

THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), May 15, 2007

Senate called to order at 11:19 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Robert Jennings-Teats.

Look graciously, O Lord, upon this State and on those who are elected to make its laws.

Where there is pride, subdue it.

Where there is need, supply it.

Where there is division, unite it.

Where there is error, rectify it.

Where there is exhaustion, provide strength.

Where there is misunderstanding, give pardon.

Where there is despair, bring hope.

Where there are those who are vulnerable and weak, bring compassion and justice.

Where there is hatred, sow acts of kindness.

Where there is callous disregard for the poor and distressed, bring comfort and support.

And where there is the will to do the right and loving thing, support it.

AMEN.

Pledge of Allegiance to the Flag.

Senator 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 Commerce and Labor, to which were referred Assembly Bills Nos. 224, 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 55, 562, 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*

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was rereferred Senate Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

Mr. President:

Your Committee on Human Resources and Education, to which were referred Assembly Bills Nos. 68, 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAURICE E. WASHINGTON, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 569, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA K. CEGAVSKE, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 13, 217, 573; Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEAN A. RHOADS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 14, 2007

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 9, 30, 31, 44, 46, 56, 81, 168, 190; Assembly Bill No. 410.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 204, 259, 445, 567.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 118, Amendment No. 668; Senate Bill No. 132, Amendment No. 670, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 3.

LUCINDA BENJAMIN

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 17.

Resolution read.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 707.

"SUMMARY—Urges the Governor to ~~name~~ dedicate the new Department of Motor Vehicles building in North Las Vegas ~~after~~ in honor of former Speaker of the Assembly Paul W. May, Jr. (BDR R-181)"

"SENATE CONCURRENT RESOLUTION—Urging the Governor to ~~name~~ dedicate the new Department of Motor Vehicles building in North Las Vegas ~~after~~ in honor of former Speaker of the Assembly Paul W. May, Jr."

WHEREAS, Paul W. May, Jr., was born on January 2, 1928, in the scenic mountain community of Hot Springs, Virginia, and moved to North Las Vegas in 1943; and

WHEREAS, After graduation from Las Vegas High School, Paul May spent 3 years in the United States Army where he studied cryptography; and

WHEREAS, Paul May was first elected to the Nevada Assembly in 1966 and represented District 19 until 1984, addressing crime, tax relief and traffic as some of the major issues in Clark County; and

WHEREAS, Recognized as an expert in matters of Nevada taxation, Paul W. May, Jr., chaired the Assembly Standing Committee on Taxation for 6 of the 10 regular sessions he served; and

WHEREAS, As Speaker of the Assembly in 1979, Paul W. May, Jr., was responsible for a memorable moment at the end of the 1979 Legislative Session when he put a towel over the clock so that Assembly members would not get paid for an extra day of per diem as the session moved past midnight, resulting in legislative histories describing that as the year the Assembly lasted 134 days and the Senate lasted 135 days, even though they both ended at the same time; and

WHEREAS, After his resignation from the Assembly in 1984, Paul W. May, Jr., served the residents of southern Nevada through his appointment to the Clark County Commission, and, again, in 1985, when he was appointed to the North Las Vegas City Council; and

WHEREAS, Following a one-term hiatus, Paul W. May, Jr., returned to the Assembly in 1987, forever earning a special place in the political history of the State because of his sponsorship of legislation designed to obtain additional federal money for Nevada, for which he is affectionately known as the "Father of Bullfrog County"; and

WHEREAS, The members of the 71st Session of the Nevada Legislature memorialized Paul May in a Concurrent Resolution after his passing on November 14, 2000; and

WHEREAS, Paul May was honored in 1980, 1991 and 2001 by the Nevada Legislature for his low-key leadership in lifelong dedication to public service, for his willingness to do the unusual to get the work done, for his dry wit and jovial nature and for his love of Nevada, past and present; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 74th Session of the Nevada Legislature do hereby urge the Governor to direct that the new Department of Motor Vehicles building in North Las Vegas be ~~named after~~ dedicated in honor of Paul W. May, Jr.; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Office of the Governor.

Senator Cegavske moved the adoption of the amendment.

Remarks by Senator Cegavske.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assembly Concurrent Resolution No. 6.

Resolution read.

Senator Washington moved the adoption of the resolution.

Remarks by Senator Washington.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

By Senator Schneider:

Senate Concurrent Resolution No. 43—Directing the Legislative Commission to conduct an interim feasibility study of long-range mass transit systems within the City of Las Vegas and extending to large urban areas in neighboring states.

Senator Schneider moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senator Raggio moved that for the remainder of the Legislative Session, the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 204.

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

Motion carried.

Assembly Bill No. 259.

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

Motion carried.

Assembly Bill No. 410.

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

Motion carried.

Assembly Bill No. 445.

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

Motion carried.

Assembly Bill No. 567.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 693.

"SUMMARY—Makes an appropriation to the Office of the ~~Governor~~ Director of the Department of Health and Human Services to fund a working

group to study the methamphetamine problem in Nevada ~~[] for the current fiscal year.~~ (BDR S-1201)"

"AN ACT making an appropriation to the Office of the ~~[Governor]~~ *Director of the Department of Health and Human Services* to fund a working group to study the methamphetamine problem in Nevada ~~[] for the current fiscal year;~~ and providing other matters properly relating thereto."

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

Section 1. There is hereby appropriated from the State General Fund to the Office of the ~~[Governor]~~ *Director of the Department of Health and Human Services* the sum of ~~[\$100,000]~~ \$9,900 to fund a working group to study the methamphetamine problem in Nevada ~~[] for the current fiscal year.~~

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, ~~[2009,]~~ 2007, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[18, 2009,]~~ 21, 2007, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~[18, 2009,]~~ 21, 2007.

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

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 455.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 673.

"SUMMARY ~~[Increases revenue bonding authority of]~~ *Revises provisions governing the issuance of revenue bonds and other obligations by the Nevada System of Higher Education.* (BDR ~~[S-273]~~)" 34-273)

"AN ACT relating to the Nevada System of Higher Education; authorizing the Board of Regents of the University of Nevada to *delegate certain of its authority with respect to the issuance of certain obligations; authorizing the Board of Regents to* issue revenue bonds to finance the construction of student housing and parking facilities at Nevada State College; increasing the total authorized amount of revenue bonds that the Board of Regents may issue for certain projects and facilities within the System; expanding the authorized scope of certain such projects; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Board of Regents of the University of Nevada is authorized to delegate to the Chancellor of the Nevada System of Higher Education or the Vice Chancellor for Finance of the System its authority to sign a contract for the purchase of securities issued under the University Securities Law or to accept a binding bid for such securities. (NRS 396.8455) Section 1 of this bill provides a similar authorization for other obligations issued by the System which are not subject to the University Securities Law.

Under existing law, the Board of Regents of the University of Nevada is authorized to borrow money to finance construction of campus facilities by issuing revenue bonds and other securities. (NRS 396.845) This debt is not a general obligation of the State and is not repaid by legislative appropriations. (NRS 396.839, 396.843) Instead, the Board of Regents pledges to retire the debt using revenue earned from certain fees paid by students and from various campus operations, such as dormitories and food service. (NRS 396.828, 396.829, 396.839, 396.8395) Sections ~~1-9~~ 1.5-9 of this bill authorize the Board of Regents to issue revenue bonds in a total principal amount not exceeding \$15 million to finance student housing at Nevada State College and in a total principal amount not exceeding \$5 million to finance parking facilities at Nevada State College.

Under existing law, the Board of Regents of the University of Nevada, pursuant to section 5 of chapter 501, Statutes of Nevada 1991, as last amended by chapter 297, Statutes of Nevada 2005, at page 1029, is authorized to issue \$276,855,000 of revenue bonds for facilities at the University of Nevada, Reno, and \$339,055,000 of revenue bonds for facilities at the University of Nevada, Las Vegas. Section 10 of this bill increases the amount of such bonding authority for facilities at the Reno campus to ~~[\$321,695,000]~~ \$312,695,000 and for facilities at the Las Vegas campus to \$422,155,000.

Under existing law, the Board of Regents of the University of Nevada, pursuant to section 5 of chapter 297, Statutes of Nevada 2005, at page 1028, is authorized to issue \$20,000,000 of revenue bonds for parking facilities at the Community College of Southern Nevada and \$10,000,000 of revenue bonds for a residence hall at Western Nevada Community College. Section 12 of this bill increases the amount of such bonding authority for the Southern Nevada campus to ~~[\$50,000,000]~~ \$45,000,000 and for the Western Nevada campus to \$20,000,000. Section 11 of this bill expands the authorized uses of the revenue bonds at the Southern Nevada campus to include facilities other than parking facilities.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before the sale or delivery by the System of an obligation to repay money in any form, other than an obligation issued under the University Securities Law, the Board of Regents may delegate to the Chancellor of the

System or the Vice Chancellor for Finance of the System the authority to sign a contract for the sale or exchange of the obligation or to accept a binding bid for the obligation subject to the requirements specified by the Board of Regents concerning:

(a) The rate or rates of interest on the obligation;

(b) The dates on which and the prices at which the obligation may be prepaid before maturity;

(c) The price at which the obligation will be sold or the property for which the obligation will be exchanged;

(d) The principal amount of the obligation and the amount of principal and interest due on any specific dates; and

(e) Covenants to protect the owner of the obligation and the System that the Chancellor or the Vice Chancellor for Finance determines are necessary or desirable to obtain favorable terms for the System. A determination made pursuant to this paragraph, absent fraud or gross abuse of discretion, is conclusive.

2. All terms of the obligation other than:

(a) The rate or rates of interest;

(b) The dates and prices for the prepayment of the obligation;

(c) The price for the sale of the obligation or property for which it will be exchanged;

(d) The principal amount of the obligation;

(e) The requirements for the payment of principal and interest on specific dates; and

(f) Covenants to protect the owner of the obligation and the System that the Chancellor or the Vice Chancellor for Finance determines are necessary or desirable to obtain favorable terms for the System as provided in paragraph (e) of subsection 1.

↪ must be approved by the Board of Regents before the obligation is delivered.

3. The final rate or rates of interest, dates and prices of prepayments, price for the sale of the obligation or property for which it is exchanged, principal amount, requirements for payment of principal and interest on specific dates, and covenants as described in paragraph (e) of subsection 1, are not required to be approved by the Board of Regents if each of those terms complies with the requirements specified by the Board of Regents before the contract for the purchase or delivery of the obligation is signed or the bid for the obligation is accepted.

4. The proceeds of any money borrowed pursuant to this section may be invested as provided in NRS 396.861 and 396.8615.

~~Section 1.1~~ Sec. 1.5. 1. Except as otherwise provided in sections 2 to 9, inclusive, of this act, terms used or referred to in sections ~~1.1~~ 1.5 to 9, inclusive, of this act have the meanings ascribed to them in the University Securities Law.

2. As used in sections ~~HH~~ 1.5 to 9, inclusive, of this act, unless the context otherwise requires, the terms defined in sections 2, 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 2. "Net pledged revenues" means all the pledged revenues, without any deduction of any operation and maintenance expenses, except as otherwise provided in the definition of "pledged revenues."

Sec. 3. 1. "Pledged revenues" means, in connection with securities issued pursuant to sections ~~HH~~ 1.5 to 9, inclusive, of this act to finance in part the project designated in section 4 of this act:

(a) The gross revenues derived from or otherwise pertaining to the operation of any one, all or any combination of facilities enumerated in NRS 396.828 and situated on the campus of Nevada State College, including, without limitation, the project, which revenues the Board, by the resolution authorizing the securities issued pursuant to sections ~~HH~~ 1.5 to 9, inclusive, of this act, determines to pledge for the payment of the securities, after the deduction of the expenses of operation and maintenance of those facilities pertaining to those pledged revenues; and

(b) The gross revenues derived from the imposition and collection of the fees designated in NRS 396.8395, payable by the students attending Nevada State College, subject to the limitation provided in subsection 5 of NRS 396.840.

2. "Pledged revenues" includes, in connection with students attending Nevada State College, any fees of students authorized by law after the effective date of this act, all grants, conditional or unconditional, from the Federal Government for the payment of any securities requirements, if any, and net revenues, if any, to be derived from the operations of income-producing facilities of Nevada State College, the Board or from other available sources, and to which fees, grants and revenues, the pledge and lien provided for the payment of the securities authorized in sections ~~HH~~ 1.5 to 9, inclusive, of this act and any other securities payable therefrom are extended after the effective date of this act.

3. "Pledged revenues" indicates a source of revenues and does not necessarily indicate all or any portion of such revenues in the absence of further qualification.

Sec. 4. 1. "Project" means the construction, acquisition, rehabilitation or improvement, or any combination thereof, of:

- (a) Student housing at Nevada State College; and
- (b) Parking facilities at Nevada State College.

2. The term includes any land, equipment and furnishings required therefor, and other appurtenances relating thereto.

Sec. 5. 1. The Board, on behalf and in the name of the University, is authorized by sections ~~HH~~ 1.5 to 9, inclusive, of this act, as supplemented by the provisions of the University Securities Law:

(a) To finance the project by the issuance of bonds and other securities of the University in a total principal amount not exceeding \$15,000,000 for

student housing at Nevada State College and in a total principal amount not exceeding \$5,000,000 for parking facilities at Nevada State College, except that if the Board sells any of the bonds or other securities at a discount, the total principal amount of the bonds and other securities the Board is authorized to issue increases by an amount equal to the amount of the discount at which the bonds or other securities are sold.

(b) To issue the bonds and other securities in connection with the project in one series or more at any time or from time to time, but not later than 15 years after the effective date of this act, as the Board determines, and consisting of special obligations of the University payable from the net pledged revenues authorized by sections ~~¶¶~~ 1.5 to 9, inclusive, of this act and which may subsequently be payable from other net pledged revenues, secured by a pledge thereof and a lien thereon, subject to existing contractual limitations, and subject to the limitations in paragraph (a).

(c) To employ legal, fiscal and other expert services and to defray the costs thereof with any money available therefor, including, without limitation, proceeds of securities authorized by sections ~~¶¶~~ 1.5 to 9, inclusive, of this act.

(d) To exercise the incidental powers provided in the University Securities Law in connection with the powers authorized by sections ~~¶¶~~ 1.5 to 9, inclusive, of this act, except as otherwise expressly provided in those sections.

2. Sections ~~¶¶~~ 1.5 to 9, inclusive, of this act do not prevent the Board from funding, refunding or reissuing any securities of the University or the Board at any time as provided in the University Securities Law.

Sec. 6. Bonds and other securities authorized by sections ~~¶¶~~ 1.5 to 9, inclusive, of this act are subject to no limitations upon their rate of interest or the rate of discount at which they may be sold, including the limitations set forth in subsection 2 of NRS 396.850 and in paragraph (d) of subsection 1 of NRS 396.852, except that the rate of interest on any of those bonds or other securities must not exceed by more than 5 percent the Index of Revenue Bonds most recently published before bids are received or a negotiated offer is accepted.

Sec. 7. The powers conferred by sections ~~¶¶~~ 1.5 to 9, inclusive, of this act are in addition to and supplemental to, and the limitations imposed by sections ~~¶¶~~ 1.5 to 9, inclusive, of this act do not affect, the powers conferred by any other law, general or special. Securities may be issued under sections ~~¶¶~~ 1.5 to 9, inclusive, of this act without regard to the procedure required by any other such law except as otherwise provided in this act or in the University Securities Law. Insofar as the provisions of sections ~~¶¶~~ 1.5 to 9, inclusive, of this act are inconsistent with the provisions of any other law, general or special, the provisions of sections ~~¶¶~~ 1.5 to 9, inclusive, of this act control.

Sec. 8. The Legislature intends that sections ~~HH~~ 1.5 to 9, inclusive, of this act, being necessary to secure and preserve the public health, safety, convenience and welfare, be liberally construed to effect their purposes.

Sec. 9. If any provision of sections ~~HH~~ 1.5 to 9, inclusive, of this act or the application thereof to any person, thing or circumstance is held invalid, that invalidity does not affect the provisions or application of sections ~~HH~~ 1.5 to 9, inclusive, of this act that can be given effect without the invalid provisions or application, and to this end the provisions of sections ~~HH~~ 1.5 to 9, inclusive, of this act are declared to be severable.

Sec. 10. Section 5 of chapter 501, Statutes of Nevada 1991, as last amended by chapter 297, Statutes of Nevada 2005, at page 1029, is hereby amended to read as follows:

Sec. 5. 1. The board, on behalf and in the name of the university, is authorized by this act, as supplemented by the provisions of the University Securities Law:

(a) To finance the project by the issuance of bonds and other securities of the university in a total principal amount not exceeding ~~[\$276,855,000]~~ ~~[\$321,695,000]~~ \$312,695,000 for facilities at the University of Nevada, Reno, and in a total principal amount not exceeding ~~[\$339,055,000]~~ \$422,155,000 for facilities at the University of Nevada, Las Vegas, \$35,000,000 of which may be used for the construction, other acquisition and improvement of a dental school and other structures and clinics associated with the dental school;

(b) To issue such bonds and other securities in connection with the project in one series or more at any time or from time to time within 18 years after the effective date of this act, as the board may determine, and consisting of special obligations of the university payable from the net pledged revenues authorized by this act and possibly subsequently other net pledged revenues, secured by a pledge thereof and a lien thereon, subject to existing contractual limitations, and subject to the limitation in paragraph (a);

(c) To employ legal, fiscal and other expert services and to defray the costs thereof with any money available therefor, including, proceeds of securities authorized by this act; and

(d) To exercise the incidental powers provided in ~~this~~ *the* University Securities Law in connection with the powers authorized by this act, except as otherwise expressly provided in this act.

2. If the board determines to sell the bonds authorized by subsection 1 at a discount from their face amount, the principal amount of bonds which the board is authorized to issue provided in subsection 1 is increased by an amount equal to the discount at which the bonds are sold.

3. This act does not limit the board in funding, refunding or reissuing any securities of the university or the board at any time as provided in the University Securities Law.

Sec. 11. Section 4 of chapter 297, Statutes of Nevada 2005, at page 1028, is hereby amended to read as follows:

Sec. 4. 1. "Project" means the construction, acquisition, rehabilitation or improvement, or any combination thereof, of:

(a) ~~["Parking facilities"]~~ ~~["Facilities"]~~ Student service facilities, classrooms and parking at the Community College of Southern Nevada; and

(b) A residence hall at Western Nevada Community College.

2. The term includes any land, equipment and furnishings required therefor, and other appurtenances relating thereto.

Sec. 12. Section 5 of chapter 297, Statutes of Nevada 2005, at page 1028, is hereby amended to read as follows:

Sec. 5. 1. The Board, on behalf and in the name of the University, is authorized by sections 1 to 9, inclusive, of this act, as supplemented by the provisions of the University Securities Law:

(a) To finance the project by the issuance of bonds and other securities of the University in a total principal amount not exceeding ~~["\$20,000,000 for parking"]~~ ~~["\$50,000,000"]~~ \$45,000,000 for student service facilities, classrooms and parking at the Community College of Southern Nevada and in a total principal amount not exceeding ~~["\$10,000,000"]~~ \$20,000,000 for a residence hall at Western Nevada Community College, except that if the Board sells any of the bonds or other securities at a discount, the total principal amount of the bonds and other securities the Board is authorized to issue increases by an amount equal to the amount of the discount at which the bonds or other securities are sold.

(b) To issue the bonds and other securities in connection with the project in one series or more at any time or from time to time, but not later than 15 years after the effective date of this act, as the Board determines, and consisting of special obligations of the University payable from the net pledged revenues authorized by sections 1 to 9, inclusive, of this act and which may subsequently be payable from other net pledged revenues, secured by a pledge thereof and a lien thereon, subject to existing contractual limitations, and subject to the limitations in paragraph (a).

(c) To employ legal, fiscal and other expert services and to defray the costs thereof with any money available therefor, including, without limitation, proceeds of securities authorized by sections 1 to 9, inclusive, of this act.

(d) To exercise the incidental powers provided in the University Securities Law in connection with the powers authorized by sections 1 to 9, inclusive, of this act, except as otherwise expressly provided in those sections.

2. Sections 1 to 9, inclusive, of this act do not prevent the Board from funding, refunding or reissuing any securities of the University or the Board at any time as provided in the University Securities Law.

Sec. 13. This act becomes effective upon passage and approval.

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 458.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 692.

"SUMMARY—Makes appropriations to the Department of Health and Human Services for computer replacement. (BDR S-1216)"

"AN ACT making appropriations to the Department of Health and Human Services for replacement computers; and providing other matters properly relating thereto."

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Health Division of the Department of Health and Human Services for the Office of Health Administration the sum of ~~[\$107,922]~~ \$83,777 for the replacement of desktop computers, software, printers, servers, switches and firewalls.

2. There is hereby appropriated from the State General Fund to the Health Division of the Department of Health and Human Services for Early Intervention Services the sum of ~~[\$422,457]~~ \$280,028 for the replacement of ~~[79 computers in each year of the biennium]~~ desktop computers, software, printers, servers, switches, firewalls and tablet computers.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriations are made or any entity to which money from the appropriations is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

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

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 6.

Bill read second time and ordered to third reading.

Assembly Bill No. 57.

Bill read second time and ordered to third reading.

Assembly Bill No. 70.

Bill read second time and ordered to third reading.

Assembly Bill No. 95.

Bill read second time and ordered to third reading.

Assembly Bill No. 131.

Bill read second time and ordered to third reading.

Assembly Bill No. 154.

Bill read second time and ordered to third reading.

Assembly Bill No. 181.

Bill read second time and ordered to third reading.

Assembly Bill No. 233.

Bill read second time and ordered to third reading.

Assembly Bill No. 236.

Bill read second time and ordered to third reading.

Assembly Bill No. 311.

Bill read second time and ordered to third reading.

Assembly Bill No. 313.

Bill read second time and ordered to third reading.

Assembly Bill No. 323.

Bill read second time and ordered to third reading.

Assembly Bill No. 344.

Bill read second time and ordered to third reading.

Assembly Bill No. 352.

Bill read second time and ordered to third reading.

Assembly Bill No. 428.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 695.

"SUMMARY—Prohibits the use and acquisition of certain personal identifying information of another without the prior consent of that person. (BDR 15-1334)"

"AN ACT relating to personal identifying information; prohibiting the use of certain personal identifying information of another to obtain any other

personal identifying information of that person without the prior express consent of the person; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits the use of the personal identifying information of another to harm that person or to obtain credit, a good, a service or anything of value in the name of that other person. (NRS 205.4617, 205.463, 205.464, 205.465) Section 1 of this bill provides that personal identifying information includes, without limitation, any information that can be used to identify the actions, communications or other activities or transactions of a person. (NRS 205.4617) Section 2 of this bill provides that a person who uses the personal identifying information of another *with the intent to commit an unlawful act*, to: (1) represent or impersonate that other person to obtain access to any personal identifying information of that other person without the prior express consent of that *other* person, or (2) obtain access to any *nonpublic* record of the actions taken, communications made or received by, or other activities or transactions of that other person without the prior express consent of that *other* person is guilty of a category B felony. (NRS 205.463)

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

Section 1. NRS 205.4617 is hereby amended to read as follows:

205.4617 1. Except as otherwise provided in subsection 2, "personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a living or deceased person ~~or~~ *or to identify the actions taken, communications made or received by, or other activities or transactions of a living or deceased person*, including, without limitation:

(a) The current or former name, driver's license number, identification card number, social security number, checking account number, savings account number, credit card number, debit card number, financial services account number, date of birth, place of employment and maiden name of the mother of a person.

(b) The unique biometric data of a person, including, without limitation, the fingerprints, facial scan identifiers, voiceprint, retina image and iris image of a person.

(c) The electronic signature, unique electronic identification number, address or routing code, telecommunication identifying information or access device of a person.

(d) The personal identification number or password of a person.

(e) The alien registration number, government passport number, employer identification number, taxpayer identification number, Medicaid account number, food stamp account number, medical identification number or health insurance identification number of a person.

(f) The number of any professional, occupational, recreational or governmental license, certificate, permit or membership of a person.

(g) The number, code or other identifying information of a person who receives medical treatment as part of a confidential clinical trial or study, who participates in a confidential clinical trial or study involving the use of prescription drugs or who participates in any other confidential medical, psychological or behavioral experiment, study or trial.

(h) The utility account number of a person.

2. To the extent that any information listed in subsection 1 is designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify an artificial person, "personal identifying information" includes information pertaining to an artificial person.

Sec. 2. NRS 205.463 is hereby amended to read as follows:

205.463 1. Except as otherwise provided in subsections 2 and 3, a person who knowingly:

(a) Obtains any personal identifying information of another person; and

(b) ~~Uses~~ *With the intent to commit an unlawful act, uses* the personal identifying information ~~to~~ :

(1) *To harm that other person ;*

(2) *To represent or impersonate that other person to obtain access to any personal identifying information of that other person without the prior express consent of that other person;*

(3) *To obtain access to any nonpublic record of the actions taken, communications made or received by, or other activities or transactions of that other person without the prior express consent of that other person; or* ~~for~~

(4) *For any other unlawful purpose, including, without limitation, to obtain credit, a good, a service or anything of value in the name of that other person,*

↪ 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 20 years, and may be further punished by a fine of not more than \$100,000.

2. Except as otherwise provided in subsection 3, a person who knowingly:

(a) Obtains any personal identifying information of another person; and

(b) Uses the personal identifying information to avoid or delay being prosecuted for an unlawful act,

↪ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. A person who violates:

(a) Subsection 1 or 2 by obtaining and using the personal identifying information of an older person or a vulnerable person; or

(b) Subsection 2 to avoid or delay being prosecuted for an unlawful act that is punishable as a category A felony or category B felony,

↪ 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 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.

4. In addition to any other penalty, the court shall order a person convicted of violating subsection 1 to pay restitution, including, without limitation, any attorney's fees and costs incurred to:

(a) Repair the credit history or rating of the person whose personal identifying information he obtained and used in violation of subsection 1; and

(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information he obtained and used in violation of subsection 1.

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 446.

Bill read second time and ordered to third reading.

Assembly Bill No. 493.

Bill read second time and ordered to third reading.

Assembly Bill No. 507.

Bill read second time and ordered to third reading.

Assembly Bill No. 540.

Bill read second time and ordered to third reading.

Assembly Bill No. 549.

Bill read second time and ordered to third reading.

Assembly Bill No. 570.

Bill read second time and ordered to third reading.

Assembly Bill No. 576.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 16 of the 73rd Session.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 404.

Bill read third time.

Roll call on Senate Bill No. 404:

YEAS—21.

NAYS—None.

Senate Bill No. 404 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Heck moved that Assembly Bill No. 90 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Heck.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 88.

Bill read third time.

Roll call on Assembly Bill No. 88:

YEAS—21.

NAYS—None.

Assembly Bill No. 88 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227.

Bill read third time.

The following amendment was proposed by Senator McGinness:

Amendment No. 697.

"SUMMARY—Revises the provisions governing the posting of warnings against trespassing. (BDR 15-702)"

"AN ACT relating to trespassing; revising the provisions governing the posting of warnings against trespassing; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a person commits the crime of trespassing if the person willfully goes or remains upon any land or in any building after having been warned not to trespass. (NRS 207.200) For the purposes of determining whether a person has been given sufficient warning not to trespass, the owner of land may choose to fence the area or may paint the area in a specific manner.

This bill changes the interval between posts, structures or natural objects that must be painted with fluorescent orange paint from 200 feet to such a distance as is necessary to ensure that a person has a clear line of vision from one such post, structure or natural object to the next, but not less than every 1,000 feet ~~and at each corner of the land~~ if the land is used for agricultural purposes or for herding or grazing livestock ~~it~~, or not less than every 200 feet if the land is used for other purposes. In addition, each corner of the land must be similarly marked. This bill also changes existing law, which requires that a post must be painted with not less than 50 square inches of paint and which requires that if the post is a metal fence post, the entire

post must be painted, to provide that only the top 12 inches of any post must be painted, regardless of whether the post is made of wood, metal or other material. Furthermore, this bill requires that each side of all gates, cattle guards and openings that are designed for entry must be painted with fluorescent orange paint.

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

Section 1. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass, ~~is~~ is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by ~~either~~ any of the following methods:

(a) ~~Painting, at~~ If the land is used for agricultural purposes or for herding or grazing livestock, by painting with fluorescent orange paint:

(1) ~~At intervals of not more than~~ [200 feet on each side] ~~1,000 feet and at each corner of the land, upon or near the boundary, not~~ Not less than 50 square inches of the exterior portion of a [post,] structure or natural object [with not less than 50 square inches of fluorescent orange paint or, if the post is a metal fence post, painting the entire post with such paint.] or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material ~~is~~, at:

(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and

(II) Each corner of the land, upon or near the boundary; and

(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area; ~~with fluorescent orange paint;~~

(b) If the land is not used in the manner specified in paragraph (a), by painting with fluorescent orange paint ~~at intervals of not more than 200 feet and at each corner of the land, upon or near the boundary;~~ not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material ~~is~~, at:

(1) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 200 feet; and

*(2) Each corner of the land, upon or near the boundary; or
(c) Fencing the area.*

3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.

4. An entryman on land under the laws of the United States is an owner within the meaning of this section.

5. As used in this section, "fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. *The term does not include a barrier made of barbed wire.*

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 279.

Bill read third time.

Roll call on Assembly Bill No. 279:

YEAS—18.

NAYS—Beers, Cegavske, Heck—3.

Assembly Bill No. 279 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 432.

Bill read third time.

Roll call on Assembly Bill No. 432:

YEAS—21.

NAYS—None.

Assembly Bill No. 432 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 87.

The following Assembly amendment was read:

Amendment No. 650.

"SUMMARY—Provides for audits by Legislative Auditor of entities which are not state agencies but which receive appropriations of ~~public~~ state money. (BDR 17-91)"

"AN ACT relating to legislative audits; providing for audits by the Legislative Auditor of entities which are not state agencies but which receive appropriations of ~~public~~ state money; requiring such an entity, as a

condition of the acceptance of an appropriation, to agree to make available to the Legislative Auditor all records of information that he determines to be necessary to conduct such an audit; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This act requires the Legislative Auditor, as directed by the Legislative Commission, to audit an entity which is not an "agency of this State" as defined in NRS 218.737 but which receives an appropriation of ~~public~~ state money. The audit must examine the use of the ~~public~~ state money by the entity. This act also requires such an entity, as a condition of the acceptance of an appropriation of ~~public~~ state money, to agree to make available to the Legislative Auditor all records of information that the Legislative Auditor determines to be necessary to conduct the audit. Such an audit will be subject to the terms set forth in NRS 218.737 to 218.893, inclusive, governing audits conducted by the Legislative Auditor.

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

Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Legislative Auditor, as directed by the Legislative Commission pursuant to NRS 218.850, shall conduct a special audit of an entity which is not an agency of this State but which receives an appropriation of ~~public~~ state money during any fiscal year. Such an audit must, without limitation, examine the use of the ~~public~~ state money received by the entity.*

2. *As a condition of the acceptance of any appropriation of ~~public~~ state money, an entity which is not an agency of this State must agree to make available to the Legislative Auditor all books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, that the Legislative Auditor determines to be necessary to conduct an audit pursuant to this section.*

Sec. 2. NRS 218.737 is hereby amended to read as follows:

218.737 As used in NRS 218.737 to 218.893, inclusive, and section 1 of this act, "agency of the State" includes all offices, departments, boards, commissions and institutions of the State and the judicial department of the State, but does not include the Legislative Branch of Government.

Sec. 3. NRS 218.850 is hereby amended to read as follows:

218.850 1. Each of the audits provided for in this chapter must be made and concluded as directed by the Legislative Commission and in accordance with the terms of NRS 218.737 to 218.893, inclusive ~~[-]~~, and section 1 of this act.

2. The Legislative Commission shall direct the Legislative Auditor to make any special audit or investigation that in its judgment is proper and necessary to carry out the purpose of this chapter or to assist the Legislature in the proper discharge of its duties.

Sec. 4. This act becomes effective on July 1, 2007.

Senator Cegavske moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 87.

Remarks by Senator Cegavske.

Motion carried.

Bill ordered transmitted to the Assembly.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Concurrent Resolutions Nos. 32, 33, 34, 35, 36, 37, 38, 39.

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 teacher from the John R. Hummel Elementary School: Graciela Banuelos, Lynzee Baptise, Jamie DeShone, Lolybeth Escobar, Mariyah Espinoza, Joseph Frades, Charles Gloria, Jacob Grguric, Grady Jones, Armando Lopez, Johanna Naranjo, Angelica Panes, Bonnie Ramirez, Jasmine Smith, Courtney Strickland, Jacob Tabaczynski, Cody Thompson, Tyler White, Lexington Sharpe, Chasen Wolin, Sierra Harris; chaperones: Christina Eagar, Ronald Eagar, Monica Langlands, Joseph Frades III, Jennifer Espinoza, James Deshone, Lynne Jones, Dawn Sanford, Aolelina Ramirez, Shelly Tabaczynski, Arther Grguric, Jennifer Houser, Niki Wolin, Stephen Wolin and teacher: Christina Eagar.

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones, teachers and principal from the Nate Mack Elementary School: Cameron Andrews, Ignacio Arroyo, Brandon Conchas, Charlie Fisher, Jason Fund, Christina Gewerth, Kayla Glenn, Jay Hannom, Katelyn Haro, Mitchell Herbster, Gabriella Hillenbrand, James Holley, Kamil Kowalski, Nickolas Lademan, Sean Macias, Yamely Miranda, Emma Muth, Paxton Schmidt, Arianna Soto, Talika Taylor, Michel Velazquez, Damaris Acosta, Danielle Allen, Yazmin Arambula, Brittan Bascom, Joan Chavarria, Kelly Cooper, Kody Crooks, Peter Denué, Brandon Ehret, Dustin Freeman, Jacob Guy, Laurent Hebert-Michaud, Taryn Kay, Andrew, Kennedy, Lillian Kester, Benjamin Lee, Ryan McNinch, Kylie Pease, Devyn Pledger, Gladys Rastegari, Jackalynn Smith, Christian Smoot, Cameron Spatt, Alyssa Timpson, Daniel Witoslawski; chaperones: Susan Zannis, Thomas Hannom, Jacqueline Hope, Domenica Hillenbrand, Melanie Schmidt, Nancy Velazquez Soto, Selicia Ward, Jose Velazquez, Gina Allen, Laura Denué, Brigitte Hebert, Daryn Kay, Michael Kennedy, Roberta Lee, Susan Pease, Ross Rastegari, Donald Smith, Dawn Smoot, Maxine Spatt, Laura Timpson, Christina Ehret, Penny Bichsel, James Bichsel; teachers: Janette Rozgay Miller, Penny Bichsel and principal: Nancy Heavey.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to the following students and chaperones

from the David M. Cox Elementary School: Peter Anderson-Hoelzer, Sidney Bellamy, Emma Boyle, Susannah Boyle, Young Chung, Carli Corpodan, Cody Cronic, Raymond Evans, Robert Hawley, Megan Hill, Trevor Hochman, Coryl Jackson, Melanie Jensen, Michael Lesperance, Austin Madrigale, Mike McCallum, Laura McDowell, Nicholas Moran, Connor O'Toole, Jalen Randolph, Ryan Schnitzler, Mackenzie Slater, Claire Nichols, Emily Hodge, Joshua Balum, Adrian Brasi, Matthew Brewer, Rachel Brown, Brooklyn Brown, Nathan Burgener, Israel Caszatt, Logan Duffy, Cole Gerrard, Kaila Hoffman, Matthew Johnson, Mark Lao, Krista Lee, Jessie Kate Leventis, Joey Malvin, Zenette McCoy, Annalise Michlin, Gavin O'Brien, Lauren Pleimann, Sydni Poots, Gabriel Preciado, Aaron Rozenberg, Molly Sharples, Michael Simpson, Blake Wilcox, Mackenzie Wilson, Bianca Zorzi; chaperones: Jamie Hannah, Deanne Bellamy, Consuelo Jensen, Brian Moran, Amy Slater, Abby Corpodan, Tonya Cronic, Cory Jackson, Michelle Hawley, Lori O'Toole, Charmaine Hochman, Teresa Schnitzler, Michael Hodge, Anissa Cole, Nancy Brown, Doug Gerrard, Hallison DeMann, Scott Johnson, Carl Lee, Christina Leventis, Laurie Michlin, Jennifer Pleimann, Lorraine Romero, Sandy Simpson and Melodee Wilcox.

Senator Raggio moved that the Senate adjourn until Wednesday, May 16, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 11:51 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate