

**THE FORTY-THIRD DAY**

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CARSON CITY (Monday), March 16, 2009

Senate called to order at 11:27 a.m.

President Krolicki presiding.

Roll called.

All present except Senator Breeden, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, You are the Provider of every good and perfect gift. Apart from You, we can do nothing, but with Your help, nothing shall be impossible for us. Provide for us all things necessary to overcome the challenges set before us this day.

In the Name of our Lord, we pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Finance, to which were rereferred Senate Bills Nos. 41, 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNICE MATHEWS, *Cochair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 13, 2009

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 216.

DIANE M. KEETCH

*Assistant Chief Clerk of the Assembly*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

March 16, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 44, 52, 80, 85, 143, 150.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 3, 10, 16, 71, 113, 117, 148, 152, 153, 155, 182, 186.

GARY GHIGGERI

*Fiscal Analysis Division*

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Rhoads:

Senate Joint Resolution No. 7—Expressing opposition to congressional enactment of the National Landscape Conservation System.

Senator Rhoads moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

By Senator Rhoads:

Senate Joint Resolution No. 8—Urging Congress to preserve the traditional power of the states over land and water use.

Senator Rhoads moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

By Senator Schneider:

Senate Joint Resolution No. 9—Urging Congress to revise certain provisions of federal law relating to hybrid vehicles.

Senator Schneider moved that the resolution be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senator Schneider:

Senate Concurrent Resolution No. 16—Encouraging the Nevada Development Authority to create a revolving fund to help support certain types of businesses.

Senator Schneider moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

By Senator Lee:

Senate Bill No. 245—AN ACT relating to regional transportation commissions; reorganizing provisions governing regional transportation commissions; providing that regional transportation commissions may authorize vending stands; authorizing regional transportation commissions to collect fees for placing street banners within rights-of-way and public easements; authorizing certain regional transportation commissions to enter into certain hedge contracts for fuel; providing tort immunity to regional transportation commissions under certain circumstances; making various other changes to provisions relating to regional transportation commissions; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Townsend, Hardy, Cegavske, Horsford, Lee, Mathews, McGinness and Rhoads:

Senate Bill No. 246—AN ACT relating to vehicles; prohibiting a manufacturer from requiring a dealer to alter substantially an existing facility of the dealer or construct a new facility; prohibiting a manufacturer from

taking adverse action against a dealer relating to the exportation of a vehicle outside the United States except under certain circumstances; providing that it is an unfair act or practice for any manufacturer to refuse the return of or reduce the price of a part, accessory or assembled component under certain circumstances; providing for the licensure of an agent of a broker; revising provisions governing the modification or replacement of a franchise; revising provisions governing warranties for certain used vehicles; establishing fees; providing a penalty; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senators Horsford, Townsend, Washington, Schneider, Cegavske, Breeden, Care, Carlton, Copening, Hardy, Lee, Mathews, McGinness, Nolan, Parks, Rhoads and Woodhouse:

Senate Bill No. 247—AN ACT relating to special legislative license plates; granting to Senator William J. Raggio the use of a special legislative license plate designated "State Senator 1" as a lifetime endowment; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senators Townsend, Hardy, Horsford, Lee, Mathews, McGinness and Rhoads:

Senate Bill No. 248—AN ACT relating to local governmental planning; extending the validity of certain building permits and development agreements for a maximum of 15 years beyond the original expiration date if the land is leased for renewable energy generation projects; providing that certain changes to regulations or laws which are made after the issuance of the permit or the time the agreement is entered into, and which apply environmental restrictions to the land, apply to the permit; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Nolan:

Senate Bill No. 249—AN ACT relating to motor carriers; changing the name of a "physician's certificate" to a "health certificate"; revising provisions relating to the medical professionals who may issue a health certificate to a person applying for employment as a taxicab driver; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senator Nolan:

Senate Bill No. 250—AN ACT relating to swimming pools; requiring cities and counties to adopt by ordinance a requirement that newly constructed swimming pools be enclosed by a barrier or equipped with an alarm; requiring a person who purchases certain real property that includes a swimming pool to ensure that the pool is enclosed or equipped with an alarm; requiring each county and city to add provisions to its building code or to adopt certain ordinances providing specifications for such requirements; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Nolan:

Senate Bill No. 251—AN ACT relating to tow cars; specifying the circumstances under which a tow car can display flashing amber warning lights; authorizing the operator of a tow car to equip the tow car with a system or device that causes the upper-beam head lamps of the tow car to continue to flash alternately under certain circumstances; requiring the driver of a vehicle to yield the right-of-way to a tow car under certain circumstances; requiring the driver of a vehicle to take certain actions when he approaches a tow car which is stopped and making use of flashing amber warning lights; providing a penalty; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senators Parks, Copenig, Woodhouse, Horsford, Wiener, Care, Lee; Assemblymen Anderson, Segerblom, Koivisto, Atkinson, Buckley, Dondero Loop, Manendo, McClain, Ohrenschall and Pierce:

Senate Bill No. 252—AN ACT relating to solicitation of charitable donations; requiring a person soliciting donations for a charitable, nonprofit or religious entity to make certain disclosures; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Parks:

Senate Bill No. 253—AN ACT relating to common-interest communities; requiring a member of an executive board of a unit-owners' association who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter; requiring that bids for an association project be considered and opened at a meeting of the executive board; revising provisions relating to the renting or leasing of units; making

provisions authorizing the transient commercial use of units in a planned community in certain circumstances applicable in all counties; revising the provisions relating to the resale package furnished to the purchaser of a unit; increasing the amount of the administrative fine for engaging in certain activity without holding the required certificate or permit; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Nolan (by request):

Senate Bill No. 254—AN ACT relating to attorneys; providing that an attorney who performs the functions of a real estate broker in certain transactions must comply with the same ethical standards that apply to real estate brokers; providing that an attorney who violates such standards may be disciplined by the State Bar of Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 255—AN ACT relating to the taxation of property; providing for a partial abatement of the ad valorem taxes imposed on certain residential rental dwellings; providing a monetary penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Mathews and Assemblywoman Smith:

Senate Bill No. 256—AN ACT relating to the grounds of Northern Nevada Adult Mental Health Services; designating an area on the grounds of Northern Nevada Adult Mental Health Services as a historic cemetery and providing the boundaries of the cemetery; requiring the reinterment of certain human remains found outside the boundaries of the cemetery; requiring the Office of Historic Preservation of the Department of Cultural Affairs to maintain the cemetery; requiring the State of Nevada to terminate a lease of a portion of the cemetery to the City of Sparks; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Mathews and Horsford:

Senate Bill No. 257—AN ACT making an appropriation to the Nevada Alliance of Boys and Girls Clubs, Inc., for the support of certain programs to

improve test scores and increase graduation rates; and providing other matters properly relating thereto.

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

By Senators Cegavske, Amodei, Care, Hardy, Lee, Mathews, McGinness, Schneider, Washington; Assemblymen Gansert, Mortenson, Carpenter, Christensen, Claborn, Cobb, Hambrick, Hogan, Manendo, Munford, Settlemeyer and Stewart:

Senate Bill No. 258—AN ACT relating to real property; requiring that the owner of an industrial or commercial building provide a prospective tenant with certain information relating to telecommunication and video services; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.  
Motion carried.

By Senator Cegavske:

Senate Bill No. 259—AN ACT relating to education; establishing a program for the alternative licensure of teachers; requiring the Commission on Professional Standards in Education to adopt regulations providing for the issuance and renewal of a special qualifications license to teach in certain subject areas to applicants who satisfy certain requirements; providing for the prospective expiration of the program; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 260—AN ACT relating to mental health; authorizing the Committee on Co-Occurring Disorders to take certain actions regarding treatment for co-occurring disorders; requiring the Committee to adopt regulations for the treatment of persons with co-occurring disorders; expanding the membership of the Committee; requiring the Committee to set certain standards regarding the treatment of patients with co-occurring disorders; requiring certain alcohol and drug abuse programs to screen patients for mental health disorders; requiring certain employees of the Department of Corrections and certain mental health workers and substance abuse counselors to receive annual training relating to co-occurring disorders; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Care:

Senate Bill No. 261—AN ACT relating to common-interest ownership; revising the provisions governing the applicability of the Uniform Common-Interest Ownership Act; enacting certain provisions governing master-planned communities; making various other changes relating to common-interest ownership; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Copening, Wiener, Cegavske, Lee, Nolan, Raggio; Assemblymen Ocegueda, Horne, Gustavson and Stewart:

Senate Bill No. 262—AN ACT relating to controlled substances; prohibiting certain acts relating to marijuana; providing penalties; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Rhoads:

Senate Bill No. 263—AN ACT relating to city elections; amending the Charters of the Cities of Carlin and Wells to specify the dates for filing a declaration of candidacy to become a candidate in the general city election; amending the Charters of the Cities of Carlin and Wells to specify the appropriate appearance of names on an election ballot; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Care:

Senate Bill No. 264—AN ACT relating to local governmental financial administration; authorizing local governments to impose, increase, decrease and repeal certain taxes to carry out their functions; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Carlton (by request):

Senate Bill No. 265—AN ACT relating to the Private Investigator's Licensing Board; revising provisions relating to licenses and registrations issued by the Board; revising provisions governing local regulation of such licensees and registrants; removing certain requirements for security guards

and certain exemptions for counties whose population is less than 100,000; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Carlton:

Senate Bill No. 266—AN ACT relating to the practice of medicine; authorizing the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue special event licenses and establish fees for those licenses; requiring those boards to adopt regulations concerning those licenses; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Wiener:

Senate Bill No. 267—AN ACT relating to governmental administration; revising the provisions governing the notice of intention to act on a proposed regulation by a state agency subject to the Nevada Administrative Procedure Act; providing that workshops and hearings regarding a proposed regulation of such a state agency are subject to the Open Meeting Law; revising the procedure for the review of permanent regulations and certain temporary regulations by the Legislative Commission or the Subcommittee to Review Regulations; requiring a public body to make available certain documents to the public at a public meeting; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Carlton:

Senate Bill No. 268—AN ACT relating to professions; allowing regulatory bodies to share information with each other for reasons of public health; requiring certain qualifications of members of regulatory bodies who are not licensed pursuant to the authority of the body on which they serve; exempting community service performed as a result of disciplinary action from limited immunity to civil liability for rendering gratuitous care; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Carlton; Assemblymen Hardy and Smith (by request):

Senate Bill No. 269—AN ACT relating to professions; requiring a provider of health care to disclose the results of certain tests to a designated



investigator or member of the State Board of Osteopathic Medicine; providing for the licensure of perfusionists; prohibiting a person from engaging in the practice of perfusion without a license issued by the Board of Medical Examiners; providing for the immediate suspension of a license to practice medicine upon the conviction of the holder of the license of certain violations; expanding the definition of "practice of medicine" to include the performance of an autopsy; revising other provisions governing the issuance of a license to practice medicine by the Board of Medical Examiners; authorizing any person to file with the Board a complaint against a physician, perfusionist, physician assistant or practitioner of respiratory care under certain circumstances; revising provisions governing osteopathic medicine; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Lee:

Senate Bill No. 270—AN ACT making an appropriation to the Boy Scouts of America for Learning for Life Programs in Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 271—AN ACT relating to health; providing for the scope of regulation of alternative medicine; providing that nothing in this act shall be construed to indicate the status under federal law of the activities authorized under this act; providing for the practice of alternative medicine; providing for the use of ABC coding for certain forms of health insurance; providing for alternative medicine health services for certain forms of health insurance; revising the definition of "homeopathy"; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 272—AN ACT relating to health; creating the Institutional Review Board of Nevada; revising provisions related to the Nevada Institutional Review Board; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 273—AN ACT relating to health; providing for the scope of regulation of certain activities related to nonembryonic cells; providing that nothing in this act shall be construed to indicate the status under federal law of the activities authorized under this act; providing for cell or tissue banks; providing for the administration of nonembryonic cells to a person; providing for the compounding of drugs, medicines or health products using nonembryonic cells; providing for the importation and administration of nonembryonic cells under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Horsford, Parks, Wiener and Copening:

Senate Bill No. 274—AN ACT relating to juvenile justice; creating an interdisciplinary committee to address issues relating to the juvenile justice system; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Horsford, Wiener, Care, Parks, Woodhouse, Amodei, Carlton, Cegavske, Coffin, Copening, Lee, Mathews, Rhoads and Schneider:

Senate Bill No. 275—AN ACT relating to state financial administration; creating the Commission on Spending, Government Efficiency and Educational Equity; prescribing the membership and duties of the Commission; and providing other matters properly relating thereto.

Senator Care moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Health and Education.

Senator Raggio objected to the motion.

Motion carried.

By Senator McGinness (by request):

Senate Bill No. 276—AN ACT relating to taxation; clarifying the requirements for imposition and collection of the real property transfer tax on certain land sale installment contracts; requiring that such instruments be recorded; establishing certain actions relating to land sale contracts; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Wiener:

Senate Bill No. 277—AN ACT relating to estates; revising provisions relating to the succession of property under certain circumstances; modifying the compensation structure authorized for attorneys for personal

representatives; making various other changes relating to the administration of estates of deceased persons; revising provisions governing declaratory relief for certain probate matters; and providing other matters properly relating thereto.

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

Motion carried.

By Senator McGinness:

Senate Bill No. 278—AN ACT relating to health districts; providing for the establishment of a health district in a county whose population is less than 100,000; specifying the powers, duties and authority of the district board of health of such a health district; authorizing the district board of health to levy an ad valorem tax, impose a sales and use tax and issue general and special obligations; providing that certain limitations upon revenue from ad valorem taxes do not apply to revenue from a tax levied by the district board of health; providing that an ad valorem tax imposed by the district board of health is exempt from certain partial abatements from taxation under certain circumstances; providing that an obligation issued by the district board of health is subject to the provisions of the Local Government Securities Law; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Care:

Senate Bill No. 279—AN ACT relating to public records; revising provisions relating to the records of certain regulatory agencies; requiring state officers and employees to provide notice of certain contracts or agreements; and providing other matters properly relating thereto.

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

Motion carried.

By Senator McGinness:

Senate Bill No. 280—AN ACT relating to hunting; making it unlawful to hunt in the Carson Lake Wildlife Management Area without a permit or other documentation specified by the Department of Wildlife; requiring the Department to charge and collect certain fees; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Townsend:

Senate Bill No. 281—AN ACT relating to campaign practices; revising provisions governing the use and reporting of campaign contributions and expenditures; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Parks and Copening:

Senate Bill No. 282—AN ACT relating to the taxation of property; providing a property tax credit for certain senior citizens and persons with disabilities; discontinuing certain property tax assistance for senior citizens; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Parks and Coffin:

Senate Bill No. 283—AN ACT relating to domestic relations; providing for the registration and dissolution of domestic partnerships in the State of Nevada; setting forth the rights and responsibilities attendant to such partnerships; and providing other matters properly relating thereto.

Senator Care moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Commerce and Labor.

Senator Raggio objected to suspending Standing Rule No. 40 and to the referral.

Motion carried.

By Senator Townsend:

Senate Bill No. 284—AN ACT relating to the Public Employees' Retirement System; exempting certain retired persons from disqualification for retirement allowances for reemployment with a public employer under the System; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Townsend:

Senate Bill No. 285—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for certain matters used in aviation; providing for exemptions from certain analogous taxes if the voters approve this amendment to the Sales and Use Tax Act of 1955; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Cegavske, Hardy, Lee, Parks, Raggio; Assemblymen Parnell and Settelmeyer:

Senate Bill No. 286—AN ACT relating to children; requiring the Health Division of the Department of Health and Human Services, within the limits of available money, to adopt a policy for the provision of early intervention services, including a schedule of fees for those services; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Wiener:

Senate Bill No. 287—AN ACT relating to personal financial administration; revising provisions concerning the appointment of a guardian; providing for the classification of trusts; providing for the administration of directed trusts; adopting provisions governing the administration of trusts; revising provisions concerning spendthrift trusts; exempting certain property of a trust from execution and attachment; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 216.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

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

Motion carried.

Senate in recess at 11:38 a.m.

#### SENATE IN SESSION

At 11:45 a.m.

President Krolicki presiding.

Quorum present.

#### SECOND READING AND AMENDMENT

Senate Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 16.

"SUMMARY—Revises provisions governing declarations of homestead. (BDR 10-440)"

"AN ACT relating to declarations of homestead; requiring the Real Estate Division of the Department of Business and Industry to prescribe a form for

such declarations; ~~exempting declarations made on the prescribed form from certain formatting requirements for documents submitted for recording;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the owner of property used as a homestead is authorized to file a written declaration of homestead for that property, which protects up to \$550,000 of equity in the property from forced sale, except in certain circumstances. (Nev. Const. Art. 4, § 30; NRS 115.010, 115.020) The contents of such a declaration are prescribed by law. (NRS 111.312, 115.020) Section 1 of this bill requires the Real Estate Division of the Department of Business and Industry, after soliciting and considering recommendations from the county recorders, to prescribe a form that may be used for filing a declaration of homestead. Section 1 also requires the Division and each county recorder to make the form available to the public, free of charge.

~~To be valid under existing law, a declaration of homestead must be recorded by the appropriate county recorder. (NRS 115.020) With certain exceptions, documents submitted for recording are required to conform to specific formatting requirements. (NRS 247.110) However, a county recorder is authorized to conform the size of a declaration of homestead that does not meet those formatting requirements so that the declaration is suitable for recording by a method used by the recorder to preserve his records. (NRS 247.120) A county recorder is authorized to charge an additional fee for recording a document that does not meet the formatting requirements unless the document is specifically exempted. (NRS 247.305) Section 3 of this bill exempts declarations of homestead made on the prescribed form from conformance with those formatting requirements, and consequently, a county recorder is prohibited from charging the additional fee for recording such a declaration.]~~

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

Section 1. Chapter 115 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Real Estate Division of the Department of Business and Industry shall:*

(a) *Solicit recommendations from each county recorder concerning the design and contents of a form that may be used to make a declaration of homestead pursuant to NRS 115.020; and*

(b) *Prescribe such a form after considering all recommendations solicited pursuant to paragraph (a).*

2. *The form must provide for the inclusion of all information, statements and signatures required for a declaration pursuant to NRS 111.312 and 115.020.*

3. *The form must be made available, free of charge:*

(a) *By the Real Estate Division at its principal office designated pursuant to NRS 645.170 and at each branch office established pursuant to*

*NRS 645.170 and on any website that it maintains on the Internet or its successor; and*

*(b) By each county recorder at his office and on any website maintained by him in his official capacity on the Internet or its successor.*

Sec. 2. NRS 115.020 is hereby amended to read as follows:

115.020 1. The selection must be made by either the husband or wife, or both of them, or the single person, declaring an intention in writing to claim the property as a homestead. *The selection may be made on the form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to section 1 of this act.*

2. The declaration must state:

(a) When made by a married person or persons, that they or either of them are married, or if not married, that he or she is a householder.

(b) When made by a married person or persons, that they or either of them, as the case may be, are, at the time of making the declaration, residing with their family, or with the person or persons under their care and maintenance, on the premises, particularly describing the premises.

(c) When made by any claimant under this section, that it is their or his intention to use and claim the property as a homestead.

3. The declaration must be signed by the person or persons making it ~~it~~ and acknowledged and recorded as conveyances affecting real property are required to be acknowledged and recorded. If the property declared upon as a homestead is the separate property of either spouse, both must join in the execution and acknowledgment of the declaration.

4. If a person solicits another person to allow the soliciting person to file a declaration of homestead on behalf of the other person and charges or accepts a fee or other valuable consideration for recording the declaration of homestead for the other person, the soliciting person shall, before the declaration is recorded or before the fee or other valuable consideration is charged to or accepted from the other person, provide that person with a notice written in bold type which states that:

(a) Except for the fee which may be charged by the county recorder for recording a declaration of homestead, a declaration of homestead may be recorded in the county in which the property is located without the payment of a fee; and

(b) The person may record the declaration of homestead on his own behalf.

↪ The notice must clearly indicate the amount of the fee which may be charged by the county recorder for recording a declaration of homestead.

5. The rights acquired by declaring a homestead are not extinguished by the conveyance of the underlying property in trust for the benefit of the person or persons who declared it. A trustee may by similar declaration claim property, held by him, as a homestead for the settlor or for one or more beneficiaries of the trust, or both, if the person or persons for whom the claim is made reside on or in the property.

6. A person who violates the provisions of subsection 4 is guilty of a misdemeanor.

Sec. 3. ~~NRS 247.110 is hereby amended to read as follows:~~

~~247.110 1. When a document authorized, entitled or required by law to be recorded is deposited in the county recorder's office for recording, the county recorder shall:~~

~~(a) Endorse upon it the time when it was received, noting:~~

~~(1) The year, month, day, hour and minute of its reception;~~

~~(2) The document number; and~~

~~(3) The amount of fees collected for recording the document.~~

~~(b) Record the document without delay, together with the acknowledgments, proofs and certificates, written upon or annexed to it, with the plats, surveys, schedules and other papers thereto annexed, in the order in which the papers are received for recording.~~

~~(c) Note at the upper right corner of the record and upon the document, except a map, so recorded the exact time of its reception and the name of the person at whose request it was recorded.~~

~~(d) Upon request, place a stamp or other notation upon one copy of the document presented at the time of recording to reflect the information endorsed upon the original pursuant to subparagraphs (1) and (2) of paragraph (a) and as evidence that he received the original, and return the copy to the person who presented it.~~

~~2. In addition to the information described in paragraph (a) of subsection 1, a county recorder may endorse upon a document the book and page where the document is recorded.~~

~~3. Except as otherwise provided in this section, subsection 4 of NRS 247.305 and NRS 111.366 to 111.3697, inclusive, a document, except a map, certificate or affidavit of death, military discharge, *declaration of homestead made on a form prescribed pursuant to section 1 of this act* or document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury, that is submitted for recording must be on a form authorized by NRS 104.9521 for the type of filing or must:~~

~~(a) Be on white, 20 pound paper that is 8 1/2 inches by 11 inches in size.~~

~~(b) Have a margin of 1 inch on the left and right sides and at the bottom of each page.~~

~~(c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin of 1 inch at the top of each succeeding page.~~

~~(d) Not be on sheets of paper that are bound together at the side, top or bottom.~~

~~(e) Not contain printed material on more than one side of each page.~~

~~(f) Not have any documents or other materials physically attached to the paper.~~

~~(g) Not contain:~~



~~(1) Colored markings to highlight text or any other part of the document;~~

~~(2) A stamp or seal that overlaps with text or a signature on the document, except in the case of a validated stamp or seal of a professional engineer or land surveyor who is licensed pursuant to chapter 625 of NRS;~~

~~(3) Text that is smaller than a 10 point Times New Roman font and is printed in any ink other than black; or~~

~~(4) More than nine lines of text per vertical inch.~~

~~4. The provisions of subsection 3 do not apply to a document submitted for recording that has been filed with a court and which conforms to the formatting requirements established by the court.~~

~~5. A document is recorded when the information required pursuant to this section is placed on the document and is entered in the record of the county recorder. (Deleted by amendment.)~~

Senator Care moved the adoption of the amendment.

Remarks by Senators Care, Carlton and Cegavske.

Senator Care:

The amendment simply deletes section 3 of the bill, and since section 1 of the bill would require that the department meet with the county recorders throughout the State to come up with the uniform form, there is no need for section 3.

Senator Carlton:

Thank you, Mr. President. Do I need to fill out all my forms again; am I starting all over?

Senator Care:

Thank you, Mr. President. I am not speaking as council for the good Senator, but I think the case law is that once you have filed a homestead exemption, it is still valid. I know that in the past we have raised the homestead exemption amounts we had it in the statutes that it was not necessary for anyone who had filed a declaration to do so again.

Senator Cegavske:

Thank you, Mr. President. In the past, just to let my colleagues know on this particular issue, you do need to refile every time there is a change. If there is a change in the amount of money, if there is a change in the language, you do have to refile every time we make a change in the statute. That is what was said to me by the county when we changed the amount. I just wanted you to know that was on record for one of our discussions when I was Chair of the Committee on Legislative Operations and Elections in the last two Sessions. That was one of the issues that came before us.

Senator Care:

Mr. President, my recollection is different from that when we raised the amount of the homestead exemption, I will ask my committee staff to get an answer on that because I do not believe you need to refile, but we will see.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 141.

Bill read second time and ordered to third reading.

Senate Bill No. 149.

Bill read second time and ordered to third reading.

Senate Bill No. 172.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 2 of the 74th Session.

Resolution read second time and ordered to third reading.

Assembly Bill No. 132.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 27.

Bill read third time.

Remarks by Senators Mathews and Care.

Senator Mathews requested that the following remarks be entered in the Journal.

SENATOR MATHEWS:

I would like a short explanation. I am not certain of what an identity-theft passport is from reading this.

SENATOR CARE:

There is a statutory definition of identity theft. It is on a case-by-case basis. If you believe your identity has been stolen, you go to the authorities. This bill would allow you to obtain an Identity Theft Program Card. We did this last Session, but it was called a passport. The program card allows you to have something you can use if a dispute about your identity comes up, and you may use it until the dispute is settled. We are changing the name from passport to program card. This makes the distinction between nonresidents and residents of Nevada.

Roll call on Assembly Bill No. 27:

YEAS—20.

NAYS—None.

EXCUSED—Breedon.

Assembly Bill No. 27 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Horsford moved that the Senate recess until 4:30 p.m.

Motion carried.

Senate in recess at 12:06 p.m.

SENATE IN SESSION

At 5:01 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Washington:

Senate Joint Resolution No. 10—Proposing to amend the Nevada Constitution to remove term limits for certain public officers.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 3 of Article 4 of the Nevada Constitution be amended to read as follows;

Sec. 3. ~~{1}~~ The members of the Assembly shall be chosen biennially by the qualified electors of their respective districts, on the Tuesday next after the first Monday in November and their term of Office shall be two years from the day next after their election.

~~{2. No person may be elected or appointed as a member of the Assembly who has served in that Office, or at the expiration of his current term if he is so serving will have served, 12 years or more, from any district of this State.}~~

And be it further

RESOLVED that Section 4 of Article 4 of the Nevada Constitution be amended to read as follows;

Sec. 4. ~~{1}~~ Senators shall be chosen at the same time and places as members of the Assembly by the qualified electors of their respective districts, and their term of Office shall be four years from the day next after their election.

~~{2. No person may be elected or appointed as a Senator who has served in that Office, or at the expiration of his current term if he is so serving will have served, 12 years or more, from any district of this State.}~~

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

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

By Senator Carlton and Assemblyman Conklin:

Senate Bill No. 288—AN ACT relating to occupational safety; revising provisions relating to occupational safety and health; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Cegavske, Washington, Hardy, McGinness; Assemblymen Gansert and Christensen:

Senate Bill No. 289—AN ACT relating to taxes; establishing a tax credit for certain businesses that donate money to certain school tuition organizations; setting forth the requirements for a school tuition organization; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Cegavske:

Senate Bill No. 290—AN ACT relating to public health; authorizing patients of certain facilities to install electronic surveillance devices in the room of the patient under certain circumstances; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Amodei:

Senate Bill No. 291—AN ACT relating to the Nevada Commission for the Reconstruction of the V & T Railway; revising provisions governing the membership of the Commission; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Amodei:

Senate Bill No. 292—AN ACT relating to children; adopting the Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Cegavske:

Senate Bill No. 293—AN ACT relating to children; requiring a court order under certain circumstances before prescribing certain medications to children who are in the custody of agencies which provide child welfare services; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Lee:

Senate Bill No. 294—AN ACT relating to taxation; revising the formula for the allocation of money distributed from the Local Government Tax Distribution Account; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Carlton:

Senate Bill No. 295—AN ACT relating to dentistry; providing certain exceptions from the list of persons deemed to be practicing dentistry; providing that certain acts are not precluded pursuant to the statutes governing dentistry; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Washington (by request):

Senate Bill No. 296—AN ACT relating to healing arts; providing for certain disclosures by providers of complementary and alternative health care; limiting the scope of services which may be performed by providers of

complementary and alternative health care; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Cegavske and Assemblywoman Buckley:

Senate Bill No. 297—AN ACT relating to mental health professions; allowing certain professionals licensed in other states to become licensed in Nevada if certain criteria are met; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Cegavske and Assemblywoman Dondero Loop:

Senate Bill No. 298—AN ACT relating to the Nevada System of Higher Education; authorizing the Board of Regents of the University of Nevada to plan for and establish programs for the study of renewable energy resources within the Nevada System of Higher Education; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Nolan:

Senate Bill No. 299—AN ACT relating to the Legislature; providing for the payment of a stipend to a Legislator during a regular session under certain circumstances; providing for the reimbursement of certain costs to a Legislator as a result of the service of the Legislator during a special session; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Cegavske, Schneider and Assemblyman Manendo:

Senate Bill No. 300—AN ACT relating to state lands; requiring the acceptance by the Division of State Lands of the State Department of Conservation and Natural Resources of the donation of certain improvements to certain state land; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Nolan, Parks, Amodei, Care, Cegavske, Copening, Hardy, Raggio, Wiener and Woodhouse:

Senate Bill No. 301—AN ACT relating to land use; requiring certain political subdivisions to develop and enact various master plan provisions, zoning ordinances and building codes specific to certain property near military installations; requiring owners of certain property near military installations to disclose certain information to any potential buyer of the property; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Nolan, Parks, Cegavske, Amodei, Care, Copenig, Hardy, Raggio, Wiener and Woodhouse:

Senate Bill No. 302—AN ACT relating to public health; authorizing hospitals to enter into agreements for the provision of medical care under certain circumstances; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senators Nolan, Amodei, Copenig, Care, Cegavske, Hardy, Parks, Raggio, Wiener and Woodhouse:

Senate Bill No. 303—AN ACT relating to education; enacting the Interstate Compact on Educational Opportunity for Military Children; revising provisions relating to the enrollment and education of certain children of military families in public schools; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senators Parks, Copenig, Horsford, Carlton, Coffin, Schneider, Wiener; Assemblywomen Pierce, Leslie and Smith (by request):

Senate Bill No. 304—AN ACT relating to public health; revising provisions relating to certain tests for certain communicable diseases; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senators Parks, Copenig, Horsford, Carlton, Coffin, Schneider; Assemblywomen Pierce, Leslie, Mastroluca and Smith (by request):

Senate Bill No. 305—AN ACT relating to communicable diseases; making various changes concerning a prescription for the sexual partner of a person diagnosed with a sexually transmitted disease; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senators Carlton, Coffin, Parks, Horsford, Amodei, Care, Hardy, Mathews, McGinness, Townsend, Wiener, Woodhouse; Assemblymen Segerblom, Koivisto, Ohrenschall, Kihuen, Anderson, Arberry, Carpenter, Goicoechea and McClain:

Senate Bill No. 306—AN ACT relating to health; authorizing the Health Division of the Department of Health and Human Services to establish and administer a program to make grants of money to support the expansion of federally qualified health centers and rural health clinics in this State; authorizing the Health Division to enter into any agreement and take any other action necessary to maximize the amount of federal money the State may obtain to carry out the program; authorizing the Health Division to apply for and accept any money from any source to carry out the program; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senators Wiener, Horsford, Woodhouse, Cegavske, Parks, Amodei, Copening, Hardy, Lee, McGinness, Nolan, Schneider and Washington:

Senate Bill No. 307—AN ACT relating to public welfare; requiring the Office of the Director of the Department of Health and Human Services to study issues relating to Medicaid in this State; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Nolan:

Senate Bill No. 308—AN ACT relating to emergency management; requiring the Division of Emergency Management of the Department of Public Safety to prepare a plan and program for emergency management in this State; requiring the Division to adopt regulations prescribing standards and requirements for emergency management plans adopted by political subdivisions and local organizations for emergency management; requiring the Division to establish a statewide program for public awareness of emergency preparedness; requiring emergency plans adopted by political subdivisions and local organizations for emergency management to be consistent with and coordinated with the plan and program for emergency management prepared by the Division; requiring emergency management plans in this State to include provisions requiring that registered sex offenders not be housed or sheltered in facilities with other evacuees; authorizing sheriffs to declare an emergency or disaster and provide for and

compel evacuations in certain circumstances; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee Energy, Infrastructure and Transportation.

Motion carried.

By Senator Nolan:

Senate Bill No. 309—AN ACT relating to motor vehicles; removing the exemption of mopeds from certain registration requirements; requiring a fee for the registration of mopeds; requiring drivers and passengers of mopeds to wear protective headgear; providing a penalty; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senator Care:

Senate Bill No. 310—AN ACT relating to trust companies; establishing various requirements for licensing as a retail trust company; establishing certain minimum capital requirements for retail trust companies; authorizing the Commissioner of Financial Institutions to take various actions relating to the regulation of trust companies; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Mathews, Lee, Horsford, Townsend; Assemblymen Anderson and Smith:

Senate Bill No. 311—AN ACT relating to water; requiring the State Board of Health to adopt regulations requiring the fluoridation of water provided by certain public water systems and water authorities in certain counties; providing exceptions; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Mathews:

Senate Bill No. 312—AN ACT relating to motor vehicles; revising provisions relating to the verification of liability insurance for motor vehicles; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senators Mathews, Horsford, Care, Lee; Assemblymen Anderson and Mortenson:



Senate Bill No. 313—AN ACT relating to guardianship; providing that a court may sanction certain persons who are vexatious litigants; requiring a guardian to maintain certain records for certain periods of time; adopting in part the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; revising certain notice requirements for guardianship proceedings; revising certain procedural requirements for the appointment of a guardian; revising the authority of certain guardians in certain circumstances; making various other changes relating to guardianships; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Mathews, Amodei, Horsford, Lee, Townsend, Wiener; Assemblymen Hardy, Anderson, Carpenter, Grady and Ohrenschall:

Senate Bill No. 314—AN ACT relating to powers of attorney; adopting the Uniform Power of Attorney Act; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Raggio, Cegavske, Nolan, Washington, Townsend, Hardy and McGinness:

Senate Bill No. 315—AN ACT relating to elections; requiring registered voters to provide proof of identity to vote in person; requiring county clerks to issue proof of identity under certain circumstances; requiring registered voters to provide identification to vote by absent ballot or by mail; revising provisions concerning provisional ballots; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Copenig, Parks, Woodhouse, Wiener, Carlton and Assemblyman Segerblom:

Senate Bill No. 316—AN ACT relating to insurance; directing the Legislative Commission to provide for a study concerning the establishment of a health insurance exchange in this State; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Copenig, Parks, Woodhouse, Wiener, Carlton and Assemblyman Segerblom:

Senate Bill No. 317—AN ACT relating to education; requiring a pupil to satisfactorily complete instruction in financial literacy as a condition to the receipt of a high school diploma; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senators Copening and Parks:

Senate Bill No. 318—AN ACT relating to the Nevada System of Higher Education; providing that tuition at all campuses of the Nevada System of Higher Education must be free for certain veterans of the Armed Forces of the United States; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senators Breeden, Parks, Carlton, Woodhouse; Assemblymen Segerblom, Leslie and Smith:

Senate Bill No. 319—AN ACT relating to health care; establishing requirements for reports of near-miss events by medical facilities; revising provisions relating to reports of sentinel events; requiring certain investigations relating to sentinel events and near-miss events; requiring the Health Division of the Department of Health and Human Services to prepare an annual summary of the reports; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Carlton:

Senate Bill No. 320—AN ACT relating to dental hygiene; creating a new chapter in NRS to govern dental hygienists and the practice of dental hygiene; establishing the Nevada State Board of Dental Hygienists; revising provisions relating to dentistry and dental hygiene; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Parks (by request):

Senate Bill No. 321—AN ACT relating to metropolitan police departments; changing the name of a "metropolitan police committee on fiscal affairs" to a "metropolitan police commission"; authorizing a commission to apply for, receive and disburse federal funds; requiring a

department to conduct a public hearing before negotiating or entering into certain contracts; amending the membership of a commission; requiring a commission to meet monthly; providing that the chairman of a commission may only vote in the case of a tie; requiring a metropolitan police department to hold a public hearing before preparing its annual operating budget; authorizing a commission to own real property; making various other changes relating to metropolitan police commissions; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Parks (by request):

Senate Bill No. 322—AN ACT relating to health districts; authorizing the board of county commissioners of certain counties to authorize the district board of health to establish and maintain an integrated system for the provision of certain health and social services; authorizing the board of county commissioners to place certain county agencies under the direct control and supervision of the district health department; authorizing the district board of health to adopt regulations; requiring the district board of health to make certain reports to the Governor and the Legislature concerning an integrated system for the provision of health and social services; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senators Horsford, Wiener, Parks, Woodhouse, Care, Carlton, Coffin, Copening, Lee, Mathews and Schneider:

Senate Bill No. 323—AN ACT relating to public works; requiring the governing bodies of local governments to develop a plan for the retrofitting of local government buildings with energy-efficient measures and to transmit the plan to the Office of Energy and any other entity designated by the Legislature; and providing other matters properly relating thereto.

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

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 5:07 p.m.

## SENATE IN SESSION

At 5:09 p.m.  
President Krolicki presiding.  
Quorum present.

## REMARKS FROM THE FLOOR

Remarks by Senators Care and Nolan.

Senator Care requested that the following remarks be entered in the Journal.

## SENATOR CARE:

The question was raised this morning when we were discussing Senate Bill No. 67 about when you have to rerecord a homestead exemption. I had Judiciary staff look into this issue. In NRS 115.010, subsection 6, it states: "Any declaration of homestead which has been filed before July 1, 2007, shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, 2007."

I take this to mean that there is no need to rerecord a declaration of homestead when the homestead exemption increases which it did last in 2007.

The question this morning was asked about forms, new recordings at any rate. There is case law that says the homeowner has until almost the minute of the sherriff's sale to file the homestead declaration. It is not something that has to be done prior to commencement of litigation or prior to the judgment.

## SENATOR NOLAN:

Earlier this morning, Senator Cegavske mentioned she had been given misleading information by county personnel in regard to refiling, and I wanted to state that I, too, had received the same incorrect information. Could we have the LCB staff forward a letter to the county assessors in each of our counties to clarify this information?

## SENATOR CARE:

The information would be sent to county recorders. I will discuss this with staff and make an inquiry as to what the practice is in the various counties.

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that the Senate recess until 7 p.m.

Motion carried.

Senate in recess at 5:12 p.m.

## SENATE IN SESSION

At 7:19 p.m.  
President Krolicki presiding.  
Quorum present.

## REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 184, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

## INTRODUCTION, FIRST READING AND REFERENCE

By Senator Schneider:

Senate Bill No. 324—AN ACT relating to industrial insurance; revising provisions for assessments imposed on certain insurers; revising provisions relating to administrative fines and penalties for certain violations; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Cegavske:

Senate Bill No. 325—AN ACT relating to communicable diseases; requiring hospitals to establish a program concerning methicillin-resistant *Staphylococcus aureus*; requiring the State Health Officer to collect information concerning such infections; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senators Cegavske and Raggio:

Senate Bill No. 326—AN ACT relating to education; revising the duties and powers of the Superintendent of Public Instruction and the Department of Education; revising provisions relating to the appointment of the Superintendent of Public Instruction; creating the Division of Accountability for Public Schools within the Department; revising provisions relating to sponsorship of charter schools; creating the Nevada Charter School Institute; prescribing the membership, duties and powers of the Institute; making the Commission on Educational Technology an advisory body; making the Council to Establish Academic Standards for Public Schools an advisory body; repealing the State Board of Education; repealing the Subcommittee on Charter Schools of the State Board of Education; repealing the State Board for Career and Technical Education; repealing the Commission on Educational Excellence; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Schneider:

Senate Bill No. 327—AN ACT relating to energy; authorizing the Public Utilities Commission of Nevada to provide certain incentives for investments in advanced travel center electrification systems and systems for recharging plug-in electric or plug-in hybrid electric vehicles; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senator McGinness:

Senate Bill No. 328—AN ACT relating to elevators; exempting stairlifts from certain requirements relating to elevators; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Amodei:

Senate Bill No. 329—AN ACT relating to motor vehicles; providing for the issuance of special license plates indicating support for the Nevada CASA Association; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senator Horsford:

Senate Bill No. 330—AN ACT relating to education; revising provisions relating to the Superintendent of Public Instruction; making various changes regarding the Department of Education, the State Board of Education and various councils and commissions related to the system of public education in this State; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

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

Motion carried.

Senate in recess at 7:20 p.m.

#### SENATE IN SESSION

At 7:21 p.m.

President Krolicki presiding.

Quorum present.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Pauline Lee and Annette Mohs.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Donna Juell.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Alana Lee.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students from Wooster High School: Danny Knoob, Kylea Douglas, Trevor Shields, Jared Martinez, Sloan Miller, David Chan, Tim Contreras, Shelby Wharton, Matt Buckelew, Frances McGee, David Berg, Shaeley Widericksen, Sidney Leathers, Tyler Hendricks, Sharat Raghunathan, Nic Phillip, Jennie Mercado, Troy Sherman, Mike Samaniego, Estephania Jimenez, Sharise York, Kevin Razo, Caleb Mills, Holly Schlotzhauer, Matt Stewart-Francis, Tia Riddle, Kevin Singratanakul, Megan Donnelly, Stephanie Carpenter, Maria V. Oliva and Saige Carruth.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Stephen Meyers.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Annette Teijeiro.

Senator Horsford moved that the Senate adjourn until Tuesday, March 17, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 7:23 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*