

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), April 4, 2011

Assembly called to order at 11:24 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ellison, who was excused.

Prayer by the Chaplain, Pastor Ron Torkelsen.

Dear God, I pray this morning for the country we represent and the state of Nevada that these men and women govern. I recognize that it is no simple task given to these people. Our times are filled with economic challenge, job loss, a multitude of homeless families, and no simple solutions to the dilemma. Therefore, my prayer this morning is that You will give each representative here the wisdom to know what is best for the people of Nevada and the courage to stand for what is right. I pray that they may look beyond personal preference and together work toward strengthening the state that we call home.

Thank You, God, that we live in a nation of the free. I pray that these freedoms will be the motivation for the business of this day.

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

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 62, 203, 214, and 358 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 97, 168, and 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 123, 148, and 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 83, 92, and 147 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 375, 475, 476, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 494, 495, 496, 497, 498, 500, 515, 516, 518, 519, 521, 525, 527, 528, 529, 530, 531, 553, 555, 557, 558, 560, 561, 562 and 563.

RICK COMBS
Fiscal Analysis Division

April 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 49, 155, 167, 181, 219, 222, 235, 245, 256, 272, 286, 287, 294, 299, 309, 311, 314, 315, 316, 323, 326, 332, 333, 339, 345, 347, 356, 363, 365, 372, 392, 404, 418, 427, 436 and 506.

RICK COMBS
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 2.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 29.

SUMMARY—Revises provisions relating to emissions testing for certain ~~restored~~ vehicles. (BDR 43-134)

AN ACT relating to motor vehicles; providing an exemption from emissions inspection for certain ~~restored~~ motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance of special license plates for certain older motor vehicles in categories including antique vehicles, street rods, classic rods and classic vehicles. (NRS 482.381, 482.3812, 482.3814, 482.3816) Existing law also requires the State Environmental Commission to establish criteria that allow motor vehicles with such license plates to qualify for an exemption from standards for the control of emissions from motor vehicles, and to provide by regulation that an evaluation required of such motor vehicles to qualify for the exemption may be conducted at stations authorized to perform inspections of motor vehicles and devices for compliance with emissions standards. (NRS 445B.760)

Section 5 of this bill provides for the exemption of those older motor vehicles that have been issued the special license plates from standards for the control of emissions without the performance of any such evaluation if the owner of the motor vehicle certifies that the motor vehicle has not been driven more than ~~12,500~~ **5,000** miles the previous year. **Sections 1-4** of this bill require that the owner of such a motor vehicle which qualifies for the exemption pay a fee to the Department of Motor Vehicles, to be accounted for in the Pollution Control Account, in an amount equal to the cost for a certificate of compliance with emissions standards.

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

Section 1. NRS 482.381 is hereby amended to read as follows:

482.381 1. The Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.

2. License plates issued pursuant to this section must bear the inscription “Old Timer,” and the plates must be numbered consecutively.

3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

4. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

- (a) For the first issuance \$35
- (b) For a renewal sticker 10

5. *In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of \$6 for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive.*

6. *Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.*

Sec. 2. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. The Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

- (a) Having a manufacturer’s rated carrying capacity of 1 ton or less; and
- (b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words “STREET ROD” and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

5. *In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of \$6 for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive.*

6. *Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.*

Sec. 3. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. The Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and government services taxes. The fee for an annual renewal sticker is \$10.

5. *In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of \$6 for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive.*

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 4. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. The Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

- (a) Having a manufacturer's rated carrying capacity of 1 ton or less;
- (b) Manufactured at least 25 years before the application is submitted to the Department; and
- (c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

- (a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or
- (b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of \$6 for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 5. NRS 445B.760 is hereby amended to read as follows:

445B.760 1. The Commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines on the ground or in the air, including, but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives. The regulations must ~~f-~~

~~(a) Provide~~ **provide** for the exemption from such standards of ~~a [restored] [vehicles] vehicle~~ **vehicle** for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 ~~f-~~

~~(b) Establish criteria for the condition and functioning of a restored vehicle to qualify for the exemption, and provide that the evaluation of the condition and functioning of such a vehicle may be conducted at an~~

~~authorized inspection station or authorized station as defined in NRS 445B.710 and 445B.720, respectively.~~

~~(e) Define "restored vehicle" for the purposes of the regulations.] if the owner of such a vehicle certifies to the Department of Motor Vehicles, on a form provided by the Department of Motor Vehicles, that the vehicle was not driven more than ~~12,500~~ 5,000 miles during the immediately preceding year.~~

2. Except as otherwise provided in subsection 3, standards for exhaust emissions which apply to a:

- (a) Reconstructed vehicle, as defined in NRS 482.100; and
- (b) Trimobile, as defined in NRS 482.129,

↪ must be based on standards which were in effect in the year in which the engine of the vehicle was built.

3. A trimobile that meets the definition of a motorcycle in 40 C.F.R. § 86.402-78 or 86.402-98, as applicable, is not subject to emissions standards under this chapter.

4. Any such standards which pertain to motor vehicles must be approved by the Department of Motor Vehicles before they are adopted by the Commission.

Sec. 6. This act becomes effective on July 1, 2011.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 15.

AN ACT relating to public defenders; establishing the Fund for Legal Defense of Indigent Persons; authorizing certain counties to apply to the Board of Trustees of the Fund for reimbursement of certain extraordinary costs of providing public defender services; providing for an additional administrative assessment to be paid by persons who plead guilty to or are convicted of a misdemeanor; increasing certain administrative assessments; requiring certain administrative assessments to be deposited in the Fund for Legal Defense of Indigent Persons; imposing an additional sales and use tax; authorizing boards of county commissioners to impose an additional sales and use tax; requiring revenue generated by the additional sales and use taxes to be used by counties for provision of legal services to indigent persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any county whose population is 100,000 or more (currently Washoe and Clark Counties) must create an office of public defender to provide defense services to indigent persons, and any county with a population of less than 100,000 may, but is not required to, create such an office. (NRS 260.010) The State Public Defender provides indigent defense services in counties that have not created an office of public defender or hired private attorneys to provide indigent defense services, and the State Public Defender may charge those counties, in amounts not to exceed limits set by the Legislature, for providing those services. (NRS 180.110) This bill provides additional revenue which counties must use to pay for indigent defense services.

Existing law requires a person who pleads or is found guilty of any crime to pay certain administrative assessments in addition to any other penalty imposed by the judge. (NRS 176.059-176.062) **Section 9** of this bill establishes an additional administrative assessment of \$4, which must be paid by a person who pleads or is found guilty of a misdemeanor. **Section 10** of this bill increases by \$5 one of the administrative assessments required to be paid by a person who pleads or is found guilty of a misdemeanor. **Section 13** of this bill increases from \$25 to \$50 the administrative assessment required to be paid by a person who pleads or is found guilty of a gross misdemeanor or felony. The money received from these additional administrative assessments must be deposited in a Fund for Legal Defense of Indigent Persons, which is created by **section 5** of this bill. **Section 6** of this bill establishes a Board of Trustees of the Fund, consisting of four county commissioners appointed to the Board by the Governor and one public defender appointed to the Board by the Governor. **Section 8** of this bill authorizes a county which has imposed the additional sales and use tax authorized by **section 19** of this bill to apply to the Board for reimbursement from the Fund of certain extraordinary costs paid by the county in connection with the provision of indigent defense services.

Sections 17-22 of this bill establish an additional method for a county to pay the costs incurred by the county in connection with the provision of indigent defense services. **Section 18** imposes an additional one-eighth of 1 percent sales and use tax throughout this State. **Section 19** authorizes a board of county commissioners to impose an additional sales and use tax of not more than one-eighth of 1 percent in that county. **Sections 20 and 21** require these taxes to be distributed to counties after deduction of a certain percentage of the taxes to compensate the State for collection costs. **Section 22** requires a county to deposit these taxes in a separate fund known as the Indigent Legal Defense Fund and authorizes the county to use money in this Fund to pay for: (1) the county's public defender; (2) any amount required to

be paid by the county to the State Public Defender; or (3) any other costs required to be paid by the county in connection with the provision of legal services to indigent persons.

WHEREAS, In Gideon v. Wainwright, 372 U.S. 335 (1963), the United States Supreme Court held that the United States Constitution requires states to furnish legal counsel to indigent persons who are charged with a crime; and

WHEREAS, Since the decision in Gideon, the United States Supreme Court has held that the United States Constitution requires states to furnish legal counsel to indigent persons in additional circumstances, including, without limitation, juvenile delinquency proceedings, misdemeanor cases for which incarceration is possible and certain pretrial and postconviction proceedings; and

WHEREAS, On April 26, 2007, the Nevada Supreme Court ordered the creation of the Indigent Defense Commission to study various issues concerning the system used in this State to provide indigent defense services; and

WHEREAS, Upon the recommendation of the Indigent Defense Commission, the Nevada Supreme Court has adopted performance standards for public defenders in this State and is considering adopting limits on the caseloads of public defenders, and

WHEREAS, In the State of Nevada, counties with a population of 100,000 or more are required to create an office of public defender and counties with a population of less than 100,000 may create an office of public defender, hire private attorneys to provide indigent defense services or use the State Public Defender to provide such services; and

WHEREAS, Counties pay a substantial percentage of the total expenditures in this State for indigent defense services; and

WHEREAS, The provision of competent indigent defense services in an increased number of cases has placed financial strain on counties in this State; and

WHEREAS, To ensure that counties in this State are able to pay for indigent defense services that satisfy constitutional standards, it is necessary to provide additional sources of funding for indigent defense services in this State; now, therefore,

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

Section 1. Title 14 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 3. "Board" means the Board of Trustees of the Fund.

Sec. 4. "Fund" means the Fund for Legal Defense of Indigent Persons created pursuant to section 5 of this act.

Sec. 5. 1. The Fund for Legal Defense of Indigent Persons is hereby created as a special revenue fund for the purposes described in this chapter.

2. Interest earned on the money in the Fund must be deposited for credit to the Fund.

3. Any money remaining in the Fund at the end of a fiscal year remains in the Fund and does not revert to the State General Fund.

4. Claims against the Fund must be paid on claims approved by the Board.

Sec. 6. 1. The Fund must be administered by a Board of Trustees composed of five members who are appointed by the Governor. The Governor shall appoint as members of the Board:

(a) Four county commissioners from a list of nominees submitted by the Board of Directors of the Nevada Association of Counties; and

(b) One member who is a public defender.

2. Each member of the Board of Trustees shall serve a term of 1 year or until a successor has been appointed and has qualified.

3. The position of a member of the Board of Trustees shall be deemed vacated upon the loss of any of the qualifications required for the appointment of the member.

4. A vacancy on the Board must be filled in the same manner as the original appointment.

Sec. 7. The Board shall administer the Fund and for that purpose may:

1. Enter into all necessary contracts and agreements.

2. Employ personnel as necessary and prescribe their compensation and working conditions.

3. Enter into agreements with the Department of Administration to obtain the services of consultants, attorneys, auditors and accountants.

4. Rent, lease, purchase or otherwise procure or receive real or personal property.

5. Adopt regulations necessary for carrying out the provisions of this chapter.

Sec. 8. 1. A county which has imposed the maximum amount of the tax authorized by section 19 of this act may apply to the Board for reimbursement or partial reimbursement of extraordinary costs that the

county is required to pay in connection with the provision of legal services to an indigent person.

2. The Board shall set forth the manner in which counties may apply for reimbursement pursuant to this section.

3. After reviewing an application received pursuant to this section, the Board may approve reimbursement of all or part of the costs if the Board determines that:

(a) The county has imposed the maximum amount of the tax authorized by section 19 of this act;

(b) The county was required to pay the costs in connection with the provision of legal services to an indigent person;

(c) The costs were extraordinary; and

(d) The costs were incurred in a complex case, a capital case or a case in which an unforeseen increase in costs occurred.

4. If the Board approves reimbursement or partial reimbursement, payment to the county must be made from the Fund, to the extent money is available in the Fund.

5. Upon payment to the county, the Board:

(a) Is subrogated to the right of the county to recover from the indigent person or any other person responsible for the support of the indigent person any costs paid by the county for the provision of legal services to the indigent person, to the extent of the reimbursement or partial reimbursement paid from the Fund; and

(b) Has a lien upon the proceeds of any recovery by the county of any costs paid by the county for the provision of legal services to the indigent person, to the extent of the reimbursement or partial reimbursement paid from the Fund.

6. As used in this section:

(a) "Capital case" means a criminal case in which the most serious crime charged is a felony punishable by death or by imprisonment for life with or without possibility of parole.

(b) "Complex case" means a case in which the provision of adequate legal representation requires significantly more time or resources because of:

(1) The number, novelty or difficulty of the factual or legal issues involved in the case;

(2) The severity of the charges against the client; or

(3) Other special circumstances.

Sec. 9. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to

NRS 176.059, 176.0611 and 176.0613, an administrative assessment for the provision of legal services to indigent persons.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$4 as an administrative assessment for the provision of legal services to indigent persons and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

- (a) An ordinance regulating metered parking; or*
- (b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.*

4. The money collected for an administrative assessment for the provision of legal services to indigent persons must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid, and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of legal services to indigent persons to be paid in installments, the payments must be applied in the following order:

- (a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;*
- (b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;*
- (c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;*
- (d) To pay the unpaid balance of an administrative assessment for the provision of legal services to indigent persons pursuant to this section; and*

(e) *To pay the fine.*

6. *The money collected for an administrative assessment for the provision of legal services to indigent persons in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to the Fund for Legal Defense of Indigent Persons created by section 5 of this act.*

7. *The money collected for an administrative assessment for the provision of legal services to indigent persons in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to the Fund for Legal Defense of Indigent Persons created by section 5 of this act.*

Sec. 10. NRS 176.059 is hereby amended to read as follows:

176.059 1. Except as otherwise provided in subsection 2, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:

Fine.....	Assessment
\$5 to \$49.....	[\$30] \$35
50 to 59.....	[45] 50
60 to 69.....	[50] 55
70 to 79.....	[55] 60
80 to 89.....	[60] 65
90 to 99.....	[65] 70
100 to 199.....	[75] 80
200 to 299.....	[85] 90
300 to 399.....	[95] 100
400 to 499.....	[105] 110
500 to 1,000.....	[120] 125

If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection.

2. The provisions of subsection 1 do not apply to:

- (a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

3. The money collected for an administrative assessment must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 5 or 6. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

4. If the justice or judge permits the fine and administrative assessment to be paid in installments, the payments must be first applied to the unpaid balance of the administrative assessment. The city treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 5. The county treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 6.

5. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the municipal courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the municipal general fund if it has not been committed for expenditure. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) Five dollars to the State Controller for credit to the State General Fund.

(d) ***Five dollars to the State Controller for credit to the Fund for Legal Defense of Indigent Persons created pursuant to section 5 of this act.***

(e) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund for distribution as provided in subsection 8.

6. The money collected for administrative assessments in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the justice courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) Five dollars to the State Controller for credit to the State General Fund.

(d) ***Five dollars to the State Controller for credit to the Fund for Legal Defense of Indigent Persons created pursuant to section 5 of this act.***

(e) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund for distribution as provided in subsection 8.

7. The money apportioned to a juvenile court, a justice court or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve the operations of the court, or to acquire appropriate advanced technology or the use of such technology, or both. Money used to improve the operations of the court may include expenditures for:

(a) Training and education of personnel;

(b) Acquisition of capital goods;

(c) Management and operational studies; or

(d) Audits.

8. Of the total amount deposited in the State General Fund pursuant to paragraph ~~((d))~~ (e) of subsection 5 and paragraph ~~((d))~~ (e) of subsection 6,

the State Controller shall distribute the money received to the following public agencies in the following manner:

(a) Not less than 51 percent to the Office of Court Administrator for allocation as follows:

(1) Thirty-six and one-half percent of the amount distributed to the Office of Court Administrator for:

- (I) The administration of the courts;
- (II) The development of a uniform system for judicial records; and
- (III) Continuing judicial education.

(2) Forty-eight percent of the amount distributed to the Office of Court Administrator for the Supreme Court.

(3) Three and one-half percent of the amount distributed to the Office of Court Administrator for the payment for the services of retired justices and retired district judges.

(4) Twelve percent of the amount distributed to the Office of Court Administrator for the provision of specialty court programs.

(b) Not more than 49 percent must be used to the extent of legislative authorization for the support of:

- (1) The Central Repository for Nevada Records of Criminal History;
- (2) The Peace Officers' Standards and Training Commission;
- (3) The operation by the Department of Public Safety of a computerized interoperative system for information related to law enforcement;
- (4) The Fund for the Compensation of Victims of Crime;
- (5) The Advisory Council for Prosecuting Attorneys; and
- (6) Programs within the Office of the Attorney General related to victims of domestic violence.

9. Any money deposited in the State General Fund pursuant to paragraph ~~[(d)]~~ (e) of subsection 5 and paragraph ~~[(d)]~~ (e) of subsection 6 that is not distributed or used pursuant to paragraph (b) of subsection 8 must be transferred to the uncommitted balance of the State General Fund.

10. As used in this section:

(a) "Juvenile court" has the meaning ascribed to it in NRS 62A.180.

(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

Sec. 11. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, *and section 9 of this act*, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

- (a) An ordinance regulating metered parking; or
- (b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

- (a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;
- (b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;
- (c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~and~~
- (d) ***To pay the unpaid balance of an administrative assessment for the provision of legal services to indigent persons pursuant to section 9 of this act; and***

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

↪ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

↪ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 12. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, **and section 9 of this act**, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~and~~

(d) ***To pay the unpaid balance of an administrative assessment for the provision of legal services to indigent persons pursuant to section 9 of this act; and***

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the

county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 13. NRS 176.062 is hereby amended to read as follows:

176.062 1. When a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a felony or gross misdemeanor, the judge shall include in the sentence the sum of ~~[\$25]~~ **\$50** as an administrative assessment and render a judgment against the defendant for the assessment.

2. The money collected for an administrative assessment:

(a) Must not be deducted from any fine imposed by the judge;

(b) Must be taxed against the defendant in addition to the fine; and

(c) Must be stated separately on the court's docket.

3. The money collected for administrative assessments in district courts must be paid by the clerk of the court to the county treasurer on or before the

fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Five dollars for credit to a special account in the county general fund for the use of the district court.

(b) *Twenty-five dollars to the State Controller for credit to the Fund for Legal Defense of Indigent Persons created pursuant to section 5 of this act.*

(c) The remainder of each assessment to the State Controller.

4. The State Controller shall credit the money received pursuant to *paragraph (c) of* subsection 3 to a special account for the assistance of criminal justice in the State General Fund, and distribute the money from the account to the Attorney General as authorized by the Legislature. Any amount received in excess of the amount authorized by the Legislature for distribution must remain in the account.

Sec. 14. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

↪ and the per diem allowance and travel expenses provided for state officers and employees generally incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, the criminal charge for which the person was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine the ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~+~~ **and section 9 of this act.**

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning the person to this State. The court shall not order the person to make restitution if payment of restitution will prevent the person from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of the sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 15. NRS 211.245 is hereby amended to read as follows:

211.245 1. If a prisoner fails to make a payment within 10 days after it is due, the district attorney for a county or the city attorney for an incorporated city may file a civil action in any court of competent jurisdiction within this State seeking recovery of:

(a) The amount of reimbursement due;

(b) Costs incurred in conducting an investigation of the financial status of the prisoner; and

(c) Attorney's fees and costs.

2. A civil action brought pursuant to this section must:

(a) Be instituted in the name of the county or city in which the jail, detention facility or alternative program is located;

(b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;

(c) Include the record of judgment of conviction, if available;

(d) Indicate the length of time served by the prisoner and, if the prisoner has been released, the date of his or her release; and

(e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or the prisoner's spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or personal, whether community or separate, except for necessary living expenses.

6. The payment, pursuant to a judicial order, of existing obligations for:

- (a) Child support or alimony;
- (b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062, **and section 9 of this act,**

↪ has priority over the payment of a judgment entered pursuant to this section.

Sec. 16. NRS 249.085 is hereby amended to read as follows:

249.085 On or before the 15th day of each month, the county treasurer shall report to the State Controller the amount of the administrative assessments paid by each justice court for the preceding month pursuant to NRS 176.059 and 176.0613 ~~[-]~~ **and section 9 of this act.**

Sec. 17. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 18 to 22, inclusive, of this act.

Sec. 18. 1. *For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers at the rate of one-eighth of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in a county.*

2. *An excise tax is hereby imposed on the storage, use or other consumption in a county of tangible personal property purchased from any retailer for storage, use or other consumption in the county at the rate of one-eighth of 1 percent of the sales price of the property. The tax is imposed on all property which was acquired out of State in a transaction which would have been a taxable sale if it had occurred within this State.*

3. *Except as otherwise provided in sections 20, 21 and 22 of this act, the tax must be administered, collected and distributed in the same manner as the tax set forth in chapter 374 of NRS.*

Sec. 19. 1. *In addition to the amount of tax imposed pursuant to section 18 of this act, the board of county commissioners of any county may by ordinance, but not as in a case of emergency, impose an additional*

tax pursuant to this section to pay a portion of the fees, expenses and other costs required to be paid by the county in connection with the provision of legal services to indigent persons.

2. An ordinance enacted pursuant to this chapter may not become effective before a question concerning the imposition of the tax is approved by a two-thirds majority of the members of the board of county commissioners. Any proposal to increase the rate of the tax must be approved by a two-thirds majority of the members of the board of county commissioners.

3. Any ordinance enacted pursuant to this section must specify the date on which the tax must first be imposed or on which an increase in the rate of the tax becomes effective, which must be the first day of the first calendar quarter that begins at least 120 days after the ~~approval of~~ date on which a two-thirds majority of the board of county commissioners approved the question ~~by the voters.~~

4. An ordinance enacted pursuant to this section must include provisions in substance as follows:

(a) A provision imposing a tax upon retailers at the rate of not more than one-eighth of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county.

(b) Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

(c) A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of an ordinance enacted pursuant to this section.

(d) A provision that the county shall contract before the effective date of the ordinance with the Department to perform all functions incident to the administration or operation of the tax in the county.

(e) A provision that a purchaser is entitled to a refund, in the same manner as set forth in NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract:

(1) Entered into on or before the effective date of the tax or the increase in the tax; or

(2) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax or the increase in the tax if the bid was afterward accepted,

↪ if, under the terms of the contract or bid, the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

5. An ordinance amending an ordinance enacted pursuant this section must include a provision in substance that the county shall amend the contract made pursuant to paragraph (d) of subsection 4 by a contract made between the county and the State acting by and through the Department before the effective date of the amendatory taxing ordinance, unless the county determines with the written concurrence of the Department that no such amendment of the contract is necessary or desirable.

6. In any proceeding under any ordinance enacted pursuant to this section, the Department may act for and on behalf of the county which has enacted that ordinance.

Sec. 20. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the counties under this chapter must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall monthly:

(a) Transfer from the Sales and Use Tax Account to the appropriate account in the State General Fund 1.75 percent of all fees, taxes, interest and penalties collected pursuant to this chapter during the preceding month as compensation to the State for the cost of collecting the tax.

(b) Determine for each county an amount of money equal to any fees, taxes, interest and penalties collected in or for that county pursuant to this chapter during the preceding month, less the amount transferred to the State General Fund pursuant to paragraph (a).

(c) Transfer the amount determined for each county to the Intergovernmental Fund and remit the money to the county treasurer.

Sec. 21. The Department may redistribute any fee, tax, penalty and interest to the county entitled thereto, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the Department obtains knowledge of the improper distribution.

Sec. 22. 1. The county treasurer shall deposit the money received from the State Controller pursuant to section 20 of this act in the county treasury for credit to a fund to be known as the Indigent Legal Defense Fund. The Indigent Legal Defense Fund must be accounted for as a separate fund and not as a part of any other fund.

2. *The board of county commissioners may only use money in the Indigent Legal Defense Fund to pay:*

(a) *The costs of creating, maintaining, operating or administering the office of public defender created by the county pursuant to NRS 260.010;*

(b) *Any amount required to be paid by the county to the State Public Defender; or*

(c) *Any other fees, expenses or costs required to be paid by the county in connection with the provision of legal services to an indigent person.*

Sec. 23. ~~[This act becomes effective on July 1, 2011.] (Deleted by amendment.)~~

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to Concurrent Committee on Taxation.

Assembly Bill No. 152.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 28.

AN ACT relating to transportation; creating an advisory committee to develop recommendations relating to the funding of the construction and maintenance of highways in this State; providing for the membership ~~and compensation~~ and duties of the advisory committee; authorizing the advisory committee to place advisory questions regarding the recommendations of the committee on the ballot for the general election to be held in 2012; requiring the Secretary of State to appoint committees to prepare arguments for and against approval of the recommendation proposed in any such advisory question placed on the ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates an advisory committee to develop recommendations for increasing funding for highways in this State. The committee consists of eight members, three appointed by the Majority Leader of the Senate, three appointed by the Speaker of the Assembly, one appointed by the Minority Leader of the Senate and one appointed by the Minority Leader of the Assembly. Not more than one member of the committee may be a member of the Senate, who must be appointed by the Majority Leader of the Senate, and not more than one member of the committee may be a member of the Assembly, who must be appointed by the Speaker of the Assembly. To the extent practicable, the members of the advisory committee must reflect the

geographic diversity of this State. The advisory committee is: (1) charged with developing recommendations relating to the funding of the construction and maintenance of highways in this State; and (2) authorized to ask the voters of the State for their advice on those recommendations by placing advisory questions on the ballot for the general election to be held in 2012. If the advisory committee places an advisory question on the ballot, the Secretary of State must appoint committees to prepare arguments for and against approval of the recommendation proposed in the advisory question.

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

Section 1. As used in this act, “advisory committee” means the advisory committee created by subsection 1 of section 2 of this act.

Sec. 2. 1. There is hereby created an advisory committee to develop recommendations for increasing the funding of highways in this State.

2. The advisory committee consists of eight members appointed as follows:

- (a) Three members appointed by the Majority Leader of the Senate;
- (b) Three members appointed by the Speaker of the Assembly;
- (c) One member appointed by the Minority Leader of the Senate; and
- (d) One member appointed by the Minority Leader of the Assembly.

3. Not more than one member of the advisory committee may be a member of the Senate, who must be appointed by the Majority Leader of the Senate, and not more than one member of the advisory committee may be a member of the Assembly, who must be appointed by the Speaker of the Assembly.

4. The Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the Assembly shall, to the extent practicable, ensure that the members appointed to the advisory committee reflect the geographic diversity of this State.

5. The term of each member of the advisory committee commences on July 1, 2011, and expires on June 30, 2013.

6. Members of the advisory committee serve without compensation. ~~except that while engaged in the business of the advisory committee, each member is entitled to the per diem allowance and travel expenses provided for state officers and employees generally, to be paid from the Legislative Fund.~~

7. The advisory committee shall:

- (a) Meet at least once every 3 months; and
- (b) To the extent practicable, conduct the meetings of the committee via videoconference.

8. The advisory committee shall elect a Chair and a Vice Chair from among the members of the committee at the first meeting of the committee.

9. A vacancy in the membership of the advisory committee must be filled in the same manner as the original appointment.

Sec. 3. 1. The advisory committee shall develop recommendations relating to increasing the funding of the construction and maintenance of highways in this State.

2. When developing recommendations pursuant to the provisions of subsection 1, the advisory committee shall consider, without limitation, the most recent, if any, transportation project lists developed by the Department of Transportation and the regional transportation commission of any county whose population is 100,000 or more.

Sec. 4. 1. The advisory committee may, at the general election held in 2012, ask the advice of the registered voters of the State on any question regarding the recommendations developed by the committee pursuant to section 3 of this act.

2. To place an advisory question on the ballot at the general election held in 2012, the advisory committee shall, not less than 120 days before the general election, submit to the Secretary of State a resolution that:

(a) Sets forth:

(1) Each question, in language indicating clearly that the question is advisory only;

(2) An explanation of the question; and

(3) A description of the anticipated financial effect on the State; and

(b) Provides that the result of the voting on the question does not impose any legal requirement on the Legislature, any member of the Legislature or any other officer of the State.

3. If the advisory committee places an advisory question on the ballot pursuant to this section, on the sample ballot for the election, the advisory question must appear:

(a) With a title in substantially the following form: "Advisory Ballot Question No..."; and

(b) With its explanation, arguments and description of the anticipated financial effect.

Sec. 5. 1. For each advisory question to be placed on the ballot pursuant to the provisions of section 4 of this act, the Secretary of State shall, in accordance with the provisions of subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the recommendation proposed in the advisory question and the other committee must be composed of three persons who oppose approval by the voters of the recommendation proposed in the advisory question.

2. If the Secretary of State is unable to appoint three persons who are willing to serve on a committee, the Secretary of State may appoint fewer than three persons to that committee, but he or she must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of the recommendation proposed in the advisory question and the committee that opposes approval by the voters of the recommendation proposed in the advisory question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the advisory question.

4. The Secretary of State shall consider appointing to a committee pursuant to this section:

(a) Any person who has expressed an interest in serving on the committee; and

(b) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. A committee appointed pursuant to this section:

(a) Shall elect a chair for the committee;

(b) Shall meet and conduct the affairs of the committee as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the recommendation proposed in the advisory question, prepare an argument either advocating or opposing approval by the voters of the recommendation proposed in the advisory question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the recommendation proposed in the advisory question;

(2) The environmental impact of the recommendation proposed in the advisory question; and

(3) The impact of the recommendation proposed in the advisory question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the Secretary of State not later than the date prescribed by the Secretary of State pursuant to subsection 6.

6. The Secretary of State shall provide, by rule or regulation:

(a) The maximum permissible length of an argument and rebuttal prepared pursuant to this section; and

(b) The date by which an argument and rebuttal prepared pursuant to this section must be submitted by a committee to the Secretary of State.

7. Upon receipt of an argument or rebuttal prepared pursuant to this section, the Secretary of State:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise regarding transportation and transportation-related issues; and

(b) Shall reject each statement in the argument or rebuttal that he or she believes is libelous or factually inaccurate.

8. The decision of the Secretary of State to reject a statement pursuant to subsection 7 is a final decision for the purposes of judicial review. Not later than 5 days after the Secretary of State rejects a statement pursuant to subsection 7, the committee that prepared the statement may appeal that rejection by filing a complaint in the First Judicial District Court. The Court shall set the matter for hearing not later than 3 working days after the complaint is filed and shall give priority to such a complaint over all other matters pending before the court, except for criminal proceedings.

9. The Secretary of State may revise the language submitted by a committee pursuant to this section so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect of the language without the consent of the committee.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 156.

Bill read second time.

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

Amendment No. 113.

AN ACT relating to process servers; requiring that a proof of service filed with a court contain certain information; revising provisions relating to orders ~~of abatement;~~ to cease and desist conduct; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who engages in the business of serving legal process within this State must be licensed. (NRS 648.060) **Section 1** of this

bill prohibits a person from engaging in the business of a process server if the person is not licensed as a process server and has, because of certain violations of the provisions of chapter 648 of NRS, received a citation and order ~~[of abatement]~~ **to cease and desist conduct**. **Section 6** of this bill requires a court to treat a proof of service filed in violation of **section 1** as legally insufficient and renders a judgment based upon such proof void. **Section 2** of this bill requires that an order ~~[of abatement]~~ **to cease and desist conduct** issued to a business state that the order applies to any person acting in the name of the business.

Section 5 of this bill requires that a proof of service of process filed with a court include certain information. **Section 5** also allows a court to construe a proof of service of process that does not include such information as legally insufficient.

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

Section 1. Chapter 648 of NRS is hereby amended by adding thereto a new section to read as follows:

*If a person who is not licensed as a process server pursuant to this chapter has been issued a citation pursuant to NRS 648.165 that contains an order ~~[of abatement]~~ **to cease and desist conduct**, the person shall not continue to engage in the business of a process server after the date on which he or she is served with the citation ~~[]~~ **until the order has been rescinded.***

Sec. 2. NRS 648.165 is hereby amended to read as follows:

648.165 1. The Board may issue to a person who has violated NRS 648.060 a citation.

2. Such a citation must be in writing and describe with particularity the nature of the violation. The citation must also inform the person of the provisions of subsection 5. A separate citation must be issued for each such violation.

3. If appropriate, the citation must contain an order ~~[of abatement]~~ **to cease and desist conduct** fixing a reasonable time for abatement of the violation. *If the order ~~[of abatement]~~ **to cease and desist conduct** is directed to a business, the order ~~[of abatement]~~ **must expressly state that it applies to any person acting in the name of the business regardless of whether any such person is alleged to have previously violated any of the provisions of this chapter.***

4. The Board shall assess an administrative fine of:

- (a) For the first such violation, \$2,500.
- (b) For the second such violation, \$5,000.
- (c) For the third or subsequent such violation, \$10,000.

5. To appeal the finding of such a violation, the person must request a hearing by written notice of appeal to the Board within 30 days after the date of issuance of the citation.

Sec. 3. NRS 648.210 is hereby amended to read as follows:

648.210 A person who violates any of the provisions of NRS 648.060 to 648.205, inclusive ~~[-]~~, **and section 1 of this act:**

1. For the first violation is guilty of a misdemeanor.
2. For the second and subsequent violations, is guilty of a gross misdemeanor.

Sec. 4. Chapter 14 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. *In addition to any other requirements set forth by law, a proof of service of process filed with a court of competent jurisdiction in Nevada must include:*

(a) *The name, residential or business address and telephone number of the person who performed the service of process;*

(b) *The date and time that the legal process was served;*

(c) *The manner in which the legal process was served;*

(d) *If ~~applicable,~~ practicable, the name of the person who was personally served or a physical description of that person; and*

(e) ~~If applicable, the fee paid to the process server for the service of process; and~~

~~(f) If applicable, a~~ A notation of:

(1) *The license number of the process server or the registration number of the employee of a licensed process server who performed the service of process; or*

(2) *The ~~exemption from licensure which applies to~~ reason why the person who performed the service of process was not required to be licensed under chapter 648 of NRS or another ~~specifically identified~~ provision of law.*

2. *A proof of service that does not include the information required by subsection 1 may be construed as legally insufficient by a court of competent jurisdiction.*

3. *As used in this section, "process server" has the meaning ascribed to it in NRS 648.014.*

Sec. 6. 1. *If a person who is not licensed as a process server pursuant to chapter 648 of NRS files a proof of service of process with a court of competent jurisdiction in violation of section 1 of this act, the proof of service of process must be treated as legally insufficient by the court and any resulting judgment based upon the proof of service of process is void.*

2. *As used in this section, "process server" has the meaning ascribed to it in NRS 648.014.*

Sec. 7. This act becomes effective upon passage and approval.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 106.

AN ACT relating to aquatic species; prohibiting a person from introducing certain aquatic species into the waters of this State; providing for the inspection of vessels for aquatic invasive species; requiring vessels to be inspected for the presence of aquatic invasive species before being operated on the waters of this State; requiring decontamination of any vessels where an aquatic invasive species is present; authorizing the impoundment or quarantine of certain vessels; requiring an aquatic invasive species fee to be paid by all operators of vessels; providing a civil penalty; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a misdemeanor for any person to introduce any aquatic life into this State without the permission of the Department of Wildlife. Existing law also authorizes the Board of Wildlife Commissioners to prohibit the importation, transportation or possession of any species of wildlife that the Commission deems detrimental to the wildlife or the habitat of the wildlife in this State. (NRS 503.597) **Section 2** of this bill makes it a **misdemeanor for a first offense and a** category E felony **for any subsequent offense** to knowingly or intentionally introduce any aquatic species which may be detrimental to the aquatic resources, aquatic species or water resources of this State. **Section 2** also provides for an additional civil penalty of not less than \$25,000 and not more than \$250,000 for anyone convicted of such introduction.

Section 4 of this bill authorizes the Department to set up inspection stations for vessels operating on the waters of this State to inspect such vessels for aquatic invasive species and prohibits any person from operating a vessel without first complying with the inspection program. **Section 4** also prohibits any person operating a vessel from leaving an impaired body of water and entering another body of water in this State without first having the vessel decontaminated. In addition, **section 4** allows a peace officer to inspect a vessel at any point if the peace officer has a reasonable belief based on articulable facts that an aquatic invasive species may be present on the

vessel. Finally, if a person refuses to comply with a peace officer or the requirements of an inspection station, **section 4** allows the person's vessel to be impounded or quarantined. **Section 5** of this bill authorizes a peace officer to keep a vessel in impound or quarantine until it has been decontaminated or shown to be in compliance with the requirements of the Department.

Section 6 of this bill requires the Commission to establish an annual aquatic invasive species fee, which must not exceed \$10, and requires the Department to issue an aquatic invasive species decal as evidence of payment. **Section 6** prohibits any person from operating a vessel on the waters of this State without first paying the fee and attaching the decal to his or her vessel as proof of payment.

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

Section 1. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

- (a) The sale of licenses;
- (b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;
- (c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;
- (d) Appropriations made by the Legislature; and
- (e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 or in the Trout Management Account pursuant to NRS 502.327,
↪ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 ~~[]~~ **and NRS 503.597**, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

- (a) Only for the management of wildlife; and
- (b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 2. NRS 503.597 is hereby amended to read as follows:

503.597 1. Except as otherwise provided in this section, it is unlawful, except by the written consent and approval of the Department, for any person at anytime to receive, bring or have brought or shipped into this State, or remove from one stream or body of water in this State to any other, or from one portion of the State to any other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or young of any of them.

2. The Department shall require an applicant to conduct an investigation to confirm that such an introduction or removal will not be detrimental to the wildlife or the habitat of wildlife in this State. Written consent and approval of the Department may be given only if the results of the investigation prove that the introduction, removal or importation will not be detrimental to existing aquatic life or wildlife, or any spawn, eggs or young of any of them.

3. The Commission may through appropriate regulation provide for the inspection of such introduced or removed creatures and the inspection fees therefor.

4. The Commission may adopt regulations to prohibit the importation, transportation or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.

5. *A person who knowingly or intentionally introduces, causes to be introduced or attempts to introduce an aquatic invasive species or injurious aquatic species into any waters of this State is guilty of:*

(a) For a first offense, a misdemeanor; and

(b) For any subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

6. *A court before whom a defendant is convicted of a violation of subsection 5 shall, for each violation, order the defendant to pay a civil penalty of at least \$25,000 but not more than \$250,000. The money must be deposited into the Wildlife Account in the State General Fund and used to:*

(a) Remove the aquatic invasive species or injurious aquatic species;

(b) Reintroduce any game fish or other aquatic wildlife destroyed by the aquatic invasive species or injurious aquatic species;

(c) Restore any habitat destroyed by the aquatic invasive species or injurious aquatic species;

(d) Repair any other damage done to the waters of this State by the introduction of the aquatic invasive species or injurious aquatic species; and

(e) Defray any other costs incurred by the Department because of the introduction of the aquatic invasive species or injurious aquatic species.

7. The provisions of this section do not apply to ~~Alternative~~:

(a) Alternative livestock and products made therefrom [-]; or

(b) The introduction of any species by the Department for sport fishing or other wildlife management programs.

8. As used in this section:

(a) "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

(b) "Injurious aquatic species" means an aquatic species which the Commission has determined to be a threat to sensitive, threatened or endangered aquatic species or game fish or to the habitat of sensitive, threatened or endangered aquatic species or game fish by any means, including, without limitation:

(1) Predation;

(2) Parasitism;

(3) Interbreeding; or

(4) The transmission of disease.

Sec. 3. Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

Sec. 4. 1. *It is unlawful for any person at any time to:*

(a) Launch a vessel into any body of water in this State for which the Department has approved an inspection program without first complying with that program;

(b) Refuse to comply with any requirements of the Department or any requirements of an inspection program approved by the Department; or

(c) Leave an impaired body of water in this State or any other state after operating a vessel on that impaired body of water and launch the vessel on any other body of water in this State without first decontaminating the vessel and any conveyance used on the impaired body of water.

2. *In addition to any inspection conducted pursuant to NRS 488.900, each owner, operator or person in control of a vessel or conveyance shall stop at any mandatory inspection station for aquatic invasive species authorized by the Department. If a peace officer reasonably believes, based on articulable facts, that an aquatic invasive species or aquatic plant material may be present on the vessel or conveyance, the peace officer may:*

(a) Require the owner, operator or person in control of the vessel or conveyance to decontaminate the vessel or conveyance; or

(b) In addition to any seizure required pursuant to NRS 488.910, impound or quarantine the vessel or conveyance.

3. *A peace officer may stop and inspect a vessel or conveyance for the presence of aquatic invasive species or aquatic plant material, or for proof of a required inspection:*

- (a) Before a vessel is launched into a body of water in this State;*
- (b) Before a vessel or conveyance departs from a body of water in this State, a launch ramp or a vessel staging area;*
- (c) If the vessel or conveyance is visibly transporting any aquatic invasive species or aquatic plant material; or*
- (d) If the peace officer reasonably believes, based on articulable facts, that an aquatic invasive species or aquatic plant material is present.*

4. If a peace officer conducts an inspection of a vessel or conveyance pursuant to this section and determines that an aquatic invasive species or aquatic plant material is present on the vessel or conveyance, the peace officer may order the vessel or conveyance to be decontaminated.

5. A peace officer may impound or quarantine a vessel if:

(a) An inspection conducted pursuant to this section indicates the presence of an aquatic invasive species or aquatic plant material on the vessel or conveyance; or

(b) The owner, operator or person in control of the vessel or conveyance refuses to:

(1) Submit to an inspection authorized pursuant to this section; or

(2) Comply with an order issued pursuant to this section to decontaminate his or her vessel or conveyance.

6. As used in this section, "impaired body of water" means any body of water in this State or any other state which the Commission or another governmental entity has identified as containing an aquatic invasive species.

Sec. 5. 1. If a peace officer orders a vessel or conveyance to be impounded or quarantined pursuant to section 4 of this act, the vessel or conveyance may be impounded or quarantined for a reasonable period to ensure that the vessel or conveyance is inspected and decontaminated and that any aquatic invasive species or aquatic plant material is completely removed.

2. The owner of a vessel or conveyance which is impounded or quarantined is responsible for all costs associated with the impoundment or quarantine.

3. The Department may suspend the certificate of number or validation decal of an impounded or quarantined vessel until:

(a) The operator or owner of the vessel has completed the decontamination of the vessel; and

(b) The Department has inspected the vessel and determined that it is in compliance with section 4 of this act.

Sec. 6. 1. A person shall not operate a vessel on the waters of this State unless the person has:

(a) *Paid to the Department the aquatic invasive species fee established pursuant to subsection 4; and*

(b) *Attached the aquatic invasive species decal issued pursuant to subsection 2 to the port side transom of the vessel so that the decal is distinctly visible.*

2. *The Department shall issue to a person who pays the fee established pursuant to subsection 4 an aquatic invasive species decal as evidence of the payment of the aquatic invasive species fee.*

3. *Aquatic invasive species decals expire at the end of each calendar year. Only the decal for the current year may be displayed on a vessel.*

4. *The Commission shall establish by regulation ~~for a reasonable~~ an aquatic invasive species fee , which must not exceed \$10, to be paid annually. ~~for~~ for the issuance of an aquatic invasive species decal. The fee must be deposited in the Wildlife Account in the State General Fund and used by the Department for enforcement of this section, NRS 503.597 and sections 4 and 5 of this act and for education about and management of aquatic invasive species.*

Sec. 7. NRS 488.035 is hereby amended to read as follows:

488.035 As used in this chapter, unless the context otherwise requires:

1. *“Aquatic invasive species” means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.*

2. *“Aquatic plant material” means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.*

3. *“Commission” means the Board of Wildlife Commissioners.*

~~{2-}~~ 4. *“Conveyance” means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.*

5. *“Decontaminate” means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.*

6. *“Department” means the Department of Wildlife.*

~~{3-}~~ 7. *“Flat wake” means the condition of the water close astern a moving vessel that results in a flat wave disturbance.*

~~{4-}~~ 8. *“Interstate waters of this State” means waters forming the boundary between the State of Nevada and an adjoining state.*

~~{5-}~~ 9. *“Legal owner” means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political*

subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

~~{6-}~~ 10. “Motorboat” means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

~~{7-}~~ 11. “Operate” means to navigate or otherwise use a motorboat or a vessel.

~~{8-}~~ 12. “Owner” means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

↪ “Owner” does not include a person defined as a “legal owner” under subsection ~~{5-}~~ 9.

~~{9-}~~ 13. “Prohibited substance” has the meaning ascribed to it in NRS 484C.080.

~~{10-}~~ 14. “Registered owner” means the person registered by the Commission as the owner of a vessel.

~~{11-}~~ 15. A vessel is “under way” if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~{12-}~~ 16. “Vessel” means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~{13-}~~ 17. “Waters of this State” means any waters within the territorial limits of this State.

Sec. 8. NRS 488.075 is hereby amended to read as follows:

488.075 1. The owner of each motorboat requiring numbering by this State shall file an application for a number and for a certificate of ownership with the Department on forms approved by it accompanied by:

(a) Proof of payment of Nevada sales or use tax as evidenced by proof of sale by a Nevada dealer or by a certificate of use tax paid issued by the Department of Taxation, or by proof of exemption from those taxes as provided in NRS 372.320.

(b) Such evidence of ownership as the Department may require.

↪ The Department shall not issue a number, a certificate of number or a certificate of ownership until this evidence is presented to it.

2. The application must be signed by the owner of the motorboat and must be accompanied by a fee of \$20 for the certificate of ownership and a fee according to the following schedule as determined by the straight line length which is measured from the tip of the bow to the back of the transom of the motorboat:

Less than 13 feet.....\$20

13 feet or more but less than 18 feet.....	25
18 feet or more but less than 22 feet.....	40
22 feet or more but less than 26 feet.....	55
26 feet or more but less than 31 feet.....	75
31 feet or more	100

Except as otherwise provided in this subsection, all fees received by the Department under the provisions of this chapter must be deposited in the Wildlife Account in the State General Fund and , *except as otherwise provided in section 6 of this act*, may be expended only for the administration and enforcement of the provisions of this chapter. On or before December 31 of each year, the Department shall deposit with the respective county school districts 50 percent of each fee collected according to the motorboat's length for every motorboat registered from their respective counties. Upon receipt of the application in approved form, the Department shall enter the application upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat, a certificate of ownership stating the same information and the name and address of the registered owner and the legal owner.

3. A certificate of number may be renewed each year by the purchase of a validation decal. The fee for a validation decal is determined by the straight line length of the motorboat and is equivalent to the fee set forth in the schedule provided in subsection 2. The amount of the fee for issuing a duplicate validation decal is \$20.

4. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by regulations of the Commission in order that the number may be clearly visible. The number must be maintained in legible condition.

5. The certificate of number must be available at all times for inspection on the motorboat for which issued, whenever the motorboat is in operation.

6. The Commission shall provide by regulation for the issuance of numbers to manufacturers and dealers which may be used interchangeably upon motorboats operated by the manufacturers and dealers in connection with the demonstration, sale or exchange of those motorboats. The amount of the fee for each such a number is \$20.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2011.

3. Sections 3 to 8, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2012 for all other purposes.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer Assembly Bill No. 167 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 306.

Bill read second time and ordered to third reading.

Assembly Bill No. 322.

Bill read second time and ordered to third reading.

Assembly Bill No. 451.

Bill read second time and ordered to third reading.

Assembly Bill No. 464.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 39.

Bill read third time.

Remarks by Assemblyman Stewart.

Roll call on Assembly Bill No. 39:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Assembly Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Motion carried.

Assembly Bill No. 220.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Assembly Bill No. 220:

YEAS—40.

NAYS—McArthur.

EXCUSED—Ellison.

Assembly Bill No. 220 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblyman Goedhart.

Roll call on Assembly Joint Resolution No. 5:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Assembly Joint Resolution No. 5 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would
recess subject to the call of the Chair.

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the
Assembly Chamber for this day was extended to Sarah Gleich.

On request of Assemblyman Daly, the privilege of the floor of the
Assembly Chamber for this day was extended to Mylan Hawkins and the
following students and chaperones from George L. Dilworth Middle School:
Marilyn Arce, Lillian Banas, Elias Bjornn, Danielle Calissie, Arielle Conley,
Elizabeth Cuna Zavala, Griffin Foxworthy, Marlon Garcia Henandez,
Tylor Hakim, Enrique Medina, Jesus Nava, Guadalupe Ramirez Garcia,
Israel Saldana, Anthony Simonett, Andrew Smith, Tino Taufu, Julio Torres,
Dana Vice, Shannon Watson, Anthony Contreras, Joyce Esparza,
Gerry Esquivel, Maria Geronimo, Daniel Gonzalez, Yaneth Guerrero,

Cassidy Hand, Julianna Huerta, Pablo Izquierdo, Kristian Macone, Maribel Mancera, Jonathon Marquez, Daniel Morales, Pulido Emanuel, Roy Ramirez, Monique Renteria, Gabby Reyes, Sophia Roman, Diana Sevilla, Andraya Solorio, Preston Walton, Kevin Aguirre, Angeliqye Brito, Amari Carmona, Angel Fernandez, Madison Franco, Adrian Garcia, Jassmin Guerrero, Aireol Hall, Joselin Lopez, Louis Martin, Ivan Martinez, Uri Mendoza, Jose Mireles, Michael Moore, David Nau, Jamie Penate, Steven Penrose, Savannah Pinentel, Nikki Pittman, Omar Rodriguez, Keith Sabalvaro, Syllis Sanchez, Jennifer Solorio, Erick Tamoyo, John Torres, Emery Alberter, Brianna Cano, Chase Carney, Diana Cervantes, Kyle Coleman, Jesus Contreras, Marcello Cuellar, Wendy Davalos, Esmeralda Diaz, Eddie Fabela, Nallely Conzalez, Erika Hill, Jose Manzano , Aaron Mastin, Natasha Rogers, Isabel Vega, Marshall Webb, Steve Felsing, Henry Fournier, Jennifer Walker, Jen Powers, Patti Calissie, Shirley Love, Gina Jenn, Lisa Ferris, Paula Torres, Brooke Rivera, and Robert Martinez.

Assemblyman Conklin moved that the Assembly adjourn until Friday, April 8, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved:

JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly