

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 27, 2009

Assembly called to order at 12:45 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Christensen and Mortenson, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Eternal God, You are the source of light and peace, and we praise You for giving us blessings far beyond what we deserve. Thank You, for the blessings of freedom and a government that seeks to empower people with liberty. Thank You for blessing us with lawmakers who strive to know what is right and to do it. Thank You, also, for the gift of forgiveness, for You daily meet our need for moral and spiritual renewal. Lord, use these lawmakers today. Show them Your path and teach them Your ways. Keep them so completely under Your rulership that they will do justly, love mercy, and walk humbly with You. Thank You for listening to us and answering our prayer.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bills Nos. 188, 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCUS CONKLIN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 81, 279, 554; Senate Bill No. 435.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 482, Amendment No. 942, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 46, Senate Amendment No. 621, and requests a conference, and appointed Senators Wiener, McGinness and Copening as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 259, Senate Amendment No. 578, and requests a conference, and appointed Senators Parks, Wiener and Washington as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 350, Senate Amendment No. 737, and requests a conference, and appointed Senators Parks, Copening and Washington as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 719 to Senate Bill No. 89; Assembly Amendment No. 718 to Senate Bill No. 184; Assembly Amendment No. 715 to Senate Bill No. 230; Assembly Amendment No. 782 to Senate Bill No. 265; Assembly Amendment No. 784 to Senate Bill No. 310; Assembly Amendment No. 800 to Senate Bill No. 312; Assembly Amendment No. 785 to Senate Bill No. 338; Assembly Amendment No. 786 to Senate Bill No. 355.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 777, 936 to Senate Bill No. 119; Assembly Amendments Nos. 743, 802, 843 to Senate Bill No. 246; Assembly Amendment No. 932 to Senate Bill No. 295.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Care, Copening, and Raggio as a Conference Committee concerning Senate Bill No. 263.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that LAS VEGAS REVIEW JOURNAL: Jason Bean; THE NEVADA SAGEBRUSH: James L. Balagna be accepted as accredited press representatives, and that they be assigned space at the press table in the Assembly Chamber and that they be allowed the use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 435.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 188.

Bill read second time.

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

Amendment No. 910.

AN ACT relating to energy; providing for the establishment of the Solar Thermal Systems Demonstration Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations governing the Demonstration Program; ~~requiring a public utility that supplies natural gas to file with the Commission an annual plan for carrying out the Demonstration Program;~~ providing for rebates to certain participants in the Demonstration Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 17 of this bill requires the Public Utilities Commission of Nevada to establish the Solar Thermal Systems Demonstration Program and to adopt regulations establishing the qualifications that a person must meet to participate in the Demonstration Program.

Section 18 of this bill provides that ~~each year on or before the date established by the Commission,~~ a public utility that supplies natural gas ~~must file with the Commission its annual plan for~~ **may recover its reasonable and prudent costs that are associated with** carrying out and administering the Demonstration Program within its service area.

Section 23 of this bill requires the Commission to adopt regulations that establish program milestones and a rebate program for a participant who installs a solar thermal system and sets forth guidelines for such rebates.

Section 25 of this bill authorizes ~~the Commission~~ **a public utility that supplies natural gas** to withdraw certain participants from the Demonstration Program for noncompliance.

Section 26 of this bill requires the Commission to adopt the regulations required by this bill on or before March 1, 2010. **Section 27** of this bill requires the Commission, on or before July 1, 2012, to submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the Demonstration Program.

WHEREAS, Nevada is heavily dependent on natural gas; and

WHEREAS, Solar thermal systems constitute a large, untapped source for reducing the demand for natural gas in Nevada; and

WHEREAS, Growing demand for solar thermal systems will create jobs in Nevada, promote greater energy independence and protect consumers from rising energy costs; and

WHEREAS, It is in the interest of the State to promote solar thermal systems and other technologies that directly reduce the demand for natural gas in homes, businesses, schools and other governmental buildings; and

WHEREAS, It is the intent of the Legislature to build a mainstream market for solar thermal systems that directly reduces the demand for natural gas in homes, businesses, schools and other governmental buildings through the installation of at least 3,000 solar thermal systems in this State by 2019; and

WHEREAS, It is the intent of the Legislature that incentives for the installation of solar thermal systems should be a cost-effective investment by natural gas customers and that such customers will recoup the cost of their investments through lower prices for natural gas, additional system stability and reduced pollution; now, therefore,

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

Section 1. Chapter 701B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 25, inclusive, of this act.

Sec. 2. *As used in sections 2 to 25, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *"Category" means one of the categories of participants in the Demonstration Program as set forth in section 17 of this act.*

Sec. 5. *"Commission" means the Public Utilities Commission of Nevada.*

Sec. 6. *"Demonstration Program" means the Solar Thermal Systems Demonstration Program established by the Commission pursuant to section 17 of this act.*

Sec. 7. *"Institution of higher education" means:*

1. *A university, college or community college which is privately owned or which is part of the Nevada System of Higher Education; or*

2. *A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.*

Sec. 8. *"Participant" means a person who has been approved by ~~the Commission~~ a utility pursuant to section 17 of this act to participate in the Demonstration Program.*

Sec. 9. *"Person" includes a government, governmental agency or political subdivision of a government.*

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. *"Public and other property" means any real property, building or facility which is owned, leased or occupied by:*

(a) *A public entity;*

(b) *A nonprofit organization that is recognized as exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as amended; or*

(c) *A corporation for public benefit as defined in NRS 82.021.*

2. *The term includes, without limitation, any real property, building or facility which is owned, leased or occupied by:*

(a) *A church; or*

(b) *A benevolent, fraternal or charitable lodge, society or organization.*

3. *The term does not include school property.*

Sec. 12. *"School property" means any real property, building or facility which is owned, leased or occupied by:*

1. *A public school as defined in NRS 385.007;*

2. *A private school as defined in NRS 394.103; or*

3. *An institution of higher education.*

Sec. 13. *"Small business" means a business conducted for profit which employs 500 or fewer full-time or part-time employees.*

Sec. 14. *"Solar thermal system" means a system of related components that uses solar energy to heat water or air and is designed to work as an integral package such that the system is not complete without one of its related components.*

Sec. 15. (Deleted by amendment.)

Sec. 16. *"Utility" means a public utility that supplies natural gas in this State.*

Sec. 17. *1. The Commission shall establish the Solar Thermal Systems Demonstration Program to carry out the intent of the Legislature to promote the installation of at least 3,000 solar thermal systems in homes, businesses, schools and other governmental buildings throughout this State by 2019.*

2. The Demonstration Program must have four categories of participants as follows:

- (a) School property;*
- (b) Public and other property;*
- (c) Private residential property; and*
- (d) Small business property.*

3. To be eligible to participate in the Demonstration Program, a person must:

(a) Apply to ~~the Commission~~ a utility on a form prescribed by the Commission;

(b) Meet the qualifications established pursuant to subsection 5 and be approved by the ~~Commission~~ utility;

(c) When installing a solar thermal system, use an installer who has been issued a classification C-1 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(d) If the person participates in the category of school property or public and other property, provide for the public display of the solar thermal system, including, without limitation, providing for public demonstrations of the solar thermal system and for hands-on experience of the solar thermal system by the public.

4. The ~~Commission~~ utility shall notify each applicant who is approved to participate in the Demonstration Program not later than 10 days after the approval.

5. The Commission shall adopt regulations which must include, without limitation, provisions which:

(a) Establish the qualifications an applicant must meet to qualify to participate in the Demonstration Program.

(b) Establish specifications for the design, installation, energy output and displacement standards of the solar thermal systems that qualify for the Demonstration Program.

(c) Require that the components of any solar thermal system be new and unused.

(d) Require that any solar thermal collector have a warranty against defects and undue degradation of not less than 10 years.

(e) Require that a solar thermal system be installed in a building which is connected to the existing distribution system of a utility in this State.

(f) *Require that a solar thermal system have a meter or other measuring device installed to monitor and measure the performance of the system and the quantity of energy generated or displaced by the system.*

(g) *Require that a solar thermal system be installed in conformity with the manufacturer's specifications and all applicable codes and standards.*

(h) *Establish siting and installation requirements for solar thermal systems to ensure efficient and appropriate installation and to promote maximized performance of such systems.*

6. *As used in this section, "applicant" means a person who applies to the ~~Commission~~ utility to participate in the Demonstration Program.*

~~Sec. 18. 1. Each year on or before a date established by the Commission, each utility in this State shall file with the Commission the annual plan of the utility for carrying out and administering the Demonstration Program within its service area.~~

~~2. The Commission shall:~~

~~(a) Adopt regulations governing the annual plans of utilities;~~

~~(b) Review the annual plan filed by a utility to determine whether the utility has complied with the regulations; and~~

~~(c) Approve the annual plan with such modifications and upon such terms and conditions as the Commission determines necessary or appropriate to facilitate the Demonstration Program.~~

~~3. A utility shall carry out and administer the Demonstration Program within its service area in accordance with the annual plan approved by the Commission.~~

~~4. A utility may recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Demonstration Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.~~

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. 1. *The Commission shall adopt regulations establishing program milestones and a rebate program for a participant who installs a solar thermal system. The rebates provided by the Commission must:*

(a) Decline over time as the program milestones are reached;

(b) Be structured to reduce the cost of solar thermal systems; and

(c) Be based on the actual energy savings or predicted energy savings of the solar thermal system as determined by the Commission.

2. *The regulations must require that to be eligible for a rebate pursuant to the Demonstration Program, a solar thermal system must have received an OG-300 performance certification from the Solar Rating and Certification Corporation.*

3. In determining the amount of the rebates provided through the Demonstration Program, the Commission shall consider any federal tax credits and other incentives available to participants.

Sec. 24. (Deleted by amendment.)

Sec. 25. **1. Except as otherwise provided in this section, if ~~the Commission~~ a utility determines that a participant has not complied with the requirements for participation in the Demonstration Program, the ~~Commission~~ utility shall, after notice, ~~and an opportunity for a hearing,~~ withdraw the participant from the Demonstration Program.**

2. The ~~Commission~~ utility may, without notice, ~~for an opportunity for a hearing,~~ withdraw from the Demonstration Program:

(a) A participant in the category of private residential property and small business property if the participant does not complete the installation of a solar thermal system within 12 months after the date the participant receives notice of his approval to participate in the Demonstration Program.

(b) A participant in the category of school property or public and other property if the participant does not complete the installation of a solar thermal system within 30 months after the date the participant receives notice of his approval to participate in the Demonstration Program.

3. A participant who is withdrawn from the Demonstration Program pursuant to subsection 2 forfeits any rebates provided by sections 2 to 25, inclusive, of this act.

Sec. 26. On or before March 1, 2010, the Public Utilities Commission of Nevada shall adopt the regulations required by sections 17 and 23 of this act.

Sec. 27. On or before July 1, 2012, the Public Utilities Commission of Nevada shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the Solar Thermal Systems Demonstration Program which must include, without limitation:

1. An explanation of the criteria used by the Commission to determine the amount of the rebates provided pursuant to the Demonstration Program;

2. A statement of the anticipated benefits of the Demonstration Program; and

3. Any recommendations concerning the Demonstration Program.

Sec. 28. This act becomes effective on July 1, 2009.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 395.

Bill read second time.

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

Amendment No. 909.

AN ACT relating to governmental administration; revising provisions governing the issuance of certain permits by the Public Utilities Commission of Nevada pursuant to the Utility Environmental Protection Act; altering the composition of the Commission on Economic Development; requiring the Chief of the Purchasing Division of the Department of Administration to adopt regulations establishing standards for the procurement of certain appliances, equipment, lighting and other devices; requiring the State Public Works Board to adopt certain standards concerning the efficient use of water and energy; requiring licensed vehicle dealers to provide certain information concerning vehicle emissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill alters the definition of "utility facility," as that term is used in the Utility Environmental Protection Act which provides for the issuance of permits for the construction of utility facilities, to require a nameplate capacity of not more than 70 megawatts rather than a generating capacity of not more than 35 megawatts.

Section 5 of this bill exempts certain ~~renewable energy~~ **utility** facilities from certain findings that are a condition precedent to permitting under the Utility Environmental Protection Act.

Sections 6 and 24 of this bill alter the composition of the Commission on Economic Development to require that at least two of the appointed members be from counties whose population is less than 100,000. (NRS 231.040)

Section 8 of this bill requires the Chief of the Purchasing Division of the Department of Administration to adopt regulations establishing standards favoring the procurement of appliances, equipment, lighting and other devices that bear the "Energy Star" label or meet other requirements prescribed by federal law unless to do so would not be cost-effective.

Section 10 of this bill requires the State Public Works Board to adopt standards and performance guidelines concerning the efficient use of water and energy.

Section 18 of this bill requires vehicle dealers in Nevada, beginning on January 1, 2010, to provide upon request a disclosure of the estimated carbon dioxide emissions of each new vehicle offered for sale, if such information is available.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except:

(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or

(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a ~~generating~~ **nameplate** capacity of not more than ~~35~~ **70** megawatts, including, without limitation, a net metering system, as defined in NRS 704.771.

↪ As used in this subsection, “associated facilities” includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

(a) Any incorporated city; and

(b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 5. NRS 704.890 is hereby amended to read as follows:

704.890 1. Except as otherwise provided in subsection 3, the Commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the Commission, to a person unless it finds and determines:

(a) The nature of the probable effect on the environment;

(b) ~~[The] [Except with respect to a renewable energy]~~ **If the utility facility that is built in Nevada pursuant to NRS 704.820 to 704.900, inclusive, and emits greenhouse gases ~~+~~ and does not use renewable energy as its primary source of energy to generate electricity, the** extent to which the facility is needed to ensure reliable utility service to customers in this State;

(c) That the need for the facility balances any adverse effect on the environment;

(d) That the facility represents the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives;

(e) That the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder and the applicant has obtained, or is in the process of obtaining, all other permits, licenses and

approvals required by federal, state and local statutes, regulations and ordinances; and

(f) That the facility will serve the public interest.

2. If the Commission determines that the location of all or a part of the proposed facility should be modified, it may condition its permit upon such a modification. If the applicant has not obtained all the other permits, licenses and approvals required by federal, state and local statutes, regulations and ordinances as of the date on which the Commission decides to issue a permit, the Commission shall condition its permit upon the applicant obtaining those permits and approvals.

3. The requirements set forth in paragraph (f) of subsection 1 do not apply to any application for a permit which is filed by a state government or political subdivision thereof.

4. As used in this section, “renewable energy” has the meaning ascribed to it in NRS 704.7811.

Sec. 6. NRS 231.040 is hereby amended to read as follows:

231.040 1. The Commission on Economic Development is composed of the Lieutenant Governor, who is its Chairman, and six members who are appointed by the Governor.

2. The Governor shall appoint as members of the Commission persons who ***are residents of Nevada and who*** have proven experience in economic development which was acquired by them while engaged in finance, manufacturing, mining, agriculture, the field of transportation, or in general business other than tourism or gaming.

3. The Governor shall appoint ~~fat~~ ***to the Commission:***

(a) ***At least one member who is a resident of*** ~~F~~

~~(a)~~ ***Clark County.***

(b) ***At least one member who is a resident of*** Washoe County.

(c) ~~[A county]~~ ***At least two members who are residents of counties*** whose population is ~~[50,000 or less.]~~ ***less than 100,000.***

Sec. 7. (Deleted by amendment.)

Sec. 8. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief shall adopt regulations which set forth standards to be used by using agencies when purchasing new appliances, equipment, lighting and other devices that use electricity, natural gas, propane or oil. Except as otherwise provided in subsection 2, the standards must require that such new appliances, equipment, lighting and other devices have received the Energy Star label pursuant to the program established pursuant to 42 U.S.C. § 6294a, or its successor, or meet the requirements established pursuant to 48 C.F.R. § 23.203.

2. The standards described in subsection 1 do not apply insofar as:

(a) ***No items in a given class of appliances, equipment, lighting or other devices have been evaluated to determine whether they are eligible to receive the Energy Star label or have been designated by the Federal***

Government to meet the requirements established pursuant to 48 C.F.R. § 23.203; or

(b) The purchase of new appliances, equipment, lighting or other devices that have received the Energy Star label would not be cost-effective in an individual instance, comparing the cost of the item to the cost of the amount of energy that will be saved over the useful life of the item.

Sec. 9. NRS 333.340 is hereby amended to read as follows:

333.340 1. Every contract or order for goods must be awarded to the lowest responsible bidder. To determine the lowest responsible bidder, the Chief:

(a) Shall consider, if applicable ~~[, the]~~ :

(1) *The* imposition of the inverse preference described in NRS 333.336.

(2) *The required standards adopted pursuant to section 8 of this act.*

(b) May consider:

(1) The location of the using agency to be supplied.

(2) The qualities of the articles to be supplied.

(3) The total cost of ownership of the articles to be supplied.

(4) Except as otherwise provided in subparagraph (5), the conformity of the articles to be supplied with the specifications.

(5) If the articles are an alternative to the articles listed in the original request for bids, whether the advertisement for bids included a statement that bids for an alternative article will be considered if:

(I) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(II) The purchase of the alternative article results in a lower price; and

(III) The Chief deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(6) The purposes for which the articles to be supplied are required.

(7) The dates of delivery of the articles to be supplied.

2. If a contract or an order is not awarded to the lowest bidder, the Chief shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him.

3. As used in this section, "total cost of ownership" includes, but is not limited to:

(a) The history of maintenance or repair of the articles;

(b) The cost of routine maintenance and repair of the articles;

(c) Any warranties provided in connection with the articles;

(d) The cost of replacement parts for the articles; and

(e) The value of the articles as used articles when given in trade on a subsequent purchase.

Sec. 10. Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of the design and construction of buildings or other projects of this State, the Board shall adopt by regulation:

(a) Standards for the efficient use of water.

(b) Standards for the efficient use of energy, including, without limitation, the use of sources of renewable energy.

(c) Performance guidelines for new, remodeled and renovated buildings.

(d) Performance guidelines for retrofit projects, including, without limitation, guidelines for:

(1) Energy consumption.

(2) The use of potable water.

(3) The use of water for purposes relating to landscaping.

(4) The disposal of solid waste.

2. The standards and performance guidelines adopted in accordance with subsection 1 must include a mechanism for their evaluation and revision to ensure that such standards and guidelines:

(a) Are cost-effective over the life of the applicable project.

(b) Produce certain threshold levels of cost savings.

3. In adopting the standards and performance guidelines pursuant to subsection 1, the Board may consider, without limitation:

(a) The Leadership in Energy and Environmental Design Green Building Rating System established by the U.S. Green Building Council or its successor;

(b) The Green Globes assessment and rating system developed by the Green Building Initiative or its successor;

(c) The standards established by the United States Environmental Protection Agency pursuant to the Energy Star Program;

(d) The standards established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers or its successor;

(e) The criteria established pursuant to the Federal Energy Management Program established by the United States Department of Energy; and

(f) The criteria established by the International Energy Conservation Code.

4. The regulations adopted pursuant to this section must include provisions for their enforcement.

5. As used in this section, “renewable energy” has the meaning ascribed to it in NRS 701A.220.

Sec. 11. NRS 341.119 is hereby amended to read as follows:

341.119 1. Upon the request of the head of a state agency, the Board may delegate to that agency any of the authority granted the Board pursuant to NRS 341.141 to 341.148, inclusive [–], *and section 10 of this act.*

2. This section does not limit any of the authority of the Legislature when the Legislature is in regular or special session or the Interim Finance Committee when the Legislature is not in regular or special session to consult with the Board concerning a construction project or to approve the advance planning of a project.

Sec. 12. NRS 341.153 is hereby amended to read as follows:

341.153 1. The Legislature hereby finds as facts:

(a) That the construction of public buildings is a specialized field requiring for its successful accomplishment a high degree of skill and experience not ordinarily acquired by public officers and employees whose primary duty lies in some other field.

(b) That this construction involves the expenditure of large amounts of public money which, whatever their particular constitutional, statutory or governmental source, involve a public trust.

(c) That the application by state agencies of conflicting standards of performance results in wasteful delays and increased costs in the performance of public works.

2. The Legislature therefore declares it to be the policy of this State that all construction of buildings upon property of the State or held in trust for any division of the State Government be supervised by, and final authority for its completion and acceptance vested in, the Board as provided in NRS 341.141 to 341.148, inclusive ~~[]~~, **and section 10 of this act.**

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

Every vehicle dealer licensed in this State shall, upon request, provide to any person a written statement setting forth the estimated amount of carbon dioxide that is emitted by each new vehicle that the vehicle dealer offers for sale, unless the information concerning the emissions for that vehicle is unavailable.

Sec. 19. NRS 482.36414 is hereby amended to read as follows:

482.36414 A person who assumes operation of a franchise pursuant to NRS 482.36396 to 482.36414, inclusive, must be licensed as a dealer pursuant to the provisions of NRS 482.318 to 482.363, inclusive ~~[]~~, **and section 18 of this act.**

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 22.5. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. As soon as practicable after July 1, 2009, the Governor shall appoint to the Commission on Economic Development any new members required to be appointed to the Commission pursuant to NRS 231.040, as amended by section 6 of this act.

Sec. 25. 1. This section and sections 1 to 17, inclusive, and 20 to 24, inclusive, of this act become effective on July 1, 2009.

2. Sections 18 and 19 of this act become effective on January 1, 2010.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Ohrenschall, Parnell, and Hambrick as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 46.

Madam Speaker appointed Assemblymen Horne, Dondero Loop, and Carpenter as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 259.

Madam Speaker appointed Assemblymen Segerblom, Kihuen, and Hambrick as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 350.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that the action whereby Senate Bill No. 435 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Ocegüera moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill 435 considered engrossed, declared an emergency measure under the *Constitution* and placed on third reading and final passage.

Assemblyman Ocegüera moved that all rules be suspended and the Assembly dispense with the reprinting of Senate Bills Nos. 188 and 395.

Motion carried.

Assemblyman Ocegüera moved that all rules be suspended and that Senate Bills Nos. 188 and 395 be declared emergency measures under the *Constitution* and that they be placed on General File for third reading and final passage.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 395 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 435

Bill read third time.

Remarks by Assemblyman Anderson.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 435 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 188.

Bill read third time.

Potential conflict of interest declared by Assemblyman Denis.

Roll call on Senate Bill No. 188:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Mortenson—2.

Senate Bill No. 188 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 478.

The following Senate amendment was read:

Amendment No. 798.

AN ACT relating to governmental administration; revising provisions relating to certain housing authorities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Housing Authorities Law of 1947. (NRS 315.140-315.780) In relevant part, under the provisions of this Law, each county, city and town of the State has a housing authority which is a municipal corporation and which is presided over by five commissioners. (NRS 315.320, 315.370) The housing authorities governed by this Law exist primarily to ensure that veterans and persons of low income are able to find safe and sanitary housing at affordable prices. (NRS 315.330, 315.340, 315.440, 315.460, 315.510)

This bill, in a county whose population is 400,000 or more (currently Clark County), allows two or more (housing) authorities to form a regional (housing) authority. Such a regional authority is created by a resolution agreed to between or among, as applicable, the governing bodies of the local governments that desire to participate in the regional authority. A regional authority has the same powers and duties as a regular authority, except on an expanded geographic scale. ~~[A regional authority also has the authority to repeal local laws, ordinances and regulations that are in conflict with each other.]~~ Upon the formation of a regional authority, the individual authorities of the county and the cities participating in the regional authority ~~are dissolved.]~~ **must begin the process of dissolution.**

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

Section 1. Chapter 315 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"Regional authority" means an authority formed pursuant to section 3 of this act.*

Sec. 3. 1. *In a county whose population is 400,000 or more, any two or more authorities may form a regional authority.*

2. *To form a regional authority as described in subsection 1, the governing body of the county and the governing body of each city and town located within the county that desires to participate in the regional authority shall adopt a resolution setting forth:*

(a) *The intent to regionalize some or all of their powers;*

(b) *A reference to the development of a plan for transitioning to a regional authority;*

(c) *The geographic scope of the regional authority; and*

(d) ~~*That, upon the formation of the regional authority, any individual authorities of the local governments who form the regional authority are dissolved; and*~~

~~*Such other matters as the governing bodies determine to be necessary or advisable.*~~

3. *If the formation of a regional authority pursuant to this section involves fiscal matters, the ownership of real property or the consolidation of functions, the governing bodies who form the regional authority shall, in consultation with the United States Department of Housing and Urban Development, resolve such matters ~~must be resolved~~ by written contract, agreement or other arrangement entered into by ~~the~~ those governing bodies ~~who form the regional authority.~~*

Sec. 3.5. *Upon the adoption of a resolution pursuant to section 3 of this act forming a regional authority, the dissolution of any individual authorities of the local governments who form the regional authority must be begun.*

Sec. 4. 1. *Upon the adoption of a resolution pursuant to section 3 of this act forming a regional authority, nine persons must be appointed to serve as commissioners of the authority as follows:*

(a) *The governing body of the county shall appoint two persons to serve as commissioners of the authority;*

(b) *The governing body of the largest city in the county shall appoint two persons to serve as commissioners of the authority;*

(c) *The governing body of the second largest city in the county shall appoint two persons to serve as commissioners of the authority;*

(d) *The governing body of the third largest city in the county shall appoint two persons to serve as commissioners of the authority; and*

(e) One commissioner who serves on behalf of tenants must be selected as described in subsection 3.

~~None of the persons appointed to serve as commissioners of the authority may be elected officials of any governmental entity.~~

2. Six of the commissioners who are first appointed pursuant to subsection 1 must be designated to serve for terms of 1, 2 and 3 years, respectively, from the date of their appointment, and three must be designated to serve for terms of 4 years from the date of their appointment, but thereafter commissioners must be appointed for a term of office of 4 years. The persons appointed initially to serve as commissioners pursuant to subsection 1 shall determine by lot whether they are designated pursuant to this subsection to serve for a term of 1 year, 2 years, 3 years or 4 years.

3. The commissioner who serves on behalf of tenants must be a current recipient of assistance from the authority who was selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects. If no such organization exists, the commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority. Thereafter, at least one commissioner must be such a recipient who was nominated and appointed in the same manner. If, during his term, the commissioner ceases to be a recipient of assistance, he must be replaced in the manner set forth in this subsection by a person who is a recipient of assistance.

4. In making the appointments described in subsection 1, the relevant local governments shall seek recommendations for appointment from a diverse background of interests with a view toward:

(a) Balancing gender and ethnicity; and
(b) Soliciting appointees who have experience in fields such as, without limitation:

- (1) Real estate;*
- (2) Financial planning;*
- (3) Legal aid;*
- (4) Education;*
- (5) Public safety;*
- (6) The provision of public services; and*
- (7) The assistance of persons of low income.*

5. All vacancies must be filled for the unexpired term.

Sec. 5. A regional authority may, in addition to exercising the powers set forth in NRS 315.440 and 315.460 and any other relevant provisions of this chapter:

~~1. Repeal conflicting local laws, ordinances and regulations.~~
~~2.~~ *Jointly, or with another authority, exercise any powers, privileges and rights that are exercised or capable of being exercised by a local housing agency of this State; and*

~~§ 2.~~ ***2. Exercise such other powers as the governing bodies of the local governments that formed the regional authority may agree upon.***

Sec. 6. A regional authority may not request a reservation or nomination of land from the Bureau of Land Management unless the governing body of the jurisdiction within which the applicable land of the Bureau is located adopts a resolution of approval.

Sec. 7. NRS 315.021 is hereby amended to read as follows:

315.021 As used in NRS 315.021 to 315.071, inclusive, unless the context otherwise requires:

1. "Housing authority" means a housing authority created pursuant to this chapter. ***The term includes a regional authority formed pursuant to section 3 of this act.***

2. "Landlord" means a person who owns or manages any premises that he rents or leases to a tenant pursuant to a contract with a housing authority.

3. "Premises" means a particular apartment or other residential unit of public housing occupied by a tenant, or a residential unit that is occupied by a tenant pursuant to a federally assisted housing program administered by a housing authority.

4. "Public housing" means the residential accommodations operated by a housing authority or a landlord.

Sec. 8. NRS 315.140 is hereby amended to read as follows:

315.140 NRS 315.140 to 315.780, inclusive, ***and sections 2 to 6, inclusive, of this act*** may be referred to as the Housing Authorities Law of 1947.

Sec. 9. NRS 315.150 is hereby amended to read as follows:

315.150 Unless the context otherwise requires, the definitions contained in NRS 315.160 to 315.300, inclusive, ***and section 2 of this act*** govern the construction of NRS 315.140 to 315.780, inclusive ~~§~~, ***and sections 2 to 6, inclusive, of this act.***

Sec. 10. NRS 315.160 is hereby amended to read as follows:

315.160 1. In the case of an authority of a city or town, "area of operation" shall include such city or town and the area within 5 miles of the territorial boundaries thereof; but the area of operation of an authority of any city or town shall not include any area which lies within the territorial boundaries of some other city or town as herein defined, unless a resolution shall have been adopted by the governing body of such other city or town (and by any authority which shall have been theretofore established and authorized to exercise its powers in such city or town) declaring that there is a need for such authority to exercise its powers within that city or town.

2. In the case of an authority of a county, "area of operation" shall include all of the county for which it is created; but a county authority shall not undertake any housing project or projects within the boundaries of any city or town, as herein defined, unless a resolution shall have been adopted by the governing body of such city or town (and by any authority which shall have been theretofore established and authorized to exercise its powers in

such city or town) declaring that there is a need for the county authority to exercise its powers within such city or town.

3. In the case of a regional authority, "area of operation" shall include:

(a) All of the territory within the geographic scope of the regional authority, as referred to in paragraph (c) of subsection 2 of section 3 of this act; and

(b) Any other territory regarding which the regional authority and another authority agree to exercise joint power or control.

Sec. 11. NRS 315.170 is hereby amended to read as follows:

315.170 "Authority" means any of the public corporations created or authorized to be created by NRS 315.140 to 315.780, inclusive, **and sections 2 to 6, inclusive, of this act** and any housing authority established and operating prior to July 1, 1975, under the provisions of the Housing Authorities Law of 1943 or the Housing Law of 1951. **The term includes a regional authority.**

Sec. 12. NRS 315.380 is hereby amended to read as follows:

315.380 **I.** An authority shall select a chairman and a vice chairman from its commissioners.

2. For the purpose of managing a regional authority, the commissioners of the regional authority shall initially select an executive director by way of a competitive, open and public process. Thereafter, the selection of an executive director must be made as determined by the commissioners of the regional authority to be in the best interests of the authority.

Sec. 13. NRS 315.435 is hereby amended to read as follows:

315.435 Except as otherwise provided in NRS 315.9835, a housing authority shall not operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein. **For the purposes of this section, the formation of a regional authority pursuant to section 3 of this act shall be deemed to constitute consent by resolution of the authority of any participating local governmental entity.**

Sec. 14. NRS 315.440 is hereby amended to read as follows:

315.440 Within its area of operation, an authority may:

1. Prepare, carry out and operate housing projects and provide for the construction, reconstruction, improvement, extension, alteration, or repair of any such project or any part thereof.

2. Determine where there is unsafe, insanitary or overcrowded housing.

3. Make studies and recommendations relating to the problem of eliminating unsafe, insanitary or overcrowded housing.

4. Cooperate with the city, the county, the State, or any political subdivision thereof in action taken in connection with such problems.

5. If it is a regional authority, work cooperatively with the relevant local jurisdictions concerning new developments or housing projects, or

both. The relevant local jurisdictions with which a regional authority works cooperatively concerning new developments or housing projects, or both, shall provide to the regional authority such support and assistance as the regional authority may require.

Sec. 15. As soon as practicable after July 1, 2009, and after the adoption of a resolution pursuant to section 3 of this act, the governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas shall appoint the commissioners described in section 4 of this act.

Sec. 15.5. If the governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas adopt a resolution pursuant to section 3 of this act, the dissolution required to be begun pursuant to section 3.5 of this act must be completed not later than January 1, 2010.

Sec. 16. 1. This section and sections 1 to ~~5~~ **11**, inclusive, and ~~7 to 15~~ **13 to 15.5**, inclusive, of this act become effective ~~on July 1, 2009~~ **upon passage and approval.**

2. Section ~~6~~ **12** of this act becomes effective on January 1, 2010.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 798 to Assembly Bill No. 478.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

The following Senate amendment was read:

Amendment No. 882.

AN ACT relating to governmental administration; revising provisions relating to certain housing authorities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Housing Authorities Law of 1947. (NRS 315.140-315.780) In relevant part, under the provisions of this Law, each county, city and town of the State has a housing authority which is a municipal corporation and which is presided over by five commissioners. (NRS 315.320, 315.370) The housing authorities governed by this Law exist primarily to ensure that veterans and persons of low income are able to find safe and sanitary housing at affordable prices. (NRS 315.330, 315.340, 315.440, 315.460, 315.510)

This bill, in a county whose population is 400,000 or more (currently Clark County), allows two or more (housing) authorities to form a regional (housing) authority. Such a regional authority is created by a resolution agreed to between or among, as applicable, the governing bodies of the local governments that desire to participate in the regional authority. A regional authority has the same powers and duties as a regular authority, except on an expanded geographic scale. Upon the formation of a regional authority, the individual authorities of the county and the cities participating in the regional authority must begin the process of dissolution.

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

Section 1. Chapter 315 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"Regional authority" means an authority formed pursuant to section 3 of this act.*

Sec. 3. 1. *In a county whose population is 400,000 or more, any two or more authorities may form a regional authority.*

2. *To form a regional authority as described in subsection 1, the governing body of the county and the governing body of each city and town located within the county that desires to participate in the regional authority shall adopt a resolution setting forth:*

(a) The intent to regionalize some or all of their powers;

(b) A reference to the development of a plan for transitioning to a regional authority;

(c) The geographic scope of the regional authority; and

(d) Such other matters as the governing bodies determine to be necessary or advisable.

3. *If the formation of a regional authority pursuant to this section involves fiscal matters, the ownership of real property or the consolidation of functions, the governing bodies who form the regional authority shall, in consultation with the United States Department of Housing and Urban Development, resolve such matters by written contract, agreement or other arrangement entered into by those governing bodies.*

Sec. 3.5. *Upon the adoption of a resolution pursuant to section 3 of this act forming a regional authority, the dissolution of any individual authorities of the local governments who form the regional authority must be begun.*

Sec. 4. 1. *Upon the adoption of a resolution pursuant to section 3 of this act forming a regional authority, nine persons must be appointed to serve as commissioners of the authority as follows:*

(a) The governing body of the county shall appoint two persons to serve as commissioners of the authority;

(b) The governing body of the largest city in the county shall appoint two persons to serve as commissioners of the authority;

(c) The governing body of the second largest city in the county shall appoint two persons to serve as commissioners of the authority;

(d) The governing body of the third largest city in the county shall appoint two persons to serve as commissioners of the authority; and

(e) One commissioner who serves on behalf of tenants must be selected as described in subsection 3.

None of the persons appointed to serve as commissioners of the authority may be elected officials of any governmental entity.

2. Six of the commissioners who are first appointed pursuant to subsection 1 must be designated to serve for terms of 1, 2 and 3 years, respectively, from the date of their appointment, and three must be designated to serve for terms of 4 years from the date of their appointment, but thereafter commissioners must be appointed for a term of office of 4 years. The persons appointed initially to serve as commissioners pursuant to subsection 1 shall determine by lot whether they are designated pursuant to this subsection to serve for a term of 1 year, 2 years, 3 years or 4 years.

3. The commissioner who serves on behalf of tenants must be a current recipient of assistance from the authority who was selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects. If no such organization exists, the commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority. Thereafter, at least one commissioner must be such a recipient who was nominated and appointed in the same manner. If, during his term, the commissioner ceases to be a recipient of assistance, he must be replaced in the manner set forth in this subsection by a person who is a recipient of assistance.

4. In making the appointments described in subsection 1, the relevant local governments shall seek recommendations for appointment from a diverse background of interests with a view toward:

(a) Balancing gender and ethnicity; and
(b) Soliciting appointees who have experience in fields such as, without limitation:

- (1) Real estate;
- (2) Financial planning;
- (3) Legal aid;
- (4) Education;
- (5) Public safety;
- (6) The provision of public services; and
- (7) The assistance of persons of low income.

5. All vacancies must be filled for the unexpired term.

Sec. 5. A regional authority may, in addition to exercising the powers set forth in NRS 315.440 and 315.460 and any other relevant provisions of this chapter:

1. Jointly, or with another authority, exercise any powers, privileges and rights that are exercised or capable of being exercised by a local housing agency of this State; and

2. Exercise such other powers as the governing bodies of the local governments that formed the regional authority may agree upon.

Sec. 6. A regional authority may not request a reservation or nomination of land from the Bureau of Land Management unless the governing body of the jurisdiction within which the applicable land of the Bureau is located adopts a resolution of approval.

Sec. 7. NRS 315.021 is hereby amended to read as follows:

315.021 As used in NRS 315.021 to 315.071, inclusive, unless the context otherwise requires:

1. "Housing authority" means a housing authority created pursuant to this chapter. ***The term includes a regional authority formed pursuant to section 3 of this act.***

2. "Landlord" means a person who owns or manages any premises that he rents or leases to a tenant pursuant to a contract with a housing authority.

3. "Premises" means a particular apartment or other residential unit of public housing occupied by a tenant, or a residential unit that is occupied by a tenant pursuant to a federally assisted housing program administered by a housing authority.

4. "Public housing" means the residential accommodations operated by a housing authority or a landlord.

Sec. 8. NRS 315.140 is hereby amended to read as follows:

315.140 NRS 315.140 to 315.780, inclusive, ***and sections 2 to 6, inclusive, of this act*** may be referred to as the Housing Authorities Law of 1947.

Sec. 9. NRS 315.150 is hereby amended to read as follows:

315.150 Unless the context otherwise requires, the definitions contained in NRS 315.160 to 315.300, inclusive, ***and section 2 of this act*** govern the construction of NRS 315.140 to 315.780, inclusive ~~[]~~, ***and sections 2 to 6, inclusive, of this act.***

Sec. 10. NRS 315.160 is hereby amended to read as follows:

315.160 1. In the case of an authority of a city or town, "area of operation" shall include such city or town and the area within 5 miles of the territorial boundaries thereof; but the area of operation of an authority of any city or town shall not include any area which lies within the territorial boundaries of some other city or town as herein defined, unless a resolution shall have been adopted by the governing body of such other city or town (and by any authority which shall have been theretofore established and authorized to exercise its powers in such city or town) declaring that there is a need for such authority to exercise its powers within that city or town.

2. In the case of an authority of a county, "area of operation" shall include all of the county for which it is created; but a county authority shall not undertake any housing project or projects within the boundaries of any city or town, as herein defined, unless a resolution shall have been adopted by the governing body of such city or town (and by any authority which shall have been theretofore established and authorized to exercise its powers in such city or town) declaring that there is a need for the county authority to exercise its powers within such city or town.

3. ***In the case of a regional authority, "area of operation" shall include:***

(a) All of the territory within the geographic scope of the regional authority, as referred to in paragraph (c) of subsection 2 of section 3 of this act; and

(b) Any other territory regarding which the regional authority and another authority agree to exercise joint power or control.

Sec. 11. NRS 315.170 is hereby amended to read as follows:

315.170 "Authority" means any of the public corporations created or authorized to be created by NRS 315.140 to 315.780, inclusive, **and sections 2 to 6, inclusive, of this act** and any housing authority established and operating prior to July 1, 1975, under the provisions of the Housing Authorities Law of 1943 or the Housing Law of 1951. **The term includes a regional authority.**

Sec. 12. NRS 315.380 is hereby amended to read as follows:

315.380 **1.** An authority shall select a chairman and a vice chairman from its commissioners.

2. For the purpose of managing a regional authority, the commissioners of the regional authority shall initially select an executive director by way of a competitive, open and public process. Thereafter, the selection of an executive director must be made as determined by the commissioners of the regional authority to be in the best interests of the authority.

Sec. 13. NRS 315.435 is hereby amended to read as follows:

315.435 Except as otherwise provided in NRS 315.9835, a housing authority shall not operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein. **For the purposes of this section, the formation of a regional authority pursuant to section 3 of this act shall be deemed to constitute consent by resolution of the authority of any participating local governmental entity.**

Sec. 14. NRS 315.440 is hereby amended to read as follows:

315.440 Within its area of operation, an authority may:

1. Prepare, carry out and operate housing projects and provide for the construction, reconstruction, improvement, extension, alteration, or repair of any such project or any part thereof.

2. Determine where there is unsafe, insanitary or overcrowded housing.

3. Make studies and recommendations relating to the problem of eliminating unsafe, insanitary or overcrowded housing.

4. Cooperate with the city, the county, the State, or any political subdivision thereof in action taken in connection with such problems.

5. If it is a regional authority, work cooperatively with the relevant local jurisdictions concerning new developments or housing projects, or both. The relevant local jurisdictions with which a regional authority works cooperatively concerning new developments or housing projects, or both, shall provide to the regional authority such support and assistance as the regional authority may require.

Sec. 15. As soon as practicable after July 1, 2009, and after the adoption of a resolution pursuant to section 3 of this act, the governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas shall appoint the commissioners described in section 4 of this act.

Sec. 15.5. If the governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas adopt a resolution pursuant to section 3 of this act, the dissolution required to be begun pursuant to section 3.5 of this act must be completed not later than January 1, 2010.

Sec. 16. 1. This section and sections 1 to 11, inclusive, and 13 to 15.5, inclusive, of this act become effective upon passage and approval.

2. Section 12 of this act becomes effective on January 1, 2010.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 882 to Assembly Bill No. 478.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 483.

The following Senate amendment was read:

Amendment No. 710.

AN ACT relating to public works; revising the provisions governing the terms of certain contracts between public bodies and certain design professionals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes mandatory, optional and prohibited provisions in a contract for the provision of services in connection with a public work entered into between a public body and a design professional who is not a member of a design-build team. (NRS 338.155) This bill clarifies the extent of the obligation of a design professional to defend, indemnify and hold harmless a public body against liabilities, damages, losses, claims, actions or proceedings that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design professional or his employees or agents in the performance of the contract. **This bill also provides that any provision in such a contract that conflicts with certain requirements and prohibitions concerning such contracts is void.**

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

Section 1. NRS 338.155 is hereby amended to read as follows:

338.155 **1.** If a public body enters into a contract with a design professional who is not a member of a design-build team, for the provision of services in connection with a public work, the contract:

~~1.~~ **(a)** Must set forth:

~~1(a)~~ (1) The specific period within which the public body must pay the design professional.

~~1(b)~~ (2) The specific period and manner in which the public body may dispute a payment or portion thereof that the design professional alleges is due.

~~1(c)~~ (3) The terms of any penalty that will be imposed upon the public body if the public body fails to pay the design professional within the specific period set forth in the contract pursuant to ~~paragraph (a)~~

~~(d)~~ subparagraph (1).

(4) That the prevailing party in an action to enforce the contract is entitled to reasonable attorney's fees and costs.

~~2~~ (b) May set forth the terms of any discount that the public body will receive if the public body pays the design professional within the specific period set forth in the contract pursuant to subparagraph (1) of paragraph (a) ~~of subsection 1~~.

~~3~~ (c) May set forth the terms by which the design professional agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design professional, if the policy allows such an addition.

~~4~~ (d) ~~Except as otherwise provided in subsection 5, must~~ **Must** not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers or agents of the public body.

~~5~~ (e) Except as otherwise provided in this ~~subsection,~~ paragraph, may require the design professional to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees ~~and costs,~~ and costs, to the extent that such liabilities, damages, losses, claims, actions or proceedings are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design professional or the employees or agents of the design professional in the performance of the contract. If the insurer by which the design professional is insured against professional liability does not so defend the public body and the employees, officers and agents of the public body and the design professional is adjudicated to be liable by a trier of fact, the trier of fact shall award reasonable attorney's fees and costs to be paid to the public body by the design professional in an amount which is proportionate to the liability of the design professional.

~~6~~ 2. Any provision of a contract entered into by a public body and a design professional who is not a member of a design-build team that conflicts with the provisions of paragraph (d) or (e) of subsection 1 is void.

3. As used in this ~~subsection,~~ section, "agents" means those persons who are directly involved in and acting on behalf of the public body *or the*

design professional, as applicable, in furtherance of the contract or the public work to which the contract pertains.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 483.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 130.

The following Senate amendment was read:

Amendment No. 792.

SUMMARY—Revises provisions governing ~~the membership of a~~ metropolitan police ~~committee on fiscal affairs.~~ departments. (BDR 22-632)

AN ACT relating to police departments; revising provisions governing the membership of a metropolitan police committee on fiscal affairs; **revising provisions governing negotiations between metropolitan police departments and their employees;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that each representative of a political subdivision that participates on a metropolitan police committee on fiscal affairs must be a member of the governing body of the political subdivision and serves at the pleasure of the governing body making the appointment. (NRS 280.130) ~~This~~ **Section 2 of this bill provides instead that each member of the committee serves for a term of 2 years and may be removed at any time for cause by a majority vote of the other members of the committee. the governing body which appointed the member. Section 2 also increases the compensation of the general public member of the committee from \$40 for each day of service to \$80 for each day of service.**

Existing law requires that in negotiations arising under chapter 288 of NRS between a metropolitan police department and its employees, the department must be represented by a metropolitan police committee on fiscal affairs or two persons designated by the committee and by the sheriff or a person designated by him. (NRS 280.320) Section 3 of this bill provides instead that the department must be represented solely by the sheriff or a person designated by him, and requires the sheriff to submit any agreement reached in the negotiations to the committee for its approval.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 280.130 is hereby amended to read as follows:

280.130 1. The committee consists of two representatives from each participating political subdivision.

2. Representatives of the participating political subdivisions are not entitled to receive any additional compensation or be reimbursed by the department for any expenses incurred while serving on the committee.

3. Each representative of a participating political subdivision must be a member of its governing body. ~~and serves at the pleasure of the governing body making the appointment.~~ ***Except as otherwise provided in subsection 4, the term of each member of the committee is 2 years. ~~The committee, by a majority vote of the other members, may remove a member of the committee at any time for cause.~~ The governing body that appointed a member may remove the member at any time for cause.***

4. The members of the committee shall, by a majority vote, select an additional member of the committee from the general public from a list consisting of three persons nominated by each participating political subdivision and three persons nominated by the sheriff. That person:

- (a) Must reside in the area served by the department.
- (b) Shall serve until August 1 next succeeding and until his successor is selected.
- (c) May succeed himself.
- (d) Is entitled to receive as compensation ~~[\$40]~~ \$80 for each day of service.
- (e) Is entitled to reimbursement for his necessary travel and per diem expenses in the manner provided by the committee for the reimbursement of officers and employees of the department.

5. If the members of the committee fail to agree on the additional member to be selected pursuant to subsection 4 within 30 days after their initial meeting following the merger or by August 1 of any year thereafter, the additional member of the committee must be appointed by the Governor without regard to the lists submitted. The person so appointed must reside in the area served by the department.

6. At its first meeting and in August of each year thereafter, the committee shall select one of its members to act as chairman.

Sec. 3. NRS 280.320 is hereby amended to read as follows:

280.320 1. A department is a local government employer for the purpose of the Local Government Employee-Management Relations Act and a public employer for the purpose of the Public Employees' Retirement Act.

2. In negotiations arising under the provisions of chapter 288 of NRS:

- (a) ~~The committee or two or more persons designated by it; and~~
 - ~~(b)~~ The sheriff or a person designated by him ~~;~~
- ~~shall represent the department ~~;~~ and~~
(b) The sheriff shall submit any agreement reached in the negotiations to the committee for its approval.

3. In negotiations arising under the provisions of chapter 288 of NRS, a school police unit must be considered a separate bargaining unit.

~~[Sec. 3.]~~ **Sec. 4.** This act becomes effective on July 1, 2009.

Assemblywoman Kirkpatrick moved that the Assembly do not concur in the Senate Amendment No. 792 to Assembly Bill No. 130.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

The following Senate amendment was read:

Amendment No. 923.

AN ACT relating to police departments; revising provisions governing the membership of a metropolitan police committee on fiscal affairs; revising provisions governing negotiations between metropolitan police departments and their employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that each representative of a political subdivision that participates on a metropolitan police committee on fiscal affairs must be a member of the governing body of the political subdivision and serves at the pleasure of the governing body making the appointment. (NRS 280.130) **Section 2** of this bill provides instead that each member of the committee serves for a term of 2 years and may be removed at any time for cause by the governing body which appointed the member. **Section 2** also increases the compensation of the general public member of the committee from \$40 for each day of service to \$80 for each day of service.

Existing law requires that in negotiations arising under chapter 288 of NRS between a metropolitan police department and its employees, the department must be represented by a metropolitan police committee on fiscal affairs or two persons designated by the committee and by the sheriff or a person designated by him. (NRS 280.320) **Section 3** of this bill provides instead that the department must be represented solely by the sheriff or ~~one or more persons~~ **one or more persons** designated by him, ~~and~~ **but requires the committee to designate one representative from each participating political subdivision to monitor the negotiations.** **Section 3** also requires the sheriff to submit any tentative agreement reached in the negotiations to the committee for its approval.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 280.130 is hereby amended to read as follows:

280.130 1. The committee consists of two representatives from each participating political subdivision.

2. Representatives of the participating political subdivisions are not entitled to receive any additional compensation or be reimbursed by the department for any expenses incurred while serving on the committee.

3. Each representative of a participating political subdivision must be a member of its governing body. ~~[and serves at the pleasure of the governing body making the appointment.]~~ **Except as otherwise provided in subsection**

4, the term of each member of the committee is 2 years. The governing body that appointed a member may remove the member at any time for cause.

4. The members of the committee shall, by a majority vote, select an additional member of the committee from the general public from a list consisting of three persons nominated by each participating political subdivision and three persons nominated by the sheriff. That person:

- (a) Must reside in the area served by the department.
- (b) Shall serve until August 1 next succeeding and until his successor is selected.
- (c) May succeed himself.
- (d) Is entitled to receive as compensation ~~[\$40]~~ \$80 for each day of service.
- (e) Is entitled to reimbursement for his necessary travel and per diem expenses in the manner provided by the committee for the reimbursement of officers and employees of the department.

5. If the members of the committee fail to agree on the additional member to be selected pursuant to subsection 4 within 30 days after their initial meeting following the merger or by August 1 of any year thereafter, the additional member of the committee must be appointed by the Governor without regard to the lists submitted. The person so appointed must reside in the area served by the department.

6. At its first meeting and in August of each year thereafter, the committee shall select one of its members to act as chairman.

Sec. 3. NRS 280.320 is hereby amended to read as follows:

280.320 1. A department is a local government employer for the purpose of the Local Government Employee-Management Relations Act and a public employer for the purpose of the Public Employees' Retirement Act.

2. In negotiations arising under the provisions of chapter 288 of NRS:

(a) ~~The committee for two or more persons designated by it; and~~ **shall designate one representative from each participating political subdivision to monitor the negotiations;**

~~(b) The sheriff or [a person]~~ **one or more persons** designated by him ~~[;~~ **→** shall represent the department ~~[-]; and~~

~~[(b)]~~ **(c) The sheriff shall submit any tentative agreement reached in the negotiations to the committee for its approval.**

3. In negotiations arising under the provisions of chapter 288 of NRS, a school police unit must be considered a separate bargaining unit.

Sec. 4. This act becomes effective on July 1, 2009.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 923 to Assembly Bill No. 130.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

The following Senate amendment was read:

Amendment No. 615.

AN ACT relating to health care; requiring certain hospitals in certain larger counties to report information to the Legislative Committee on Health Care concerning the transfer of patients to another hospital; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Hospitals in this State are required to provide emergency services and care, and it is unlawful for a hospital or a physician working in a hospital emergency room to refuse to accept or treat a patient in need of emergency services and care. (NRS 439B.410) This bill requires certain hospitals located in larger counties to provide a report of certain information to the Legislative Committee on Health Care concerning the transfer of patients from the hospital to another hospital and the availability of specialty medical services in the hospital. Such a report must be made quarterly beginning on ~~September~~ **October** 15, 2009, and cover information from ~~June~~ **July** 1, 2009, through ~~August 31~~ **September 30**, 2010.

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

Section 1. 1. Each hospital located in a county whose population is 400,000 or more which is licensed to have more than 70 beds shall provide to the Legislative Committee on Health Care reports with information concerning the transfer of patients from one hospital to another hospital. Such information must include:

- (a) The number of patients who are transferred from the hospital to another hospital;
- (b) The number of patients who were received by the hospital that were transferred from another hospital;
- (c) The reason for each transfer of a patient to another hospital;
- (d) The availability of specialty services and care in the hospital; and
- (e) Whether each patient who was transferred from the hospital had insurance or some other guaranteed form of payment for services.

2. Each hospital subject to the provisions of subsection 1 shall provide a report to the Legislative Committee on Health Care with the information required at least once every 3 months, and the reports must include information from ~~June~~ **July** 1, 2009, through ~~August 31~~ **September 30**, 2010. The first report must be made by ~~September~~ **October** 15, 2009, and must include information from ~~June~~ **July** 1, 2009, through ~~August 31~~ **September 30**, 2009. Subsequent reports must include information for the period since the last report.

3. The information reported pursuant to this section must be made available to each person or entity that provides information pursuant to this section to the extent that it is not required to be kept confidential.

4. The information reported pursuant to this section must be maintained and reported in a manner consistent with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

5. As used in this section, “specialty services” includes, without limitation:

- (a) Cardiology services;
- (b) Gastroenterological services;
- (c) General surgical services;
- (d) Neurosurgical services;
- (e) Ophthalmology services;
- (f) Oral and maxillofacial surgical services;
- (g) Orthopedic services;
- (h) Otolaryngology services; and
- (i) Urological services.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblywoman Smith moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 52.

Remarks by Assemblywoman Smith.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 295, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

Assemblyman Conklin moved that the Assembly do not recede from its actions on Senate Bill No. 119, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 84.

The following Senate amendment was read:

Amendment No. 773.

SUMMARY—Revises provisions governing ~~unemployment~~ compensation. (BDR 53-546)

AN ACT relating to ~~unemployment~~ compensation; **revising provisions related to compensation for overtime;** revising provisions for the collection of benefits required to be repaid to the Employment Security Division of the Department of Employment, Training and Rehabilitation; establishing a

penalty for fraudulently obtaining unemployment benefits under certain circumstances; revising provisions relating to the authorized use of money in the Employment Security Fund by the Administrator of the Division; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8.3 of this bill revises provisions related to an exception to certain requirements for compensation for overtime.

Section 8.5 of this bill authorizes the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to assess against a person who is overpaid benefits certain administrative fees prescribed by an agency of the United States. **Section 9** of this bill revises existing law by providing that certain fraudulent activity conducted by a person in order to obtain or increase any unemployment benefit or payment, including the filing of a claim while incarcerated without expressly disclosing that the person is incarcerated, constitutes unemployment insurance fraud. **Section 9** also requires a person who commits unemployment insurance fraud to repay to the Administrator all of the benefits received by that person, in addition to any interest, penalties and costs. **Section 9** further provides that a person is disqualified from receiving unemployment compensation benefits for a specified period, but authorizes the Administrator to waive the period of disqualification for good cause shown or if the person adheres to a repayment schedule. Additionally, **section 9** provides that a person who obtains benefits of \$250 or more while committing unemployment insurance fraud shall be punished in the same manner as if he committed theft. **Section 9** also provides that the repayment of such benefits may not be done by the withholding of benefits otherwise due and payable to the person unless the period of disqualification is waived by the Administrator. Finally, **section 9** authorizes the Administrator to impose a penalty equal to not more than 25 or 50 percent of the total amount of benefits improperly obtained by a person, depending on the amount improperly obtained by the person. (NRS 612.445)

Section 10 of this bill revises existing law by authorizing the Administrator to use money from the Employment Security Fund for the payment of costs of any program or the implementation of procedures for the proper payment of benefits and the collection of contributions and reimbursements. (NRS 612.615)

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

- Section 1. (Deleted by amendment.)
- Sec. 2. (Deleted by amendment.)
- Sec. 3. (Deleted by amendment.)
- Sec. 4. (Deleted by amendment.)
- Sec. 5. (Deleted by amendment.)
- Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.3. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) ~~Salesmen earning commissions~~ **Employees** in a retail **or service** business if their regular rate is more than 1 1/2 times the minimum wage, and more than ~~one-half~~ **half** their compensation **for a representative period comes from commissions ~~on~~ on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than one month;**

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;

(m) Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and

(n) A mechanic or workman for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.

Sec. 8.5. NRS 612.365 is hereby amended to read as follows:

612.365 1. Any person who is overpaid any amount as benefits under this chapter is liable for the amount overpaid unless:

(a) The overpayment was not due to fraud, misrepresentation or willful nondisclosure on the part of the recipient; and

(b) The overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience, as determined by the Administrator.

2. The amount of the overpayment must be assessed to the liable person, and he must be notified of the basis of the assessment. The notice must specify the amount for which the person is liable. In the absence of fraud, misrepresentation or willful nondisclosure, notice of the assessment must be mailed or personally served not later than 1 year after the close of the benefit year in which the overpayment was made.

3. At any time within 5 years after the notice of overpayment, the Administrator may recover the amount of the overpayment by using the same methods of collection provided in NRS 612.625 to 612.645, inclusive, 612.685 and 612.686 for the collection of past due contributions or by deducting the amount of the overpayment from any benefits payable to the liable person under this chapter.

4. The Administrator may waive recovery or adjustment of all or part of the amount of any such overpayment which he finds to be uncollectible or the recovery or adjustment of which he finds to be administratively impracticable.

5. *To the extent allowed pursuant to federal law, the Administrator may assess any administrative fee prescribed by an applicable agency of the United States regarding the recovery of such overpayments.*

6. Any person against whom liability is determined under this section may appeal therefrom within 11 days after the date the notice provided for in this section was mailed to, or served upon, the person. An appeal must be made and conducted in the manner provided in this chapter for the appeals from determinations of benefit status. The 11-day period provided for in this subsection may be extended for good cause shown.

Sec. 9. NRS 612.445 is hereby amended to read as follows:

612.445 ~~When the Administrator finds that any~~

1. A person ~~has made~~ **shall not make** a false statement or representation, knowing it to be false, or knowingly ~~failed~~ **fail** to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, **including, without limitation, by failing to properly report earnings or by filing a claim for benefits using the social security number, name or other personal identifying information of another person. A person who violates the provisions of this subsection commits unemployment insurance fraud.**

2. **When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1,** the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the

benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which he failed to disclose a material fact ~~[The]~~ **in addition to any interest, penalties and costs related to that sum.**

3. **Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter ~~for~~:**

(a) **For a period ~~of~~ beginning with the first week claimed in violation of subsection 1 and ending not more than 52 consecutive weeks ~~beginning with~~ after the week in which it is determined that ~~an improper~~ a claim was filed ~~[involving the false statement or representation or failure to disclose a material fact.] in violation of subsection 1; or~~**

(b) **Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator,**
↳ **whichever is longer.** The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. **It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his behalf, if:**

(a) **The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and**

(b) **The claim does not expressly disclose his incarceration.**

5. **A person who obtains benefits of \$250 or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection 3 or 4 of NRS 205.0835.**

6. **In addition to the repayment of benefits required pursuant to subsection 2, if the amount of benefits which must be repaid is greater than \$1,000, the Administrator may impose a penalty equal to not more than:**

(a) **If the amount of such benefits is greater than \$1,000 but not greater than \$2,500, 25 percent; or**

(b) **If the amount of such benefits is greater than \$2,500, 50 percent,**
↳ **of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter.**

7. **Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he was not disqualified.**

8. **The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits and any related interest, penalties and costs as required pursuant to subsection 2 by using any benefits which are due and payable to the person.**

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 10. NRS 612.615 is hereby amended to read as follows:

612.615 1. There is hereby created the Employment Security Fund as a special revenue fund.

2. All interest and forfeits collected under NRS 612.618 to 612.675, inclusive, and 612.740 must be paid into the Fund.

3. All money which is deposited or paid into the Fund is hereby appropriated and made available to the Administrator. The money may not be expended or made available for expenditure in any manner which would permit its substitution for, or a corresponding reduction in, federal payments which would, in the absence of this money, be available to finance expenditures for the administration of the employment security laws of the State of Nevada.

4. This section does not prevent this money from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal payments have been duly requested but not yet received, subject to the repayment to the Fund of such expenditures when received.

5. The money in this Fund must be used by the Administrator for the payment of costs of ~~administration~~:

(a) **Administration** which are found not to have been properly and validly chargeable against federal grants received for or in the Unemployment Compensation Administration Fund ~~[-]~~; or

(b) **Any program or the implementation of procedures deemed necessary by the Administrator to ensure the proper payment of benefits and collection of contributions and reimbursements pursuant to this chapter.**

6. Any balances in this Fund do not lapse at any time, but are continuously available to the Administrator for expenditure consistent with this chapter.

7. Money in this Fund must not be commingled with other state money, but must be maintained in a separate account on the books of the depository.

Sec. 11. NRS 612.715 is hereby amended to read as follows:

612.715 ~~Whoever~~ **Except as otherwise provided in subsection 5 of NRS 612.445, whoever** makes a false statement or representation knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this chapter, either for himself or for any other person, is guilty of a misdemeanor.

Sec. 12. NRS 612.720 is hereby amended to read as follows:

612.720 ~~Whenever~~ **Except as otherwise provided in subsection 5 of NRS 612.445, whenever** two or more persons ~~shall~~ conspire to obtain or increase any benefit or other payment under this chapter by a false statement or representation knowing it to be false, or by knowingly failing to disclose a material fact, or whenever any person makes a series of false statements or

representations knowing them to be false, to obtain or increase benefit payments under this chapter over a period of more than 1 week, every such person is guilty of a gross misdemeanor.

Sec. 13. NRS 612.725 is hereby amended to read as follows:

612.725 ~~Any~~ ***Except as otherwise provided in subsection 5 of NRS 612.445, any*** person residing in this State who claims benefits under any agreement existing between the Division and some other state or the Federal Government, who willfully makes a false statement or representation or knowingly fails to disclose a material fact to obtain or increase benefits under the provisions of the unemployment law of any other state or the Federal Government is guilty of a misdemeanor.

Sec. 14. This act becomes effective on July 1, 2009.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 84.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Atkinson moved that the Assembly do not recede from its actions on Senate Bill No. 246, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Atkinson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Hogan, Spiegel, and Woodbury as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 246.

Madam Speaker appointed Assemblymen Horne, Anderson, and Settlemeyer as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 119.

Madam Speaker appointed Assemblymen Atkinson, McClain, and Gansert as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 295.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 18, 540; Senate Bills Nos. 146, 318, 400, 401, 422, 423, 424, 425, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 18.

Bill read second time and ordered to third reading.

Assembly Bill No. 540.

Bill read second time and ordered to third reading.

Senate Bill No. 146.

Bill read second time and ordered to third reading.

Senate Bill No. 318.

Bill read second time and ordered to third reading.

Senate Bill No. 400.

Bill read second time and ordered to third reading.

Senate Bill No. 401.

Bill read second time and ordered to third reading.

Senate Bill No. 422.

Bill read second time and ordered to third reading.

Senate Bill No. 423.

Bill read second time and ordered to third reading.

Senate Bill No. 424.

Bill read second time and ordered to third reading.

Senate Bill No. 425.

Bill read second time and ordered to third reading.

Senate Bill No. 430.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 409.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 922.

AN ACT relating to public employees; requiring the Local Government Employee-Management Relations Board to conduct certain hearings using certain hearing officers; revising provisions governing the appointment of members to the Board; revising the periods within which the Board must hear and decide certain complaints; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Local Government Employee-Management Relations Board has exclusive jurisdiction to hear and determine complaints

brought by local government employers, local government employees or employee organizations concerning various aspects of collective bargaining. (NRS 288.110) The Board also has jurisdiction to consider appeals filed by employee organizations that are aggrieved by the determinations of local government employers concerning which employee groups may constitute bargaining units for purposes of collective bargaining. (NRS 288.170) **Section 3** of this bill requires the Board to conduct the proceedings concerning such complaints or appeals using a hearing officer selected by the parties from a list of arbitrators obtained from the Federal Mediation and Conciliation Service or by appointing the Commissioner of the Board to serve as hearing officer. **Section 4** of this bill requires a hearing officer to prepare and submit to the Board a record of the proceedings concerning the complaint or appeal and to include in the record findings of fact, proposed conclusions of law and a proposed decision or order. **Section 5** of this bill requires the Board to issue its final decision or order upon the completion of its review of the record submitted by the hearing officer. **Section 11** of this bill requires the Board to issue its final decision not later than 1 year after the filing of a complaint if the matter is heard by a hearing officer and not later than 180 days after the filing of a complaint if the Board hears the complaint in the absence of an evidentiary hearing or decides a contested matter without a hearing. (NRS 288.110)

Under existing law, the Board may not consider any complaint or appeal that is filed more than 6 months after the occurrence which is the subject of the complaint or appeal. (NRS 288.110) **Section 11** of this bill reduces this period to 180 days.

Section 7 of this bill requires that each decision or order of the Board in any complaint or appeal must be consistent with the decisions or orders previously issued by the Board in similar cases unless the Board includes in the decision or order an analysis of each previous case that has been cited to the Board which establishes that the decision or order issued in that case is erroneous or is inapposite to or distinguishable from the decision or order in the complaint or appeal at issue.

~~[**Section 7.5** of this bill requires the Board to charge and collect a fee, not to exceed \$200, for the filing of a complaint or appeal with the Board or for the filing of any other pleading that constitutes the initial appearance of a party in such a proceeding.]~~

Under existing law, the Local Government Employee-Management Relations Board consists of three members who are appointed by the Governor. (NRS 288.080) **Section 9** of this bill provides that the Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall each appoint one member of the Board.

~~[**Section 10.5** of this bill increases the salary that a member of the Board is entitled to receive from a maximum of \$80 to a maximum of \$150 for each day in which he is engaged in the business of the Board.]~~

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

Section 1. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7.5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. **1. *If the Board decides to hear and determine any complaint or appeal filed with the Board pursuant to this chapter that requires the taking of testimony or other evidence, the Board shall appoint a hearing officer to conduct the proceedings concerning the complaint or appeal on behalf of the Board.***

2. *Except as otherwise provided in this section, the Board shall appoint as its hearing officer the person selected by the parties from a list of seven arbitrators obtained from the Federal Mediation and Conciliation Service. The parties shall alternately strike one name from the list until the name of only one person remains. The parties must determine by the toss of a coin which party will strike the first name. Each party shall pay one-half of the fee charged by the hearing officer appointed pursuant to this subsection.*

3. *The Board shall appoint the Commissioner to act as the hearing officer for a complaint or appeal if both parties request the appointment.*

4. *The Board may appoint the Commissioner to act as the hearing officer for a complaint or appeal at the request of one party if the party demonstrates to the satisfaction of the Board that the payment of the party's share of a fee charged by a hearing officer appointed by the Board pursuant to subsection 2 is likely to impose an undue financial burden or hardship on the party. In determining whether to appoint the Commissioner to act as a hearing officer, the Board shall consider the complexity of the matters in dispute that are likely to affect the amount of the fee charged by a hearing officer appointed pursuant to subsection 2 and any factor that is relevant to the party's ability to pay the fee, including, without limitation, the size or membership of the party, its financial resources, and any budgetary or other financial constraints.*

Sec. 4. **1. *A hearing officer appointed by the Board shall:***

(a) *Conduct the proceedings concerning the complaint or appeal on behalf of the Board in accordance with the procedures established by this chapter, chapter 233B of NRS and any other applicable statutes and regulations;*

(b) *Commence the hearing on the complaint or appeal within 60 days after his appointment;*

(c) *Prepare findings of fact and proposed conclusions of law on every material issue, based on the evidence and arguments presented to him and shall prepare a proposed order or decision consistent with his findings and conclusions, the provisions of this chapter and the regulations of the Board and any relevant prior order or decision of the Board; and*

(d) Prepare, provide to each party and submit to the Board for its review the record of the proceedings not later than 60 days after the conclusion of the hearing. The record must comply with NRS 233B.121 and include, without limitation, findings of fact, proposed conclusions of law and a proposed decision or order that complies with NRS 233B.125. Each party shall pay one-half of the cost to prepare the record, including, without limitation, the cost to prepare a transcript of any oral proceedings.

2. A party to any complaint or appeal is entitled to be represented at any hearing conducted pursuant to this section by counsel, by an elected or appointed representative of the party, or both. A nonattorney representative of an employee organization must be a member of the organization.

Sec. 5. 1. The Board shall review the record of the proceedings in any complaint or appeal submitted to it by a hearing officer, including, without limitation, the proposed decision or order of the hearing officer. In conducting its review of the proposed decision or order, the Board:

(a) Shall confine its review to the record submitted by the hearing officer. If the Board determines, on its own motion or on the motion of any party, that additional evidence must be taken on any issue, the Board shall remand the matter to the hearing officer.

(b) May not substitute its judgment for that of the hearing officer as to any finding of fact that is supported by substantial evidence.

2. Upon completion of its review, the Board may:

(a) Approve the proposed decision or order of the hearing officer, with or without modification; or

(b) Reject the proposed decision or order and remand the complaint or appeal to the hearing officer for further proceedings.

3. If the Board modifies or rejects the proposed decision or order of the hearing officer, including, without limitation, any finding of fact or proposed conclusion of law separately stated therein, the Board must fully set forth in its final decision or order the factual and legal basis for its modification or rejection.

4. The Board shall issue its final decision or order in any complaint or appeal not later than 60 days after it receives the completed record from the hearing officer.

Sec. 6. Except as otherwise provided in subsection 4 of NRS 288.110 or specifically ordered by the Board, the parties to any proceeding may by stipulation waive any limitation of time set forth in NRS 288.110 and sections 4 and 5 of this act.

Sec. 7. Each decision or order of the Board in any complaint or appeal must be consistent with the decisions or orders previously issued by the Board in similar cases unless the Board includes in the decision or order an analysis of each previous case that has been cited to the Board which establishes that the decision or order issued in that case is erroneous or is inapposite to or distinguishable from the decision or order in the case at issue.

Sec. 7.5. ~~1. Except as otherwise provided in this section, the Board shall charge and collect a fee, not to exceed \$200, for the filing of a complaint or appeal with the Board or for the filing of any other pleading that constitutes the initial appearance of a party in such a proceeding. The Board shall establish the amount of the fee by regulation.~~

~~2. The Board may, at the request of a party, waive the filing fee if payment of the fee would cause a financial hardship to a party or would be otherwise inconsistent with the purposes of this chapter.~~

~~3. All fees and other money received by the Board pursuant to the provisions of this chapter must be deposited in banks, credit unions or savings and loan associations in the State of Nevada and expended solely for the purposes of this chapter. The money so deposited does not revert to the State General Fund. (Deleted by amendment.)~~

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 288.080 is hereby amended to read as follows:

288.080 1. The Local Government Employee-Management Relations Board is hereby created, consisting of three members, broadly representative of the public and not closely allied with any employee organization or local government employer, not more than two of whom may be members of the same political party. *Each member of the Board must, at the time of his appointment, have at least 5 years of experience in the field of labor-management relations.*

2. The term of office of each member is 4 years ~~[-~~], *but a member shall continue to serve after the expiration of his term until his successor is appointed.*

3. The Governor, *the Majority Leader of the Senate and the Speaker of the Assembly* shall *each* appoint ~~[the members]~~ *one member* of the Board.

Sec. 10. NRS 288.090 is hereby amended to read as follows:

288.090 1. The members of the Board shall annually elect one of their number as Chairman and one as Vice Chairman. Any two members of the Board constitute a quorum.

2. The Board may, within the limits of legislative appropriations:

(a) Appoint a Commissioner and a Secretary, who ~~[shall]~~ *must* be in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who ~~[shall]~~ *must* be in the classified service of the State.

3. *The Commissioner must, at the time of his appointment, have at least 3 years of experience in the field of labor-management relations.*

Sec. 10.5. ~~[NRS 288.100 is hereby amended to read as follows:~~

~~288.100 1. Each member of the Board is entitled to receive a salary of not more than [\$80.] \$150, as fixed by the Board, for each day in which he is engaged in the business of the Board.~~

~~2. While engaged in the business of the Board, each member and employee of the Board is entitled to receive the per diem allowance and~~

~~travel expenses provided for state officers and employees generally.]~~
(Deleted by amendment.)

Sec. 11. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

- (a) Proceedings before it;
- (b) Procedures for fact-finding;
- (c) The recognition of employee organizations; and
- (d) The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer, local government employee or employee organization. ~~[The Board shall conduct a hearing within 90 days after it decides to hear a complaint.]~~ The Board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which he has been deprived by that action. The Board shall issue its decision within ~~[120 days]~~ **180 days after the filing of the complaint unless the Board appoints a hearing officer pursuant to section 3 of this act to conduct an evidentiary hearing, in which case the Board shall issue its decision within 1 year** after the ~~[hearing on] filing of the complaint . [is completed.]~~

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than ~~[6 months]~~ **180 days** after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

- (a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or
- (b) Upon agreement of all the parties.

↪ The Board shall issue its decision within 180 days after the filing of the complaint or appeal in the contested matter.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

Sec. 12. NRS 288.120 is hereby amended to read as follows:

288.120 1. For the purpose of hearing and deciding appeals or complaints, the Board , **and a hearing officer on behalf of the Board**, may issue subpoenas requiring the attendance of witnesses before ~~[it,] the Board or hearing officer~~, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.

2. The district court in and for the county in which any hearing is being conducted by the Board **or hearing officer** may compel the attendance of

witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the Board ~~[-]~~ *or hearing officer*.

3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, the Board *or hearing officer* may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the Board *or hearing officer* in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of such hearing,

↪ and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the Board ~~[-]~~ *or hearing officer*.

4. The court, upon petition of the Board ~~[-]~~ *or hearing officer*, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the Board ~~[-]~~ *or hearing officer*. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the Board ~~[-]~~ *or hearing officer*, the court shall thereupon enter an order that the witness appear before the Board *or hearing officer* at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. Notwithstanding the provisions of NRS 288.080, as amended by section 9 of this act:

1. The term of office of a member of the Local Government Employee-Management Relations Board who is serving in that capacity on June 30, 2009, ends on that date.

2. As soon as practicable after the effective date of this act:

(a) The Governor shall appoint, as successor to one member of the Board, a member whose term of office begins on July 1, 2009, and ends on June 30, 2011.

(b) The Majority Leader of the Senate shall appoint, as successor to one member of the Board, a member whose term of office begins on July 1, 2009, and ends on June 30, 2012.

(c) The Speaker of the Assembly shall appoint, as successor to one member of the Board, a member whose term of office begins on July 1, 2009, and ends on June 30, 2013.

Sec. 20. The provisions of sections 2 to 7.5, inclusive, of this act and the amendatory provisions of section 11 of this act do not apply to any complaint or appeal that was filed with the Board before the effective date of this act except to the extent that the parties, with the consent of the Board, may agree to their application.

Sec. 21. This act becomes effective upon passage and approval.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 3, 81, 279, 554; Assembly Joint Resolution No. 5; Senate Bills Nos. 89, 184, 230, 265, 310, 312, 338, 355.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Kate Nielsen and Richard Lahne.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Hummel Elementary School: Julian Aponte, Caytrin Barrone, Valan Boccadoro, Ray Dancel, Rizza Dancel, Noah Espinoza, Johnathan Gallagher, Joel Galvin, Triana Gando, Amani Hanach, George Hanach, Amar Hanach, Jordan Manago, Serena Martinez, Riley Musgrave, Angela Nunes, Nathan Pacyna, Liberty Pangilinan, Kealia Perrine, Shay Steffanich, Tyler Speir, Jesse Tabaczynski, Christopher Tan, Jennifer Ednacot, Marissa Warren, Monica Langlands, Colleen Barrone, Charina Tan, Shelly Tabaczynski, Joseph Tague, Mary Steffanich, Helen Perrine, Haydee Pangilinan, Magdalena Pacyna, Julie Manago, Joseph Hanach and Evelyn Gando.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Benitez.

On request of Assemblyman Settlemeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Evans.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, May 28, 2009 at 11 a.m.

Motion carried.

Assembly adjourned at 1:30 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly