~ *and revises provisions governing eligibility for the receipt of a millennium scholarship.* (BDR 34-222)"

"AN ACT relating to higher education; providing that certain alien students are not eligible to receive certain types of financial assistance through the Nevada System of Higher Education; *providing an exception for a student who executes an affidavit declaring his intention to become a United States citizen; providing that certain students who have a parent or legal guardian in the Armed Forces of the United States are not required to be a resident of Nevada for 2 years before applying for a millennium scholarship;* and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 505 of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 prohibits states from providing a postsecondary education benefit to an alien who is not lawfully present in the United States unless any citizen or national of the United States is eligible for such a benefit. (8 U.S.C. § 1623) The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) restricts the eligibility of aliens for state and local benefits, including postsecondary education benefits. (8 U.S.C. §§ 1601 et seq.) Under the PRWORA, an alien who is not a qualified alien or nonimmigrant is not eligible for any state or local benefit except certain benefits such as emergency medical services, emergency disaster relief and certain public health assistance. (8 U.S.C. § 1621)

Existing state law grants free tuition in the Nevada System of Higher Education to students who are bona fide residents of Nevada for a certain period. (NRS 396.540) Existing law also authorizes the Board of Regents of the University of Nevada to provide loans to certain nursing students and scholarships to certain students under the Governor Guinn Millennium Scholarship Program who are residents of Nevada for a certain period. (NRS 396.890, 396.930) Section 1 of this bill amends the definition of "bona

fide resident" to exclude an alien who is not eligible for a state or local benefit in accordance with the PRWORA. Therefore, alien students who are not eligible for state or local benefits under the PRWORA are not eligible for free tuition in the System, nursing loans or ~~Millennium Scholarships,~~ *millennium scholarships. This bill also provides an exception for an alien student who executes an affidavit declaring his intention to become a citizen of the United States. A student who executes such an affidavit and fails to initiate the process to become a citizen of the United States within a reasonable time is required to reimburse the cost of tuition for each semester in which the student was granted free tuition and to repay a nursing loan or millennium scholarship received by the student.*

Existing law authorizes the Board of Regents to enter into agreements for tuition waivers for students from other states and foreign countries. (NRS 396.543) Section 2 of this bill prohibits the granting of such waivers to alien students who are not eligible for a state or local benefit under the PRWORA ~~§~~, *unless the student executes an affidavit declaring his intention to become a citizen of the United States. A student who executes such an affidavit and fails to initiate the process to become a citizen of the United States within a reasonable time is required to reimburse the cost of nonresident tuition for each semester in which the student was granted free tuition.*

Existing law establishes the requirements for eligibility for receipt of a millennium scholarship, including that a student must be a resident of Nevada for 2 years before applying to receive a scholarship. (NRS 396.930) Section 4 of this bill provides an exception from the 2-year residency requirement for students who have a parent or legal guardian on active duty serving in the Armed Forces of the United States.

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

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with *this section or any other statute. The term does not include an alien who is not eligible for a state or local public benefit as determined in accordance with 8 U.S.C. § 1621 ~~§~~, unless the alien has executed an affidavit declaring his intention to become a citizen of the United States.* The qualification "bona fide" is intended to assure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not *bona fide* residents of Nevada and which is in addition to registration fees or other fees assessed against students who are *bona fide* residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition must be free to:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months prior to the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All public school teachers who are employed full time by school districts in the State of Nevada;

(d) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(e) Employees of the System who take classes other than during their regular working hours; and

(f) Members of the Armed Forces of the United States.

3. ~~The~~ *Except as otherwise provided in this subsection, the Board of Regents may grant tuitions free each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester. Free tuition must not be granted pursuant to this subsection to an alien who is not eligible for a state or local public benefit as determined in accordance with 8 U.S.C. § 1621 ~~+~~, unless the alien has executed an affidavit declaring his intention to become a citizen of the United States.*

4. The Board of Regents shall establish a procedure for the reimbursement of tuition by a student who signs an affidavit declaring his intention to become a citizen of the United States and who does not within a reasonable period of time initiate the process for citizenship. The Board of Regents shall require the reimbursement of tuition for each semester in which the Board of Regents granted free tuition to the student.

Sec. 2. NRS 396.543 is hereby amended to read as follows:

396.543 1. The Board of Regents may enter into an agreement with another state for the granting of full or partial waivers of the nonresident tuition to residents of the other state who are students at or are eligible for admission to any branch of the System if the agreement provides that, under substantially the same circumstances, the other state will grant reciprocal waivers to residents of Nevada who are students at or are eligible for admission to universities or colleges in the other state.

2. Each agreement must specify:

(a) The criteria for granting the waivers; and

(b) The specific universities, state colleges and community colleges for which the waivers will be granted.

3. The Board of Regents shall provide by regulation for the administration of any waivers for which an agreement is entered into pursuant to subsection 1.

4. *A waiver must not be granted pursuant to this section to an alien who is not eligible for a state or local public benefit as determined in accordance with 8 U.S.C. § 1621 ~~f-f~~, unless the alien has executed an affidavit declaring his intention to become a citizen of the United States.*

5. The waivers granted pursuant to this section must not be included in the number of waivers determined for the purpose of applying the limitation in subsection 3 of NRS 396.540.

6. The Board of Regents shall establish a procedure for the reimbursement of the nonresident tuition by a student who signs an affidavit declaring his intention to become a citizen of the United States and who does not within a reasonable period of time initiate the process for citizenship. The Board of Regents shall require the reimbursement of the nonresident tuition by the student for each semester in which a waiver was granted pursuant to this section.

Sec. 3. NRS 396.890 is hereby amended to read as follows:

396.890 1. The Board of Regents may administer, directly or through a designated officer or employee of the System, a program to provide loans for fees, books and living expenses to students in the nursing programs of the System.

2. Each student to whom a loan is made must:

(a) Have been a "bona fide resident" of Nevada, as that term is defined in NRS 396.540, for at least 6 months prior to the "matriculation" of the student in the System, as that term is defined pursuant to NRS 396.540;

(b) Be enrolled at the time the loan is made in a nursing program of the System for the purpose of becoming a licensed practical nurse or registered nurse;

(c) Fulfill all requirements for classification as a full-time student showing progression towards completion of the program; and

(d) Maintain at least a 2.00 grade-point average in each class and at least a 2.75 overall grade-point average, on a 4.0 grading scale.

3. Each loan must be made upon the following terms:

(a) All loans must bear interest at 8 percent per annum from the date when the student receives the loan.

(b) Each student receiving a loan must repay the loan with interest following the termination of his education for which the loan is made. The loan must be repaid in monthly installments over the period allowed with the first installment due 1 year after the date of the termination of his education for which the loan is made. The amounts of the installments must not be less than \$50 and may be calculated to allow a smaller payment at the beginning of the period of repayment, with each succeeding payment gradually increasing so that the total amount due will have been paid within the period for repayment. The period for repayment of the loans must be:

- (1) Five years for loans which total less than \$10,000.
- (2) Eight years for loans which total \$10,000 or more, but less than \$20,000.

(3) Ten years for loans which total \$20,000 or more.

4. A delinquency charge may be assessed on any installment delinquent 10 days or more in the amount of 8 percent of the installment or \$4, whichever is greater, but not more than \$15.

5. The reasonable costs of collection and an attorney's fee may be recovered in the event of delinquency.

6. The Board of Regents shall establish a procedure for the immediate repayment of a loan with interest made pursuant to this section by a student who signs an affidavit for purposes of NRS 396.540 declaring his intention to become a citizen of the United States and who does not within a reasonable period of time initiate the process for citizenship.

~~[Sec. 3.]~~ Sec. 4. 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 he:

(a) Has been a *bona fide* resident of ~~[this State]~~ Nevada for at least 2 years before he applies for the 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 paragraph (c) of subsection 2, not more than 6 years before he applies for the 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 high school diploma within 4 years after he was regularly scheduled to graduate; and

(3) Applies for the scholarship not more than 6 years after he 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 he 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 he 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 he was a member of the graduating class of 2007 or a later graduating class; and

(e) Is enrolled in at least:

(1) Six semester credit hours in a community college within the System;

or

(2) Twelve semester credit hours in another 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) 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) 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 (e) of subsection 1.

(e) 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 requirement that the student has been a resident of Nevada for at least 2 years pursuant to paragraph (a) of subsection 1 and subsection 3.

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 (e) of subsection 2, have been *bona fide* 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 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 for the repayment of a millennium scholarship to the Trust Fund by a student who signs an

affidavit for purposes of NRS 396.540 declaring his intention to become a citizen of the United States and who does not within a reasonable period of time initiate the process for citizenship.

6. As used in this section, "bona fide resident" has the meaning ascribed to it in NRS 396.540.

~~[Sec. 4.]~~ Sec. 5. This act becomes effective on July 1, 2007.

Senator Titus moved the adoption of the amendment.

Remarks by Senator Titus.

Senators Titus, Coffin and Care requested a roll call vote on Senator Titus's motion.

Roll call on Senator Titus's motion:

YEAS—10.

NAYS—Amodei, Beers, Cegavske, Hardy, Heck, McGinness, Nolan, Raggio, Rhoads, Townsend, Washington—11.

The motion having failed to receive a majority, Mr. President declared it lost.

The following amendment was proposed by Senators Heck, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse:

Amendment No. 635.

"SUMMARY—Provides that certain alien students are not eligible to receive certain types of financial assistance through the Nevada System of Higher Education ~~and~~ and revises provisions governing eligibility for a millennium scholarship. (BDR 34-222)"

"AN ACT relating to higher education; providing that certain alien students are not eligible to receive certain types of financial assistance through the Nevada System of Higher Education; providing for the exemption of students who have a parent or legal guardian in the Armed Forces of the United States from the residency requirement for eligibility for a millennium scholarship; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 505 of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 prohibits states from providing a postsecondary education benefit to an alien who is not lawfully present in the United States unless any citizen or national of the United States is eligible for such a benefit. (8 U.S.C. § 1623) The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) restricts the eligibility of aliens for state and local benefits, including postsecondary education benefits. (8 U.S.C. §§ 1601 et seq.) Under the PRWORA, an alien who is not a qualified alien or nonimmigrant is not eligible for any state or local benefit except certain benefits such as emergency medical services, emergency disaster relief and certain public health assistance. (8 U.S.C. § 1621)

Existing state law grants free tuition in the Nevada System of Higher Education to students who are bona fide residents of Nevada for a certain period. (NRS 396.540) Existing law also authorizes the Board of Regents of the University of Nevada to provide loans to certain nursing students and scholarships to certain students under the Governor Guinn Millennium Scholarship Program who are residents of Nevada for a certain period. (NRS 396.890, 396.930) Section 1 of this bill amends the definition of "bona fide resident" to exclude an alien who is not eligible for a state or local benefit in accordance with the PRWORA. Therefore, alien students who are not eligible for state or local benefits under the PRWORA are not eligible for free tuition in the System, nursing loans or Millennium Scholarships.

Existing law authorizes the Board of Regents to enter into agreements for tuition waivers for students from other states and foreign countries. (NRS 396.543) Section 2 of this bill prohibits the granting of such waivers to alien students who are not eligible for a state or local benefit under the PRWORA.

Existing law establishes the requirements for eligibility for a millennium scholarship, including that a student must be a resident of Nevada for 2 years before applying to receive a scholarship. (NRS 396.930) Section 3 of this bill provides an exception from the 2-year residency requirement for students who have a parent or legal guardian on active duty serving in the Armed Forces of the United States.

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

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with *this section* or any other statute. *The term does not include an alien who is not eligible for a state or local public benefit as determined in accordance with 8 U.S.C. § 1621.* The qualification "bona fide" is intended to assure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not *bona fide* residents of Nevada and which is in addition to registration fees or other fees assessed against students who are *bona fide* residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition must be free to:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months prior to the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State

of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All public school teachers who are employed full time by school districts in the State of Nevada;

(d) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(e) Employees of the System who take classes other than during their regular working hours; and

(f) Members of the Armed Forces of the United States.

3. ~~The~~ *Except as otherwise provided in this subsection, the Board of Regents may grant tuitions free each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester. Free tuition must not be granted pursuant to this subsection to an alien who is not eligible for a state or local public benefit as determined in accordance with 8 U.S.C. § 1621.*

Sec. 2. NRS 396.543 is hereby amended to read as follows:

396.543 1. The Board of Regents may enter into an agreement with another state for the granting of full or partial waivers of the nonresident tuition to residents of the other state who are students at or are eligible for admission to any branch of the System if the agreement provides that, under substantially the same circumstances, the other state will grant reciprocal waivers to residents of Nevada who are students at or are eligible for admission to universities or colleges in the other state.

2. Each agreement must specify:

(a) The criteria for granting the waivers; and

(b) The specific universities, state colleges and community colleges for which the waivers will be granted.

3. The Board of Regents shall provide by regulation for the administration of any waivers for which an agreement is entered into pursuant to subsection 1.

4. *A waiver must not be granted pursuant to this section to an alien who is not eligible for a state or local public benefit as determined in accordance with 8 U.S.C. § 1621.*

5. The waivers granted pursuant to this section must not be included in the number of waivers determined for the purpose of applying the limitation in subsection 3 of NRS 396.540.

Sec. 3. 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 he:

(a) Has been a *bona fide* resident of ~~this State~~ Nevada for at least 2 years before he applies for the 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 paragraph (c) of subsection 2, not more than 6 years before he applies for the 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 high school diploma within 4 years after he was regularly scheduled to graduate; and

(3) Applies for the scholarship not more than 6 years after he 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 he 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 he 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 he was a member of the graduating class of 2007 or a later graduating class; and

(e) Is enrolled in at least:

(1) Six semester credit hours in a community college within the System; or

(2) Twelve semester credit hours in another 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) 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) 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 (e) of subsection 1.

(e) 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.

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 (e) of subsection 2, have been *bona fide* 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 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. *As used in this section, "bona fide resident" has the meaning ascribed to it in NRS 396.540.*

Sec. 4. This act becomes effective on July 1, 2007.

Senator Heck moved the adoption of the amendment.

Remarks by Heck, Titus and Raggio.

Senator Titus requested that her remarks be entered in the Journal.

Thank you, Mr. President. I would like the record to show that the amendment just adopted was a piece of an amendment that had been proposed previously, and, the Democrats were denied the opportunity to have their names put on that amendment even though it was theirs' originally.

Senators Heck, Titus and Raggio requested a roll call vote on the adoption of the amendment.

Roll call on Senator Heck's motion:

YEAS—21.

NAYS—None.

The motion having received a majority, Mr. President declared it carried.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 432.

Bill read third time.

Roll call on Senate Bill No. 432:

YEAS—21.

NAYS—None.

Senate Bill No. 432 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 487.

Bill read third time.

The following amendment was proposed by Senator Amodei:

Amendment No. 636.

"SUMMARY—Revises provisions relating to water resources in certain counties. (BDR 48-183)"

"AN ACT relating to water; providing for the regional acquisition, development, management and conservation of water resources in certain portions of Washoe County; creating the Northern Nevada Water Authority; setting forth the powers and duties of the Authority; creating the Northern Nevada Water Planning Commission to advise and assist the Authority; repealing provisions relating to regional planning and management of water in certain counties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing general law provides for regional planning and management of water by a water planning commission in counties whose population is 100,000 or more but less than 400,000 (currently Washoe County). Under that general law, a board of county commissioners is required to adopt a comprehensive plan for the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods and is required to take action by a two-thirds majority. This general law also provides for a water planning commission, which reports to and advises the board of county commissioners concerning issues relating to water resources. (NRS 540A.010-540A.310)

This bill repeals that general law and creates by special legislation a new structure for regional planning and management of water resources in certain portions of Washoe County based on the unique conditions and circumstances existing in those areas. Under the Nevada Constitution, the Legislature may pass a special or local law if the subject matter of the law does not fall within one of certain enumerated categories and a general law cannot be made applicable because of special circumstances and conditions. (Nev. Const. Art. 4, §§ 20, 21) Section 5 of this bill specifies the unique conditions and circumstances in these portions of Washoe County that justify special legislation for the purpose of regional planning and management of water resources.

Sections 23 and 24-28 of this bill create the Northern Nevada Water Authority, which is governed by a Board of Trustees consisting of representatives of Washoe County, the cities of Reno and Sparks and various public entities that provide services relating to water and wastewater in Washoe County. Sections 37-42 of this bill create the Northern Nevada

Water Planning Commission, which reports to and advises the Board of Trustees of the Authority.

In lieu of creating the Northern Nevada Water Authority pursuant to section 23 of this bill, section 23.5 of this bill authorizes the City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District and Truckee Meadows Water Authority to create the Northern Nevada Water Authority by cooperative agreement. The cooperative agreement must be entered into and become effective before January 1, 2008.

Sections 35-53 of this bill require the development and adoption of a comprehensive plan for the area over which the Authority has jurisdiction, which must address the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods. Sections 29-36 and 54-57 of this bill authorize the Board of Trustees to: (1) subject to certain exceptions, acquire and dispose of, in any manner, water rights, water supplies and related facilities; (2) schedule the delivery of water supplies held by certain water purveyors before January 1, 2008; (3) establish service territories of those purveyors for new water service provided on and after January 1, 2008; (4) establish, charge and collect various fees for services relating to the provision of water supplies; (5) provide for water conservation by various means; (6) subject to certain exceptions, exercise the power of eminent domain as necessary to acquire private property; and (7) issue bonds and other obligations.

Section 61 of this bill creates a temporary statutory legislative committee to oversee the programs and activities of the Authority.

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

Section 1. NRS 533.550 is hereby amended to read as follows:

533.550 1. Notwithstanding any other provision of law, a public body shall not sell or lease for a term of more than 5 years a water right owned by the public body unless the public body, after holding at least one public hearing at which public comment was solicited, has issued written findings that:

(a) The sale or lease of the water right is consistent with the prudent, long-term management of the water resources within the jurisdiction of the public body;

(b) The sale or lease of the water right will not deprive residents and businesses within the jurisdiction of the public body of reasonable access to water resources for growth and development;

(c) The sale or lease of the water right is a reasonable means of promoting development and use of the water right; and

(d) The means by which the water right is sold or leased reasonably ensures that the public body will receive the actual value of the water right or comparable economic benefits.

2. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political

subdivisions. The term does not include a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement ~~[]~~ or created by a special act of the Legislature.

Sec. 2. NRS 540A.010 is hereby amended to read as follows:

540A.010 As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of county commissioners.
2. ~~["Commission" means the water planning commission created by NRS 540A.080.~~
3. ~~"Comprehensive plan" or "plan" means the plan developed pursuant to NRS 540A.130.~~

4. ~~]~~ "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 3. Sections 3 to 58, inclusive, of this Act may be cited as the Northern Nevada Water Authority Act.

Sec. 4. 1. The Legislature hereby finds that:

(a) The provisions of section 22 of this Act describe a hydrologically unique area which is distinguished by the presence of Lake Tahoe and the Truckee River, a water system which is governed by a unique combination of state and federal law, by federal decree and by the Truckee River Operating Agreement; and

(b) The unique hydrological conditions of the area described in section 22 of this Act and the complex legal framework governing the use of water within that area are special circumstances and conditions to which a general law cannot be made applicable and necessitate this special Act which provides for a special structure for the coordinated planning and management of water resources in that area.

2. It is hereby declared as a matter of legislative determination that:

(a) The organization of the Northern Nevada Water Authority having the purposes, powers, rights, privileges and immunities provided in this Act will serve a public use and will promote the general welfare by facilitating unified and cooperative efforts to secure and develop additional water supplies, maintain and cooperatively establish policies for managing existing water resources and water supplies, provide for integrated regional water resources and management of water supplies, provide for integration of efforts to manage storm water, provide for protection of watersheds and provide for regional conservation efforts, subject to and in accordance with the Truckee River Operating Agreement.

(b) The acquisition, development, management and conservation of regional water supplies and any associated facilities by the Authority is for a public and governmental purpose and a matter of public necessity.

(c) The geographical boundaries of the Authority are within the area described in section 22 of this Act.

(d) The Authority shall, in carrying out the provisions of this Act:

- (1) Make full use of any available resources for sustainability, economic viability and maintenance of environmental values;
- (2) Provide for a centralized system of decision making;
- (3) Assign service territories using a procedure based upon available resources;
- (4) Communicate the decisions and policies of the Authority in an effective manner;
- (5) Facilitate the effective coordination of land use and resource planning;
- (6) Facilitate the effective and efficient planning, management and operation of facilities; and
- (7) Provide for the effective stewardship of water resources, including, without limitation, ensuring the quantity and quality of surface water and groundwater and the control point and nonpoint sources of pollution.

(e) For the accomplishment of the purposes stated in this subsection, the provisions of this Act shall be broadly construed.

Sec. 5. As used in this Act, unless the context otherwise requires, the words and terms defined in sections 6 to 21, inclusive, of this Act have the meanings ascribed to them in those sections.

Sec. 6. "Authority" means the Northern Nevada Water Authority created pursuant to section 23 of this Act.

Sec. 7. "Board of Trustees" or "Board" means the Board of Trustees of the Authority.

Sec. 8. "City of Reno" means the municipal corporation in Washoe County, Nevada, created and existing pursuant to the provisions of chapter 662, Statutes of Nevada 1971, as amended.

Sec. 9. "City of Sparks" means the municipal corporation in Washoe County, Nevada, created and existing pursuant to the provisions of chapter 470, Statutes of Nevada 1975, as amended.

Sec. 10. "Commission" means the Northern Nevada Water Planning Commission created pursuant to section 37 of this Act.

Sec. 11. "Comprehensive Plan" means the plan developed pursuant to sections 35 to 53, inclusive, of this Act.

Sec. 12. "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 13. "Facilities" means any facility necessary for the beneficial use of water supplies, including, without limitation, any diversion, dam, reservoir, other water storage facility for the water supplies, water conveyance, well, pump, treatment facility, storage tank, pipe, turnout and any other facility required to provide water services to the wholesale customers of the Authority or to provide for the conservation of water or enhanced control of floods.

Sec. 14. "Planning area" means the area described in section 22 of this Act.

Sec. 15. "Public purveyor" means:

1. The Truckee Meadows Water Authority, or its successor;
2. The Washoe County Department of Water Resources, or its successor;
3. The South Truckee Meadows General Improvement District, or its successor;
4. The Sun Valley General Improvement District, or its successor; or
5. Any other governmental entity engaged in the retail delivery of potable water in the planning area.

Sec. 16. "Truckee Meadows Water Authority" means the political subdivision of the State of Nevada created by a cooperative agreement effective December 4, 2000, pursuant to the provisions of NRS 277.080 to 277.180, inclusive.

Sec. 17. "Truckee River Operating Agreement" means all agreements relating to the implementation of Public Law 101-618, 104 Stat. 3324, as amended, including, without limitation, the Operating Agreement referenced in section 205(a) of Public Law 101-618, 104 Stat. 3324, as amended, whether entered into before, on or after January 1, 2008, to which the Truckee Meadows Water Authority, its predecessor or its successor, if any, is a party.

Sec. 18. "Washoe County" means the county created by and described in NRS 243.340.

Sec. 19. "Water Quality Settlement Agreement" means the Agreement entered into on October 10, 1996, by the City of Reno, the City of Sparks, Washoe County, the United States Department of the Interior, the United States Department of Justice, the United States Environmental Protection Agency, the Division and the Pyramid Lake Paiute Tribe, and any agreements entered into to implement that Agreement including, without limitation, any applicable provisions of the Truckee River Operating Agreement.

Sec. 20. "Water right" means any entitlement to the beneficial use of surface water or groundwater supplies, including, without limitation, an entitlement that exists by contract, by interest in real property, by decree or by rights granted or recognized by the State of Nevada, the State of California or any other governmental agency.

Sec. 21. "Water supplies" means surface water, groundwater, wastewater or effluent capable of being put to beneficial use.

Sec. 22. 1. The planning area in which water is to be managed and conserved, for which water is to be acquired and developed and with respect to which plans for its use are to be made, pursuant to this Act, is the entire area within the boundaries of Washoe County except:

(a) Any land within the region defined by NRS 277.200, the Tahoe Regional Planning Compact;

(b) Land located within any Indian reservation or Indian colony which is held in trust by the United States;

(c) Land located within the Gerlach General Improvement District or its successor created pursuant to chapter 318 of NRS;

(d) Land located within the following administrative groundwater basins established by the United States Geological Survey and the Division of Water Resources of the State Department of Conservation and Natural Resources:

- (1) Basin 22 (San Emidio Desert);
- (2) Basin 23 (Granite Basin); and
- (3) Basin 24 (Hualapai Flat); and

(e) Any land excluded by the Board pursuant to subsection 2 and not otherwise included pursuant to subsection 3.

2. The Board may exclude from the planning area any land which it determines is unsuitable for inclusion because of its remoteness from the water supplies acquired, developed, managed and conserved pursuant to this Act or because it lies within a separate hydrologic basin neither affecting nor affected by conditions within the remainder of the planning area.

3. The Board may include within the planning area any land otherwise excluded pursuant to subsection 2 if it finds that the land requires alleviation of the effect of flooding or drainage of storm waters or requires another benefit from planning or management performed in the planning area.

Sec. 23. 1. The Northern Nevada Water Authority is hereby created. The Authority is a body corporate and politic and a municipal corporation.

2. The property and revenues of the Authority, any interest of any creditor therein and any possessory interest in or right to use that property which the Authority may grant are exempt from all state, county and municipal taxation.

Sec. 23.5. The City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District and Truckee Meadows Water Authority may create the Northern Nevada Water Authority as a joint powers authority by cooperative agreement entered into pursuant to NRS 277.080 to 277.180, inclusive. The South Truckee Meadows General Improvement District may participate in the establishment of the cooperative agreement but is not a mandatory party. If the cooperative agreement is entered into and becomes effective before January 1, 2008:

1. The Authority created by the cooperative agreement shall be deemed to have been created by operation of law pursuant to section 23 of this Act and shall be deemed to be the Authority for purposes of this Act; and

2. The Board of Trustees or similar board created by the cooperative agreement shall be deemed to be the Board of Trustees of the Authority for the purposes of this Act.

Sec. 24. 1. The Authority must be directed and governed by a Board of Trustees composed of the following nine members appointed pursuant to this section:

- (a) Two members of the City Council of the City of Reno;
- (b) Two members of the City Council of the City of Sparks;
- (c) Two members of the Board of County Commissioners of Washoe County;

(d) One member representing the Truckee Meadows Water Reclamation Facility or its successor;

(e) One member designated by the Board of Trustees of the South Truckee Meadows General Improvement District or its successor; and

(f) One member of the Board of Trustees of the Sun Valley General Improvement District or its successor.

2. The City Council of the City of Reno, the City Council of the City of Sparks and the Board of County Commissioners of Washoe County shall each appoint one trustee from their membership for an initial term of 2 years.

3. The Board of Directors of the Truckee Meadows Water Authority or its successor shall appoint from its membership, for initial terms of 3 years:

(a) One trustee who is a member of the City Council of the City of Reno;

(b) One trustee who is a member of the City Council of the City of Sparks; and

(c) One trustee who is a member of the Board of County Commissioners of Washoe County.

↪ The trustees appointed pursuant to this subsection must be different persons than those appointed pursuant to subsection 2.

4. The Board of Trustees of the Sun Valley General Improvement District or its successor and the Board of Trustees of the South Truckee Meadows General Improvement District or its successor shall each appoint one trustee from its membership for an initial term of 3 years.

5. The owners of the Truckee Meadows Water Reclamation Facility or its successor shall jointly appoint one trustee for an initial term of 2 years.

6. Except as otherwise provided in subsection 7, after the initial terms, each trustee who is appointed to the Board serves for a term of 2 years. A trustee may be reappointed.

7. ~~Except for the trustee representing the Truckee Meadows Water Reclamation Facility or its successor, all~~ All trustees must be elected officials. No trustee ~~[who is an elected official]~~ may serve beyond his or her term of office.

8. The position of a trustee must be considered vacated upon his loss of any of the qualifications required for his appointment, and in such event the appointing authority shall appoint a successor to fill the remainder of the unexpired term.

Sec. 25. Each member of the Board shall file with the County Clerk of Washoe County:

1. His oath of office.

2. A corporate surety bond furnished at the Authority's expense, in an amount not to exceed \$5,000, and conditioned for the faithful performance of his duties as a member of the Board.

Sec. 26. 1. The Board shall elect one of its members as Chairman and one of its members as Vice Chairman, and shall elect a Secretary and a Treasurer, who may be members of the Board. The Secretary and the

Treasurer may be the same person. The terms of the officers expire on December 31 of each year.

2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well-bound book, a record of all of the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places.

3. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Authority.

Sec. 27. 1. The Board shall meet regularly at a time and in a place to be designated by the Board. The Board shall provide for the calling of a special meeting when action is required before a regular meeting would occur.

2. Except as otherwise provided in this subsection and subsection 3, a majority of the members of the Board constitutes a quorum at any meeting. Each motion and resolution of the Board must be adopted by at least a majority of the members present at such meeting.

3. If a public purveyor elects not to receive the benefits of a regional capital improvement project provided for pursuant to section 29 of this Act, any member representing the public purveyor on the Board must be excluded from the quorum of the Board for purposes of voting on matters concerning the project.

Sec. 28. The Authority is a public employer within the meaning of NRS 286.070, and the provisions of chapter 286 of NRS apply to the Authority and its employees.

Sec. 29. The Authority may do all things necessary to accomplish the purposes of this Act. The Authority has perpetual succession and, except as otherwise provided in sections 30, 32 and 34 of this Act, has the following powers to:

1. Sue and be sued.
2. Acquire, appropriate, perfect, possess, use, lease, sell, exchange, encumber and dispose of any interest in water rights and water supplies and any real or personal property or interest therein, within or without the State of Nevada, for any of the purposes provided in this section.
3. Acquire, finance, construct, operate, maintain and replace facilities and to dispose of such facilities.
4. Develop and implement projects with respect to the acquisition, development, treatment, scheduling of delivery, storage, transportation and conservation of water supplies.
5. Acquire an interest of any nature in, and to finance, construct, operate, maintain, replace, acquire and construct additions and improvements to, any facilities necessary or convenient for the acquisition, development,

conveyance, treatment, management and conservation of water supplies, and to dispose of such facilities.

6. Enter into agreements with Washoe County, the cities of Reno and Sparks, and any public purveyor:

(a) To acquire, by lease, gift, purchase or otherwise, or to manage or cooperatively administer any water supplies, water rights or regional water conveyance and treatment facilities of such entity; and

(b) For the wholesale delivery of water.

7. Prepare, adopt, update and oversee the implementation of the Comprehensive Plan pursuant to sections 35 to 53, inclusive, of this Act.

8. Establish a mechanism for scheduling the delivery of water supplies held by public purveyors to maximize the yield of regional water supplies and facilitate the cooperative administration of regional water conveyance and treatment facilities for the benefit of the public purveyors.

9. Designate the service territories of public purveyors for customers seeking water service on and after January 1, 2008, pursuant to section 31 of this Act.

10. Establish and charge rates, tolls, rental fees, hookup fees, impact fees, connection charges, commodity charges, fees for a commitment by a public purveyor to provide water supplies held by the Authority to a person, and other fees or charges on users of water supplies held by the Authority, and collect revenues from the use of water supplies of the Authority, and enter into agreements with wholesale customers for the payment of fees, rates and other charges.

11. Prepare, adopt, update and oversee the implementation of a water conservation plan for the use of municipal, industrial and domestic water supplies within the planning area, and enter into water conservation agreements with water purveyors and local governmental entities.

12. Study and recommend to the Board of County Commissioners of Washoe County, the City Council of the City of Reno and the City Council of the City of Sparks ordinances for the implementation of a water conservation plan adopted pursuant to subsection 11 and the Comprehensive Plan.

13. Deliver or contract with other parties to deliver available water supplies to public purveyors on a wholesale basis.

14. Prepare, update and implement plans for capital improvements of the Authority.

15. Assess public purveyors directly for any costs, including, without limitation, administrative costs, arising from regional capital improvement projects related to the acquisition and delivery of water supplies. If a public purveyor elects not to receive the benefits of such a regional capital improvement project, any assessment for the project must not be imposed against the public purveyor for that project. If a public purveyor that elected not to participate in a capital improvement project receives direct benefits

from that project, the Board may assess the public purveyor for those benefits.

16. Contract with public purveyors or any other public entity for the provision of services to or by the Authority and, in the performance of its functions, use the officers, agents, employees, services, facilities, records and equipment of any public purveyor, Washoe County, the City of Reno or the City of Sparks, with the consent of the respective public purveyor or governmental entity, and subject to such terms and conditions as may be agreed upon.

17. Employ or contract with such persons as it deems necessary and hire and retain officers, agents and employees, including fiscal advisers, engineers, attorneys or other professional or specialized personnel.

18. Sell, lease or otherwise dispose of any real property in such manner and upon such terms and conditions as the Board deems proper and in the best interests of the Authority consistent with applicable law.

19. Exercise the power of eminent domain in the manner provided by law for the condemnation of private property for public use to take any private property within the planning area necessary to the exercise of its powers, except that the power of eminent domain may not be used to take:

(a) Any water right; or

(b) Any property of a public purveyor without the consent of that public purveyor.

20. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or seek other financial assistance in aid of acquiring, developing, delivering or managing water supplies and associated facilities owned, operated or managed by the Authority or which the Authority determines is necessary or convenient for the exercise of any of its powers, and accept the same.

21. Participate with relevant agencies of the United States, the State of Nevada and other entities on issues concerning the supply of water.

22. Issue revenue and other bonds, notes, and other obligations and incur liability for the purposes and in accordance with the procedure and requirements set forth in this Act, NRS 350.087 to 350.093, inclusive, 350.350 to 350.490, inclusive, and 377B.010 to 377B.210, inclusive, and as otherwise permitted by law.

23. Adopt such rules and regulations for the conduct of the affairs of the Authority or of the Board as the Board may deem necessary or desirable.

24. Perform such other functions conferred on the Authority in this Act.

Sec. 30. Except as otherwise authorized by the Board and except with respect to water supplies available to the Truckee Meadows Water Authority under or acquired by it for use in connection with the Truckee River Operating Agreement or provided in the Water Quality Settlement Agreement, on and after January 1, 2008, any rights to water supplies required for use by any public purveyor may only be acquired by the Board.

Sec. 31. The Board may establish the service territories within the planning area in which the public purveyors and all systems for the supply of water which are controlled or operated by the public purveyors will, on and after January 1, 2008, provide new retail or wholesale water services to new customers. The provisions of this section do not affect the ability of public purveyors to continue to provide retail and wholesale water services to customers who received that type of service before January 1, 2008, or pursuant to agreements for water service existing before January 1, 2008. In determining the boundaries of such service territories, the Board shall:

1. Plan for the delivery of water at the lowest reasonable cost, considering all the facilities, improvement and operations required to provide that water as measured by the net present value of those facilities, improvements and operations existing at the time of the determination, generally using current dollars;

2. Seek to ensure that existing or future customers are not affected inequitably;

3. Seek to provide for the most effective management, development and integration of systems for the efficient use of water supplies and associated facilities; and

4. Consider:

(a) Any specific planning conducted by public purveyors before January 1, 2008, for existing or new customers;

(b) The topography of the service territories and the readiness and ability of public purveyors to serve customers with existing facilities;

(c) Any policies for land use that affect the service territories; and

(d) The rate of growth within the service territories projected over a reasonable period.

Sec. 32. The Authority shall not:

1. Control the use or impair the ownership of water supplies, water rights or facilities owned by any public purveyor within that public purveyor's own retail service territory, other than scheduling the delivery of such water supplies or facilities to maximize the yield of such water supplies or facilities.

2. Fix the rates or rules of a public purveyor for the delivery of water by the public purveyor, acquire, without the consent of the public purveyor, ownership of any water supplies, water rights, facilities or other assets of a public purveyor, or take any action which will impair any bond obligations of a public purveyor existing before January 1, 2008.

3. Provide wholesale water services to a public purveyor if:

(a) Wholesale water services are already provided by a public purveyor; or

(b) A public purveyor that has additional unused capacity is willing and able to provide wholesale water services,

↳ unless otherwise provided by an agreement between the public purveyor and wholesale customer.

Sec. 33. The Board has and may exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this Act. Such specific powers are not a limitation upon any power necessary or appropriate to carry out the purposes and intent of this Act.

Sec. 34. Notwithstanding the provisions of this Act, the Truckee Meadows Water Authority or its successor is and shall remain the entity with the sole and exclusive power and authority to negotiate and execute and to implement its obligations under that Agreement, as the successor in interest to Sierra Pacific Power Company. All water supplies provided or available to the Truckee Meadows Water Authority or its successor pursuant to the Truckee River Operating Agreement must be considered as acquired before January 1, 2008, and must be managed, scheduled and operated in accordance with that Agreement. Nothing in this Act alters the rights and obligations of the Water Quality Settlement Agreement, and all water supplies must be managed, scheduled and operated in accordance with the Water Quality Settlement Agreement.

Sec. 35. The Board may, upon the recommendation of the Commission:

1. Adopt and revise the Comprehensive Plan;
2. Develop methods for conserving existing water supplies which are consistent with any other plans required by law;
3. Develop methods of collecting and treating sewage to protect and conserve water supplies;
4. Provide information to members of the public regarding present and potential uses of water; and
5. Make recommendations concerning the management and use of water within the planning area to:
 - (a) The governing body and the Planning Commission of Washoe County and the cities of Reno and Sparks;
 - (b) The Governing Board for Regional Planning and the Regional Planning Commission established in Washoe County pursuant to NRS 278.0264 and 278.0262, respectively;
 - (c) The State Engineer;
 - (d) The Federal Government; and
 - (e) Such other entities as the Board deems appropriate.

Sec. 36. 1. To fund the planning and administration required by this Act and the implementation of the Comprehensive Plan, the Board may impose a fee at a rate not to exceed 1.5 percent of the amount otherwise billed, to be collected by each public purveyor and supplier of water from customers within the planning area. If the Board determines to impose such a fee, the Board must impose the fee by resolution after holding a hearing.

2. A public purveyor or supplier of water must state separately on its billings to customers the amount charged as a result of any fee imposed pursuant to subsection 1.

Sec. 37. 1. The Northern Nevada Water Planning Commission is hereby created in the planning area. The Commission must consist of the following voting members who are residents of Nevada:

- (a) The Director of Public Works for the City of Reno, or his designee;
- (b) The Director of Public Works for the City of Sparks, or his designee;
- (c) The Director of Water Resources for Washoe County, or his designee;
- (d) The General Manager of the South Truckee Meadows General Improvement District or its successor, or his designee;
- (e) The General Manager of the Sun Valley General Improvement District or its successor, or his designee;
- (f) The General Manager of the Truckee Meadows Water Authority or its successor, or his designee;
- (g) The General Manager of the Truckee Meadows Wastewater Reclamation Facility or its successor, or his designee;
- (h) One member appointed by the governing body of the Indian reservation which is the largest in area in the planning area, if the planning area contains an Indian reservation, or, if there is not an Indian reservation located within the planning area or the governing body of the reservation does not appoint a member, one member appointed by the Board to represent the public at large;
- (i) One member of the public at large appointed by the Board to represent environmental, biological, conservation or public concerns;
- (j) One member appointed by the Board to represent owners of domestic wells;
- (k) One member appointed by the Board of Supervisors of the Washoe-County Water Conservation District or its successor; and
- (l) Such additional members with expertise in any area that the Board determines is necessary, appointed by the Board.

➔ The terms of the ex officio members described in paragraphs (a) to (g), inclusive, are concurrent with the employment of those members in the respective positions specified in those paragraphs. The members appointed pursuant to paragraphs (h) to (l), inclusive, serve initial terms of 2 years.

2. After the initial terms, the term of office of each member appointed pursuant to paragraphs (h) to (l), inclusive, of subsection 1 is 3 years. A member may be reappointed. A vacancy must be filled for the unexpired term by the appointing entity.

Sec. 38. In addition to the voting members, the commission includes the following nonvoting members:

- 1. One member appointed by the Public Utilities Commission of Nevada;
- 2. One member appointed by the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General;
- 3. One member appointed by the Administrator of the Division;
- 4. One member appointed by the State Engineer;

5. One member appointed by the Chief of the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources;

6. One member appointed by the board of directors of the water conservancy district which is largest in area in the planning area;

7. One member appointed by the county or district board of health;

8. One member of the public at large appointed by the affirmative vote of a majority of the voting members; and

9. Additional members with expertise in an area that the majority of the voting members determines is necessary, appointed by the affirmative vote of a majority of the voting members.

Sec. 39. The members of the Commission appointed pursuant to paragraphs (h) to (l), inclusive, of subsection 1 of section 37 of this Act or any alternative designees appointed pursuant to paragraphs (a) to (g), inclusive, of subsection 1 of section 37 of this Act may not hold any elective governmental office but may be engaged or employed in private enterprise or be employees of state or local government, and each member must be qualified pursuant to at least one of the following subsections:

1. A professional engineer licensed pursuant to the provisions of chapter 625 of NRS;

2. Experienced in comprehensive planning, natural resources or environmental protection;

3. A specialist in hydrologic science;

4. Experienced in law, management or planning related to water;

5. Experienced in municipal finance or resource economics;

6. Experienced in construction, planning or operation of facilities or systems for supplying or treating water, for collecting or treating sewage, for drainage of storm water or for control of floods; or

7. Knowledgeable in the areas of water conservation, biology, natural systems, water quality and water management.

Sec. 40. The Commission shall establish a schedule for the selection of its Chairman for a term of 1 year, in rotation, from among the members.

Sec. 41. 1. The Commission shall meet at the call of the Chairman or any three members. The Commission shall establish a schedule of regular meetings and provide for the calling of a special meeting when action is required before a regular meeting would occur.

2. A quorum consists of a majority of the members. The affirmative vote of a majority of the members present is required to take action, unless a larger proportion is required by this Act for a particular action.

3. A member of the Commission is not entitled to compensation for his services as a member.

Sec. 42. 1. The Commission shall develop, and as necessary recommend revisions to, a Comprehensive Plan for the planning area covering the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm waters and control

of floods. The initial Comprehensive Plan must be developed on or before January 1, 2011. The provisions of the comprehensive plan developed and revised pursuant to the former provisions of NRS 540A.130 before January 1, 2008, remain in effect until the Board adopts the initial Comprehensive Plan.

2. The Comprehensive Plan must consist of written text, appropriate maps and goals and policies to deal with current and future problems affecting the planning area as a whole with respect to the subjects of the Comprehensive Plan set forth in subsection 1. In developing the Comprehensive Plan, the Commission shall consider any water resource plan developed by a public purveyor and, to the extent feasible and consistent with the objectives of the Authority, seek to incorporate such a plan.

3. The Comprehensive Plan must:

(a) Describe the problems and needs of the planning area relating to the subjects of the Comprehensive Plan set forth in subsection 1;

(b) Identify the providers of services relating to the subjects of the Comprehensive Plan within the planning area and the area within which each provides service, including service territories of public utilities and public purveyors;

(c) Identify alternatives to reduce demand or increase water supply;

(d) Identify and provide for existing and future sources of water needed to meet the present or future needs of the planning area, including, without limitation, existing and future demand for water within each public purveyor's service territory;

(e) Define priorities and general location for additional major facilities needed to provide services relating to the subjects of the Comprehensive Plan set forth in subsection 1;

(f) Describe programs to mitigate drought, achieve conservation of water, protect wellheads and otherwise manage water;

(g) Provide for the development, acquisition and stabilization of surface water and groundwater supply in the planning area, including policies regarding dedication of privately held water resources by applicants for water service;

(h) Provide for the oversight of, protection of, regional management of and maximization of efficient conjunctive use of, the supply of surface water and groundwater and major water resource facilities in the planning area, including use of reclaimed water and recharge and recovery or underground storage and recovery of water, and the scheduling of the delivery of water supplies held by public purveyors;

(i) Identify and provide for the extent to which reuse or effluent water is to be put to beneficial use or discharged, directly or indirectly, into the Truckee River;

(j) Provide for the regional conservation and prevention of long-term depletion of surface water and groundwater resources in the planning area in support of the Comprehensive Plan;

(k) Provide for adequate supplies of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm waters and control of floods within the planning area;

(l) Identify and provide for the peaking capacity required for delivery of water supplies by the Authority to each public purveyor, if applicable, and the means by which such requirements will be met;

(m) Include a water budget identifying water supplies available to the Authority and separately to each public purveyor from all sources; and

(n) Seek to make full use of any unused capacity of facilities that are owned by public purveyors, if such use is otherwise economical and efficient.

4. The Commission shall make recommendations to the Board for the adoption of, and any revisions to, the Comprehensive Plan.

Sec. 43. The Comprehensive Plan must include the following elements:

1. Quality of surface water, which must include, without limitation:

(a) Compliance with standards of quality for bodies of water;

(b) Locations and capacities of plants to treat wastewater;

(c) Intended quantity and quality of discharge from those plants and its reuse, service areas and interceptors; and

(d) Programs to attain protection from pollution by both concentrated and diffuse sources.

2. Quality of groundwater, which must include, without limitation:

(a) Compliance with standards of quality for hydrographic basins and septic tanks;

(b) Capacities for withdrawal of water from hydrographic basins;

(c) Programs to protect wellheads;

(d) Programs to clean up contaminated groundwater from hydrographic basins; and

(e) Programs to attain protection from pollution by both concentrated and diffuse sources.

3. Supply of surface water, which must include, without limitation:

(a) Existing and planned sources of surface water;

(b) Existing and planned uses for all surface water, including municipal and industrial uses, requirements for return flow, reserves for drought and future growth, uses to improve the quality of water, uses to provide habitat and uses in conjunction with underground water;

(c) Major facilities to convey and store surface water;

(d) Standards, service areas, rates of flow and reserves for storage; and

(e) Facilities to treat surface water.

4. Supply of underground water, which must include, without limitation:

(a) Existing and planned sources of underground water;

(b) Existing and planned uses for all underground water, including municipal and industrial uses, maintenance of minimum groundwater level and the need for recharge, reserves for drought and future growth, uses to

improve the quality of water, uses to provide habitat and uses in conjunction with surface water;

(c) Major facilities to extract and convey underground water;

(d) Compliance with standards for treated and nontreated water, services areas, rates of flow and reserves for storage; and

(e) Facilities to treat and store underground water.

5. Control of floods and drainage of storm water, as it relates to surface water, which must include, without limitation:

(a) Minimum standards of design for controlling floods in the planning area;

(b) Nonstructural alternatives and standards for facilities to control floods in the planning area and single drainage basins;

(c) Regional facilities to control floods; and

(d) Generalized facilities and standards of design for single drainage basins.

6. Control of floods and drainage of storm water, as it relates to underground water, which must include, without limitation:

(a) Groundwater level and capacity for additional storage of water underground as a means of mitigating floods;

(b) Location and capacities of major facilities for controlling floods which utilize storage of water underground to mitigate floods; and

(c) Standards of design for devices to infiltrate storm water and other minor facilities for controlling floods which utilize storage of water underground to mitigate floods.

7. Cost and financing, which must include an estimate of the cost of each major facility, source of water or other requirement of the Comprehensive Plan and an analysis of alternatives for financing and funding the facility, source or other requirement, or alternatives thereto, as well as the effect of the funding alternatives on other facilities included in the Comprehensive Plan. The estimate of cost must state the financial impact on persons within the planning area, including, without limitation, all direct and indirect costs of connecting to a system for supplying water, if applicable.

8. Recommendations for developing and implementing consistent policies of, and among, the Authority and public purveyors concerning regional drought reserve standards, developer costs, impact fees, dedication of water rights and standards for the drainage of water.

9. Evaluation and recommendations regarding the consolidation of public purveyors in the planning area, which must include costs and benefits of consolidation, the feasibility of various consolidation options, analysis of water supplies, operations, facilities, human resources, assets, liabilities, bond covenants, and legal and financial impediments to consolidation and methods, if any, for addressing any such impediments.

Sec. 44. 1. The Comprehensive Plan must be consistent with and carry out the provisions of the Comprehensive Regional Plan adopted by the Governing Board for Regional Planning in Washoe County pursuant to

NRS 278.0276 and the master plans and any other plans for the use of land which are adopted by governmental entities within the planning area.

2. The Comprehensive Plan must be consistent with and carry out or support the carrying out of all aspects of the Truckee River Operating Agreement and Water Quality Settlement Agreement.

3. The Comprehensive Plan must be consistent with the state water plan that is in effect at the time that the Comprehensive Plan is adopted.

Sec. 45. In developing the Comprehensive Plan, the Commission shall:

1. Receive and consider information from public purveyors, public utilities and other entities supplying municipal and industrial water within the planning area;

2. Receive and consider information from entities providing sanitary sewerage, treatment of sewage, drainage of storm water and control of floods within the planning area;

3. Receive and consider information from entities concerned with water quality within the planning area;

4. Review and consider any plan or recommendation of the State Engineer concerning the development, conservation and use of water resources, existing water conservation plans, the regional plan and any master plan that has been adopted pursuant to the provisions of chapter 278 of NRS and any similar plan of a local government which applies to any area in the planning area, and may seek and consider the advice of each local planning commission and any other affected entity;

5. Coordinate and make consistent the elements of the Comprehensive Plan set forth in section 43 of this Act;

6. Consider existing applicable laws;

7. Recognize and coordinate the needs of the incorporated areas of the planning area with the needs of the unincorporated areas of the planning area; and

8. Receive and consider information from other interested persons.

Sec. 46. 1. Before submitting the Comprehensive Plan to the Board, the Commission shall hold at least one public hearing on the Comprehensive Plan within the planning area.

2. Before acting on a proposed amendment to the adopted Comprehensive Plan, the Commission shall hold at least one public hearing on the proposed amendment at a location in the planning area relevant to the proposed amendment.

3. Notice of the time and place of each hearing must be given by publication in a newspaper of general circulation in the planning area at least 10 days before the day of the hearing. If there is more than one newspaper of general circulation in the planning area, notice must be given by publication in at least two such newspapers.

4. The decision to submit the proposed Comprehensive Plan or any amendment to the adopted Comprehensive Plan to the Board must be made by resolution of the Commission carried by the affirmative votes of a

majority of the total members of the Commission. The resolution must refer expressly to the text, maps and descriptive or other matter intended by the Commission to constitute the Comprehensive Plan or an amendment thereto.

Sec. 47. 1. An attested copy of the proposed Comprehensive Plan or an amendment thereto must be submitted by the Commission to the Board.

2. Before taking any action on the proposed Comprehensive Plan or an amendment thereto, the Board shall convene a public hearing.

3. Notice of the hearing must be given at least 10 days before the date of the hearing. The notice must include, without limitation:

(a) A statement of the time, place and nature of the hearing;

(b) A statement of the legal authority under which the hearing is to be held; and

(c) A reference to the particular sections of any applicable laws.

4. Not less than 30 days before the hearing, the Board shall cause to be placed a copy of the proposed Comprehensive Plan or amendment thereto in the office of the County Clerk of Washoe County and publish notice that the Comprehensive Plan or amendment thereto is available for public inspection.

5. Each notice required by this section must be published in a newspaper of general circulation in the planning area. If there is more than one newspaper of general circulation in the planning area, notice must be given by publication in at least two such newspapers. The notice must be a display advertisement not less than 3 by 5 inches in size.

Sec. 48. 1. The Board shall not change or add to the proposed Comprehensive Plan or an amendment thereto as submitted by the Commission until it has submitted the substance of the proposed change or addition to the Commission in writing with its reasons for the change or addition.

2. The Commission shall, if it agrees to the change or addition, revise the submitted Comprehensive Plan or amendment thereto accordingly. If the Commission does not agree, it shall report to the Board in writing its reason for disagreeing and any alternative proposal.

3. In either case, the Commission shall present its revision or report to the Board within 40 days after the Board's change or amendment is submitted to the Commission.

4. If the Commission does not agree with the proposed change or addition and the Board refuses to rescind its proposal or to accept an alternative proposal of the Commission, the Commission shall revise the originally submitted Comprehensive Plan or amendment thereto to incorporate the change or addition proposed by the Board.

Sec. 49. 1. After adoption by the Board, the Comprehensive Plan or an amendment thereto must be submitted for review to the Regional Planning Commission in Washoe County established pursuant to NRS 278.0262. The Regional Planning Commission shall review the Comprehensive Plan or amendment thereto only for consistency with the Comprehensive Regional Plan adopted pursuant to NRS 278.0276 and the master plans and any other

plans for the use of land which are adopted by local governmental entities within the planning area. The Regional Planning Commission shall review the Comprehensive Plan or amendment thereto at one or more public hearings. Notice of the time and place of a hearing must be given in accordance with NRS 278.0276.

2. If the Regional Planning Commission fails to make a determination within 40 days after the submission of the Comprehensive Plan or amendment thereto, the Comprehensive Plan or amendment thereto shall be deemed to be consistent with the Comprehensive Regional Plan.

3. If the Regional Planning Commission determines that the Comprehensive Plan or amendment thereto is not consistent with the Comprehensive Regional Plan, it shall state its reasons why the Comprehensive Plan or amendment thereto is not consistent. Unless an appeal is filed pursuant to section 50 of this Act, the Commission and the Board shall respectively develop and adopt, in accordance with sections 45 to 48, inclusive, of this Act, proposed revisions to the Comprehensive Plan or amendment thereto, and the Board shall resubmit the revised Comprehensive Plan or amendment thereto to the Regional Planning Commission.

Sec. 50. 1. An affected entity that disagrees with the reasons given by the Regional Planning Commission for its determination of consistency or inconsistency pursuant to section 49 of this Act may file an appeal with the Governing Board for Regional Planning in Washoe County not later than 10 days after the determination of consistency or inconsistency. As used in this subsection, "affected entity" means Washoe County, the City of Reno, the City of Sparks or any other governmental entity or public purveyor or a public utility providing services relating to the subject matter of the Comprehensive Plan within the planning area.

2. Within 45 days after its receipt of an appeal, the Governing Board for Regional Planning shall consider the appeal and issue its decision. If the decision of the Governing Board for Regional Planning is that the Comprehensive Plan or amendment thereto is not consistent with the Comprehensive Regional Plan, it shall state its reasons why the Comprehensive Plan or amendment thereto is not consistent. The Commission and the Board shall then respectively develop and adopt, in accordance with sections 45 to 48, inclusive, of this Act, proposed revisions to the Comprehensive Plan or amendment thereto, and the Board shall resubmit the revised Comprehensive Plan or amendment thereto to the Regional Planning Commission for review.

Sec. 51. The adopted Comprehensive Plan must be reviewed by the Commission on a schedule to be established by the Board, which must at least provide for review of the Comprehensive Plan within 5 years after its adoption and at least every 5 years thereafter. After each review, the Commission shall submit to the Board any proposed amendment to the Comprehensive Plan or report that there are no amendments.

Sec. 52. 1. Except as otherwise provided in subsection 2, on and after the date the initial Comprehensive Plan is finally approved, no facility intended to provide a service relating to a subject of the Comprehensive Plan within the planning area may be constructed, if the facility is of such a kind or size as to affect the working of the Comprehensive Plan as distinct from providing normal service to customers, unless it is included in the Comprehensive Plan or has been reviewed and approved as provided in subsection 3.

2. The Comprehensive Plan may allow for the construction of facilities not included within the Comprehensive Plan in order to meet an emergency as defined in the Comprehensive Plan.

3. A proposal to construct a facility described in subsection 1 within the planning area must be submitted to the Commission for review and recommendation to the Board concerning the conformance of the proposal with the Comprehensive Plan. The review must include an evaluation of stranded costs, the need for the facility within the planning area and the impact that construction of the facility will have on any potential consolidation of public purveyors. If the Commission fails to make such a recommendation within 30 days after the proposal is submitted to it, the Commission shall be deemed to have made a recommendation that the proposal conforms to the Comprehensive Plan. The Board shall consider the recommendation of the Commission and approve or disapprove the proposal as conforming to the Comprehensive Plan. Any disapproval must be accompanied by recommended actions to be taken to make the proposal conform to the Comprehensive Plan. The Commission and the Board shall limit their review to the substance and content of the Comprehensive Plan and shall not consider the merits or deficiencies of a proposal in a manner other than is necessary to enable them to make a determination concerning conformance with the Comprehensive Plan.

4. The Board shall provide, by resolution after holding a hearing, for the Commission or its staff to make final decisions concerning the conformance of classes of proposed facilities to the Comprehensive Plan. A resolution adopted pursuant to this section must provide an opportunity for the applicant or a protestant to appeal from a decision of the Commission or its staff to the Board.

Sec. 53. Any water right or source of water belonging to a governmental entity within the planning area must be used in accordance with the Comprehensive Plan.

Sec. 54. The Board may issue bonds for the purpose of acquiring, managing, delivering or improving water supplies, and the bonds must be made payable out of the revenues of the Authority, including those derived from the sale, delivery or operation of such water supplies or the furnishing of services.

Sec. 55. 1. Except as otherwise provided in this Act, the Board, in accordance with NRS 350.500 to 350.720, inclusive, may issue on its behalf

and in its name at any time or from time to time, as the Board may determine, revenue bonds and other securities constituting special obligations and payable from net revenues, but excluding the proceeds of any general ad valorem property taxes, which payment is secured by a pledge of and lien on such net revenues.

2. The provisions of this Act do not prevent the Authority from funding, refunding or reissuing any outstanding securities of the Authority of a type designated in subsection 1 as provided in NRS 350.500 to 350.720, inclusive.

3. Revenue bonds may be sold at public sale as provided in NRS 350.500 to 350.720, inclusive, or sold at private sale.

Sec. 56. The Board may provide for the appointment of a paying or fiscal agency within or without the State, in relation to any general obligation or revenue bonds of the Authority, which must be a bank possessing trust powers and which shall act in a fiduciary capacity and not as a depository, and may:

1. Provide for the powers, duties, functions and compensation of the agent.

2. Limit the liabilities of the agent.

3. Prescribe a method for his resignation and removal, and the merger or consolidation of agents.

4. Prescribe a method for the appointment of a successor agent and the transfer of rights and properties to the successor.

Sec. 57. 1. Except as otherwise provided in subsection 2, bonds issued pursuant to this Act, and the income therefrom, are exempt from all state, county and municipal taxation.

2. The provisions of subsection 1 do not apply to the tax on estates imposed pursuant to the provisions of chapter 375A of NRS or the tax on generation-skipping transfers imposed pursuant to the provisions of chapter 375B of NRS.

3. All public officers and bodies of the State, municipal corporations, political subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, all executors, administrators, guardians, trustees and all other fiduciaries in the State may legally invest funds within their control in bonds of the Authority.

Sec. 58. The provisions of this Act do not supersede the authority granted by law to the State Engineer, the State Environmental Commission and the State Department of Conservation and Natural Resources.

Sec. 59. NRS 540A.060, 540A.070, 40A.080, 540A.090, 540A.100, 540A.110, 540A.120, 540A.130, 540A.140, 540A.150, 540A.160, 540A.170, 540A.180, 540A.190, 540A.200, 540A.210, 540A.220, 540A.230, 540A.240, 540A.290, 540A.300 and 540A.310 are hereby repealed.

Sec. 60. The fee authorized pursuant to NRS 540A.070 must remain in effect and be collected by Washoe County and transferred to the Northern Nevada Water Authority until such time as the Board of Trustees of the

Authority adopts a resolution pursuant to section 36 of this Act imposing a new fee.

Sec. 61. 1. There is hereby created the Legislative Committee to Oversee the Northern Nevada Water Authority created pursuant to section 23 of this act. The Committee must:

(a) Consist of six Legislators as follows:

(1) One member of the Senate appointed by the Chairman of the Senate Committee on Natural Resources;

(2) One member of the Assembly appointed by the Chairman of the Assembly Committee on Natural Resources, Agriculture, and Mining;

(3) One member of the Senate appointed by the Majority Leader of the Senate;

(4) One member of the Senate appointed by the Minority Leader of the Senate;

(5) One member of the Assembly appointed by the Speaker of the Assembly; and

(6) One member of the Assembly appointed by the Minority Leader of the Assembly.

(b) Insofar as practicable, represent the various areas within the planning area.

(c) Elect a Chairman and a Vice Chairman from among its members. The Chairman must be elected from one House of the Legislature and the Vice Chairman from the other House. After the initial selection of a Chairman and a Vice Chairman, each of those officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Committee shall select a replacement for the remainder of the unexpired term.

2. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the next session of the Legislature convenes.

3. Vacancies on the Committee must be filled in the same manner as original appointments.

4. The members of the Committee shall meet throughout each year at the times and places specified by a call of the Chairman or a majority of the Committee.

5. The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary.

6. The Committee shall prescribe regulations for its own management and government.

7. Except as otherwise provided in subsection 8, four members of the Committee constitute a quorum, and a quorum may exercise all the powers conferred on the Committee.

8. Any recommended legislation proposed by the Committee must be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.

9. Except during a regular or special session of the Legislature, the members of the Committee are 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, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the Committee and while engaged in the business of the Committee. The salaries and expenses paid pursuant to this subsection and the expenses of the Committee must be paid from the Legislative Fund.

10. The Committee shall review the programs and activities of the Northern Nevada Water Authority. The review must include an analysis of potential consolidation of the retail distribution systems and facilities of all public purveyors in the planning area, which is described in section 22 of this Act.

11. The Committee may:

(a) Conduct investigations and hold hearings in connection with its powers pursuant to this section.

(b) Direct the Legislative Counsel Bureau to assist in the study of issues related to oversight of the Northern Nevada Water Authority.

12. In conducting the investigations and hearings of the Committee:

(a) The Secretary of the Committee or, in his absence, any member of the Committee may administer oaths.

(b) The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing either within or outside of the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chairman of the Committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

13. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena issued pursuant to this section, the Chairman of the Committee may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Committee which is named in the subpoena, or has refused to answer questions propounded to him,

↪ and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Committee.

14. Upon a petition pursuant to subsection 13, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified

or produced the books or papers before the Committee. A certified copy of the order must be served upon the witness.

15. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness appear before the Committee at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

16. Each witness who appears before the Committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this State. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the Secretary and Chairman of the Committee.

17. On or before January 15 of each odd-numbered year, the Committee shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the review conducted pursuant to subsection 10 and any recommendations for legislation.

Sec. 62. 1. This act becomes effective on January 1, 2008.

2. Section 23.5 of this act expires by limitation on January 1, 2008, if the cooperative agreement specified in that section has not been entered into and has not become effective before that date.

3. Sections 24, 25 and 26 of this act expire by limitation on January 1, 2008, if the cooperative agreement specified in section 23.5 of this act has been entered into and has become effective before that date.

4. Section 61 of this act expires by limitation on July 1, 2011.

LEADLINES OF REPEALED SECTIONS

540A.060 Conservation; sewerage; public information; recommendations concerning management and use of water.

540A.070 Imposition and collection of fee for planning and administration of chapter and implementation of certain plans.

540A.080 Creation; voting membership; terms of members; vacancies.

540A.090 Nonvoting membership.

540A.100 Qualifications of members.

540A.110 Selection of chairman.

540A.120 Meetings; quorum; compensation of members.

540A.130 Development and revision; contents.

540A.140 Required elements.

540A.150 Consistency with other plans and federal law.

540A.160 Consideration of information from other entities and persons; review of other plans; coordination.

540A.170 Public hearings; adoption of resolution for submission of plan or amendment.

540A.180 Submission of plan or amendment to board; board required to hold public hearing; notice; copy of proposed plan or amendment to be available for public inspection.

540A.190 Changes and additions.

540A.200 Review by regional planning commission; effect of nonconformity with comprehensive regional plan.

540A.210 Appeal of determination by regional planning commission.

540A.220 Periodic review.

540A.230 Construction of certain facilities following approval of plan.

540A.240 Acquisition and use of water rights and other sources of water in accordance with plan; imposition of charge by board.

540A.290 Property or facility of county: Transfer to or operation or management by largest supplier in region which is public utility.

540A.300 Agreement between board and largest supplier in region which is public utility; compliance with regulations of Public Utilities Commission of Nevada; withholding of certain information from board.

540A.310 Duties of largest supplier in region which is public utility.

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 516.

Bill read third time.

Roll call on Senate Bill No. 516:

YEAS—11.

NAYS—Beers, Care, Carlton, Cegavske, Heck, Horsford, Mathews, Titus, Wiener, Woodhouse—10.

Senate Bill No. 516 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 548.

Bill read third time.

The following amendment was proposed by Senator Titus:

Amendment No. 614.

"SUMMARY—Revises various provisions relating to public offices. (BDR 23-1434)"

"AN ACT relating to public office; revising the provisions governing filing of statements of financial disclosure forms by public officers ~~and candidates for public office~~; requiring certain statements advocating the election or defeat of a candidate for state or local office and published by persons receiving compensation from the candidates, opponents of the candidates or certain political groups to contain disclosures of certain information regarding that compensation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires certain appointed and elected public officers and candidates for public office to file financial disclosure statements.

(NRS 281.559, 281.561) Sections 1 and 2 of this bill clarify that each disclosure ~~form~~ statement is intended to disclose the required information for the full calendar year immediately preceding the deadline for filing the ~~forms~~ statement and, for candidates, to also disclose the required information for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

Existing law provides for a number of required and prohibited acts relating to election campaigns. (NRS 294A.290-294A.343) Section 3 of this bill requires certain statements advocating the election or defeat of a candidate for state or local office and published by persons receiving compensation from the candidates, opponents of the candidates or certain political groups to include a disclosure of certain information regarding that compensation.

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

Section 1. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in subsection 2, if a public officer who was appointed to the office for which he is serving is entitled to receive annual compensation of \$6,000 or more for serving in that office, he shall file with the Commission a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after his appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

↪ *The statement must disclose the required information for the full calendar year immediately preceding the date of filing.*

2. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office to which he is appointed and in which he is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 41 of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

4. The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:

(a) The name of each public officer who failed to file his statement of financial disclosure within the period before the notice is sent;

(b) The name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;

(c) For the first notice sent after the public officer filed his statement of financial disclosure, the name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and

(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.

5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.

6. A statement of financial disclosure shall be deemed to be filed with the Commission:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 2. NRS 281.561 is hereby amended to read as follows:

281.561 1. ~~Each~~ Except as otherwise provided in subsection 2, each candidate for public office who will be entitled to receive annual compensation of \$6,000 or more for serving in the office that he is seeking and, except as otherwise provided in subsection ~~{2,}~~ 3, each public officer who was elected to the office for which he is serving shall file with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. ~~and~~ The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if he is elected to the office.

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

~~and~~ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. ~~##~~ Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which he is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, he need not file the statement required by subsection 1 for ~~any~~ the full calendar year for which he previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

~~{3-}~~ 4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

~~{4-}~~ 5. A statement of financial disclosure shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

~~{5-}~~ 6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281.471.

~~{6-}~~ 7. The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.

Sec. 3. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A statement which:

(a) Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate, or a person, party or committee required to report expenditures pursuant to NRS 294A.210,

↪ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, party or committee providing that compensation.

2. *As used in this section, "publish" means the act of:*

(a) *Printing, posting, broadcasting, mailing or otherwise disseminating;*

or

(b) *Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.*

Senator Titus moved the adoption of the amendment.

Remarks by Senator Titus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 112.

Bill read third time.

Roll call on Senate Bill No. 112:

YEAS—21.

NAYS—None.

Senate Bill No. 112 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 358, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, Chair

MOTIONS, RESOLUTIONS AND NOTICES

Senator Nolan moved that Senate Bill No. 41 be taken from the Secretary's desk and placed on the Second Reading File.

Remarks by Senator Nolan.

Motion carried.

Senator Raggio moved that the Senate recess until 5:45 p.m.

Motion carried.

Senate in recess at 5:18 p.m.

SENATE IN SESSION

At 5:57 p.m.

President Krolicki presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 41.

Bill read second time.

The following amendment was proposed by Senator Nolan:

Amendment No. 623.

"SUMMARY—Revises provisions governing ~~for an ignition interlock device~~ ~~upon~~ the monitoring of a person following a conviction for driving under the

influence of ~~intoxicating liquor~~ alcohol or a controlled substance. (BDR 43-267)"

"AN ACT relating to motor vehicles; revising provisions governing the ~~installation of an ignition interlock device upon~~ monitoring of a person following a conviction ~~for~~ for driving under the influence of ~~intoxicating liquor~~ alcohol or a controlled substance; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[This bill makes it discretionary rather than mandatory for]~~ Existing law requires a court to order the installation of an ignition interlock device on the vehicle of a person who is convicted of driving under the influence of intoxicating liquor or a controlled substance when the offense is punishable as a misdemeanor and the person is found to have had a concentration of alcohol of 0.18 or more in his blood or breath. (NRS 484.3943) This bill provides that a court must order certain monitoring of a person who is convicted of driving under the influence of alcohol or a controlled substance and who had: (1) twice the proscribed amount or more of a prohibited substance in his blood or urine; or (2) a concentration of alcohol of 0.18 or more in his blood or breath. A court has the discretion to determine whether to order monitoring if the person had: (1) less than twice the proscribed amount of a prohibited substance in his blood or urine; or (2) a concentration of alcohol of less than 0.18 in his blood or breath.

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

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377.

(2) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

↪ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or

felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install ~~for~~ an ignition interlock device in a motor vehicle pursuant to NRS 484.3943 but who operates ~~for~~ the motor vehicle without ~~such a~~ the ignition interlock device:

(a) For 3 years, if it is his first such offense during the period of required use of the ignition interlock device.

(b) For 5 years, if it is his second such offense during the period of required use of the ignition interlock device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the

Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, ~~the~~ " ignition interlock device" has the meaning ascribed to it in NRS 484.3941.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

➔ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install ~~the~~ an ignition interlock device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the ignition interlock device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

(I) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(II) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection 2 of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

3. If the Department has received a copy of an order requiring a person to install ~~the~~ an ignition interlock device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

- (a) If applicable, to and from work or in the course of his work, or both; or
- (b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

- (a) If applicable, to and from work or in the course of his work, or both;
- (b) To receive regularly scheduled medical care for himself or a member of his immediate family; or
- (c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

- (a) A violation of NRS 484.379, 484.3795 or 484.384;
- (b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or
- (c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↪ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

9. As used in this section, "ignition interlock device" has the meaning ascribed to it in NRS 484.3941.

Sec. 3. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. As used in this section and NRS 484.3941 to 484.3947, inclusive, and section 5 of this act, unless the context otherwise requires, the words and terms defined in NRS 484.3941 and section 5 of this act have the meanings ascribed to them in those sections.

Sec. 5. "Monitoring device" means a mechanism other than an ignition interlock device which is approved by the court and which monitors the concentration of alcohol in the blood or breath of a person or the amount of any prohibited substance in the blood or urine of a person.

Sec. 6. *NRS 484.3941 is hereby amended to read as follows:*

484.3941 ~~{As used in NRS 484.3941 to 484.3947, inclusive, unless the context otherwise requires,}~~ "Ignition interlock device" means a mechanism that:

1. Tests a person's breath to determine the concentration of alcohol in his breath; and

2. If the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his breath, prevents the motor vehicle in which it is installed from starting.

~~{Section 1}~~ ~~Sec. 7.~~ NRS 484.3943 is hereby amended to read as follows:

484.3943 1. Except as otherwise provided in ~~{subsections 2 and 5,}~~ *subsection 4*, a court:

(a) May order a person convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, if the person is found to have had a concentration of alcohol of less than 0.18 in his blood or breath ~~{or less than twice the proscribed amount of a prohibited substance in his blood or urine,}~~ for a period of not less than 3 months nor more than 6 months, to ~~install~~:

(1) Install at his own expense ~~{an ignition interlock device}~~ in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege ~~{}~~;

(2) Install at his own expense an ignition interlock device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege and submit to frequent testing, as directed by the court, to determine the concentration of alcohol in his blood or breath;

(3) Use a monitoring device in the manner prescribed by the court; or

(4) Use a monitoring device pursuant to subparagraph (3) and submit to frequent testing, as directed by the court, to determine the concentration of alcohol in his blood or breath or the amount of any prohibited substance in his blood or urine.

(b) ~~Shall~~ ~~May~~ order a person convicted of ~~{}~~:

~~(1) A~~ a violation of NRS 484.379 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, if the person is found to have had a concentration of alcohol of 0.18 or more in his blood or breath ~~{}~~

~~(2) or twice the proscribed amount or more of a prohibited substance in his blood or urine, for a period of not less than 12 months nor more than 36 months, to ~~install~~;~~

(1) Install at his own expense ~~{an interlock ignition device}~~ in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege ~~{}~~;

(2) Install at his own expense an ignition interlock device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege and submit to frequent testing, as directed by the court, to determine the concentration of alcohol in his blood or breath;

(3) Use a monitoring device in the manner prescribed by the court; or

(4) Use a monitoring device pursuant to subparagraph (3) and submit to frequent testing, as directed by the court, to determine the concentration of alcohol in his blood or breath or the amount of any prohibited substance in his blood or urine.

(c) Shall order a person convicted of ~~§~~

~~(1) A~~ a violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792 ~~§~~ or

~~{(3)}~~ ~~{(2) A}~~ a violation of NRS 484.3795 or 484.37955, ~~§~~ for a period of not less than 12 months nor more than 36 months, to ~~install~~ :

(1) Install at his own expense ~~§~~ an interlock ignition device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege ~~§~~;

(2) Install at his own expense an ignition interlock device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege and submit to frequent testing, as directed by the court, to determine the concentration of alcohol in his blood or breath;

(3) Use a monitoring device in the manner prescribed by the court; or

(4) Use a monitoring device pursuant to subparagraph (3) and submit to frequent testing, as directed by the court, to determine the concentration of alcohol in his blood or breath or the amount of any prohibited substance in his blood or urine.

2. A court may provide for an exception to the provisions of subparagraph (1) or (2) of paragraph (b) of subsection 1 for a person who is convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792, to avoid undue hardship to the person if the court determines that:

(a) Requiring the person to install ~~§~~ an interlock ignition device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship; and

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his employment;

(2) Obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) Transport himself or another member of his immediate family to or from school.

3. If the court orders a person to install ~~an~~ an ignition interlock device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that ~~an~~ an ignition interlock device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the ignition interlock device shall provide proof of compliance to the Department before he may receive a restricted license or before his driving privilege may be reinstated, as applicable. Each model of ~~an~~ an ignition interlock device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section shall:

(a) If he was ordered to install ~~an~~ an ignition interlock device pursuant to paragraph (a) of subsection 1, have the ignition interlock device inspected by the manufacturer of the ignition interlock device or its agent at least one time during the period in which he is required to use the ignition interlock device; or

(b) If he was ordered to install ~~an~~ an ignition interlock device pursuant to paragraph (b) or (c) of subsection 1, have the ignition interlock device inspected by the manufacturer of the ignition interlock device or its agent at least one time each 90 days,

↳ to determine whether the ignition interlock device is operating properly. An inspection required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484.3888. The manufacturer or its agent shall submit a report to the Director indicating whether the ignition interlock device is operating properly and whether it has been tampered with. If the ignition interlock device has been tampered with, the Director shall notify the court that ordered the installation of the ignition interlock device.

5. If a person is required to operate a motor vehicle in the course and scope of his employment and the motor vehicle is owned by his employer, the person may operate that vehicle without the installation of ~~an~~ an ignition interlock device ~~if~~ if:

(a) The employee notifies his employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

↳ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have ~~an~~ an ignition interlock device installed pursuant to this section commences

when the Department issues a restricted license to him or reinstates his driving privilege and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484.379, 484.3795 or 484.37955, imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation.

7. As used in this section:

(a) "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) "Concentration of alcohol of less than 0.18 in his blood or breath" means less than 0.18 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(c) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 8. NRS 484.3945 is hereby amended to read as follows:

484.3945 1. A person required to install ~~to~~ an ignition interlock device pursuant to NRS 484.3943 shall not operate a motor vehicle without ~~to~~ the ignition interlock device or tamper with the ignition interlock device.

2. A person who violates any provision of subsection 1:

(a) Must have his driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and

(b) Shall be:

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than \$500 nor more than \$1,000.

↪ No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty or of nolo contendere to a lesser charge or for any other reason unless, in his judgment, the charge is not supported by probable cause or cannot be proved at trial.

Sec. 9. NRS 484.3947 is hereby amended to read as follows:

484.3947 1. The Committee on Testing for Intoxication shall on or before January 1, 1990, adopt regulations which:

(a) Provide for the certification of each model of those ignition interlock devices, described by manufacturer and model, which it approves as designed and manufactured to be accurate and reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his breath, prevent the motor vehicle in which it is installed from starting.

(b) Prescribe the form and content of records respecting the calibration of ignition interlock devices, which must be kept by the Director or his agent,

and other records respecting the maintenance and operation of the *ignition interlock* devices which it finds should be kept by the Director or his agent.

2. The Committee shall establish its own standards and procedures for evaluating the models of the *ignition interlock* devices and obtain evaluations of those models from the Director or his agent.

3. If a model of ~~for~~ *an ignition interlock* device has been certified by the Committee to be accurate and reliable pursuant to subsection 1, it is presumed that, as designed and manufactured, each *ignition interlock* device of that model is accurate and reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his breath, will prevent the motor vehicle in which it is installed from starting.

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 358.

Bill read second time.

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

Amendment No. 396.

"SUMMARY—Revises provisions governing the ~~fiduciary duties~~ *completion of work by* contractors. (BDR 54-995)"

"AN ACT relating to contractors; providing that ~~contractors, subcontractors, laborers and suppliers of material have a fiduciary duty to their clients;~~ *certain contractors must agree to complete work by a specified date or pay damages;* and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the rights, duties and liabilities under certain agreements for works of improvement to real estate. (NRS 624.606-624.630) This bill provides that ~~each contractor, subcontractor, laborer, supplier of material and any other person who enters into an agreement to provide work, materials or equipment to improve a single family residence has a fiduciary duty to the owner of the residence with respect to certain dealings with a third party;~~ *a contractor who agrees to perform work on a residence must agree to finish the work by a specified date and, if the work is not so completed, to pay damages to the owner.*

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

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

~~Each prime contractor, subcontractor, laborer, supplier of materials or other person who enters into an oral or written agreement to provide work,~~

~~materials or equipment for a work of improvement to a single family residence has a fiduciary duty to the owner of the residence with respect to any dealings with a third party which relate to the improvement of the residence.~~ A prime contractor who agrees to perform work on a residence that is not related to the prime contractor's original work, if any, on that residence shall provide to the owner a contract that specifies a date for the completion of the work. The contract must provide for monetary damages to the owner sufficient to complete the work if the prime contractor fails to complete the work by the date of completion specified in the contract.

Sec. 2. NRS 624.606 is hereby amended to read as follows:

624.606 As used in NRS 624.606 to 624.630, inclusive, and section 1 of this act, the words and terms defined in NRS 624.607 to 624.6086, inclusive, have the meanings ascribed to them in those sections.

Senator Schneider moved the adoption of the amendment.

Remarks by Senators Schneider, Care, Raggio and Hardy.

Motion failed.

Bill ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 141.

Bill read third time.

Roll call on Senate Bill No. 141:

YEAS—8.

NAYS—Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Schneider, Titus, Washington, Wiener, Woodhouse—13.

Senate Bill No. 141 having failed to receive a two-thirds majority, Mr. President declared it lost.

Senate Bill No. 312.

Bill read third time.

Roll call on Senate Bill No. 312:

YEAS—21.

NAYS—None.

Senate Bill No. 312 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 394.

Bill read third time.

Roll call on Senate Bill No. 394:

YEAS—11.

NAYS—Care, Carlton, Coffin, Horsford, Lee, Mathews, Schneider, Titus, Wiener, Woodhouse—10.

Senate Bill No. 394 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 415.

Bill read third time.

Remarks by Senators Carlton, Care, Heck, Horsford and Titus.

Senator Carlton requested that the following remarks be entered in the Journal.

SENATOR CARLTON:

Thank you, Mr. President. This is a good bill, but it does not quite get there. It is missing the affidavit language. It does not cover what the children need for good Nevada graduates who have been living here a long time and who have done everything right as we have asked them to in order for them to get a scholarship. It does not have the affidavit language included.

I am happy about the military language. I was happy and pleased to support Senate Bill No. 52. It is going on the right path, but this measure is missing a big chunk. I will not be able to support it.

SENATOR CARE:

Thank you, Mr. President. I am not going to debate the bill. I am going to vote for the bill. I have listened to the discussion on this bill for the last few days. How many millennium scholars who are undocumented are we talking about? I have not heard that number.

Is it permissible for an undocumented student, who is a Nevada high school graduate, to play football, basketball or receive an athletic scholarship for any of the state universities?

SENATOR HECK:

We did not have an estimate on the number of students who would have been affected since the inception of the scholarship. What we do know is there are currently 94 students who are in the millennium scholarship program whose citizenship cannot be verified. There are 447 students within the System of Higher Education whose citizenship cannot be verified. Those are the best numbers we received from the System of Higher Education since they do not, currently, track this data.

Regarding athletic scholarships, the question was not brought up in committee nor was it discussed. I am uncertain as to whether or not it would affect athletic scholarships.

SENATOR CARE:

Then we do not know if there is anything that would prevent a student in the University System who is undocumented or illegal from receiving an athletic scholarship. There was no testimony one way or the other. Is that correct?

SENATOR HECK:

There was no testimony on that, but under the language of the bill, I would assume that if it were a state-funded scholarship, then that would be included into the provisions of the bill.

SENATOR HORSFORD:

I will, reluctantly, be voting against the bill. I hoped by working with my colleague from Clark District 5, we would have been able to reach an agreeable amendment that would have addressed the issue. I believe the language that deals with the pathway to citizenship in Senate Bill No. 52 gets to the spirit of what we are trying to do and to the spirit of why the Millennium Scholarship was created.

When the idea of the Millennium Scholarship was first formulated by former Governor Guinn, he addressed the legislative body, and in his remarks, he explained that only 40 percent of Nevada's high school students go on to college compared to a national average of 65 percent. Nevada ranks near the bottom of all 50 states. Nevada's drop-out rate is more than 10 percent annually. Once again, it is at the bottom of the Nation.

How, then, do we promote higher education without increasing our general-fund expenditures for the University System? He proposed a bold new program he said would provide Nevada children with new hope and an unprecedented opportunity to get a college education. He said he believed the money could be given as a once-in-a-lifetime opportunity to provide Nevada's children with the means to advance their education in a way never thought possible. It is an idea

whose effects transcend party lines, regional differences and social class. An idea that places at our door the chance for all of us to do something truly heroic, to write a great and undeniable chapter in the history of our State and in the lives of our children. It is with great pride that he proposed the establishment of the Millennium Scholarship to allow every Nevada high school graduate with a "B" average or better to get an education at a Nevada university or community college. He concluded by saying he believed every Nevada student who studies hard and makes good grades should be able to continue his or her education regardless of financial status. The Millennium Scholarship makes that possible.

We have had a lot of discussion about undocumented students. My heart is with the children. Many of these children were brought to this Country not by their own choosing. Until Congress acts and until some of these children are of age, there is not a pathway for them. Congress should act. Our immigration system is broken. Our broken borders allow those to come to our Country illegally, but the children are the ones who are going to be hurt by this provision. I respect my colleague but the testimony we received in the committee was very compelling. The Nevada System of Higher Education spoke and indicated they do not know how many undocumented students receive Millennium Scholarships, but the numbers were very small. These children are Nevada graduates from a Nevada high school and have earned the necessary requirements this Legislature requires. I am glad the military provision was added. It was very important, and I do not know why it went unnoticed for so long. Our men and women, who serve our Country, have not had their children given the same opportunity. I am glad that provision is in the bill. We had proposed it to be in the bill along with the affidavit that provided a pathway to citizenship. I urge this body to consider the interest of these children. It is not their fault.

SENATOR TITUS:

I will vote for this bill, but I do so with a heavy heart. I will support the bill because I believe we should do all we can to help the children of our military families. However, I will work hard to amend the bill to include the affidavit provision found in Senate Bill No. 52 which is supported by the University System.

Roll call on Senate Bill No. 415:

YEAS—17.

NAYS—Carlton, Coffin, Horsford, Woodhouse—4.

Senate Bill No. 415 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 487.

Bill read third time.

Remarks by Senators Amodei, Carlton and Washington.

Senator Amodei requested that the following remarks be entered in the Journal.

SENATOR AMODEI:

Fifteen or sixteen years ago, the purveyors in the Las Vegas Valley got together on their own accord and created what we now know as the Southern Nevada Water Authority. What they were facing at the time was a disjointed approach to acquiring water supplies, providing regional infrastructure and support for what was then a very fast growing area in southern Nevada.

That model was something that has allowed southern Nevada to continue to be one of or the fastest growing areas in the State and keep pace with the water requirements. The key point in that model was the people were working together in a regional sense for the supply of water.

About 23 months ago, you were all faced with S.C.R. 26 of the 73rd Session. At the time that bill came up, I remember the ripple that went through this building when there was an auction in Washoe County by one of the four incumbent water purveyors. This was someone with drought

responsibility in the Great Basin. They auctioned off water rights from the inventory of a water purveyor to someone who would turn around and dedicate those water rights to the water purveyor in exchange for a project. When I related that circumstance to the general manager of the Southern Nevada Water Authority, the comment was, "You would get indicted for that if you did that in Clark County,"—selling water rights as a purveyor to someone who then has to turn around and rededicate those water rights to someone who needs service for their project.

In committee, we heard that water rights were not offered to the University System, which has to buy at the same level. They were not offered to the school district, which needs water rights for schools, but this was on the open market. The price was somewhere around \$50,000 an acre-foot. The vote on S.C.R. 26, in both Houses, was 63-0. The subcommittee was created. It contained people from both parties representing all Washoe County Districts except one. The committee held five or six meetings in Washoe County, which were open to the public. They all rotated through the various jurisdictions. We used the Sparks City Council Chamber, Reno City Council Chamber and the Washoe County Commission Chamber. We encouraged the people involved in the process, the purveyors and the well owners, to meet outside of the process and to continue to work on the issue. The idea was that water is the key resource for any of the urban areas in Nevada and that it was time to take a regional view to the wholesale supply, scheduling and regional infrastructure improvements in the Truckee Meadows. The Legislative Counsel Bureau (LCB) provided a draft for the major stakeholders in the public to look at before the bill draft was final by LCB and introduced for the purpose of taking more input from the citizens of Washoe County affected by this.

When you talk about water in Nevada, it is an emotional subject. Intertwined in this bill is the concept of growth, both pro-growth and anti-growth. The committee limited its attention to the issue of water resources in the Truckee Meadows, the State's second largest urban area.

Now, listen to these controversial words in section 4, "Provide for special structure for the coordinated planning and management of water resources in that area." It continues in that section with, "facilitating a unified and cooperative effort to secure and develop additional water supplies, maintain and cooperatively establish policies for managing existing water resources and water supplies, and provide for integrated regional water resources and management of water supplies." Heaven help the second largest urban area in the State of Nevada if something like that should ever come to pass or efforts are made to manage storm water and provide for protection of water sheds and provide for regional conservation efforts. We know none of that is working in Clark County. I say that sarcastically for those who are tired of talking about water. "The Authority shall, in carrying out the provisions of this act: make full use of any available resources, provide for a centralized system of decision making, assign service territories using a procedure based upon available resources, facilitate effective coordination of land use and resource and planning, facilitate the effective and efficient planning management and operation of facilities."

Who is this? The committee voted unanimously to say that we think it is time for a regional Authority to look at those things and to do those things. Who would be on that Authority? Under the proposal before you, two members of the Reno City Council, two members of the Sparks City Council, two members of the Washoe County Commission, one member from the South Truckee Meadows General Improvement District (STMGID), one member from the Board of Directors for the Sun Valley General Improvement District (SVGID) and one member from the Waste Water Management people. Those are all elected officials who are directly answerable to their constituents in their jurisdictions. Those are the people who will make the decision. Many times, when thinking about legislation, we hear that people want local control. This is a study in local control. I have been asked, what are the details of this? We did not, as a subcommittee, endeavor to micro manage the issue. We said that we think there should be a regional entity that does this. We think this should be the membership of your board. We think there should be a conservation plan. There should be schedules for conjunctive use. That is a responsible thing to do for the resource. We think these people should do the service area.

It is important to note, because of the misinformation circulating, that we did not tell people what the conservation plan should be. If this group comes into being, we said there should be one. That is called local control. We did not say what the criteria should be for setting up a service territory; we said there should be one. That is called local control. We did not tell people

what their importation policy should be or whether or not they should have one. That is up to the Authority. I defy you to see in this proposed legislation a statement that says, "You will, in the Truckee Meadows, import water."

The testimony before the committee, when we heard this bill, is that presently in Washoe County there is enough water for about 600,000 people. Presently, in the Truckee Meadows between the Sparks, Reno and Washoe County Master Plans, they have zoning and approvals for about 1.2 million. I am not going to suggest that something should happen with the zoning or what should happen with the water, but at some time, some one has to equalize these figures. This bill does not tell you which direction to go or how to true up the figures; it says you should act cooperatively. There have been suggestions that this should be a separately-elected board. That is a great idea. One group should do planning and zoning, and one should figure out how to get the water. That sounds functional to me. It does not happen that way anywhere else. This bill proposes to put the people in direct contact with planning and zoning decisions involved in the water process.

If you can find in this bill where it says the S.C.R. 26 subcommittee is going after someone's well rights, then I owe you a sincere apology. To the contrary, please refer to section 29, subsection 19. This information is provided to political subdivisions everywhere in the State regarding the issue of eminent domain. It says if this entity comes into existence you can, "exercise the power of eminent domain in the manner provided by law for the condemnation of private property for public use to take any private property within the planning area necessary to the exercise of its powers" and this is the important part, "except that the power of eminent domain may not be used to take: any water right that is not limited to domestic, industrial, agricultural, it is any water right, or any property of a public purveyor without the consent of that public purveyor." If you find anything else in here that is meant to force domestic-well owners to hook up, I have not seen it; the committee did not discuss it but perceptions maintain.

Some of the people in the print media have editorialized recently that it is not ready for a super-agency for water. This is not a super-agency. This is a collection of those locally-elected people who are involved in planning and zoning in the Truckee Meadows. The score on editorials on this subject is now even since while the committee was doing its work, there was an editorial that said, "We think it is about time."

Quoting from the most recent editorial, "There probably will come a time when it makes sense to have a single purveyor of water in Washoe County." I wonder when that time is? If it is not when you have a population of 400,000 with 1.2 million on the planning books and enough water for 600,000. Maybe it is time for cooperation.

Some people say we do not need the Southern Nevada Water Authority. We have looked at the Southern Nevada Water Authority, and we have borrowed areas from it that we think apply. This is not taking up the Southern Nevada Water Authority and overlaying it on the Truckee Meadows. If someone studies the way that entity was created and they study the contents of that, there are many differences. The Colorado River is a little different with six states and another country from the Truckee River with two states, an Indian tribe and cooperative operating agreements and court decrees. If someone says we do not need what they are doing in southern Nevada in the Truckee Meadows, then I agree, but to the extent that they have had successes down there which apply to the Truckee Meadows' conservation plans, regional planning, conjunctive use, then we should learn from those successes and take those successes.

It is water. It is not easy, but at the end of this process, at the end of the day, the most recent votes taken by the Washoe County Commission, the Sparks City Council, the Reno City Council, the Board of Directors of the STMGID and the Board of Directors for the SVGID, all voted to support what you see before you now. There is a provision that allows them until January 1, 2008, to do all of these things on their own through a joint-powers agreement. They have asked for more time to work on that. That is not controversial. We have given it to them. If they do not get that done, the time has come for a regional approach to water in the Truckee Meadows, and that the details of that and guts of that are best left to the people, locally, as this proposes once it is created.

SENATOR CARLTON:

This has been portrayed as pick up a piece of the Southern Nevada Water Authority (SNWA) and drop it up here and create a Northern Nevada Water Authority (NNWA). I understand the principle of the previous speaker, but there were a few things in this bill, as I started to compare, that are not similar to the SNWA model, and I think it is a good idea to discuss those things. Under section 29, subsection 10, this new water authority will have the authority to establish and charge fees for a commitment by the public purveyor to provide water. In essence, if I understand this correctly, the NNWA will be able to establish fees that the purveyor will be able to charge to the residents. Am I correct?

SENATOR AMODEI:

If you go back to the beginning of section 29, you will see it says "the authority may not "must" or "shall" "do all things necessary to establish and accomplish purposes of this act." It then goes through the lists and talks about the established-rates portion. This entity will be in the position as a wholesale supplier.

We can establish rates for the wholesale supply of water to the retail people, Truckee Meadow Water, Washoe County, STMGID and SVGID. They will have the ability to do that. Because we have not micro managed this, when the structure of this is set up and the fees are established and an understanding of what the rates for ground water versus surface water are established at a given time of the year, then that will be left to those nine people to establish those under this proposal. To indicate that they have no rate authority to provide water wholesale is something that we could not responsibly do. The rates are wholesale.

For example, SVGID has no water rights. They buy all their water wholesale from the Truckee Meadows Water Authority. They pay for that, and it goes into their rates they charge their customers. There will be a rate element, but it will not necessarily be different once you figure out whose wells you are using during a certain time of the year and whose surface water you are using during another time of the year. It would be necessary to balance the books at the end to see how much you have supplied as an ultimate retail purveyor.

We did nothing to upset the retail market in terms of the structure of it in the Truckee Meadows. Everyone in the retail water business in the Truckee Meadows today will remain in the retail water business. Customers will not get a bill from someone different. The water utility will not be required to merge or to vertically integrate the water utility in any way.

SENATOR CARLTON:

Is this something the NNWA will be permitted to do that the SNWA does not currently do?

SENATOR AMODEI:

I am not familiar with what the structure is in the SNWA and how they wholesale water or not. I cannot give you a "yes" or "no." I can tell you that if this Authority is created, it will establish a wholesale price to the retail entities based upon water provided above and beyond what one of the retail entities provides out of its rights or out of its water and also based upon all the other factors that go into the sale of wholesale water.

SENATOR CARLTON:

I am certain I am correct on that one, but if anyone else knows the answer, I will stand corrected. If we could move on to the next fee, under section 36, giving the NNWA the authority to impose a fee at a rate not to exceed 1.5 percent of the amount otherwise billed to be collected by, I am having a hard time understanding what this fee is getting at.

SENATOR AMODEI:

That is an existing fee presently on people's bills in the Truckee Meadows to fund the operation of the Washoe County Water Planning Authority, which is folded in as the technical staff to this proposed entity. That existing funding source was folded in with that mission for purposes of this bill.

SENATOR WASHINGTON:

This is on behalf of the chair of the S.C.R. 26 committee who took the weight of developing a bill that was going to be comprehensive to deal with the water issues in the Truckee Meadows,

and he was the lone Senator who sat on the S.C.R. 26 committee. He was the one who was not affiliated with Washoe County or the Truckee Meadows. He did an excellent job in keeping us on task and keeping us focused in dealing with the stake holders, the purveyors, those who were going to provide water, the wholesalers, as well as the developers, to come up with a plan that would be beneficial to the citizens of Truckee Meadows.

I want to say to him, "thank you." He has been vilified through cartoon characters and through the press. I had an opportunity to sit in on a Natural Resources meeting, and I watched him be maligned by other public and local officials. It was alluded to that we will be attempting to develop a Gestapo with its boot upon their neck. He articulated that this is local control. It is an opportunity for the region to develop something that is going to be beneficial and for the good of the public. We have many examples throughout our statutes, one being SNWA, which was mentioned. The Majority Leader, in his wisdom, some years back, developed and formed the Reno-Tahoe Airport Authority when major entities and municipalities were fighting one another concerning control and operations of the airport. It was through his leadership that we developed the Reno-Tahoe Airport Authority (RTAA), a prime example of what local entities can do when they decide they want to work together. I applaud the Senator from the Capital District for a job well done. Those of us who live in the Truckee Meadows, who live in the city of Sparks, in Reno or in the outlying areas in Washoe County, will appreciate his efforts for many years to come.

SENATOR AMODEI:

There have been indications that, somehow, if this measure is passed, it will use public dollars for importation projects for the Truckee Meadows. I cannot find it in the bill. We did not discuss it in the committee. I will tell you if that nine-member board decides to use public dollars for importation projects, then that is their business.

There was a project 15 years ago called the Honey Lake Project. Some of you may remember this controversial project. It proposed to use public dollars to bring water from north of the Truckee Meadows. It was not pursued. The people of the Truckee Meadows said they do not want to do that again.

There is nothing in Senate Bill No. 487 that says if this entity is created, you will spend public dollars to import water into the Truckee Meadows. What Senate Bill No. 487 could end up doing is if that nine-member board is created and they decide they want to do that, then that is one of their options. They will answer directly to the voters in their districts if they decide to do that. The Legislature is not making that recommendation or anything along those lines in this present legislation.

Roll call on Senate Bill No. 487:

YEAS—20.

NAYS—Carlton.

Senate Bill No. 487 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 548.

Bill read third time.

Roll call on Senate Bill No. 548:

YEAS—21.

NAYS—None.

Senate Bill No. 548 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 41.

Bill read third time.

Roll call on Senate Bill No. 41:

YEAS—21.

NAYS—None.

Senate Bill No. 41 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 358.

Bill read third time.

Remarks by Senators Care, Schneider, Beers and Townsend.

Roll call on Senate Bill No. 358:

YEAS—9.

NAYS—Beers, Care, Carlton, Cegavske, Heck, Lee, Mathews, McGinness, Raggio, Titus, Washington, Wiener—12.

Senate Bill No. 358 having failed to receive a constitutional majority, Mr. President declared it lost.

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, chaperones and teachers from the Martha P. King Elementary School: Troy Graham, Elizabeth Karok, Melissa O'Berto, Seth Kermode, April Oliver, Annabelle Shattler, Dylan Bylund, Trenton Carmell, Meghan Chase, Jimmie Flores, David Duncan, Katlyn Flores, Brittney Galland, Bradley Henderson, Tyler Hinson, Kaja Obermiller, Arcadia Pacini, Christian Shamo, Kinsey Smyth, Jacson Tenny, Brittany Tippetts, Jack Wagner, Zachary West; chaperones: Cindi Graham, Susan Gelecht, Marianne Oliver, Staci Shattler, James Carmell, Elizabeth Chase, Janis Daly, Michael Pacini, Eric Shamo, Lora Smyth, Dianna Tenny, Christine Tippetts; teachers: Josh Newkirk, Debbie Cattoir; Assistant Principal Mary Scialabba and Principal Lee Esplin

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to members of the Kiwanis Organization.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to the members of the Red Hat Ladies: Sue Wagner, Barbara Weinberg, Patsy Redmond, Fritsi Ericson, Karen Damon, Charlotte McConnell, Kay Zunino, Nancy Cashell, Diane Severs, Cecilia Pearce and Sandy Macias.

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 Sun Valley Elementary School: Josalynn Babcock, Sierra Baltar, Luis Chavez, Bandon Conn, Levani Corona-Rios, Stephanie Cowens, Tawny Cryer, Isis Fetty, Jennifer Fredzess, Raymond Freeman, Eric Jobe,

Raychael Jones, Tyler Keiffer, Mandy Lawson, Christina Lomano, Rodrigo Mariscal Moya, Saimeth Martinez, William Martinez, Itayetzi Matus, Yesenia Medina, Brenda Mejia, Alondra Najera, Lily Neeley, Audrina Pacheco, Jason Penate Lopez, Alejandro Perez, Joshua Reich, Dylan Roper, Sierra Turk, Giovanni Vazquez, Sean Zorn, Alexis Adame, Margarita Barba, Jovanni Bowers, Hope Bowles, Sandra Carrillo Soriano, Christian Carson, Edwin Chavez-Vazquez, Cassandra Contreras, Jerry Cordova Murillo, Nickolas Gamble, Gloria Garcia Anguiano, Lizeth Garcia Medina, Dakota Glover, Manuel Lara, Derek Lasell, Billy Lau, Jessica Levell, Jasmin Lopez Escalante, Rodolfo Lopez Rojas, Hugh Martin, Jessica Ortiz, Pablo Osuna, Edy Rangel, Antonio Rodriguez, Elizabeth Shore, Iveth Sierra Diaz, William Thompson, Jessica Ulloa, Cody Vaughn, Adriana Albarran, Kevin Bautista, Ruth Bautista, Candace Bomer, Christopher Byrd, Jacob Cepeda, Ryan Coffey, Sonia Cordova Murillo, Sandra Cuevas, Kayla Dietrich, Gregorio Flores, Tyree Fry, Jajaira Gonzalez, George Hayman, Ana Hernandez, Codi Kringklie, William Lanier, Antonio Lopez, Ashley Martinez Du Bon, Andi Mendez Rangel, Brittany Moniz, Louise Morales, Bernanda-Marie Nemedez, Joselin Ramos, Marissa Reeves, Christopher Sanchez, Emily Trevino, Sitanliel Tuihalangie, Andrew Vielbig; chaperones and teachers: Russell Hunter, John Hancock, Steve Henry, Sandi Sullivan, James Coffey and Lana Manos.

Senator Raggio moved that the Senate adjourn until Wednesday, April 25, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 6:54 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate