

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 31, 2011

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

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Larry Stout, Legislative Police.

Dear God,

Thank You for being here with us today to guide us in our hearts and minds. The season is spring. It is a time for renewal. Bless us with the health and energy to complete the arduous days ahead. Grant us the wisdom and understanding necessary to deal with the many difficult issues facing us during these troubled times.

Lord, grant us the courage and open mindedness to resolve differences with civility, fairness and compassion.

Finally, Lord, thank you so much for the fine people in this body who have sacrificed their normal lives for our benefit.

AMEN.

Pledge of Allegiance to the Flag.

REMARKS FROM THE FLOOR

President Krolicki requested that his remarks be entered in the Journal.

It is my pleasure to announce that the National Anthem will be presented by the Nevada Music Educators Association All-State Choir conducted by Dr. Andre Thomas, Florida State University, and they will also sing "Earth Song" by Frank Ticheli.

MOTIONS, RESOLUTIONS AND NOTICES

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. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Legislative Operations and Elections.

Also, your Committee on Education, to which was referred Senate Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MO DENIS, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Commerce, Labor and Energy.

JOHN J. LEE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that Senate Bill No. 211 be re-referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senator Lee moved that Senate Bill No. 409 be re-referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Senator McGinness moved that Senate Bill No. 186 be taken from the Secretary's desk and placed on the bottom of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 42.

Bill read second time and ordered to third reading.

Senate Bill No. 91.

Bill read second time and ordered to third reading.

Assembly Bill No. 193.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 121.

Bill read third time.

Roll call on Senate Bill No. 121:

YEAS—21.

NAYS—None.

Senate Bill No. 121 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 191.

Bill read third time.

Remarks by Senator Manendo.

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

Senate Bill No. 191 repeals statutory provisions requiring that a person who operates a crematory for pets must also have a certificate of authority from the Nevada State Funeral Board to operate a cemetery for pets and to operate the crematory on the premises of the cemetery.

Roll call on Senate Bill No. 191:

YEAS—21.

NAYS—None.

Senate Bill No. 191 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 229.

Bill read third time.

Remarks by Senator Denis.

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

Senate Bill No. 229 revises the requirements for the parental and family involvement policy that the State Board of Education must adopt. The elements and goals of the policy are revised to include: the promotion of an atmosphere for parents and families to visit the school that their children attend and feel welcomed, valued, and connected to the staff of the school, other parents and families, and to the education of their children; the promotion of regular, two-way meaningful communication among parents, families, and schools; the collaboration among parents, families, and schools to support learning by pupils and healthy development of pupils at home and school; empowerment of parents and families to advocate for their children and the children of other parents and families, ensuring fair treatment and access to learning opportunities that support pupil achievement; the promotion of an equal partnership between parents, families, and schools in making decisions that affect children, parents, and families; and the collaboration of parents, families, and schools within the community.

The number one factor in student success is parent involvement. In 2001, we adopted the original parent involvement standards. This is an update to those standards. There is a National Parent Teacher Association (PTA) standard and we urge your support. This is an important piece of the education process. We need to get the parents involved.

The bill is effective on July 1, 2011.

Roll call on Senate Bill No. 229:

YEAS—21.

NAYS—None.

Senate Bill No. 229 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 282.

Bill read third time.

Remarks by Senators Gustavson, Hardy and Wiener.

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

SENATOR GUSTAVSON:

Senate Bill No. 282 prohibits a person from intentionally posting or displaying in public the social security number of another person unless authorized to do so. A violation of this prohibition is a misdemeanor crime. The measure further authorizes that a civil cause of action may be brought by the victim against the offender, with the possible award of actual damages, attorney's fees, and related costs.

SENATOR HARDY:

Having been in the military, it was common in the medical clinic to ask for the person's "last four." The "last four" they were alluding to were the last four numbers of the social security number. Are the last four numbers of the social security number covered under this or does it allow the military to stay in keeping with the proposed law in the State of Nevada?

SENATOR GUSTAVSON:

Thank you, Senator, for the question. This has nothing to do with the "last four" which is being used frequently with credit cards, bank information etc. This would only apply if all numbers of your full social security number were used.

SENATOR WIENER:

Social security numbers are included in the statutory definition of "personal identifying information," and State law prohibits anyone from using this information to knowingly conduct unlawful acts such as identity theft, which is an issue we have worked on for several sessions in this Legislative body. However, current Nevada law does not protect social security numbers from being made public if there is no intent by the person who makes them public to steal someone's identity. This measure would protect social security numbers from being posted publicly.

Roll call on Senate Bill No. 282:

YEAS—21.

NAYS—None.

Senate Bill No. 282 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 10.

Bill read third time.

Roll call on Assembly Bill No. 10:

YEAS—21.

NAYS—None.

Assembly Bill No. 10 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 11.

Bill read third time.

Remarks by Senator Copenig.

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

Assembly Bill No. 11 adds the escape of an offender in the custody of the Department of Corrections to the list of crimes for which the Attorney General or a district attorney may apply for an order authorizing the interception of wire or oral communications.

The bill also revises the definition of "peace officer" to include the Department of Correction's Inspector General and criminal investigators for the purpose of submitting affidavits in support of applications for orders authorizing the use of certain devices to capture the telephone numbers of incoming and outgoing communications.

Roll call on Assembly Bill No. 11:

YEAS—21.

NAYS—None.

Assembly Bill No. 11 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 66.

Bill read third time.

Remarks by Senator McGinness.

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

Assembly Bill No. 66 requires a court to give persons whose records have been sealed, written notice that their right to bear arms has not been restored, unless they received a pardon and the pardon does not restrict that right. The bill provides that a person who receives an unconditional pardon has the right to bear arms, and if a pardon restores that right to a person, the pardon document must explicitly say so.

This measure also authorizes the State Board of Pardons Commissioners and its agents to inspect sealed records if the person who is the subject of the records has applied for a pardon.

Testimony indicated that, under the existing laws, only the State Board of Pardons Commissioners may restore a person's right to bear arms.

Roll call on Assembly Bill No. 66:

YEAS—21.

NAYS—None.

Assembly Bill No. 66 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103.

Bill read third time.

Remarks by Senator Settlemeyer.

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

Assembly Bill No. 103 changes the qualifications for appointment to the Carson City Airport Authority: by expanding the eligible area for manufacturing representatives from the surrounding Airport industrial area to a 3-mile radius around the Airport; and if no qualified manufacturing representative comes forward, allowing the Carson City Board of Supervisors to appoint a member representing the general public.

Roll call on Assembly Bill No. 103:

YEAS—21.

NAYS—None.

Assembly Bill No. 103 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 186.

Bill read third time.

The following amendment was proposed by Senator McGinness:

Amendment No. 104.

"SUMMARY—Revises provisions relating to ~~the recording of documents;~~ **records.** (BDR 2-185)"

"AN ACT relating to ~~the recording of documents;~~ **records;** revising provisions governing the recording of civil judgments; requiring the recording of letters testamentary and letters of administration; revising provisions governing the recording of letters of guardianship; **revising provisions concerning the protection of certain personal identifying information included in certain records;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that when a certified abstract or copy of a civil judgment or decree is recorded in the office of the county recorder, it becomes a lien upon all nonexempt real property which is owned by the judgment debtor in that county or which the judgment debtor may afterward acquire. When a judgment creditor records the civil judgment or decree, the judgment creditor must also record an affidavit stating: (1) the name and address of the judgment debtor; (2) the judgment debtor's driver's license number and the state issuing that license or the last 4 numbers of the judgment debtor's social security number; and (3) the judgment debtor's date of birth. If any of this information is not known, the affidavit must state that fact. (NRS 17.150)

Section 1 of this bill revises the information which a judgment creditor must include in the affidavit when the judgment creditor records a civil judgment or decree. ~~Under section 1, in addition to the name and address of the judgment debtor and information concerning the driver's license, identification card or social security number of the judgment debtor,~~ **Rather than requiring the affidavit to include the judgment debtor's driver's license number or the last four digits of the debtor's social security number, section 1 requires the affidavit to include the last four digits of the judgment debtor's: (1) driver's license number; (2) identification card number; or (3) social security number. Under section 1,** the affidavit must **also** include: (1) the assessor's parcel number and the address of the judgment debtor's real property and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of that real property; and (2) if the lien will include a manufactured home or mobile home, the location and serial number of the manufactured home or mobile home and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of the manufactured home or mobile home. **Section 1** requires this information to be based on personal knowledge and removes the provision which allows the affiant to state that this information is unknown.

Under existing law, a lien on real property created by the recording of a civil judgment or decree continues for 6 years after the date the judgment or decree was docketed. The judgment and the lien may be renewed by: (1) filing an affidavit with the clerk of the court where the judgment is entered and docketed within 90 days before the date on which the judgment expires; and (2) recording that affidavit in the office of the county recorder within 3 days after the filing of the affidavit with the court clerk. (NRS 17.214) **Section 2** of this bill adds the document number of the recorded judgment to the information required to be included in the affidavit.

Section 3 of this bill requires letters testamentary, letters of administration with the will annexed, letters of special administration and letters of administration which are issued to the administrator, executor or personal

representative of the estate of a decedent to be recorded in the office of the recorder of each county in which real property of the estate is located.

Existing law requires a guardian of the estate of a ward to cause to be recorded, in the official records of each county in which real property of the ward is located, a court certified copy of the letters of guardianship. (NRS 159.087) **Section 4** of this bill requires the guardian to attach to the recorded copy a cover sheet which contains the guardian's name, address and telephone number and certain information concerning the property of the ward.

Section 5 of this bill amends existing law, which provides that the last four digits of a social security number are not subject to the security measures required for certain personal information, to provide that the last four digits of a driver's license number or identification card number are also not subject to such required security measures.

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

Section 1. NRS 17.150 is hereby amended to read as follows:

17.150 1. Immediately after filing a judgment roll, the clerk shall make the proper entries of the judgment, under appropriate heads, in the docket kept by the clerk, noting thereon the hour and minutes of the day of such entries.

2. A transcript of the original docket or an abstract or copy of any judgment or decree of a district court of the State of Nevada or the District Court or other court of the United States in and for the District of Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where the judgment or decree was rendered, may be recorded in the office of the county recorder in any county, and when so recorded it becomes a lien upon all the real property of the judgment debtor not exempt from execution in that county, owned by the judgment debtor at the time, or which the judgment debtor may afterward acquire, until the lien expires. The lien continues for 6 years after the date the judgment or decree was docketed, and is continued each time the judgment or decree is renewed, unless:

(a) The enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in the Nevada Rules of Appellate Procedure or by the Statutes of the United States, in which case the lien of the judgment or decree and any lien by virtue of an attachment that has been issued and levied in the actions ceases;

(b) The judgment is for arrearages in the payment of child support, in which case the lien continues until the judgment is satisfied;

(c) The judgment is satisfied; or

(d) The lien is otherwise discharged.

↪ The time during which the execution of the judgment is suspended by appeal, action of the court or defendant must not be counted in computing the time of expiration.

3. The abstract described in subsection 2 must contain the:

- (a) Title of the court and the title and number of the action;
- (b) Date of entry of the judgment or decree;
- (c) Names of the judgment debtor and judgment creditor;
- (d) Amount of the judgment or decree; and
- (e) Location where the judgment or decree is entered in the minutes or judgment docket.

4. ~~4A~~ *In addition to recording the information described in subsection 2, a judgment creditor who records a judgment or decree for the purpose of creating a lien upon the real property of the judgment debtor pursuant to subsection 2 shall record at that time an affidavit of judgment stating:*

- (a) The name and address of the judgment debtor;
 - (b) ~~The~~ *If the judgment debtor is a natural person:*
 - (1) *The last ~~##~~ four digits of the judgment debtor's driver's license number or identification card number and the state of issuance ; or ~~the~~*
 - (2) *The last four digits of the judgment debtor's social security number;*
~~and~~
 - (c) ~~The judgment debtor's date of birth,~~
→ *if known to the judgment creditor. If any of the information is not known, the affidavit must include a statement of that fact.* *If the lien is against real property which the judgment debtor owns at the time the affidavit of judgment is recorded, the assessor's parcel number and the address of the real property and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of that real property; and*
 - (d) *If a manufactured home or mobile home is included within the lien, the location and serial number of the manufactured home or mobile home and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of the manufactured home or mobile home.*
- *All information included in an affidavit of judgment recorded pursuant to this subsection must be based on the personal knowledge of the affiant, and not upon information and belief.*

5. *As used in this section:*

(a) *"Manufactured home" has the meaning ascribed to it in NRS 489.113.*

(b) *"Mobile home" has the meaning ascribed to it in NRS 489.120.*

Sec. 2. NRS 17.214 is hereby amended to read as follows:

17.214 1. A judgment creditor or a judgment creditor's successor in interest may renew a judgment which has not been paid by:

- (a) Filing an affidavit with the clerk of the court where the judgment is entered and docketed, within 90 days before the date the judgment expires by limitation. The affidavit must *be titled as an "Affidavit of Renewal of Judgment" and must* specify:

(1) The names of the parties and the name of the judgment creditor's successor in interest, if any, and the source and succession of his or her title;

(2) If the judgment is recorded, the name of the county and the *document number or the* number and the page of the book in which it is recorded;

(3) The date and the amount of the judgment and the number and page of the docket in which it is entered;

(4) Whether there is an outstanding writ of execution for enforcement of the judgment;

(5) The date and amount of any payment on the judgment;

(6) Whether there are any setoffs or counterclaims in favor of the judgment debtor and the amount or, if a setoff or counterclaim is unsettled or undetermined it will be allowed as payment or credit on the judgment;

(7) The exact amount due on the judgment;

(8) If the judgment was docketed by the clerk of the court upon a certified copy from any other court, and an abstract recorded with the county clerk, the name of each county in which the transcript has been docketed and the abstract recorded; and

(9) Any other fact or circumstance necessary to a complete disclosure of the exact condition of the judgment.

→ All information in the affidavit must be based on the personal knowledge of the affiant, and not upon information and belief.

(b) If the judgment is recorded, recording the affidavit of renewal in the office of the county recorder in which the original judgment is filed within 3 days after the affidavit of renewal is filed pursuant to paragraph (a).

2. The filing of the affidavit renews the judgment to the extent of the amount shown due in the affidavit.

3. The judgment creditor or the judgment creditor's successor in interest shall notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested, to the judgment debtor at his or her last known address within 3 days after filing the affidavit.

4. Successive affidavits for renewal may be filed within 90 days before the preceding renewal of the judgment expires by limitation.

Sec. 3. NRS 141.010 is hereby amended to read as follows:

141.010 **1.** Letters testamentary, letters of administration with the will annexed, letters of special administration and letters of administration must be signed by the clerk and under the seal of the court.

2. *If the estate of a decedent includes real property, a copy of the letters testamentary, letters of administration with the will annexed, letters of special administration or letters of administration, certified by the clerk of the court, must be recorded in the office of the recorder of each county in which real property of the estate is located. A cover sheet must be attached to the copy of the letters and ~~must~~ ;*

(a) Must contain:

~~the~~ (1) The name ~~of~~ and address ~~and telephone number~~ of the administrator, executor or personal representative named in the letters;

~~/(b)/~~ ***(2) The assessor's parcel number and the address of the real property of the estate; and***

~~/(c)/~~ ***(3) If the estate includes a manufactured home or mobile home, the location and serial number of the manufactured home or mobile home.***

(b) May contain the telephone number of the administrator, executor or personal representative named in the letters.

3. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "Mobile home" has the meaning ascribed to it in NRS 489.120.

Sec. 4. NRS 159.087 is hereby amended to read as follows:

159.087 **1.** Not later than 60 days after the date of the appointment of a guardian of the estate, the guardian shall **record, or** cause to be recorded, in the ~~official records~~ **office of the recorder of** each county in which real property of the ward is located, ~~other than the county in which the guardian is appointed,~~ a copy, certified by the clerk of the court, of the letters of guardianship.

2. The guardian shall attach, or cause to be attached, to the copy of the letters of guardianship recorded pursuant to subsection 1 a cover sheet containing:

(a) The name, address and telephone number of the guardian;

(b) The assessor's parcel number and the address of the real property of the ward; and

(c) If the estate of the ward includes a manufactured home or mobile home, the location and serial number of the manufactured home or mobile home.

3. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "Mobile home" has the meaning ascribed to it in NRS 489.120.

Sec. 5. NRS 603A.040 is hereby amended to read as follows:

603A.040 "Personal information" means a natural person's first name or first initial and last name in combination with any one or more of the following data elements, when the name and data elements are not encrypted:

1. Social security number.

2. Driver's license number or identification card number.

3. Account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person's financial account.

↪ The term does not include the last four digits of a social security number, **the last four digits of a driver's license number or the last four digits of an identification card number** or publicly available information that is lawfully made available to the general public.

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

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

This amendment changes section 1 of the bill so that the judgment debtor's date of birth is no longer required in the affidavit. It also adds the last four numbers of a driver's license number or identification card number to personal information that is not subject to certain security measures. The last four digits of a social security number are already not subject to those measures.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Emilie Weiss and Mariah West.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Dustin Denis and Dee John.

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Haley Stokes and Tim Tollefson.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Stephenie Nieri and Matt Sanguinetti.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to the following principal, chaperones and students from the Mount Rose Elementary School: principal; Krissy Brown; chaperones: Karen Utley, Bill Langley, Robert Helvey; students: Ana Campos Rosales, Elora Collins, Amanda Covey, Christina De La Rosa, Mykaila Del Rosario, Luis Esquivel, Olivia Fahlgren, Isabella Fraley, Elvis Franchini, Erica Gonzalez, Lielani Green, Kilala Hall, Francisco Guada Haro, Nickolas Helvey, Spencer Janes, Machaela McGahn, Ameerah McLeod, Alexander Mejia Hernandez, Kennedy Millentree, Isaiah Montgomery, Karson Nakagawa, Jamie Nelson, Malcolm Ohair, Eliana Ornelas, Cameron Phillips, Arden Pullin, Haidee Ramirez Villa, Daisy Reyes, Gianna Romero, Avilio Sandoval Hernandez, Sunday Sasser, Ethan Simkins, Logan Stoltz, Jessica Stuart, Andrew Thompson, Robert Underwood and Sahara Wilcock.

On request of Senator Settlemeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Jessica Sherwood and William Cisco.

Senator Wiener moved that the Senate adjourn until Monday, April 4, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:53 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate