

**THE SEVENTY-FIRST DAY**

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CARSON CITY (Monday), April 18, 2011

Senate called to order at 12:09 p.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ron Torkelson.

Dear God,

I pray this morning for the country we represent and the State of Nevada that these men and women govern. I recognize that it is no simple task given to these people.

Our times are filled with economic challenges, job loss, a multitude of homeless families and no simple solutions to the dilemmas. Therefore, my prayer this morning is that You will give each Senator here the wisdom to know what is best for the people of Nevada and the courage to stand for what is right.

I pray that they may look beyond personal preference and together work toward strengthening this state we call home.

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

AMEN.

Pledge of Allegiance to the Flag.

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. 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 142, 182, 259, 273, 288, 294, 331, 411, 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 Bills Nos. 38, 315, 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

MO DENIS, *Chair*

*Mr. President:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

JOHN J. LEE, *Chair*

*Mr. President:*

Your Select Committee on Economic Growth and Employment, to which were referred Senate Bills Nos. 75, 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RUBEN J. KIHUEN, *Chair*

*Mr. President:*

Your Committee on Transportation, to which were referred Senate Bills Nos. 144, 154, 248, 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Senate Bills Nos. 15, 130, 140, 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 441, 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 Finance.

Also, your Committee on Transportation, to which was referred Senate Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and re-refer to the Committee on Finance.

SHIRLEY A. BREEDEN, *Chair*

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 15, 2011

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 565.

MATTHEW BAKER

*Assistant Chief Clerk of the Assembly*

#### WAIVERS AND EXEMPTIONS

##### NOTICE OF EXEMPTION

April 15, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 46.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 320.

MARK KRMPOTIC

*Fiscal Analysis Division*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that Senate Bill No. 197 be re-referred to the Committee on Finance.

Motion carried.

Senator Breeden moved that Senate Bills Nos. 320, 441 be re-referred to the Committee on Finance.

Motion carried.

Senator Lee moved that Senate Bill No. 494 be re-referred to the Committee on Finance.

Motion carried.

Senator Horsford moved that the following persons be accepted as accredited press representatives and that they be assigned space at the press table and allowed the use of appropriate media facilities: Lake Tahoe News: Anne Knowles and LGBT – Reno.net: Wheeler Cowperthwaite.

Motion carried.

Senator Wiener moved that Senate Bills Nos. 10, 24, 26, 40, 57, 81, 110, 112, 127, 152, 159, 180, 194, 196, 198, 213, 251, 256, 262, 268, 277, 284, 309, 361, 368, 375, 376, 392, 393, 402; Assembly Bills Nos. 30, 144 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 187.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 117.

"SUMMARY—Revises provisions governing parole. (BDR 16-640)"

"AN ACT relating to parole; replacing the requirement for prisoners convicted of certain sexual offenses to be certified by a panel before being released on parole with a process to evaluate such prisoners before their parole is granted or continued; authorizing the State Board of Parole Commissioners to request an evaluation of certain sex offenders; revising provisions relating to immunity from liability based upon certain actions of a panel; providing that certain meetings of a panel are subject to ~~and exempt from~~ the provisions of the Open Meeting Law; requiring the adoption of regulations; and providing other matters properly relating thereto."

#### **Legislative Counsel's Digest:**

Existing law prohibits the State Board of Parole Commissioners from releasing on parole a prisoner convicted of certain sexual offenses unless a panel certifies that the prisoner does not represent a high risk to reoffend. (NRS 213.1214) The Nevada Supreme Court has held that: (1) certification by a panel is necessary only when parole will lead to a prisoner's release from prison; (2) the statutory immunity from liability does not prohibit a cause of action regarding the process of conducting a panel hearing or the validity of the statute; and (3) when the panel considers new allegations, the panel must comply with the requirements of the Open Meeting Law. (*Stockmeier v. Psychol. Rev. Panel*, 122 Nev. 385 (2006))

This bill: (1) removes the requirement that a prisoner convicted of certain sexual offenses be certified by a panel and instead requires that before being granted or continued on parole, such a prisoner be evaluated by a panel as to his or her risk to reoffend in a sexual manner; (2) authorizes the State Board of Parole Commissioners to require an evaluation of a sex offender if the evaluation may assist the Board in certain decisions related to parole; (3) clarifies that a prisoner does not have a right to be evaluated or

reevaluated by a panel and that the actions of a panel in evaluating, not evaluating or considering or relying on an evaluation do not give rise to a cause of action; and (4) provides that certain meetings of a panel are subject to ~~and exempt from~~ the requirements of the Open Meeting Law.

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

**Section 1.** NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Board shall not ~~release or~~ **grant parole to or continue the parole of** a prisoner **who has served, is serving or has yet to serve a sentence on his or her current term of imprisonment for having been** convicted of an offense listed in subsection ~~5~~ **8** unless a panel consisting of:

(a) The Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his or her designee;

(b) The Director of the Department of Corrections or his or her designee; and

(c) A psychologist licensed to practice in this State or a psychiatrist licensed to practice medicine in this State,

~~↪ certifies that~~ **evaluates** the prisoner ~~was under observation while confined in an institution of the Department of Corrections and does not represent a high risk to reoffend based upon~~, **within 120 days before a hearing to consider granting or continuing his or her parole, using a currently accepted standard of assessment to determine the prisoner's likelihood to reoffend in a sexual manner. The panel shall provide a report of its evaluation to the Board before the hearing.**

2. ~~{A prisoner who has been certified pursuant to subsection 1 and who returns for any reason to the custody of the Department of Corrections may not be paroled unless a panel recertifies the prisoner in the manner set forth in subsection 1.}~~ **The Board may require the panel to conduct an evaluation of a prisoner who is a sex offender, as defined in NRS 179D.095, if an evaluation may assist the Board in determining whether parole should be granted or continued. The panel shall provide a report of its evaluation to the Board before the hearing to consider granting or continuing the prisoner's parole.**

3. ~~{The panel may revoke the certification of a prisoner certified pursuant to subsection 1 at any time.~~

~~—4.}~~ This section does not create a right in any prisoner to be ~~certified or to continue to be certified. No prisoner may bring a}~~ **evaluated or reevaluated more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the panel from conducting ~~an evaluation~~ additional evaluations of a prisoner if ~~an evaluation~~ such evaluations may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought** against the State, its political subdivisions, or

the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for ~~not certifying~~ **evaluating, not evaluating or considering or relying on an evaluation of** a prisoner ~~pursuant to~~, **if such decisions or actions are made or conducted in compliance with the procedures set forth in** this section . ~~for refusing to place a prisoner before a panel for certification pursuant to this section.~~

~~5.1~~ 4. ***The panel shall adopt regulations pertaining to the evaluation of prisoners subject to the provisions of this section to determine a prisoner's risk to reoffend in a sexual manner. The regulations must be adopted in accordance with the provisions of chapter 233B of NRS and must be codified in the Nevada Administrative Code.***

5. ***The regulations adopted pursuant to subsection 4 must require that:***

(a) ***The evaluation be based on currently accepted standards of assessment designed to determine the risk of an offender to reoffend in a sexual manner;***

(b) ~~*The report of the evaluation contain a statement by the panel as to the validity of the evaluation based on other information known about the prisoner that may mitigate or aggravate the results of the evaluation; and*~~

~~(c)~~ ***The report of the evaluation contain a statement rating the prisoner as a low, moderate or high risk to reoffend in a sexual manner ~~and~~;*** **and**

**(c) If the report of the evaluation varies from the standard of assessment, the panel include a written statement of any mitigating or aggravating factors which justified such deviation.**

6. ***The panel shall:***

(a) ***Review the standards of assessment and procedures adopted by regulation at least once every 3 years; and***

(b) ***Make a finding regarding the validity of the use of any standard of assessment.***

7. ***If the panel finds that a standard of assessment is ineffective, or another standard of assessment is more effective, in predicting whether a prisoner may reoffend in a sexual manner, the panel may discontinue the use of the current standard of assessment and adopt a new standard of assessment that is determined to be more effective.***

8. The provisions of this section apply to a prisoner convicted of any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508 ~~and~~, ***if the abuse involved sexual abuse or sexual exploitation and is punished as a felony.***

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

- (h) Open or gross lewdness pursuant to NRS 201.210.
- (i) Indecent or obscene exposure pursuant to NRS 201.220.
- (j) Lewdness with a child pursuant to NRS 201.230.
- (k) Sexual penetration of a dead human body pursuant to NRS 201.450.
- (l) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.
- (m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive.
- (n) An offense that is determined to be sexually motivated pursuant to NRS 175.547.
- (o) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

9. *The Board may adopt by regulation the manner in which the Board will consider an evaluation prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.*

10. *Meetings of a panel ~~f=~~*

- ~~(a) To evaluate a prisoner pursuant to this section are not required to comply with the provisions of chapter 241 of NRS.~~
- ~~(b) To consider matters other than to evaluate a prisoner pursuant to this section must be conducted in accordance with the provisions of chapter 241 of NRS.~~

11. *As used in this section:*

- (a) *"Current term of imprisonment" means one or more sentences being served concurrently or consecutively with the sentence first imposed.*
- (b) *"Reoffend in a sexual manner" means to commit any offense listed in subsection 8.*
- (c) *"Sex offender" means a person who, after July 1, 1956, is or has been:*

- (1) Convicted of a sexual offense; or
- (2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph 19 of paragraph (d).

↪ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.

- (d) *"Sexual offense" means any of the following offenses:*
- (1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.
- (2) Sexual assault pursuant to NRS 200.366.
- (3) Statutory sexual seduction pursuant to NRS 200.368.
- (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210.

(12) Indecent or obscene exposure pursuant to NRS 201.220.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(16) An attempt or conspiracy to commit an offense listed in subparagraphs 1 to 15, inclusive.

(17) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(18) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(19) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

↳ The term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial

**authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.**

**Sec. 2.** The amendatory provisions of this act apply to any person who is subject to the provisions of NRS 213.1214 on or after October 1, 2011, whether or not the person was convicted before, on or after October 1, 2011.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

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

The amendment makes two specific clarifications to the bill. It states that a prisoner does not have the right to be evaluated more frequently than the regularly scheduled parole hearings, but may be evaluated more frequently if it will assist the panel in determining whether parole should be granted or continued.

The amendment also states that the actions of the panel do not give rise to a cause of action provided that the decisions or actions made are consistent with the procedures outlined in the measure.

Finally, the amendment provides regulations adopted by the panel must require written findings under certain circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to the General File.

Senate Bill No. 209.

Bill read second time and ordered to third reading.

Senate Bill No. 304.

Bill read second time and ordered to third reading.

Senate Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 180.

"SUMMARY—Revises provisions relating to the information which must be provided by a unit's owner in a resale transaction. (BDR 10-1126)"

"AN ACT relating to common-interest communities; revising provisions relating to the information which must be provided by a unit's owner in a resale transaction; and providing other matters properly relating thereto."

**Legislative Counsel's Digest:**

This bill revises provisions relating to the information which must be provided in a resale package by a unit's owner for the benefit of a purchaser in a resale transaction.

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

**Section 1.** NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the



expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095. ~~††~~

(b) A statement *from the association* setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind, *including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees* currently due from the selling unit's owner. ~~††~~ *The statement remains effective for the period specified in the statement, which must not be less than ~~††~~ 15 working days from the date of delivery by the association to the unit's owner or his or her agent. If the association becomes aware of an error in the statement before the consummation of the resale, the association must deliver a replacement statement to the unit's owner or his or her agent and obtain an acknowledgment in writing by the unit's owner or his or her agent before that consummation. Unless the unit's owner or his or her agent receives a replacement statement, the unit's owner or his or her agent may rely upon the accuracy of the information set forth in a statement provided by the association for the resale.*

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152. ~~††~~

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge. ~~††~~

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit. ~~†, and†~~

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent or mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments

made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d) and (e) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the seller is not liable for the delinquent assessment.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and

audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

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

The amendment increases from 10 to 15 working days the period of time that a statement of assessments remains in effect for purposes of a resale package.

Amendment adopted.

Bill ordered reprinted, engrossed and to the General File.

Senate Bill No. 417.

Bill read second time and ordered to third reading.

Senate Bill No. 432.

Bill read second time and ordered to third reading.

Senate Bill No. 488.

Bill read second time and ordered to third reading.

Senate Bill No. 495.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 8.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 142.

"SUMMARY—Urges ~~the Federal Government and certain other governmental entities~~ **Congress to enact legislation or take other appropriate action** to expedite and streamline the requirements for conducting mining operations in this State. (BDR R-1035)"

SENATE JOINT RESOLUTION—Urging ~~the Federal Government and certain other governmental entities~~ **Congress to enact legislation or take other appropriate action** to expedite and streamline the requirements for conducting mining operations in this State.

WHEREAS, Since the earliest days of statehood, the State of Nevada has been known for containing vast deposits of minerals located throughout the State ~~of~~ **, including copper, gold, silver, lithium, molybdenum, barite and other minerals essential to the security, economy, technological innovation, conventional and renewable energy infrastructure and daily life of the United States;** and

WHEREAS, Because of the availability of those mineral deposits, mining is ~~one of the larger industries~~ **an important industry** in the State of Nevada ~~which~~ **and** has traditionally provided many high-paying jobs for

local communities and has contributed to the communities in other ways such as investing in infrastructure and services for those communities; and

~~WHEREAS, Mining operations in the State of Nevada are highly regulated by numerous governmental entities at the state and federal levels, including, without limitation, regulation by Congress, the Secretary of Agriculture, the Secretary of the Interior, the Bureau of Land Management, the United States Forest Service and the Division of Environmental Protection of the State Department of Conservation and Natural Resources;~~

**The reliance of the United States on foreign sources of many important minerals impedes economic recovery, limits economic growth and creates vulnerabilities in the chain of supply that potentially threatens the national security of the United States;** and

~~WHEREAS, Because of that regulation, to conduct a mining operation in the State of Nevada, an owner or operator of a mine must comply with numerous requirements, including, without limitation, preparing and filing a notice or plan of operation, obtaining the appropriate air quality and water quality permits, obtaining a permit to appropriate water for use in the mining operation, obtaining rights of way for access to and the transmission of electricity for the mining operation and obtaining a local business license;~~

**Increasing the amount of production of Nevada's minerals, including, without limitation, copper, gold and silver, that are exported worldwide would aid in the reduction of the trade deficit of the United States and would thus be highly beneficial to the national economy;** and

~~WHEREAS, Complying with those requirements is often burdensome and expensive, sometimes requiring up to 10 years and more than \$1 billion before a mining operation is able to produce any minerals;~~ **Mining supports a significant portion of the local economies of rural Nevada and creates jobs that pay employees an average of \$81,800 per year;** and

~~WHEREAS, In recent years, the need for developing energy from geothermal, solar, wind and other sources has become increasingly important;~~ **Exploration for minerals is a source of capital investment in Nevada, supports the discovery of new mineral deposits that may become future or expanded mines, contributes significantly to state and local tax revenues and provides other economic benefits to Nevada and local economies in Nevada;** and

~~WHEREAS, To meet that need, the procedure for obtaining permits and rights of way and complying with other requirements to develop those sources of energy have recently been expedited and streamlined;~~ **Because approximately 87 percent of the land in Nevada is managed and controlled by the Federal Government, most mineral exploration and mining activities occur entirely or partially on federal land and permits must be secured for those activities from the Bureau of Land Management and the United States Forest Service;** and

WHEREAS, The ~~expeditious development of mineral deposits in this State is also essential for the creation of jobs, the payment of taxes and the~~

~~continued contribution of infrastructure and services to local communities by the mining industry in this State;~~ permitting processes of the Bureau of Land Management and the United States Forest Service for mineral exploration and mine development are the source of significant and problematic delays that cost jobs, injure Nevada's economy and impede national economic interests; and

WHEREAS, An estimated 2,500 high-paying mining jobs are currently being delayed for an unspecified and unreasonable period because those permitting processes often require 3 years or longer to complete; and

WHEREAS, Delays in the permitting process for mineral exploration projects are creating a significant delay in the rate of discovery of new mineral deposits that may be developed into new or expanded mines; and

WHEREAS, Delays in the permitting process and the resulting reduction in the rate of discovery of new mineral deposits are significant reasons that gold and silver production from mines in Nevada has declined dramatically in the last decade, which has resulted in unrealized jobs and tax revenues that would otherwise be generated from those mines; and

WHEREAS, The process of the Bureau of Land Management for the review and publication of notices in the Federal Register announcing the intent of the Bureau of Land Management to prepare an environmental impact statement and the availability of draft and final environmental impact statements often add up to 1 year to the mine permitting process; and

WHEREAS, Expediting the permitting processes of the Bureau of Land Management and the United States Forest Service to materially diminish the time required to approve mineral exploration and mine development projects would make a significant contribution to Nevada's economy and the national economic interests by increasing mining and mineral exploration jobs and increasing tax revenues from mining, including, without limitation, revenues from sales and use taxes, net proceeds taxes, modified business taxes and property taxes; and

WHEREAS, Implementing procedures to expedite the permitting of mineral exploration and mine development projects is of equal importance to the economy of Nevada and the United States as the similarly expedited permitting schemes already endorsed for renewable energy projects; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That ~~the Federal Government and each governmental entity in this State which regulates the activities of mining operations in this State are hereby urged to expedite and streamline the procedure for obtaining permits and complying with any other requirement for conducting those mining operations;~~ the members of the 76th Session of

the Nevada Legislature hereby urge Congress to enact legislation or take other appropriate action directing the Secretary of Agriculture, the Secretary of the Interior, the Chief of the United States Forest Service, the Director of the Bureau of Land Management, the Director of the Nevada State Office of the Bureau of Land Management and the Forest Supervisor for the Humboldt-Toiyabe National Forest to pursue, together with the appropriate governmental entities in this State, methods and procedures that expedite or may expedite the permitting processes for mineral exploration and development of mines in this State; and be it further

RESOLVED, That the Secretary of the Interior and the Director of the Bureau of Land Management are hereby urged to eliminate any burdensome and unreasonable delays associated with the process of the Bureau of Land Management for the review and publication of notices in the Federal Register; and be it further

RESOLVED, That, cooperatively with the appropriate governmental entities in this State, the Secretary of Agriculture, the Secretary of the Interior, the Chief of the United States Forest Service, the Director of the Bureau of Land Management, the Director of the Nevada State Office of the Bureau of Land Management and the Forest Supervisor for the Humboldt-Toiyabe National Forest are hereby urged to establish streamlined permitting time frames consistent with the goals of this State for economic recovery and with national economic interests; and be it further

RESOLVED, That such a streamlined permitting process must include the following requirements:

1. The Bureau of Land Management should approve or deny any project that requires a notice within 15 calendar days after the date of submittal of a complete notice application;

2. The United States Forest Service should approve or deny any small exploration project that may be evaluated with a categorical exclusion within 4 months after the date of submittal of a complete application for the small exploration project;

3. The Bureau of Land Management and the United States Forest Service should approve or deny any project that requires an exploration plan of operation within 4 months after the date of submittal of a complete application for the plan of operation;

4. The Bureau of Land Management's process for review and publication of notices in the Federal Register announcing the intent of the Bureau of Land Management to prepare an environmental impact statement or announcing the availability of a draft and final environmental impact statement should be completed in 2 weeks; and

5. The Bureau of Land Management and the United States Forest Service should approve or deny a plan of operation for a mining project

within 12 months after the date of submittal of a complete plan of operation for that mining project; and be it further

RESOLVED, That Congress is hereby urged to enact legislation or take other appropriate action directing the Secretary of Agriculture, the Secretary of the Interior, the Chief of the United States Forest Service, the Director of the Bureau of Land Management, the Director of the Nevada Office of the Bureau of Land Management and the Forest Supervisor for the Humboldt-Toiyabe National Forest to provide quarterly progress reports to Congress, the Speaker of the Nevada Assembly, the Majority Leader of the Nevada Senate and the Governor of Nevada setting forth the following information:

1. A list specifying each proposed mineral exploration and mining project that the Bureau of Land Management and the United States Forest Service are reviewing and the date that the Bureau of Land Management and the United States Forest Service began reviewing each of those projects;

2. The anticipated target date on which each proposed mineral exploration and mining project permit will be approved or denied;

3. An assessment of the performance of the Bureau of Land Management and the United States Forest Service in meeting the streamlined permitting objectives;

4. If the streamlined permitting objectives have not or may not be met, a detailed explanation of the reasons for failing to meet those objectives; and

5. Any additional resources that the Bureau of Land Management and the United States Forest Service need to meet the requirements of the streamlined permitting process; and be it further

RESOLVED, That Congress is hereby urged to enact legislation or take other appropriate action directing the Secretary of Agriculture, the Secretary of the Interior, the Chief of the United States Forest Service, the Director of the Bureau of Land Management, the Director of the Nevada State Office of the Bureau of Land Management and the Forest Supervisor for the Humboldt-Toiyabe National Forest to take all necessary steps to provide adequate staffing and resources consistent with achieving the streamlined permitting objectives; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the ~~Secretary of Agriculture, the Secretary of the Interior, the Chief of the United States Forest Service, the Director of the Bureau of Land Management,~~ Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation ~~;~~ ~~the Governor of the State of Nevada, the Director of the State Department of Conservation and Natural Resources and the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;~~ and be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

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

This amendment replaces most of the language in the resolution to explain in greater detail the importance of mining in the State of Nevada and how expediting the permitting process would make a significant contribution to Nevada's economy and national economic interests.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 565.

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

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Christopher McEntire, Carey McEntire, Sylvia Fleming, Robert Fleming, and Robin Renshaw.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Stephen Allott, Ralph Champion and Karen Taycher.

On request of Senator Copening, the privilege of the Floor of the Senate Chamber for this day was extended to Austin Schirling.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Simone Simpson.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to the following students and adults from the Diedrichsen Elementary School: Carson Baker, Ashen Beeaff, Amanda Carbonell, Austin Cuellar, Cameron Draper, Dayna Espinoza, Caden Fernandez, Kristian Fernandez, Daniel Hampton, Cody Herron, Isaiah Johnson, Tanner Johnson, Natalie Kersting, Cameron Kygar, Beverly Lawson, Noah LeDuc, Ashley Leach-Knowles, Kaiti McCurdy, Kayla McKee, Mason McManus, Kiel Mendoza, Emily Nicholas-Ornbaum, Param Patel, Eva Przybyla, Ivette Rodriguez, Brockden Roelofs, Angel Solis, Brennin Switzer, Jonathan Taff, Jacinda Tuttle, Sophia Vargas, Alyssa Alexander, Ian Alvarado, Christopher Archila, Andrew Beas, Annabelle Bradley, Tristan Bryant Moore, Brandyn Christensen, Zoey Cotter, Zackary Dailey, Jakob Delossantos, Jacob Feierabend, Jordan Ferguson, Cierra Gayfield, Natalie Grady, Diego Hernandez Chavarin, Hugo Herrera, Amanda Kent, Jared Linker, Tyler McTigue, Lorraina Mize Williams, Caleb Mozingo, Patricia Nelson, Natasha Olmstead, Brandon Randall, Victor Salas



Rios, Lexsie Samuels Herbert, Serina Sanchez, Carlos Sanchez Quintero, Ariez Suarez, Rider Valdovinos, Katie Walter, Patrick Watts, Chris Colburn, Taylor Babineau, Anthony Gaskey; adults: Tim Kygar, Dave Carbon, Dawn Cuellar, Maylene Fernandez, Philip Tuttle, Cierra Bannister, Starla Espinoza, Stephanie Johnson, Sherry Johnson, Brent Roelofs, Rex Cotter, Rosie Suarez, Dawn Sellers, Luis Archila, Arizbeth Mazariego, Brandy Welch, Kathy Alonzo and Jonice Marks.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Alyse Williams, Felicity Eddy, former Senator Mike Malone and Teresa Malone.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Yvette Williams and Stavan Corbett.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Angela Foremaster, Celeste Foremaster, and Shawina Tims.

On request of Senator Manendo, the privilege of the Floor of the Senate Chamber for this day was extended to Charlene Gumber, Samuel Arjona, and Roosevelt Thompson.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Kandeh Jones.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Lauren Scott, Gail Hilyard and Gary Murphy.

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

On request of Senator Schneider, the privilege of the Floor of the Senate Chamber for this day was extended to Dominique Williams and Nyla Whalum.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to Shavon Turner and Raul Rodriguez.

On request of President Krolicki, the privilege of the Floor of the Senate Chamber for this day was extended to Elizabeth Krolicki, Caroline Krolicki and Kate Krolicki.

Senator Horsford moved that the Senate adjourn until Tuesday, April 19, 2011, at 11 a.m. and that it do so in memory of University of Nevada Reno President Milton Glick.

Motion carried.

Senate adjourned at 1:03 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

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