

**THE THIRTY-NINTH DAY**

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CARSON CITY (Thursday), March 17, 2011

Senate called to order at 11:08 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

O God of us all, mother and father of all creation, Your undying compassion never ends.

Help us to see Thee more clearly. Love Thee more dearly. Follow Thee more nearly day by day.

Help us to be co-creators with You in our care for all the people of this State.

Thinking globally, working locally, on behalf of all. We pray in love.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which was referred Senate Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 16, 2011

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 17, 18, 103, 166, 193.

SUSAN FURLONG  
*Chief Clerk of the Assembly*

COMMUNICATIONS  
MESSAGES FROM THE SECRETARY OF STATE  
STATE OF NEVADA  
DEPARTMENT OF STATE  
CARSON CITY, NV 89701

February 7, 2011

DAVID A. BYERMAN, *Secretary of the Senate*, 401 S. Carson Street, Carson City,  
Nevada, 89701-4747

DEAR MR. BYERMAN:

Pursuant to the *Nevada Constitution* Article 19, Section 2, this office is required to transmit any statutory Initiative Petition to the Nevada Legislature once it convenes. In compliance with

the laws of the State of Nevada, enclosed is the statutory Initiative Petition entitled "Building an Arena for a Stronger Future."

Respectfully,  
ROSS MILLER  
*Secretary of State*  
By: Scott Gilles  
*Deputy Secretary for Elections*

MOTIONS, RESOLUTIONS AND NOTICES

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

Senate in recess at 11:24 a.m.

SENATE IN SESSION

At 12:11 p.m.

President Krolicki presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Kieckhefer:

Senate Bill No. 250—AN ACT relating to state financial administration; revising provisions governing state budgeting; making various other changes relating to state financial administration; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 251—AN ACT relating to commissions; creating the Nevada Sunset Commission; providing for its membership; requiring the Commission to evaluate the necessity and efficacy of all governmental programs and services provided in this State; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy:

Senate Bill No. 252—AN ACT relating to wages; providing an exception for caregivers who are employed by an agency to provide personal care services in the home from provisions requiring an employer to pay additional compensation for certain overtime worked by employees; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Hardy:

Senate Bill No. 253—AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide coverage for tobacco cessation treatment; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Copenig:

Senate Bill No. 254—AN ACT relating to common-interest communities; revising procedures for alternative dispute resolution of certain claims relating to common-interest communities; authorizing an association to assess against a unit the common expenses incurred in defending against certain claims; revising provisions governing the review of certain books, papers and records of an association; revising provisions governing the confidentiality of certain documents and information obtained by the Real Estate Division of the Department of Business and Industry; revising the penalties for filing frivolous, false or fraudulent claims; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Breeden:

Senate Bill No. 255—AN ACT relating to taxation; reducing the amount of the governmental services taxes imposed on certain older motor vehicles; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Senators Hardy, Denis and Copenig:

Senate Bill No. 256—AN ACT relating to controlled substances; prohibiting certain acts relating to the cultivation of marijuana; requiring the State Board of Pharmacy to include on the list of schedule I controlled substances certain substances which are known as synthetic marijuana; revising provisions relating to the medical use of marijuana; providing civil and criminal penalties; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Wiener:

Senate Bill No. 257—AN ACT relating to crimes; revising various provisions governing graffiti offenses; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy:

Senate Bill No. 258—AN ACT relating to anesthesiology; providing for the licensure and regulation of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; requiring anesthesiologist assistants to work under the direct supervision of a supervising anesthesiologist; establishing the maximum fees for the licensure of anesthesiologist assistants and the renewal or registration of such licenses; providing penalties; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Schneider:

Senate Bill No. 259—AN ACT relating to licensed family trust companies; revising provisions governing the management of a trust by a licensed family trust company; specifying the applicability of the Uniform Prudent Investor Act to a trust managed by a licensed family trust company; requiring a licensed family trust company to administer a trust in this State except under certain circumstances; authorizing a licensed family trust company to engage in certain transactions involving the assets of the trust or take certain actions if the transaction or action is in the interest of the beneficiaries and complies with certain other requirements; authorizing a licensed family trust company and an interested person to enter into a nonjudicial settlement agreement to resolve any matter related to the management, administration or interpretation of a trust; requiring a licensed family trust company to provide an annual report to certain persons concerning the management of a trust; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Hardy and Assemblywoman Woodbury:

Senate Bill No. 260—AN ACT relating to local improvements; providing an alternative procedure for the creation of certain local improvement districts that include a renewable energy project; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy and Assemblyman Hardy:

Senate Bill No. 261—AN ACT relating to fire protection districts; setting forth the notice requirements for certain hearings held by boards of county commissioners regarding the reorganization of certain fire protection districts; requiring, under certain circumstances, the board of county commissioners to submit the question of whether to reorganize certain fire protection districts to the electors of the districts; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy and Assemblyman Hardy:

Senate Bill No. 262—AN ACT providing a charter for the City of Laughlin, in Clark County, Nevada; providing for an election to be held on the question of incorporation; making the incorporation of the City contingent upon approval of this act by qualified electors of the City; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 263—AN ACT relating to estates; authorizing a court to establish the validity of a will or trust before the death of the testator or settlor; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Leslie:

Senate Bill No. 264—AN ACT relating to public health; revising requirements for various reports concerning the care provided by certain medical and related facilities; requiring certain reports of adverse health events to be made public; revising provisions relating to administrative fines collected by the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Parks, Leslie and Denis:

Senate Bill No. 265—AN ACT relating to offenders; requiring the aggregation of certain consecutive sentences of imprisonment imposed on an offender; making credits earned by a prisoner to reduce his or her sentence applicable to an aggregated sentence; revising the manner in which credits are earned to reduce the minimum term of imprisonment; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 17.

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

Motion carried.

Assembly Bill No. 18.

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

Motion carried.

Assembly Bill No. 103.

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

Motion carried.

Assembly Bill No. 166.

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

Motion carried.

Assembly Bill No. 193.

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

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 31.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 44.

"SUMMARY—~~Extends the period for the Department of Taxation or a county to take certain actions relating to delinquent~~ **Makes various changes to provisions governing administration of** taxes. (BDR 32-434)"

"AN ACT relating to **the administration of** taxes; **clarifying provisions governing the determination and certification of population for apportionment purposes and requiring additional projections of population; revising provisions governing joint and several liability of**

**certain responsible persons for taxes and certain waivers of penalties and interest;** extending the period for the Department of Taxation or a county to bring an action in a court of competent jurisdiction for summary judgment against a person owing a delinquent tax or deficiency determination; extending the period for the Department or a county to record a tax lien; extending the period for the Department or a county to issue a warrant for the enforcement of a lien and collect a delinquent tax; and providing other matters properly relating thereto."

**Legislative Counsel's Digest:**

**Existing law requires the Department of Taxation to determine, and the Governor to certify, the annual population of each town, township, city and county in this State for purposes of the apportionment of taxes during the next fiscal year. (NRS 360.283, 360.285) Sections 2 and 3 of this bill clarify that this determination and certification is of the relevant population as of July 1 of the immediately preceding year. Section 1 of this bill additionally requires the Department to issue annual reports containing 5-year and 20-year projections of population.**

**The provisions of title 32 of NRS require the Department of Taxation to collect certain taxes imposed on property of an interstate or intercounty nature, the net proceeds of minerals, financial institutions and other businesses, live entertainment, liquor, tobacco, controlled substances, estates and generation-skipping transfers, and various sales and use taxes. (Chapters 361, 362, 363A, 363B, 368A, 369, 370, 372, 372A, 374, 374A, 375A-377B of NRS) Existing law imposes joint and several liability upon certain responsible persons who fail to collect or pay to the Department some of these taxes or any pertinent fees. (NRS 360.297) Section 4 of this bill limits this liability to the willful failure to pay or collect an applicable tax or fee and applies this liability to all of the taxes and fees required to be paid to the Department under title 32 of NRS.**

**Under existing law, the Department of Taxation is authorized to waive or reduce the interest and penalties imposed on a person whose failure to timely file a return or pay certain taxes collected by the Department is the result of circumstances beyond the person's control and occurred despite the exercise of ordinary care and without intent. (NRS 360.419) Section 5 of this bill extends that authority to all of the taxes and fees required to be paid to the Department under title 32 of NRS and to certain fees imposed on the lease of a passenger car by a short-term lessor.**

If a person owes delinquent taxes or has a deficiency determination against him or her with respect to any tax administered by the Department of Taxation, existing law authorizes the Department to attempt collection of the tax or deficiency in certain ways. The Department may: (1) file an action in any court of competent jurisdiction for summary judgment for the amount due; (2) file a certificate in the office of any county recorder, at which time

the amount due becomes a lien upon all real and personal property the person owns or acquires in the county before the lien expires or is discharged; and (3) issue a warrant for the enforcement of a lien and for the collection of any delinquent tax or fee. (NRS 360.420, 360.473, 360.483) Existing law also allows a county to take such actions when any tax is delinquent on a transfer of real property in the county. (NRS 375.160, 375.170, 375.200) Such actions must occur within 3 years after the date the tax, fee or deficiency determination was due. Existing law allows the State Controller to take certain actions with respect to unpaid debts to the State within 4 years after the debt becomes due. (NRS 353C.140, 353C.150) ~~(This)~~ **Sections 6-11 of this bill** similarly ~~extends~~ **extend** the time by which the Department or county may take action to collect delinquent taxes, fees or deficiencies to within 4 years after payment was due.

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

**Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. The Department shall:**

**(a) On or before March 1 of each calendar year, issue an annual report of the projected population of each town, township, city and county in this State as of July 1 of that year and the next succeeding 4 years; and**

**(b) On or before October 1 of each calendar year, issue an annual report of the projected population, as classified by age, sex, race and Hispanic origin, of each town, township, city and county in this State as of July 1 of that year and the next succeeding 19 years.**

**2. The Department shall post the annual reports required by subsection 1 on an Internet website maintained by the Department and, if the demographer employed pursuant to NRS 360.283 maintains a separate Internet website, require the demographer to post the annual reports required by subsection 1 on an Internet website maintained by the demographer.**

**Sec. 2. NRS 360.283 is hereby amended to read as follows:**

360.283 1. The Department shall adopt regulations to establish a method of determining annually the population of each town, township, city and county in this State and estimate the population of each town, township, city and county pursuant to those regulations.

2. The Department shall **, on or after July 1 of each year,** issue an annual report of the estimated population of each town, township, city and county in this State ~~as of July 1 of that year.~~

3. Any town, city or county in this State may petition the Department to revise the estimated population of that town, city or county. No such petition may be filed on behalf of a township. The Department shall by regulation establish a procedure to review each petition and to appeal the decision on review.



4. The Department shall, upon the completion of any review and appeal thereon pursuant to subsection 3, determine the population of each town, township, city and county in this State, and submit its determination to the Governor.

5. The Department shall employ a demographer to assist in the determination of population pursuant to this section **and the projection of population pursuant to section 1 of this act,** and to cooperate with the Federal Government in the conduct of each decennial census as it relates to this State.

**Sec. 3. NRS 360.285 is hereby amended to read as follows:**

360.285 1. For the purposes of this title, the Governor shall, on or before March 1 of each year, certify the population of each town, township, city and county in this state **as of the immediately preceding July 1** from the determination submitted to the Governor by the Department ~~+~~ **pursuant to subsection 4 of NRS 360.283.**

2. Where any tax is collected by the Department for apportionment in whole or in part to any political subdivision and the basis of the apportionment is the population of the political subdivision, the Department shall use the populations certified by the Governor. The transition from one such certification to the next must be made on July 1 following the certification for use in the fiscal year beginning then. Every payment before that date must be based upon the earlier certification and every payment on or after that date must be based upon the later certification.

**Sec. 4. NRS 360.297 is hereby amended to read as follows:**

360.297 1. A responsible person who **willfully** fails to collect or pay to the Department any tax or fee ~~imposed by this chapter, chapter 363A, 363B, 368A, 369, 370, 372 or 374 of NRS,~~ **required to be paid to the Department pursuant to this title,** NRS 444A.090 or 482.313, or chapter 680B of NRS, or who attempts to evade the payment of any such tax or fee, is jointly and severally liable with any other person who is required to pay such a tax or fee for the tax or fee owed plus interest and all applicable penalties. The responsible person shall pay the tax or fee upon notice from the Department that it is due.

2. As used in this section, "responsible person" includes:

- (a) An officer or employee of a corporation; and
- (b) A member or employee of a partnership or limited-liability company,   
↪ whose job or duty it is to collect, account for or pay to the Department any tax or fee ~~imposed by this chapter, chapter 363A, 363B, 368A, 369, 370, 372 or 374 of NRS,~~ **required to be paid to the Department pursuant to this title,** NRS 444A.090 or 482.313, or chapter 680B of NRS.

**Sec. 5. NRS 360.419 is hereby amended to read as follows:**

360.419 1. If the Executive Director or a designated hearing officer finds that the failure of a person to make a timely return or payment of ~~the tax imposed pursuant to NRS 361.320 or chapter 361A, 362, 363A, 363B, 369, 370, 372, 372A, 374, 375A, 375B, 376A, 377 or 377A of NRS,~~ **any tax or**

fee required to be paid to the Department pursuant to this title or NRS 482.313 is the result of circumstances beyond his or her control and occurred despite the exercise of ordinary care and without intent, the Department may relieve the person of all or part of any interest or penalty, or both.

2. A person seeking relief must file with the Department a statement under oath setting forth the facts upon which the person bases his or her claim.

3. The Department shall disclose, upon the request of any person:

- (a) The name of the person to whom relief was granted; and
- (b) The amount of the relief.

4. The Executive Director or a designated hearing officer shall act upon the request of a taxpayer seeking relief pursuant to NRS 361.4835 which is deferred by a county treasurer or county assessor.

~~Section 1~~ **Sec. 6.** NRS 360.420 is hereby amended to read as follows:

360.420 1. If, with respect to any tax or fee administered by the Department, a person:

- (a) Fails to pay the tax or fee when due according to his or her own return filed with the Department;
- (b) Fails to pay a deficiency determination when due; or
- (c) Defaults on a payment pursuant to a written agreement with the Department,

the Department may, within ~~3~~ 4 years after the amount is due, file in the office of the clerk of any court of competent jurisdiction an application for the entry of a summary judgment for the amount due.

2. The application must be accompanied by a certificate specifying:

- (a) The amount required to be paid, including any interest and penalties due;
- (b) The name and address of the person liable for the payment, as they appear on the records of the Department;
- (c) The basis for the determination of the Department of the amount due; and
- (d) That the Department has complied with the applicable provisions of law in relation to the determination of the amount required to be paid.

3. The application must include a request that judgment be entered against the person in the amount required to be paid, including any interest and penalties due, as set forth in the certificate.

~~Sec. 2~~ **Sec. 7.** NRS 360.473 is hereby amended to read as follows:

360.473 1. If any tax or fee administered by the Department is not paid when due, the Department may, within ~~3~~ 4 years after the date that the tax or fee was due, file for record a certificate in the office of any county recorder which states:

- (a) The amount of the tax or fee and any interest or penalties due;

(b) The name and address of the person who is liable for the amount due as they appear on the records of the Department; and

(c) That the Department has complied with all procedures required by law for determining the amount due.

2. From the time of the filing of the certificate, the amount due, including interest and penalties, constitutes a lien upon all real and personal property in the county owned by the person or acquired by the person afterwards and before the lien expires. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the filing of the certificate unless sooner released or otherwise discharged.

3. Within 5 years after the date of the filing of the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by filing for record a new certificate in the office of the county recorder of any county. From the time of filing, the lien is extended to all real and personal property in the county owned by the person or acquired by the person afterwards for 5 years, unless sooner released or otherwise discharged.

~~Sec. 3.~~ **Sec. 8.** NRS 360.483 is hereby amended to read as follows:

360.483 1. The Department or its authorized representative may issue a warrant for the enforcement of a lien and for the collection of any delinquent tax or fee which is administered by the Department:

(a) Within ~~3~~ 4 years after the person is delinquent in the payment of the tax or fee; or

(b) Within 5 years after the last recording of an abstract of judgment or of a certificate constituting a lien for the tax or fee.

2. The warrant must be directed to a sheriff or constable and has the same effect as a writ of execution.

3. The warrant must be levied and sale made pursuant to the warrant in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

~~Sec. 4.~~ **Sec. 9.** NRS 375.160 is hereby amended to read as follows:

375.160 1. If any tax imposed pursuant to this chapter is not paid when due, the county may, within ~~3~~ 4 years after the date that the tax was due, record a certificate in the office of the county recorder which states:

(a) The amount of the tax and any interest or penalties due;

(b) The name and address of the person who is liable for the amount due as they appear on the records of the county; and

(c) That the county recorder has complied with all procedures required by law for determining the amount due.

2. From the time of the recording of the certificate, the amount due, including interest and penalties, constitutes:

(a) A lien upon the real property for which the tax was due if the person who owes the tax still owns the property; or

(b) A demand for payment if the property has been sold or otherwise transferred to another person.

3. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the recording of the certificate unless sooner released or otherwise discharged.

4. Within 5 years after the date of recording the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by recording a new certificate in the office of the county recorder. From the time of recording the new certificate, the lien is extended for 5 years, unless sooner released or otherwise discharged.

~~Sec. 5.~~ **Sec. 10.** NRS 375.170 is hereby amended to read as follows:

375.170 1. If a person is delinquent in the payment of any tax imposed by this chapter or has not paid the amount of a deficiency determination, the county may bring an action in a court of this state, a court of any other state or a court of the United States that has competent jurisdiction to collect the delinquent or deficient amount, penalties and interest. The action:

(a) May not be brought if the decision that the payment is delinquent or that there is a deficiency determination is on appeal to a hearing officer pursuant to NRS 375.320.

(b) Must be brought not later than ~~3~~ 4 years after the payment became delinquent or the determination became final.

2. The district attorney shall prosecute the action. The provisions of the Nevada Revised Statutes, Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings. In the action, a writ of attachment may issue. A bond or affidavit is not required before an attachment may be issued.

3. In an action, a certificate by the county recorder showing the delinquency is prima facie evidence of:

(a) The determination of the tax or the amount of the tax;

(b) The delinquency of the amounts; and

(c) The compliance by the county recorder with all the procedures required by law relating to the computation and determination of the amounts.

~~Sec. 6.~~ **Sec. 11.** NRS 375.200 is hereby amended to read as follows:

375.200 1. The county or its authorized representative may issue a warrant for the enforcement of a lien and for the collection of any delinquent tax that is administered pursuant to this chapter:

(a) Within ~~3~~ 4 years after the person is delinquent in • the payment of the tax; or

(b) Within 5 years after the last recording of a certificate copy constituting a lien for the tax.

2. The warrant must be directed to a sheriff or constable and has the same effect as a writ of execution.

3. The warrant must be levied and sale made pursuant to the warrant in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

**Sec. 12. NRS 4.065 is hereby amended to read as follows:**

4.065 1. The justice of the peace shall, on the commencement of any action or proceeding in the justice court for which a fee is required, and on the answer or appearance of any defendant in any such action or proceeding for which a fee is required, charge and collect a fee of \$1 from the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.

2. On or before the first Monday of each month, the justice of the peace shall pay over to the county treasurer the amount of all fees collected by the justice of the peace pursuant to subsection 1 for credit to the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Executive Director of the Department of Taxation to administer the provisions of NRS 360.283 ~~and~~ **and section 1 of this act.**

~~Sec. 7.~~ **Sec. 13.** This act becomes effective on July 1, 2011.

Senator Leslie moved the adoption of the amendment.

Remarks by Senator Leslie.

Senator Leslie requested that her remarks be entered in the Journal.

Amendment No. 44 to Senate Bill No. 31 makes three changes to the bill. Sections 1, 2 and 3 require the State Demographer to prepare 5-year and 20-year population projections on an annual basis that are based on the Governor's certified population estimates.

Section 4 authorizes the Department of Taxation to consider whether a person's failure to collect or pay any taxes or fees to the Department was "willful" with respect to determining if that person should be made jointly or severally liable for the payment of taxes.

Sections 4 and 5 extend the current authority provided to the Department of Taxation to waive penalties and interest in certain cases where good cause is shown. The amendment establishes that this authority applies to all taxes and fees administered by the Department.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 45.

"SUMMARY—Makes various changes relating to ~~the meetings of the State Board of Equalization.~~ **equalization of property valuations.** (BDR 32-433)"

"AN ACT relating to the ~~State Board of Equalization.~~ **equalization of property valuations; extending under certain circumstances the deadline for appeals to county boards of equalization;** extending certain deadlines for the **State Board of Equalization** to conclude the business of equalization; requiring the **State** Board to post a schedule of certain meetings on the

Internet website of the Department of Taxation; and providing other matters properly relating thereto."

**Legislative Counsel's Digest:**

**A taxpayer who desires to appeal the valuation of his or her property to a county board of equalization must file the appeal on or before January 15. (NRS 361.340) Section 1 of this bill extends that deadline to the next business day if January 15 falls on a Saturday, Sunday or legal holiday.**

The State Board of Equalization hears appeals from the actions of the county boards of equalization and is required to equalize property valuations in the State by reviewing the tax rolls of the various counties and raising or lowering assessed property values, if appropriate, to ensure a uniform and equal rate of assessment and taxation in this State. (NRS 361.395, 361.400) Existing law requires the State Board to conclude the business of equalization on or before April 15 on cases that in its opinion have a substantial effect on tax revenues, while cases having a less substantive effect on tax revenues may be heard at additional meetings before October 1. (NRS 361.380) ~~This~~ **Section 3 of this** bill instead requires that if a proposed equalization affects ~~more than one~~ local governmental ~~entity~~ **entities in more than one county** and is likely to have a substantial effect on tax revenues, the State Board must notify each **affected** local governmental entity of the proposed equalization on or before April 30. In addition, **sections 2 and 3 of** this bill ~~extends~~ **extend** the deadline for cases which have a less substantive effect, or those arising from decisions made in individual cases, to November 1. ~~This bill~~ **Section 3** also requires the State Board to post a schedule of its meetings concerning such equalization on the Department of Taxation's Internet website and removes the requirement that the State Board publish notice of meetings to be held in locations other than Carson City in a newspaper in the county where the meetings are to be held.

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

**Section 1. NRS 361.340 is hereby amended to read as follows:**

361.340 1. Except as otherwise provided in subsection 2, the board of equalization of each county consists of:

- (a) Five members, only two of whom may be elected public officers, in counties having a population of 15,000 or more; and
- (b) Three members, only one of whom may be an elected public officer, in counties having a population of less than 15,000.

2. The board of county commissioners may by resolution provide for an additional panel of like composition to be added to the board of equalization to serve for a designated fiscal year. The board of county commissioners may also appoint alternate members to either panel.

3. A district attorney, county treasurer or county assessor or any of their deputies or employees may not be appointed to the county board of equalization.

4. The chair of the board of county commissioners shall nominate persons to serve on the county board of equalization who are sufficiently experienced in business generally to be able to bring knowledge and sound judgment to the deliberations of the board or who are elected public officers. The nominees must be appointed upon a majority vote of the board of county commissioners. The chair of the board of county commissioners shall designate one of the appointees to serve as chair of the county board of equalization.

5. Except as otherwise provided in this subsection, the term of each member is 4 years and any vacancy must be filled by appointment for the unexpired term. The term of any elected public officer expires upon the expiration of the term of his or her elected office.

6. The county clerk or his or her designated deputy is the clerk of each panel of the county board of equalization.

7. Any member of the county board of equalization may be removed by the board of county commissioners if, in its opinion, the member is guilty of malfeasance in office or neglect of duty.

8. The members of the county board of equalization are entitled to receive per diem allowance and travel expenses as provided for state officers and employees. The board of county commissioners of any county may by resolution provide for compensation to members of the board of equalization in its county who are not elected public officers as it deems adequate for time actually spent on the work of the board of equalization. In no event may the rate of compensation established by a board of county commissioners exceed \$125 per day.

9. A majority of the members of the county board of equalization constitutes a quorum, and a majority of the board determines the action of the board.

10. A county board of equalization shall comply with any applicable regulation adopted by the Nevada Tax Commission.

11. The county board of equalization of each county shall hold such number of meetings as may be necessary to care for the business of equalization presented to it. Every appeal to the county board of equalization must be filed not later than January 15. **If January 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.**

Each county board shall cause to be published, in a newspaper of general circulation published in that county, a schedule of dates, times and places of the board meetings at least 5 days before the first meeting. The county board of equalization shall conclude the business of equalization on or before the last day of February of each year except as to matters remanded by the State Board of Equalization. The State Board of Equalization may establish procedures for the county boards, including setting the period for hearing

appeals and for setting aside time to allow the county board to review and make final determinations. The district attorney or his or her deputy shall be present at all meetings of the county board of equalization to explain the law and the board's authority.

12. The county assessor or his or her deputy shall attend all meetings of each panel of the county board of equalization.

~~Section 1.~~ **Sec. 2.** NRS 361.360 is hereby amended to read as follows:

361.360 1. Any taxpayer aggrieved at the action of the county board of equalization in equalizing, or failing to equalize, the value of his or her property, or property of others, or a county assessor, may file an appeal with the State Board of Equalization on or before March 10 and present to the State Board of Equalization the matters complained of at one of its sessions. If March 10 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

2. All such appeals must be presented upon the same facts and evidence as were submitted to the county board of equalization in the first instance, unless there is discovered new evidence pertaining to the matter which could not, by due diligence, have been discovered before the final adjournment of the county board of equalization. The new evidence must be submitted in writing to the State Board of Equalization and served upon the county assessor not less than 7 days before the hearing.

3. Any taxpayer whose real or personal property placed on the unsecured tax roll was assessed after December 15 but before or on the following April 30 may likewise protest to the State Board of Equalization. Every such appeal must be filed on or before May 15. If May 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. A meeting must be held before May 31 to hear those protests that in the opinion of the State Board of Equalization may have a substantial effect on tax revenues. One or more meetings may be held at any time and place in the State before ~~October~~ **November** 1 to hear all other protests.

4. The State Board of Equalization may not reduce the assessment of the county assessor if:

(a) The appeal involves an assessment on property which the taxpayer has refused or, without good cause, has neglected to include in the list required of the taxpayer pursuant to NRS 361.265 or if the taxpayer has refused or, without good cause, has neglected to provide the list to the county assessor; or

(b) The taxpayer has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination authorized by NRS 361.260.

5. Any change made in an assessment appealed to the State Board of Equalization is effective only for the fiscal year for which the assessment was made. The county assessor shall review each such change and maintain or remove the change as circumstances warrant for the next fiscal year.



6. If the State Board of Equalization determines that the record of a case on appeal from the county board of equalization is inadequate because of an act or omission of the county assessor, the district attorney or the county board of equalization, the State Board of Equalization may remand the case to the county board of equalization with directions to develop an adequate record within 30 days after the remand. The directions must indicate specifically the inadequacies to be remedied. If the State Board of Equalization determines that the record returned from the county board of equalization after remand is still inadequate, the State Board of Equalization may hold a hearing anew on the appellant's complaint or it may, if necessary, contract with an appropriate person to hear the matter, develop an adequate record in the case and submit recommendations to the State Board. The cost of the contract and all costs, including attorney's fees, to the State or the appellant necessary to remedy the inadequate record on appeal are a charge against the county.

~~{Sec. 2.}~~ **Sec. 3.** NRS 361.380 is hereby amended to read as follows:

361.380 1. Except as otherwise provided in subsection 3, annually, the State Board of Equalization shall convene on the fourth Monday in March in Carson City, Nevada, and shall hold such number of meetings as may be necessary to care for the business of equalization presented to it. ~~{The}~~ ***If a proposed equalization affects ~~more than one~~ local governmental ~~entity~~ entities in more than one county and the equalization, in the opinion of the State Board of Equalization, is likely to have a substantial effect on tax revenues, the*** State Board of Equalization shall ~~conclude the business}~~ ***notify each affected local governmental entity of the proposed*** equalization on ~~cases that in its opinion have a substantial effect on tax revenues on}~~ or before April ~~{5. Cases having less than a substantial effect on tax revenues}~~ **30.** ~~*This requirement does not apply to a decision of the State Board of Equalization in cases that require equalization of similarly situated property.*~~ ***Cases*** may be heard at additional meetings which may be held at any time and place in the state before ~~{October}~~ **November 1.**

2. The publication in the statutes of the foregoing time, place and purpose of each regular session of the State Board of Equalization is notice of such sessions, or if it so elects, the State Board of Equalization may cause published notices of such regular sessions to be made in the press, or may notify parties in interest by letter or otherwise.

3. The State Board of Equalization may designate some place other than Carson City, Nevada, for any of the meetings specified in subsection 1. ~~{If such other place is so designated, notice thereof must be given by publication of a notice once a week for 2 consecutive weeks in some newspaper of general circulation in the county in which such meeting or meetings are to be held.}~~ ***In addition to any other notice required by law, the State Board of Equalization must post a schedule of each such meeting on the Internet website maintained by the Department.***

~~{Sec. 3.}~~ **Sec. 4.** NRS 361.405 is hereby amended to read as follows:

361.405 1. The Secretary of the State Board of Equalization forthwith shall certify any change made by the Board in the assessed valuation of any property in whole or in part to the county auditor of the county where the property is assessed, and whenever the valuation of any property is raised, the Secretary of the State Board of Equalization shall forward by certified mail to the property owner or owners affected, notice of the increased valuation.

2. As soon as changes resulting from cases having a substantial effect on tax revenues have been certified to the county auditor by the Secretary of the State Board of Equalization, the county auditor shall:

(a) Enter all such changes and the value of any construction work in progress and net proceeds of minerals which were certified to him or her by the Department, on the assessment roll before the delivery thereof to the tax receiver.

(b) Add up the valuations and enter the total valuation of each kind of property and the total valuation of all property on the assessment roll.

(c) Certify the results to the board of county commissioners and the Department. ~~on or before April 15 of each year.~~

3. The board of county commissioners shall not levy a tax on the net proceeds of minerals added to the assessed valuation pursuant to paragraph (a) of subsection 2, but, except as otherwise provided by specific statute, the net proceeds of minerals must be included in the assessed valuation of the taxable property of the county and all local governments in the county for the determination of the rate of tax and all other purposes for which assessed valuation is used.

4. As soon as changes resulting from cases having less than a substantial effect on tax revenue have been certified to the county tax receiver by the Secretary of the State Board of Equalization, the county tax receiver shall adjust the assessment roll or the tax statement or make a tax refund, as directed by the State Board of Equalization.

~~Sec. 4.~~ **Sec. 5.** This act becomes effective upon passage and approval.

Senator Leslie moved the adoption of the amendment.

Remarks by Senator Leslie.

Senator Leslie requested that her remarks be entered in the Journal.

Amendment No. 45 to Senate Bill No. 32 makes two changes to the bill. Section 1 provides a technical amendment offered by the Legal Division. The amendment clarifies that if the January 15 deadline for filing an appeal to the County Board of Equalization should fall on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. This clarification to the deadline provides consistency with a number of existing statutes.

Section 3 provides more succinct language to accomplish the original intent of the bill as drafted, which is to make the distinction between the types of appeals filed by individual property owners versus broad-based equalization actions that may have a substantial effect on property tax revenues and may affect local governments in more than one county.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Leslie moved that Senate Bill No. 33 be taken from the Second Reading File and placed on the Secretary's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 43.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 12.

Bill read third time.

Remarks by Senator Roberson.

Senator Roberson requested that his remarks be entered in the Journal.

Senate Bill No. 12 repeals statutory provisions that require certain facilities that generate electricity to report greenhouse gas emissions to the State Environmental Commission and voids any regulations adopted pursuant to those provisions.

This bill was requested by the Division of Environmental Protection. Testimony indicated that the United States Environmental Protection Agency adopted regulations for the reporting of greenhouse gases in the fall of 2009, and the Greenhouse Gas Reporting Program became effective this year. The reporting requirements in *Nevada Revised Statutes* (NRS) 445B.370 duplicate the federal reporting requirements. By repealing NRS 445B.370, this bill eliminates these duplicative requirements.

Roll call on Senate Bill No. 12:

YEAS—21.

NAYS—None.

Senate Bill No. 12 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 35.

Bill read third time.

Remarks by Senator Denis.

Senator Denis requested that his remarks be entered in the Journal.

Senate Bill No. 35 revises provisions relating to Nevada's public school accountability system by removing the requirement that paraprofessionals in public schools be linked to individual pupils within the State accountability database. The measure also requires that the report of achievement on proficiency exams and other information contained in a charter school's accountability report be submitted to the Department of Education through the sponsor of the charter school.

Roll call on Senate Bill No. 35:

YEAS—21.

NAYS—None.

Senate Bill No. 35 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 225.

Bill read third time.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

Senate Bill No. 225 establishes provisions for the Health Division of the Department of Health and Human Services to acknowledge and prepare a list of hospitals that are designated as primary stroke centers. This bill also authorizes a State Board of Health to adopt regulations relating to such designations. The bill further provides that a licensed hospital which is not designated as a primary stroke center may not advertise that the hospital is a primary stroke center. The bill does not prohibit any hospital from providing care to a victim of stroke, even if the hospital does not receive such a designation. This passed unanimously out of the Committee on Health and Human Services.

Roll call on Senate Bill No. 225:

YEAS—21.

NAYS—None.

Senate Bill No. 225 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

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

Senate in recess at 12:36 p.m.

#### SENATE IN SESSION

At 12:40 p.m.

President Krolicki presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Revenue:

Senate Concurrent Resolution No. 4—Rejecting Initiative Petition No. 1.

WHEREAS, Initiative Petition No. 1 would impose an additional sales and use tax in certain areas of larger counties in Nevada for the construction, improvement, equipment, operation and maintenance of a sports and entertainment arena through public and private cooperation; and

WHEREAS, Initiative Petition No. 1 would result in a disparate rate of sales and use taxation within a single county; and

WHEREAS, The State of Nevada is facing a budget crisis that poses serious challenges to the residents of Nevada; and

WHEREAS, This Legislature is confronting issues daily that threaten the level of funding to essential services such as education, public safety and transportation; and

WHEREAS, The taxes generated by Initiative Petition No. 1 will not be available to support any of the services essential to the residents of Nevada; and

WHEREAS, The Board of County Commissioners of Clark County has declined on several occasions to adopt a tax increase for an arena as proposed by Initiative Petition No. 1; and

WHEREAS, Initiative Petition No. 1 circumvents the authority of the Board of County Commissioners of Clark County to make decisions that are traditionally the prerogative of local government, such as land use, zoning and transportation matters; and

WHEREAS, Initiative Petition No. 1 creates transportation and infrastructure costs to Clark County that are not covered by the proposed funding mechanisms; and

WHEREAS, Section 2 of Article 19 of the *Nevada Constitution* authorizes the Legislature to propose a competing measure to Initiative Petition No. 1; and

WHEREAS, There are alternatives to Initiative Petition No. 1 that could be proposed by the Legislature that would better serve the interests of the residents of the State of Nevada; and

WHEREAS, This Legislature intends to propose a competing measure for submission to the voters on the November 2012 general election ballot; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 76th Session of the Nevada Legislature hereby reject Initiative Petition No. 1; and be it further

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

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

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

Mr. President, this is not an appropriate issue for this body to take up at this time. We are not going to interject ourselves. This is a local issue that should be dealt with at the local level.

Initiative Petition No. 1 will be on the ballot in November 2012 when it can and should be decided by the voters. This Legislative Session is about creating jobs now and finding a balanced solution to the budget so that we preserve funding for education and other vital services. We are serious about cuts. We are serious about reform. That is the focus of this Legislative Session and will continue to be so for the remaining time in this Session.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to the following students from Liberty High School: Courtney Abraham, Gina Candalerio, Brianda Catalan, Paige Thomas, Jessica Peraza, Delea Keeling, Dallas Scott, Jessica Makay, Vanessa Portillo, Ivy Sampson, Xavier Adams, Nate Rollins, Kassandra Zepeda, Amber Aleman, Spencer Hill-Hale, Alexis Paredes, Thomas Smith, Rebecca Cruz, Lauren Smith, Chaz Murray, Hillary Franco, Jacob Wilkerson, Ryan Nimmo, Linsey Terry, Tashawna Nieto, Saquisha Woods, Mercedes Mines, Cory Chiders, Mary Lenard, Semaj Price, Brika Lennon, Makenzie Jones, Kiki Minor, Dustin Laub, Peter McCutchen, Dennis Navarez, Liz Starbuck, Teu Tai, and Jacob Boockoff.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Bill Lawry, Theresa Lawry, Dee McGinness, Dan Prockish and Diane Prockish.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Alice Martz.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Laird Noble Sanders.

On request of Senator Settlemeyer, the privilege of the Floor of the Senate Chamber for this day was extended to former Senator Denis Nolan.

Senator Horsford moved that the Senate adjourn until Friday, March 18, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 12:46 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: DAVID A. BYERMAN  
*Secretary of the Senate*