

THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), May 17, 2011

Assembly called to order at 12:31 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Dondero Loop and Horne, who were excused.

Prayer by the Chaplain, Jason Frierson.

Lord, our Creator,

As always, we first give thanks. Thank You for giving us a way to speak for those who elected us to act on their behalf. Thank You for the gift of passion as well as compassion.

We thank You today, not only for our ability to advocate, but we also thank You for our ability to listen. I'm often reminded that God saw fit to give us one mouth to speak. However, He gave us not one, but two ears so that we might listen twice as much as we speak.

Lord, we pray that Your divine wisdom in Proverbs 11:14 resonates with us on this 100th day of the legislative session—wherein You tell us—“Where there is no wise guidance, the nation falls, but in the multitude of counselors there is victory.”

Our God, bless us that we might use the tools You have given us to seek wisdom with our hearts and minds, but also to seek wisdom by listening to wise guidance. Lord, when we complete this task, we pray for victory, not for our own sake but for our great State, and for Your Glory.

In the name of all that is good, we pray.

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 Ways and Means has had under consideration the various budgets for the Office of the Controller, and begs leave to report back that the following accounts have been closed by the Committee:

Controller's Office (101-1130)

Debt Recovery Account (101-1140)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Department of Employment, Training and Rehabilitation, and begs leave to report back that the following accounts have been closed by the Committee:

Administration (101-3272)
 Information Development and Processing (101-3274)
 Research and Analysis (101-3273)
 Equal Rights Commission (101-2580)
 Rehabilitation Administration (101-3268)
 Disability Adjudication (101-3269)
 Vocational Rehabilitation (101-3265)
 Services to the Blind and Visually Impaired (101-3254)
 Blind Business Enterprise Program (101-3253)
 Client Assistance Program (101-3258)
 Employment Security (205-4770)
 Career Enhancement Program (205-4767)
 Employment Security – Special Fund (235-4771)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Nevada Department of Transportation, and begs leave to report back that the following accounts have been closed by the Committee:

Transportation Administration (201-4660)
 Bond Construction (201-4663)

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN CARLTON:

The Ways and Means Committee has completed its review of the budgets for the Office of the Controller and took action on the Governor's recommendations as follows:

Controller's Office (101-1130) ELECTED-114:

The Committee approved the Governor's recommendation for General Fund reductions of \$267,293 in FY 2012 and \$270,983 in FY 2013 to eliminate three positions, including the Assistant Controller, the American Recovery and Reinvestment Act (ARRA) Reporting and Accountability Officer, and an Accounting Assistant II, with the Assistant Controller retained via the Unclassified Pay Bill in order to provide the Controller the ability to restore the position should the agency realize sufficient debt collection revenue to fund the position costs.

The Committee approved the Controller's request to add \$200,000 in FY 2012 for implementing an enhancement to the Debt Collection and Recovery System, with a transfer from the Debt Recovery Account subject to sufficient available funding. The Committee also approved the Controller's request to add General Funds of \$50,000 in FY 2012 to implement an extensible Business Reporting Language (XBRL) technology solution for Single Audit Reporting.

Debt Recovery Account (101-1140) ELECTED-120:

The Committee approved the Controller's request to transfer \$200,000 in FY 2012 to the Controller's Office, subject to sufficient available funding, for implementing an enhancement to the Debt Collection and Recovery System.

ASSEMBLYMAN BOBZIEN:

The Assembly Committee on Ways and Means has completed its review of the 13 budgets of the Department of Employment, Training and Rehabilitation. The actions of the Committee resulted in additional General Fund costs of \$464,406 over the biennium as compared to the amounts recommended by the Governor. The significant recommendations of the Committee include the following:

DETR – Administration (101-3272) DETR-1:

The Committee approved the Governor's recommendation to add two new positions, including a Personnel Technician and an Accountant Technician. The positions will assist in responding to the increased workload associated with current economic conditions. As recommended by the Governor, the Committee also approved the reclassification of an existing Employment Services Officer position to an unclassified Assistant to the Director.

DETR – Information Development and Processing (101-3274) DETR-9:

As recommended by the Governor, the Committee approved \$562,500 in each year of the biennium to fund master services agreement (MSA) programmers knowledgeable on the legacy system to assist in maintaining and supporting existing critical applications. The MSA programmers are needed during the transition to the Unemployment Insurance (UI) modernization system. The request would fund three MSA programmers for 1,500 billable hours per year.

DETR – Research and Analysis (101-3273) DETR-15:

The Governor recommended funding for two intermittent Workforce Services Representative positions to conduct a customer satisfaction survey at a cost of \$176,027 in FY 2012 and \$181,804 in FY 2013. DETR indicated that the surveys are no longer a mandatory function and requested that the funding in this decision unit be eliminated. The Committee eliminated the funding for the survey as requested by the Department.

DETR – Equal Rights Commission (101-2580) DETR-22:

As recommended by the Governor, the Committee approved the elimination of a vacant Deputy Administrator position, which will eliminate on-site supervision in the Reno office. The agency states that eliminating the Deputy Administrator in lieu of other reductions will allow the Commission to retain more investigator positions for direct case work. The Committee also approved the elimination of a Compliance Investigator II position, which has been vacant since September 19, 2009. The Committee also approved relocating staff in NERC's Reno office location to the existing Sparks JobConnect office.

The Committee did not approve the Governor's recommendation to eliminate an Administrative Assistant III position and two additional vacant Compliance Investigator II positions. According to the NERC, the loss of the two Compliance Investigators in this decision unit would have resulted in an increased backlog of cases and potential revenue lost from the federal EEOC. The loss of the Administrative Assistant III position would have negatively affected the intake process with a decline in customer service, an increase in wait times and a decrease in the quality and length of time spent with each client. The restoration of the positions resulted in General Fund add backs of \$187,469 in FY 2012 and \$207,810 in FY 2013.

The Executive Budget recommended Federal EEOC revenues based on a reimbursement rate of \$550 for each closure. On May 5, 2011, the Department informed LCB staff that the EEOC contract rate was increased to \$600 per closure. The Committee approved EEOC revenue adjustments that resulted in General Fund savings of \$20,590 in FY 2012 and \$32,202 in FY 2013 as compared to the amounts recommended by the Governor.

Subsequent to the DETR budget closings, the Committee closed the LCB budgets and approved funding to expand LCB office space in the Grant Sawyer State Office Building. The Committee reopened the NERC budgets and approved General Fund appropriations of \$101,255 in FY 2012 and \$20,664 in FY 2013 to relocate the NERC office from the Grant Sawyer State Office Building to alternative office space.

DETR – Disability Adjudication (101-3269) DETR-35:

As recommended by the Governor, the Committee approved federal funds totaling \$1.53 million in FY 2012 and \$1.55 million in FY 2013 for increases in operating, provider payments and other related costs associated with the addition of 23 new permanent positions previously approved by the Interim Finance Committee (IFC). The bulk of the increase is in the Client Medical Payment category where the Bureau reflects costs for the purchase of outside medical or psychological examinations, claimant travel to examinations and other expenses directly related to conducting disability determinations.

DETR – Vocational Rehabilitation (101-3265) DETR-42:

As recommended by the Governor, the Committee approved General Fund reductions totaling \$1.39 million for the 2011-13 biennium. Because state funding is used as match, the reductions will trigger losses of federal Section 110 funding totaling \$5.04 million for the biennium. As a result of the reductions, the Department notes that fewer clients will receive the types of services and training that are likely to result in employment outcomes. Funding reductions may also require establishing waiting lists for eligible clients to receive services.

The funding decreases would also result in the elimination of one vacant Vocational Evaluator position. DETR explains that Vocational Evaluators help determine a client's capabilities and survey the job market prospects that may be suitable for the client.

DETR – Services to the Blind and Visually Impaired (101-3254) DETR-52:

As recommended by the Governor, the Committee approved General Fund reductions totaling \$644,312 for the 2011-13 biennium. The reductions include the elimination of two positions, elimination of state funding for the Life Skills program, and decreases in state matching funds used to secure federal Section 110 funding for client services.

The elimination of state funding for the Life Skills program would result in General Fund reductions of \$175,436 in FY 2012 and \$178,066 in FY 2013. The Life Skills program offers individualized training in home management, daily living skills, mobility, and communication for persons who are blind or visually impaired and for whom employment is not an intended outcome. DETR reports that approximately 70 individuals are served through this program annually.

Decreases in state funding would trigger losses of federal Section 110 funding totaling \$1.02 million and result in reductions to client services such as assistance with job seeking, assistive technology tools, assistance with job site modification, and transition services. The Department notes that no clients will be turned away or denied services; however, DETR anticipates it will take longer to provide needed services to enable clients to become employed and more self-sufficient.

The reductions approved by the Committee would result in the elimination of a Rehabilitation Instructor and a Rehabilitation Counselor. The Rehabilitation Instructor has worked in Life Skills, and provided services to vocational rehabilitation clients with visual impairments. The Rehabilitation Counselor position has provided services to blind and visually impaired clients seeking employment.

DETR – Blind Business Enterprise Program (101-3253) DETR-62:

The Committee approved the Governor's recommendation to fund the opening of three major vendor sites and one vending machine site in FY 2012 and two additional major sites in FY 2013. The Committee authorized a letter of intent asking the Department to report semi-annually to the Interim Finance Committee on the status of the new sites.

DETR – Employment Security (205-4770) DETR-74:

The Committee approved the Governor's recommendation to merge the Career Enhancement Program account into the Employment Security Division (ESD) main account. Combining the accounts will create a fiscal structure that supports an integrated service delivery goal and will provide accounting and budgeting efficiencies, program administration efficiencies, and program service delivery improvements.

The Committee approved the funding alignments recommended by the Governor with adjustments to add \$1.4 million per year in Workforce Investment Act (WIA) funding approved by the federal government. While the overall WIA grant amount has increased, the portion of the formula grant funds that may be reserved for statewide activities decreased by 10 percentage points, from 15 percent to 5 percent. The agency noted the reserve allocation change may result in some programmatic impacts, because DETR will not be able to sustain discretionary training programs previously funded with the reserve funding.

The Committee approved the Governor's proposal to direct existing client services funding to establish the Silver State Works initiative, which is designed to encourage employers to hire and

assist workers in removing employment barriers to promote a work first culture. The program is a statewide, integrated, business-focused initiative that targets UI benefit recipients, veterans, persons with disabilities, ex-offenders, Temporary Assistance for Needy Families (TANF) recipients or those at-risk of entering TANF, and older youth, age 19-21 who are eligible for services as defined by the WIA. The Governor proposed to direct \$4.65 million per year of existing funding in the DETR accounts for this purpose. The Committee authorized the use of existing funding to support Silver State Works activities; however, as a result of the change in available WIA funding reserved for statewide activities, the amount available to support the initiative was reduced to \$4.15 million per year.

As recommended by the Governor, the Committee approved the transfer of the Apprenticeship Program from the Other State Education Programs account (BA 2699), to the ESD and to change the program funding source from General Fund to federal WIA revenues. The funding transfers total \$459,449 in each year of the biennium. The Committee approved a letter of intent directing DETR to provide quarterly reports to the IFC on the status of the program transition and efforts to work with Apprenticeship Programs.

DETR – Career Enhancement Program (205-4767) DETR-92:

To accommodate the Re-Employment Service (RES) workload, the Committee approved the Governor's recommendation to use remaining ARRA funds totaling \$580,000 per year to add 12 intermittent Workforce Services Representative positions. DETR anticipates the addition of the 12 intermittent positions will shorten the duration of UI benefits payments by one week for at least 10,000 participants resulting in estimated UI Trust Fund savings of approximately \$3.2 million per year.

As recommended by the Governor, the Committee approved eliminating five existing vacant Workforce Services Representative positions and restoring \$623,818 in wage assessment reserves for the 2011-13 biennium. Wage assessment collections have declined as a result of the State's record unemployment rate. The elimination of the positions will preserve client services dollars available to serve the workforce.

DETR – Employment Security Special Fund (235-4771) DETR-104:

Work continues to replace the 30-year-old UI tax and benefit system used to process wage, contribution, and benefit information. The 2009 Legislature approved federal Reed Act funds of \$11.7 million for FY 2010 and \$10.4 million for FY 2011 to implement the solutions identified during the initial phase of the project. The IFC approved an additional \$13.56 million in federal project funding on September 17, 2009. The Department entered into a fixed-fee, deliverable-based contract to develop and implement the new system. DETR reported that the project is on schedule and on budget and that to date, no material issues or problems have been identified. For the upcoming biennium, the Committee approved unexpended federal funds of \$6.69 million in FY 2012 and \$2.90 million in FY 2013 to continue the contract with the implementation contractor and to fund change orders.

Other Accounts With No Major Closing Issues:

The following accounts were closed by the Committee as recommended by the Governor with staff authority to make technical adjustments that may be needed based on the closing of other Department accounts:

- Rehabilitation Administration (101-3268) DETR-29
- Client Assistance Program (101-3258) DETR-69

ASSEMBLYMAN HOGAN:

The Way and Means Committee has completed its review of the budgets for the Department of Transportation and took action on the Governor's recommendations as follows:

Transportation Administration (201-4660) NDOT-2:

The Department targets a Highway Fund balance of \$100 million to provide sufficient cash to cover operating and capital expenses. Based upon the Governor's recommended expenditures and revenues projected by the Department of Motor Vehicles as of March 31, 2011, the

Department estimates a Highway Fund balance of approximately \$110 million at the end of the 2011-13 biennium.

The Committee concurred with the Governor's recommendation for \$3.6 million to construct a new building to accommodate staff that will be displaced from the Landmark Building prior to phase three of the Carson City bypass. The Committee approved reorganization for the Department of Public Safety (DPS) and NDOT, whereby the DPS Bicycle Safety Program's Education and Information Officer and related funding was moved to NDOT and combined with the Bicycle and Pedestrian Program. The Committee approved \$2 million over the biennium to implement an Electronic Documentation System, \$602,997 in federal funds to replace the existing Over-Dimensional Vehicle Permitting System, and \$1.9 million over the biennium for non-routine maintenance for the Department's two aircraft. The Committee also approved the Governor's recommendation for \$485,609 in Highway Fund reductions over the biennium to eliminate 5.51 FTE vacant positions, which were identified as non-critical and included in the budgetary reductions approved during the 26th Special Session.

Bond Construction (201-4663) NDOT-1:

The Committee concurred with the Governor's recommendations for the Bond Construction account, which did not include new bond proceeds for the 2011-13 biennium.

ASSEMBLYWOMAN SMITH:

I appreciate the indulgence of the body on these reports, and I want to remind you that you can always find the reports attached to the Ways and Means Committee on NELIS. So for today's Ways and Means Committee that meets this afternoon, you will find the reports that were just produced for the record with all of the backup detail that goes with those as well, so that all of our members are more familiar with the budget as we get ready to close.

Mr. Speaker, as of last Friday we have eliminated—with the exception of the DSA account closing, which we all know added some funding back—over \$300 million from the budget and eliminated 191 full-time equivalents or positions within the state budget. We have closed 80 percent of the budgets—352 of the budgets out of 442. Now that is number of accounts, not the amount of the budget. We have, since Friday, closed some very large accounts—Medicaid and Welfare—and tomorrow we will close Higher Education, so we still have a very large volume of accounts to close and many more cuts that have been added to this list.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 232, 280, 302, 358, 393, 396, 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 Senate Bills Nos. 27, 44, 114, 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

APRIL MASTROLUCA, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 27, 44, 114, 131, 232, 280, 302, 358, 393, and 396, just reported out of committee, be placed on the Second Reading File.

Motion carried.

COMMUNICATIONS
MESSAGES FROM THE GOVERNOR
OFFICE OF THE GOVERNOR

May 16, 2011

SPEAKER JOHN OCEGUERA, NEVADA STATE ASSEMBLY, 401 SOUTH CARSON STREET,
CARSON CITY, NEVADA 89701

RE: Assembly Bill 568 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 568, which is entitled:

AN ACT relating to education; ensuring sufficient funding for K-12 public education for the 2011-2013 biennium; apportioning the State Distributive School Account in the State General Fund for the 2011-2013 biennium; authorizing certain expenditures; making appropriations for purposes relating to basic support, class-size reduction and other educational purposes; temporarily diverting the money from the State Supplemental School Support Fund to the State Distributive School Account for use in funding operating costs and other expenditures of school districts; and providing other matters properly relating thereto.

I veto and return this bill because it increases state spending by nearly \$660 million above the amount proposed in the Executive Budget, as amended. Were this bill to be enacted into law, insufficient revenue would be available for the Legislature to meet its obligation to prepare a balanced budget encompassing all areas of state responsibility.

Approval of Assembly Bill 568, without corresponding reductions in spending in other parts of the Executive Budget, would violate the requirement of balanced relations between proposed expenditures and anticipated revenues. This bill therefore represents a circuitous attempt to secure a tax increase—despite the fact I have been clear since the commencement of the Legislative Session that Nevada's struggling economy must be allowed to fully recover.

Within this context, I have provided the Legislature with a spending plan for K-12 education, as well as a comprehensive legislative package to ensure educator accountability, parental choice, and other much-needed system reforms. I am committed to improving our education system; I am equally committed to doing so in a fiscally prudent manner. I understand these decisions are difficult, but as leaders we must make them. While all of us would like to have more money to spend, we must also accept that education funding cannot occur in a vacuum. Current economic realities require that we spend only the money we have, while allowing for the additional funding of education as the economy continues to improve.

Indeed, only two weeks ago, the report of Nevada's Economic Forum allowed me to submit a budget amendment that added some \$240 million for the support of K-12 education just four months after the original Executive Budget was presented to the Legislature. I propose that "triggers" be adopted so additional funding can continue to go straight to the support of the classroom as revenue becomes available through economic recovery.

I am compelled to protect the integrity of my office and the Nevada Constitution. Assembly Bill 568 was processed in a matter of hours, with the clear intention of casting opponents as somehow "anti-education" while at the same time forcing a tax increase. Such a manipulation of the process undermines the Legislature's obligations to the people of this state.

Much work remains to be done, with only three weeks in which to do it. The people of Nevada have stated clearly their expectation for the Legislature to complete its work and adjourn sine die within 120 days. (Nev. Const. art. 4, § 2.) That deadline is fast approaching, and we

have precious little time remaining to conduct the people's business in a responsible and realistic manner.

Sincere regards,
BRIAN SANDOVAL
Governor

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 1, 37, 42, 45, 46, 50, 61, 63, 68, 73; Senate Bills Nos. 244, 430, 441, 444, 475.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 82, Amendment No. 567, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 43, 97, 113, 483.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 121 to Senate Bill No. 31.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 43.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 97.

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

Motion carried.

Senate Bill No. 113.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 244.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 430.

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

Motion carried.

Senate Bill No. 441.

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

Motion carried.

Senate Bill No. 444.

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

Motion carried.

Senate Bill No. 475.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 483.

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

Motion carried.

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

Assembly in recess at 1:07 p.m.

ASSEMBLY IN SESSION

At 1:09 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 27.

Bill read second time and ordered to third reading.

Senate Bill No. 44.

Bill read second time and ordered to third reading.

Senate Bill No. 114.

Bill read second time and ordered to third reading.

Senate Bill No. 131.

Bill read second time and ordered to third reading.

Senate Bill No. 232.

Bill read second time and ordered to third reading.

Senate Bill No. 280.

Bill read second time and ordered to third reading.

Senate Bill No. 302.

Bill read second time and ordered to third reading.

Senate Bill No. 358.

Bill read second time and ordered to third reading.

Senate Bill No. 393.

Bill read second time and ordered to third reading.

Senate Bill No. 396.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 7, 74, 81, and 318 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 62.

The following Senate amendment was read:

Amendment No. 471.

AN ACT relating to the Office of the Attorney General; authorizing the Attorney General to charge a fee for the prosecution of certain felony cases; authorizing the Attorney General to charge a regulatory body for certain training services provided by the Attorney General; authorizing the Attorney General to charge the Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine and the Board of Psychological Examiners for all services relating to certain investigations conducted by the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Attorney General to prosecute a criminal case upon the request of a district attorney. (NRS 228.130) **Section 1** of this bill authorizes the Attorney General to charge a county ~~reasonable legal fees~~ for **costs relating to** the prosecution of a category A or B felony. **Section 1 requires the Attorney General and the district attorney for the county to agree upon the costs of the Attorney General which are related to the prosecution.**

Existing law requires the Attorney General to provide training to a new member of a regulatory body. (NRS 622.200) **Section 3** of this bill

authorizes the Attorney General to charge a regulatory body for providing training to a new member of a regulatory body.

Existing law requires the Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine and the Board of Psychological Examiners to transmit to the Attorney General complaints concerning certain persons regulated by those boards. Existing law further requires the Attorney General to investigate each such complaint. (NRS 630A.400, 630A.410, 634A.085, 641.270, 641.271) **Section 4** of this bill authorizes the Board of Homeopathic Medical Examiners to retain the Attorney General to investigate a complaint against a homeopathic physician, and **section 5** of this bill authorizes the Attorney General to charge the Board for all services related to the investigation. **Section 6** of this bill authorizes the State Board of Oriental Medicine to retain the Attorney General to investigate a complaint against a doctor of Oriental medicine and authorizes the Attorney General to charge the Board for all services related to the investigation. **Section 7** of this bill authorizes the Board of Psychological Examiners to retain the Attorney General to investigate a complaint against a psychologist, and **section 8** of this bill authorizes the Attorney General to charge the Board for all services related to the investigation.

Existing law requires the Board of Dispensing Opticians to submit a biennial report to the Attorney General. (NRS 637.080) **Section 9** of this bill repeals the provision requiring the Board of Dispensing Opticians to submit a biennial report to the Attorney General.

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

Section 1. NRS 228.130 is hereby amended to read as follows:

228.130 1. In all criminal cases where, in the judgment of the district attorney, the personal presence of the Attorney General or the presence of a deputy or special investigator is required in cases mentioned in subsection 2, before making a request upon the Attorney General for such assistance the district attorney must first present his or her reasons for making the request to the board of county commissioners of his or her county and have the board adopt a resolution joining in the request to the Attorney General.

2. In all criminal cases where help is requested from the Attorney General's Office, as mentioned in subsection 1, in the presentation of criminal cases before a committing magistrate, grand jury, or district court, the board of county commissioners of the county making such request shall, upon the presentation to the board of a duly verified claim setting forth the expenses incurred, pay from the general funds of the county the actual and necessary traveling expenses of the Attorney General or his or her deputy or his or her special investigator from Carson City, Nevada, to the place where

such proceedings are held and return therefrom, and also pay the amount of money actually expended by such person for board and lodging from the date such person leaves until the date he or she returns to Carson City.

3. This section shall not be construed as directing or requiring the Attorney General to appear in any proceedings mentioned in subsection 2, but in acting upon any such request the Attorney General may exercise his or her discretion, and his or her judgment in such matters ~~[shall be]~~ is final.

4. *In addition to any payment of expenses pursuant to subsection 2, the Attorney General may charge for the costs of providing assistance in the prosecution of a category A or B felony pursuant to this section. Such costs must be ~~charged for services in a manner consistent with the amount charged to state agencies pursuant to subsection 3 of NRS 228.113.~~ agreed upon by the Attorney General and the district attorney for the county for which the Attorney General provides assistance.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 622.200 is hereby amended to read as follows:

622.200 **1.** As soon as practicable after a person is first appointed to serve as a member of a regulatory body, the person must be provided with:

~~{1}~~ **(a)** A written summary of the duties and responsibilities of a member of the regulatory body; and

~~{2}~~ **(b)** Training on those duties and responsibilities by the Attorney General. The training must include, without limitation, instruction related to the audit that is required by NRS 218G.400, except that a person who is a member of the Nevada State Board of Accountancy is not required to be provided with instruction related to that audit.

2. *The Attorney General may, in accordance with the provisions of NRS 228.113, charge a regulatory body for all training provided pursuant to paragraph (b) of subsection 1.*

Sec. 4. NRS 630A.400 is hereby amended to read as follows:

630A.400 **1.** The Board or a committee of its members designated by the Board shall review every complaint filed with the Board and conduct an investigation to determine whether there is a reasonable basis for compelling a homeopathic physician to take a mental or physical examination or an examination of his or her competence to practice homeopathic medicine.

2. If a committee is designated, it must be composed of at least three members of the Board, at least one of whom is a licensed homeopathic physician.

3. If, from the complaint or from other official records, it appears that the complaint is not frivolous and the complaint charges gross or repeated malpractice, the Board ~~[shall]~~ **may:**

(a) *Retain the Attorney General to investigate the complaint; and*

(b) If the Board retains the Attorney General, transmit the original complaint, along with further facts or information derived from its own review, to the Attorney General.

4. Following ~~the~~ *an* investigation, the committee shall present its evaluation and recommendations to the Board. The Board shall review the committee's findings to determine whether to take any further action, but a member of the Board who participated in the investigation may not participate in this review or in any subsequent hearing or action taken by the Board.

Sec. 5. NRS 630A.410 is hereby amended to read as follows:

630A.410 1. ~~The~~ *If the Board retains the Attorney General pursuant to NRS 630A.400, the* Attorney General shall conduct an investigation of ~~each~~ *the* complaint transmitted to the Attorney General to determine whether it warrants proceedings for modification, suspension or revocation of license. If the Attorney General determines that such further proceedings are warranted, the Attorney General shall report the results of the investigation together with a recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing before the Board.

2. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General as to what action shall be pursued. The Board shall:

- (a) Dismiss the complaint; or
- (b) Proceed with appropriate disciplinary action.

3. *If the Board retains the Attorney General pursuant to NRS 630A.400, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint.*

Sec. 6. NRS 634A.085 is hereby amended to read as follows:

634A.085 1. If a written complaint regarding a ~~licensee~~ *doctor of Oriental medicine* is filed with the Board, the Board shall review the complaint. If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board ~~shall~~ *may*:

(a) Retain the Attorney General to investigate the complaint; and

(b) If the Board retains the Attorney General, transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. ~~The~~ *If the Board retains the Attorney General, the* Attorney General shall conduct an investigation of the complaint *transmitted to the Attorney General* to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General

determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.

3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

- (a) Dismiss the complaint; or
- (b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

5. *If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.*

Sec. 7. NRS 641.270 is hereby amended to read as follows:

641.270 When a complaint is filed with the Board, it shall review the complaint. If, from the complaint or from other official records, it appears that the complaint is not frivolous, the Board ~~shall~~ **may**:

1. *Retain the Attorney General to investigate the complaint; and*

2. *If the Board retains the Attorney General, transmit the original complaint, along with further facts or information derived from the review, to the Attorney General.*

Sec. 8. NRS 641.271 is hereby amended to read as follows:

641.271 1. ~~The~~ ***If the Board retains the Attorney General pursuant to NRS 641.270, the Attorney General shall conduct an investigation of each a complaint transmitted to him or her by the Board the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.***

2. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

- (a) Dismiss the complaint; or
- (b) Proceed with appropriate disciplinary action.

3. *If the Board retains the Attorney General pursuant to NRS 641.270, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 1.*

Sec. 9. NRS 637.080 is hereby repealed.

Sec. 10. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

637.080 Report of Board to Attorney General. Before September 1 of each even-numbered year, for the biennium ending June 30 of such year, the Board shall submit to the Attorney General a written report. The report must include:

1. The names of all dispensing opticians to whom licenses have been granted as provided in this chapter.
2. Any cases heard and decisions rendered by the Board.
3. The recommendations of the Board as to future policies.

↪ Each member of the Board shall review and sign the report before it is submitted to the Attorney General.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 62.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 203.

The following Senate amendment was read:

Amendment No. 470.

SUMMARY—Revises provisions governing **contractors.** ~~the unlawful use of a contractor's license.]~~ (BDR 54-660)

AN ACT relating to contractors; requiring the State Contractors' Board to issue or authorize the issuance of a written administrative citation to a person who acts as a contractor without an active license of the proper classification; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Contractors' Board to issue a written administrative citation if the Board, based upon a preponderance of the evidence, has reason to believe that a person has violated any provision of statute or any administrative regulation governing contractors. (NRS 624.341) ~~[This]~~ **Section 1 of this** bill requires the Board to issue such a citation if a person has acted as a contractor without an active license of the proper classification. **Section 3 of this bill revises the definition of "contractor" as it pertains to public works. (NRS 338.010)**

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

Section 1. NRS 624.341 is hereby amended to read as follows:

624.341 1. If the Board or its designee, based upon a preponderance of the evidence, has reason to believe that a person has ~~committed an~~ :

(a) *Acted as a contractor without an active license of the proper classification issued pursuant to this chapter, the Board or its designee, as appropriate, shall issue or authorize the issuance of a written administrative citation to the person.*

(b) *Committed any other* act which constitutes a violation of this chapter or the regulations of the Board, the Board or its designee, as appropriate, may issue or authorize the issuance of a written administrative citation to the person.

2. A citation issued pursuant to this section may include, without limitation:

(a) An order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, at the person's cost;

(b) An order to pay an administrative fine not to exceed \$50,000, except as otherwise provided in subsection 1 of NRS 624.300; and

(c) An order to reimburse the Board for the amount of the expenses incurred to investigate the complaint.

~~{2-}~~ 3. If a written citation issued pursuant to ~~{subsection 1}~~ *this section* includes an order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, the citation must state the time permitted for compliance, which must be not less than 15 business days after the date the person receives the citation, and specifically describe the action required to be taken.

~~{3-}~~ 4. The sanctions authorized by ~~{subsection 1}~~ *this section* are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

~~{4-}~~ 5. The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 2. (Deleted by amendment.)

Sec. 3. **NRS 338.010 is hereby amended to read as follows:**

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS. ~~For performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS.~~

(b) A design-build team.

4. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

9. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

10. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

11. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

12. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

13. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

↪ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

14. “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

15. “Public work” means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

16. “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

17. “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

↳ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

18. “Subcontract” means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

↳ for the provision of labor, materials, equipment or supplies for a construction project.

19. “Subcontractor” means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

20. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

21. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

22. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 203.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 211.

The following Senate amendment was read:

Amendment No. 560.

SUMMARY—~~Prohibits~~ **Revises provisions governing** discriminatory employment practices ~~based upon gender identity or expression.~~ (BDR 53-272)

AN ACT relating to employment practices; prohibiting discriminatory employment practices based upon the gender identity or expression of a person; **authorizing the Nevada Equal Rights Commission to investigate certain acts of prejudice against a person with regard to employment based on gender identity or expression and sexual orientation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes that it is the policy of this State to foster the right of all persons to reasonably seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, national origin or ancestry. (NRS 233.010) Consistent with that policy, existing law protects against such discrimination with respect to apprenticeships. (NRS 610.010, 610.020, 610.150, 610.185) In addition, existing law prohibits certain employers, employment agencies, labor organizations, joint labor-management committees or contractors from engaging in certain discriminatory employment practices. For example, it is

an unlawful employment practice to fail to hire or to fire or otherwise discriminate against a person, or to limit or segregate or classify an employee on the basis of race, color, religion, sex, sexual orientation, age, disability or national origin, except in certain circumstances. (NRS 338.125, 613.330, 613.340, 613.350, 613.380) **Sections 2-4, 7-13, 16 and 17** of this bill add “gender identity or expression” to the list of categories upon which discrimination is prohibited, and **sections 1, 5 and 14** of this bill define “gender identity or expression” to mean the gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

Existing law authorizes the Nevada Equal Rights Commission to investigate tensions, practices of discrimination and acts of prejudice against any person with regard to employment based on race, color, creed, sex, age, disability, national origin or ancestry. (NRS 233.150) **Section 15** of this bill adds “gender identity or expression” **and “sexual orientation”** to the list of categories upon which the Commission may investigate such allegations of discrimination.

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

Section 1. NRS 610.010 is hereby amended to read as follows:

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

1. “Agreement” means a written and signed agreement of indenture as an apprentice.
2. “Apprentice” means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.
3. “Disability” means, with respect to a person:
 - (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;
 - (b) A record of such an impairment; or
 - (c) Being regarded as having such an impairment.
4. ***“Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.***
5. “Program” means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.
- ~~5-}~~ 6. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 2. NRS 610.020 is hereby amended to read as follows:

610.020 The purposes of this chapter are:

1. To open to people, without regard to race, color, creed, sex, sexual orientation, *gender identity or expression*, religion, disability or national origin, the opportunity to obtain training that will equip them for profitable employment and citizenship.

2. To establish, as a means to this end, an organized program for the voluntary training of persons under approved standards for apprenticeship, providing facilities for their training and guidance in the arts and crafts of industry and trade, with instruction in related and supplementary education.

3. To promote opportunities for employment for all persons, without regard to race, color, creed, sex, sexual orientation, *gender identity or expression*, religion, disability or national origin, under conditions providing adequate training and reasonable earnings.

4. To regulate the supply of skilled workers in relation to the demand for skilled workers.

5. To establish standards for the training of apprentices in approved programs.

6. To establish a State Apprenticeship Council with the authority to carry out the purposes of this chapter and provide for local joint apprenticeship committees to assist in carrying out the purposes of this chapter.

7. To provide for a State Director of Apprenticeship.

8. To provide for reports to the Legislature and to the public regarding the status of the training of apprentices in the State.

9. To establish procedures for regulating programs and deciding controversies concerning programs and agreements.

10. To accomplish related ends.

Sec. 3. NRS 610.150 is hereby amended to read as follows:

610.150 Every agreement entered into under this chapter must contain:

1. The names and signatures of the contracting parties and the signature of a parent or legal guardian if the apprentice is a minor.

2. The date of birth of the apprentice.

3. The name and address of the sponsor of the program.

4. A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and expected duration of the apprenticeship.

5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction must not be less than 144 hours per year.

6. A statement setting forth a schedule of the processes in the trade or division of industry in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A statement of the graduated scale of wages to be paid the apprentice and whether or not compensation is to be paid for the required time in school.

8. Statements providing:

(a) For a specific period of probation during which the agreement may be terminated by either party to the agreement upon written notice to the State Apprenticeship Council; and

(b) That after the probationary period the agreement may be cancelled at the request of the apprentice, or suspended, cancelled or terminated by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and the State Apprenticeship Council of the final action taken.

9. A reference incorporating as part of the agreement the standards of the program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

10. A statement that the apprentice will be accorded equal opportunity in all phases of employment and training as an apprentice without discrimination because of race, color, creed, sex, sexual orientation, *gender identity or expression*, religion or disability.

11. A statement naming the State Apprenticeship Council as the authority designated pursuant to NRS 610.180 to receive, process and dispose of controversies or differences arising out of the agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the program or collective bargaining agreements.

12. Such additional terms and conditions as are prescribed or approved by the State Apprenticeship Council not inconsistent with the provisions of this chapter.

Sec. 4. NRS 610.185 is hereby amended to read as follows:

610.185 The State Apprenticeship Council shall suspend for 1 year the right of any employer, association of employers or organization of employees acting as agent for an employer to participate in a program under the provisions of this chapter if the Nevada Equal Rights Commission, after notice and hearing, finds that the employer, association or organization has discriminated against an apprentice because of race, color, creed, sex, sexual orientation, *gender identity or expression*, religion, disability or national origin in violation of this chapter.

Sec. 5. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.435, inclusive, unless the context otherwise requires:

1. “Disability” means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. “Employer” means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. “Employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. ***“Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.***

5. “Labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

~~{5-}~~ 6. “Person” includes the State of Nevada and any of its political subdivisions.

~~{6-}~~ 7. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 6. NRS 613.320 is hereby amended to read as follows:

613.320 1. The provisions of NRS 613.310 to 613.435, inclusive, do not apply to:

(a) Any employer with respect to employment outside this state.

(b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

2. The provisions of NRS 613.310 to 613.435, inclusive, concerning unlawful employment practices related to sexual orientation ***and gender identity or expression*** do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 7. NRS 613.330 is hereby amended to read as follows:

613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person’s compensation, terms, conditions or privileges of employment, because of his or her race,

color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin; or

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin.

2. It is an unlawful employment practice for an employment agency to:

(a) Fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin of that person; or

(b) Classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin of that person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin; or

(c) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

5. It is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.

6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee's service animal with him or her at all times in his or her place of employment.

7. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 8. NRS 613.340 is hereby amended to read as follows:

613.340 1. It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by NRS 613.310 to 613.435, inclusive, or because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under NRS 613.310 to 613.435, inclusive.

2. It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, *gender identity or expression*, age, physical, mental or visual condition or national origin when religion, sex, sexual orientation, *gender identity or expression*, age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment.

Sec. 9. NRS 613.350 is hereby amended to read as follows:

613.350 1. It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his or her religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin in those instances where religion, sex, sexual orientation, *gender identity or expression*, age, physical, mental or visual condition or

national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

2. It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of a disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.

3. It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his or her age if the person is less than 40 years of age.

4. It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.

5. It is not an unlawful employment practice for an employer to observe the terms of any bona fide plan for employees' benefits, such as a retirement, pension or insurance plan, which is not a subterfuge to evade the provisions of NRS 613.310 to 613.435, inclusive, as they relate to discrimination against a person because of age, except that no such plan excuses the failure to hire any person who is at least 40 years of age.

6. *It is not an unlawful employment practice for an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards so long as such requirements are not precluded by law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.*

Sec. 10. NRS 613.380 is hereby amended to read as follows:

613.380 Notwithstanding any other provision of NRS 613.310 to 613.435, inclusive, it is not an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, if those differences are not the result of an intention to discriminate because of race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin, nor is it an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, if the test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin.

Sec. 11. NRS 613.400 is hereby amended to read as follows:

613.400 Nothing contained in NRS 613.310 to 613.435, inclusive, requires any employer, employment agency, labor organization or joint labor-management committee subject to NRS 613.310 to 613.435, inclusive, to grant preferential treatment to any person or to any group because of the race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin of the individual or group on account of an imbalance which exists with respect to the total number or percentage of persons of any race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of that race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin in any community, section or other area, or in the available workforce in any community, section or other area.

Sec. 12. NRS 613.405 is hereby amended to read as follows:

613.405 Any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.435, inclusive, may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, *gender identity or expression*, age, disability, religion or national origin.

Sec. 13. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain

and hold ~~employment and~~ housing accommodations without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, national origin or ancestry.

2. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, national origin or ancestry.

3. ***It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry.***

4. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 14. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter:

1. “Administrator” means the Administrator of the Commission.
2. “Commission” means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.
3. “Disability” means, with respect to a person:
 - (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;
 - (b) A record of such an impairment; or
 - (c) Being regarded as having such an impairment.
4. ***“Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.***

5. “Member” means a member of the Nevada Equal Rights Commission.

~~5.~~ 6. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 15. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:
 - (a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because

of race, color, creed, sex, age, disability, sexual orientation, national origin or ancestry, and may conduct hearings with regard thereto.

(b) With regard to ~~employment and~~ housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, national origin or ancestry, and may conduct hearings with regard thereto.

(c) With regard to employment, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 16. NRS 281.370 is hereby amended to read as follows:

281.370 1. All personnel actions taken by state, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof must be based solely on merit and fitness.

2. State, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof shall not refuse to hire a person, discharge or bar any person from employment or discriminate against any person in compensation or in other terms or conditions of employment because of the person's race, creed, color, national origin, sex, sexual orientation, *gender identity or expression*, age, political affiliation or disability, except when based upon a bona fide occupational qualification.

3. As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "*Gender identity or expression*" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

(c) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 17. NRS 338.125 is hereby amended to read as follows:

338.125 1. It is unlawful for any contractor in connection with the performance of work under a contract with a public body, when payment of the contract price, or any part of such payment, is to be made from public money, to refuse to employ or to discharge from employment any person because of his or her race, color, creed, national origin, sex, sexual orientation, *gender identity or expression*, or age, or to discriminate against a person with respect to hire, tenure, advancement, compensation or other terms, conditions or privileges of employment because of his or her race, creed, color, national origin, sex, sexual orientation, *gender identity or expression*, or age.

2. Contracts between contractors and public bodies must contain the following contractual provisions:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation, *gender identity or expression*, or age, including, without limitation, with regard to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including, without limitation, apprenticeship.

The contractor further agrees to insert this provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

3. Any violation of such provision by a contractor constitutes a material breach of contract.

4. As used in this section ~~[-“sexual”]~~:

(a) *“Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.*

(b) *“Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.*

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 211.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 214.

The following Senate amendment was read:

Amendment No. 550.

AN ACT relating to escrow accounts; requiring that certain disbursements of money from escrow accounts be payable in United States currency; requiring that certain disbursements of money from escrow accounts be disbursed in accordance with federal law governing next-day availability of such money; **establishing provisions concerning the disbursement of money from an escrow account by a title insurer, title agent or escrow officer**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the disbursement of money held in escrow **by an escrow officer or escrow agent** relating to certain transactions and prohibits disbursements from an escrow account on the same business day as the money is deposited unless the deposit is made in certain forms which allow for the immediate withdrawal of the money. (NRS 645A.171) ~~[[This]]~~ **Section 1 of this** bill requires certain disbursements **by an escrow agent** which are available on the same business day as that on which the money is deposited to be payable in United States currency. ~~[[This bill]]~~ **Section 1** also requires that money in an escrow account which is accorded next-day availability be disbursed **by the escrow agent** in accordance with all applicable federal laws.

Section 2 of this bill establishes provisions concerning the disbursement of money from an escrow account by a title insurer, title agent or escrow officer with respect to real estate transactions. Section 2 prohibits the disbursement of such money until deposits that are at least equal to the proposed disbursement have been received, prohibits the disbursement unless the deposit is made in certain forms which allow for the immediate withdrawal of the money and requires that money in an escrow account which is accorded next-day availability be disbursed by the title insurer, title agent or escrow officer in accordance with all applicable federal laws.

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

Section 1. NRS 645A.171 is hereby amended to read as follows:

645A.171 1. ~~[[No escrow officer or person who acts as an]]~~ **An** escrow agent ~~[[may]]~~ **shall not** disburse money from an escrow account unless deposits which are at least equal in value to the proposed disbursements and which relate directly to the transaction for which the money is to be disbursed have been received.

2. ~~[[No escrow officer or person who acts as an]]~~ **An** escrow agent ~~[[may]]~~ **shall not** disburse money from an escrow account on the same business day as the money is deposited unless the deposit is made in one of the following forms:

- (a) Cash;
- (b) Interbank electronic transfer such that the money deposited is available for immediate withdrawal without condition ~~[;]~~ **and payable in United States currency;**
- (c) Negotiable order of withdrawal, money order, cashier's check or certified check which is payable in this State and which is drawn from a financial institution located in this State;
- (d) Any depository check, including any cashier's check or teller's check, that is governed by the Expedited Funds Availability Act, 12 U.S.C. §§ 4001 et seq.; or
- (e) Any other form that permits conversion of the deposit to cash on the same day as the deposit is made.

3. ~~An escrow [officer or person who acts as an escrow] agent who disburses money from an escrow account pursuant to this section on the next business day after the day on which the money is deposited shall comply with all applicable federal laws or regulations with respect to the disbursement of money accorded next-day availability that is deposited in an escrow account.~~

~~4. As used in this section, "escrow officer" has the meaning ascribed to it in NRS 692A.028.~~

Sec. 2. Chapter 692A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A title insurer, title agent or escrow officer shall not disburse money from an escrow account unless deposits which are at least equal in value to the proposed disbursements and which relate directly to the transaction for which the money is to be disbursed have been received.

2. A title insurer, title agent or escrow officer shall not disburse money from an escrow account on the same business day as the money is deposited unless the deposit is made in one of the following forms:

(a) Cash;

(b) Interbank electronic transfer such that the money deposited is available for immediate withdrawal without condition and payable in United States currency;

(c) Negotiable order of withdrawal, money order, cashier's check or certified check which is payable in this State and which is drawn from a financial institution located in this State;

(d) Any depository check, including any cashier's check or teller's check, that is governed by the Expedited Funds Availability Act, 12 U.S.C. §§ 4001 et seq.; or

(e) Any other form that permits conversion of the deposit to cash on the same day as the deposit is made.

3. A title insurer, title agent or escrow officer who disburses money from an escrow account pursuant to this section on the next business day after the day on which the money is deposited shall comply with all applicable federal laws or regulations with respect to the disbursement of money accorded next-day availability that is deposited in an escrow account.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 214.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 215.

The following Senate amendment was read:

Amendment No. 569.

AN ACT relating to utilities; authorizing certain public utilities that purchase natural gas for resale and electric utilities to request approval from the Public Utilities Commission of Nevada to make quarterly rate adjustments based on deferred accounting; requiring that written notices which are provided to customers of certain public utilities that purchase natural gas for resale and electric utilities contain information about the review of certain quarterly rate adjustments by the Commission; authorizing the Commission to allow public utilities that purchase natural gas for resale and electric utilities to apply for certain additional rate adjustments upon a showing of good cause; prohibiting public utilities which purchase natural gas for resale and electric utilities from applying for certain annual rate adjustments after receiving approval from the Commission to make quarterly rate adjustments based on deferred accounting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain public utilities that purchase natural gas for resale and certain electric utilities to use deferred accounting to reflect changes in the cost of purchased natural gas, fuel or power. (NRS 704.185, 704.187) **Section 5** of this bill authorizes a public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis based on the fluctuating price of natural gas to request approval to make quarterly adjustments to its deferred energy accounting adjustment. **Section 5** also authorizes an electric utility that is required to make quarterly adjustments based on the fluctuating price of fuel or power to request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. **Section 5** further requires a utility that receives approval to make any quarterly adjustments to provide its customers with written notice that

includes information relating to when the adjustments will be reviewed by the Commission. **Section 5** also authorizes the Commission to approve, upon a showing of good cause, certain additional quarterly adjustments for a public utility which purchases natural gas for resale and an electric utility which has received approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. **Sections 6 and 7** of this bill provide that a public utility which purchases natural gas for resale or an electric utility which has received approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment is not eligible to apply for any additional adjustment to its deferred energy accounting adjustment in its annual deferred energy accounting adjustment application.

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

Section 1. NRS 703.320 is hereby amended to read as follows:

703.320 Except as otherwise provided in subsections ~~[8 and]~~ **9 and 11** of NRS 704.110:

1. In any matter pending before the Commission, if a hearing is required by a specific statute or is otherwise required by the Commission, the Commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The Commission shall by regulation specify:

- (a) The manner of giving notice in each type of proceeding; and
- (b) The persons entitled to notice in each type of proceeding.

2. The Commission shall not dispense with a hearing:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) Except as otherwise provided in paragraph (f) of subsection 1 of NRS 704.100, in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application pursuant to NRS 704.187.

3. In any other matter pending before the Commission, the Commission may dispense with a hearing and act upon the matter pending unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the Commission a request that the hearing be held. If such a request for a hearing is filed, the Commission shall give at least 10 days' notice of the hearing.

4. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 2. NRS 704.062 is hereby amended to read as follows:

704.062 "Application to make changes in any schedule" and "application" include, without limitation:

1. A general rate application;
2. An application to recover the ~~increased~~ cost of purchased fuel, purchased power, or natural gas purchased for resale; ~~and~~
3. An annual deferred energy accounting adjustment application ~~[-]~~; **and**
- 4. An annual rate adjustment application.**

Sec. 3. NRS 704.069 is hereby amended to read as follows:

704.069 1. Except as otherwise provided in subsections ~~8 and~~ **9 and 11** of NRS 704.110, the Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which:

(a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale, an annual deferred energy accounting adjustment application pursuant to NRS 704.187 or an annual rate adjustment application; and

(b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.

2. In addition to the case-specific consumer sessions required by subsection 1, the Commission shall, during each calendar year, conduct at least one general consumer session in the county with the largest population in this State and at least one general consumer session in the county with the second largest population in this State. At each general consumer session, the Commission shall solicit comments from the public on issues concerning public utilities. Not later than 60 days after each general consumer session, the Commission shall submit the record from the general consumer session to the Legislative Commission.

Sec. 4. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110

based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection ~~9~~ **10** of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue, as certified by the public utility, in an amount that does not exceed \$2,500:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the Commission shall determine whether it should dispense with a hearing regarding the proposed change.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 5. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will

result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2010, and at least once every 36 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2011, and at least once every 36 months thereafter.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

↪ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider

expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or ~~9~~ **10**, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection ~~9;~~ **10**; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis ~~between annual rate adjustment applications]~~ pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. ***A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that ~~the quarterly adjustment]~~ approval of the request is in the ~~best interest of the] public ~~]~~ interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas. ~~The Commission shall not approve a deferred energy accounting adjustment if]~~ If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments ~~]~~, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.~~***

9. If the Commission approves ~~such]~~ a request ~~]~~ to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment . ~~between annual rate adjustment applications.]~~ A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; ~~and~~

(IV) *A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and*

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment ~~for each deferred energy accounting adjustment~~ and ~~for a review of~~ the transactions and recorded costs of natural gas included in each quarterly ~~rate adjustment~~ **filing** and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

~~9-10.~~ **10.** An electric utility shall adjust its rates on a quarterly basis based on changes in the ~~public~~ **electric** utility's recorded costs of purchased fuel or purchased power. ~~In the following manner:~~ ***In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the***

Commission. The Commission may approve the request if the Commission finds that ~~the quarterly adjustment~~ approval of the request is in the best interest of the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. ~~The Commission shall not approve a deferred energy accounting adjustment if~~ If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments ~~the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.~~

11. A quarterly rate adjustment ~~to a deferred energy accounting adjustment~~ filed pursuant to subsection 10 is subject to the following requirements:

(a) ~~An~~ *The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. **The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment.** A quarterly rate adjustment ~~to a deferred energy accounting adjustment~~ is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.*

(b) ~~Each~~ *The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:*

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; ~~and~~

(IV) *A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and*

(V) Any other information required by the Commission.

(c) ~~An~~ **The** electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment ~~from each deferred energy accounting adjustment~~ and ~~a review of~~ the transactions and recorded costs of purchased fuel and purchased power included in each quarterly ~~rate adjustment~~ **filing** and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

~~{10.}~~ **12.** If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection ~~{9}~~ **11** and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

~~{11}~~ **13.** A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

~~{12}~~ **14.** In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

~~{13}~~ **15.** *The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.*

16. *A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the ~~{best interest of the}~~ public ~~{-}~~ interest.*

17. As used in this section:

(a) *“Deferred energy accounting adjustment” means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period.*

(b) *“Electric utility” has the meaning ascribed to it in NRS 704.187.*

~~{(b)}~~ (c) *“Electric utility that primarily serves densely populated counties” means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 400,000 or more than it*

does from customers located in counties whose population is less than 400,000.

~~{(e)}~~ (d) “Electric utility that primarily serves less densely populated counties” means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 400,000 than it does from customers located in counties whose population is 400,000 or more.

Sec. 6. NRS 704.185 is hereby amended to read as follows:

704.185 1. Except as otherwise provided in subsection 8 of NRS 704.110, a public utility which purchases natural gas for resale may record upon its books and records in deferred accounts all cost increases or decreases in the natural gas purchased for resale. Any public utility which uses deferred accounting to reflect changes in costs of natural gas purchased for resale shall include in its annual report to the Commission a statement showing the allocated rate of return for each of its operating departments in Nevada which uses deferred accounting.

2. ~~{If the rate of return for any department using deferred accounting pursuant to subsection 1 is greater than the rate of return allowed by the Commission in the last rate proceeding, the Commission shall order the utility which recovered any costs of natural gas purchased for resale through rates during the reported period to transfer to the next energy adjustment period that portion of such recovered amounts which exceeds the authorized rate of return.}~~

3. A public utility which purchases natural gas for resale may request approval from the Commission to record upon its books and records in deferred accounts any other cost or revenue which the Commission deems appropriate for deferred accounting and which is not otherwise subject to the provisions of ~~{subsections}~~ **subsection 1**. ~~{and 2.}~~ If the Commission approves such a request, the Commission shall determine the appropriate requirements for reporting and recovery that the public utility must follow with regard to each such deferred account.

~~{4.}~~ 3. When a public utility which purchases natural gas for resale files an **annual rate adjustment application or an annual deferred energy accounting adjustment** application, ~~{to clear its deferred accounts,}~~ the proceeding regarding the application must include a review of the transactions and recorded costs of natural gas included in the application. There is no presumption of reasonableness or prudence for any transactions or recorded costs of natural gas included in the application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

4. A public utility which purchases natural gas for resale and which has received approval from the Commission to make quarterly adjustments to a deferred energy accounting adjustment pursuant to subsection 8 of NRS 704.110 is not eligible to request an adjustment to its deferred energy accounting adjustment in its annual rate adjustment application.

Sec. 7. NRS 704.187 is hereby amended to read as follows:

704.187 1. An electric utility that purchases fuel or power shall use deferred accounting by recording upon its books and records in deferred accounts all increases and decreases in costs for purchased fuel and purchased power that are prudently incurred by the electric utility.

2. An electric utility using deferred accounting shall include in its annual report to the Commission a statement showing, for the period of recovery, the allocated rate of return for each of its operating departments in this State using deferred accounting. ~~If, during the period of recovery, the rate of return for any operating department using deferred accounting is greater than the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility, the Commission shall order the electric utility that recovered costs for purchased fuel or purchased power through its rates during the reported period to transfer to the next energy adjustment period that portion of the amount recovered by the electric utility that exceeds the authorized rate of return.~~

3. Except as otherwise provided in this section, an electric utility using deferred accounting shall file an annual deferred energy accounting adjustment application on or before March 1, 2008, and on or before March 1 of each year thereafter.

4. An electric utility that purchases fuel or power and has received approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 10 of NRS 704.110 is not eligible to request an adjustment to its deferred energy accounting adjustment in its annual deferred energy accounting adjustment application.

5. As used in this section:

(a) “Annual deferred energy accounting adjustment application” means an application filed by an electric utility pursuant to this section and subsection ~~9~~ **11** of NRS 704.110.

(b) “Costs for purchased fuel and purchased power” means all costs which are prudently incurred by an electric utility and which are required to purchase fuel, to purchase capacity and to purchase energy. The term does not include any costs that the Commission determines are not recoverable pursuant to subsection ~~9~~ **11** of NRS 704.110.

(c) “Electric utility” means any public utility or successor in interest that:

(1) Is in the business of providing electric service to customers;

(2) Holds a certificate of public convenience and necessity issued or transferred pursuant to this chapter; and

(3) In the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of \$250,000,000 or more in this State.

➔ The term does not include a cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

Sec. 8. This act becomes effective upon passage and approval.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 215.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Butler and Corey Tyndall.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Cegavske and Marclem Lalatag.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Marisa Martinez and Janilie Dysico.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Jackson and Ray Ray Mangler.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Roger Gehring Elementary School: Aaron Sledge, Ailin Suarez, Ailish Rincon, Alex Tolentino, Amanda Castaneda, Andrew Luong, Ashley Koontz, Ashley Williams, Brandon Catacutan, Breana Nguyen, Brooke Nemetz, Carson Ruiz, Cheyenne Cullinane, Christian Salazar, Columbae Fetters, Zoey Connell, Dakotah Cullinane, Dakotah Russell, Darren Doan, Devin Contreras, Diego Hicks, Drew Meyer, Gavin Moore, Hannah Alemu, Jackie Martin, Janelle Cubillo, Jason Gilliland, Eric Manner, Johnny Conrad, Jorge Ivan Rodriguez,

Cheyenne Lacefield-Fresquez, Nathaniel Karigianes, Lauren Alvarez, Madison Weikart, Maile Callorina, Megan Johnson, Tyler Green, Ramiro Garcia, Sandra Brody, Havana Santa Cruz, Sheadon Gallardo, Steve Pardon, Taurie McDaniel, Tiffany Lykins, William Taiesse, Viviana Reveles, Waleshka Coello, William Zernich; and the following students and chaperones from Hummel Elementary School: McKiah Bashay, Nataly Beard, Angelina Biggers, Thomas Blomquist, Carlie Branby, Max Busch, Garrett Ditter, Rania Font, Stella Knopow, David Leon, Cesar Lopez, Justin Manago, Ashlynn McCumby, Bradley Farina, Jaediel Abinal, Zach Barbosa, Breanna Biorato, Patricia Castore, Kane Clapper, Lauren Davis, Logan Ditter, Angel Gonzalez, July Hand, John Ho, Ava Incera, Aaron Lacey, Tenchi Mata, Faith McComrick, Amber Querubin, Sidney Wilcox, Christina Eagar, Beth Ditter, Sherri Branby, Sondra Beard, Lynda Lopez, Alex Boyden, James Blomquist, Angela Bashay, Julie Manago, Ben McCumby, Rick Darrington, Jessica Lennox, Melissa Biorato, Mary Ann Flynn, Paul Lacey, Vickie Davis, Yvette Incera, and Selin Babaian.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Westergard Elementary School: Andrew Axelson, Sherrie Axelson, Serenity Bowers, Emily Braunworth, Jamie Brooke, Leila Darensburg, Jeffrey Feehan, Vytas Gedvila, Zachary Glanzmann, Megan Goodman, Jay Griffith, Allison Hartmann, Robert Hays, Revae Henry, Raymond Mangler, Noah Melton, Brendan Minck, Hannah Mouradian, Eizley Muniz Jacinto, Tiarah Murdock, Joshua Neef, Joanna Nemitz, Alecsander Palmer, Julia Paul, Susie Paul, Wyatt Phillips, Aidan Rowan, Jitan Singh, Sahib Singh, Alese Virden, Reed Backstrom, Jalissa Birtell, Julia Bonar, Liam Clark, Brandon Denney, Carson Dobbs, Lachlan Druitt, Mariselle Galera, Ethan Hardy, James Hill, Grady Johnson, Ben Klenow, Leslie Leuenhagen, Nia Marcaida, Zachary Mareno, Nathan Morin, Misael Ocasio Rivera, Michael Potts, Amanda Ross, Lauren Sands, Isabella Selby, Benjamin Stuart, Eric Vasquez, Morgan Vento, Kate Weissman, Dillon Wolfe, Kalle Bailey, Bryce Bessette, Madison Burdette, Joshua Canfield, Camarra Clinton, Magalee Curiel Lomeli, Melissa Dearcos, Maxwell Dynes, Neel Gupta, McKenzie Henderson, Hailey Horne, Tyra Houston, Matthew Jesse, Skyler Kilbourne, Brendan Lorenzen, Kara McNaughton, Sophia Morton, Hannah Nyberg, Kennedy Pearson, Avery Quinton, Giovannia Rodriguez, Austin Sabloff, Angel Sanchez Hurtado, Cameron Smith, Evelyn Soto, Samantha Thomas, Joseph Villa, Kadari Baca, Brett Blackstrom, Sydney Burke, Ashlynn Burns, Ashley Cooper, Nika Isabelle Corpus,

King Alfred David, Alaina Dieffenbach, Christopher Dulong, Caitlyn Ebbert, Megan Ebbert, Sierra Ferguson, Brylee Garcia, Anthony Hopkins, Nicholas Hopkins, Michael Mareno, Skyler Mejia Mcelwain, Savannah O'Brien, Sebastian Reynoso, Diyairo Rivera-Nava, Sergio Rodriguez, Stephanie Ruiz-Iniguez, Axel Sanchez-Apolinar, Devon Shaw, Parker Smith, Tomasa Staley, Henry Revae, Camille Druitt, Cynthia Vasquez, Kitty Gillette, Keri Henderson, Cindy Quinton, Robin Summers, Wendy Pennington, LeAnne Cooper, and Tony Star.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Raina Benford and Krista Boivie.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Jeremy Taylor and Michael Kirschbaum.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Edgar Morales and Kevin Kekoa Kahookano.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to C.J. Potter.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Samuel Bravo Garcia and Trevor Dawson.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Zachariah Douglas and Nathan Emmons Farrell.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Gulley and Meghan Wolslegel.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Peiwei Zhang and Kristelle Dealca.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, May 18, 2011, at 12 noon.

Motion carried.

Assembly adjourned at 1:24 p.m.

Approved:

JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly