

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 18, 2011

Senate called to order at 11:46 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Christopher Amen.

Almighty God, You grant us government in order to protect citizens.

Grant Your mercy and grace upon our leaders that they may serve to protect all citizens.

Give us faith to receive the gifts You have provided us with joy, and strength to receive shortcomings so that we may be stewards of Your gifts and receive them only as You provide them through Jesus Christ, our Lord.

AMEN.

Pledge of Allegiance to the Flag.

Senator Wiener 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 were referred Assembly Bills Nos. 253, 254, 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 were referred Assembly Bills Nos. 117, 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MO DENIS, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 192, 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 17, 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN J. LEE, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 29, 154, 170, 362, 533, 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ALLISON COPENING, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 13, 56, 72, 78, 135, 143, 213, 246, 292, 317, 373, 564, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VALERIE WIENER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 206; Assembly Bills Nos. 76, 365, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Revenue, to which was referred Assembly Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

SHEILA LESLIE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 16, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 14, 35, 51, 229; Senate Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 98, 100, 137, 160, 483.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 10.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 76 to Assembly Bill No. 30; Senate Amendment No. 552 to Assembly Bill No. 36.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 17, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 471 to Assembly Bill No. 62; Senate Amendment No. 470 to Assembly Bill No. 203; Senate Amendment No. 560 to Assembly Bill No. 211; Senate Amendment No. 550 to Assembly Bill No. 214; Senate Amendment No. 569 to Assembly Bill No. 215.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Resolution read.

Senator Manendo moved the adoption of the resolution.

Remarks by Senator Manendo.

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

Senate Concurrent Resolution No. 1 expresses the Legislature's support for the Pine Forest Wilderness Study Area Working Group, which was commissioned by the Board of County Commissioners of Humboldt County to evaluate the Blue Lake and Alder Creek wilderness

study areas and to make findings and develop recommendations for the Board to forward to the Nevada congressional delegation.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

By Senators Kieckhefer, Brower, Breeden, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settlemeyer, Wiener; Assemblymen Anderson, Aizley, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Ocegüera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury:

Senate Concurrent Resolution No. 11—Memorializing career military officer Colonel Jerry Bussell (Retired).

WHEREAS, The members of the Nevada Legislature mourn the passing on October 18, 2010, of career military officer Colonel Jerry Bussell (Retired); and

WHEREAS, Born July 31, 1943, in Parsons, Tennessee, to farmers of modest means, Jerry moved to Las Vegas at the age of 15 and later attended the University of Tennessee at Martin, where he entered the Reserve Officer Training Corps and received a bachelor of science degree and a Regular Army commission in 1967; and

WHEREAS, Colonel Bussell went on to build a stellar military career and to become a staunch supporter of education, two subjects about which he was passionate; and

WHEREAS, After proudly serving in Vietnam and achieving the rank of Captain, Colonel Bussell transferred back to Las Vegas because of an illness in his family, and in 1972, he resigned his Regular Army commission to join the Nevada Army National Guard, rising to the rank of full Colonel in 1987; and

WHEREAS, In 1985, then Lieutenant Colonel Bussell directed a 181-vehicle convoy in 110 degree heat between Henderson, Nevada, and Fort Irwin, California, a 300-mile round-trip through the Mojave Desert, causing Soviet Union intelligence to reassess the strength and training of American reserve units and earning him the Draper Armor Leadership Award, and for an unprecedented 2 consecutive years, his unit received the most coveted award in Armor, the Goodrich Riding Trophy, and both awards were attributed to his great leadership skills; and

WHEREAS, After retiring from the military in 1993, Jerry pursued his love of golf until called back into service by Governor Kenny Guinn in 2002 to serve as Special Advisor for Homeland Security, then as Chair of the Nevada Commission on Homeland Security, and the Colonel made it his mission every day to make the State a safer place than it was the day before following the terrorist attacks of September 11, 2001; and

WHEREAS, Colonel Bussell had the heart and mind of a warrior and, with one of his lifelong missions being to improve the lives of soldiers, had the opportunity to combine his military expertise with his enthusiasm for education when he became the Executive Director of Operations to implement the Telemedicine and Advanced Technology Research Center grant for the Division of Educational Outreach of the University of Nevada, Las Vegas, where his team developed a blended-learning approach to improve the military's Combat Life Saving training and methods for training all soldiers to treat battlefield injuries, thus saving the lives of many of those injured during combat; and

WHEREAS, The Colonel was key in the establishment of the Nevada Patriot Fund (now the Nevada Military Support Alliance) which provides personal and financial assistance to the families of Nevada servicemen and women killed in the line of duty; and

WHEREAS, In addition to the numerous military awards he received, Colonel Bussell received the 2010 Distinguished Nevadan award, one of the highest honors bestowed by the Nevada System of Higher Education, for his many contributions to education in this State; and

WHEREAS, Colonel Bussell had been planning to run for the Board of Regents because he loved the University of Nevada, Las Vegas, so much that he thought it was the perfect way to contribute and to put his leadership skills and expertise to work; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 76th Nevada Legislature offer their deepest condolences to Colonel Jerry Bussell's wife Pat Lundvall, who said of him that "He was charming, the most charismatic man you'd ever meet"; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Pat, Colonel Bussell's cherished wife of 28 years.

Senator Kieckhefer moved the adoption of the resolution.

Remarks by Senator Kieckhefer, Mr. President and Senator Brower.

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

SENATOR KIECKHEFER:

Thank you, Mr. President. We have an opportunity today to honor a distinguished man, a distinguished Nevadan and a distinguished husband.

I would like to share with you what Colonel Bussell's wife, Pat, had to say about her husband. She said he was handsome, dashing, charismatic, bold, a leader, mischievous, respectful, a soldier, kindhearted, generous, brash, worldly, engaging, ambitious, accomplished, proud, strong, fearless, supportive, evolutionary, exacting, ceremonious, patriotic, and encouraging. These descriptors applied to Jerry when she met him on October 18, 1982 and they described him to the day that he passed on October 18, 2010.

When they met, Jerry, then a Major, was attending the Sixth Army Annual Conference being held in Lincoln, Nebraska. She was a student at the University of Nebraska finishing a master's degree. The attraction was instant. They were engaged nine weeks later and married soon thereafter. Chaplain Ashley Hall counseled and married them. He advised them and made them promise to tell the other, every day, that they loved each other. Jerry kept that promise. She said Jerry remains the most handsome man she has ever met, and he loved being told that.

Their story makes me think about how many reasons there are for us to love the people we love. I know that was true for Pat and for the many people who loved Jerry.

Thank you, Pat, for being here today and for Nevada, I want to express how sorry we are for your loss and to say what a loss his passing is for the State of Nevada. After the events of September 11, 2001, our State tried to identify how we were going to respond to a potential act of terror knowing we could be a target because of the lifestyle we love in this State. Governor Guinn chose Colonel Bussell to protect our State by reviewing our security and our response. He was the person the Governor trusted with the lives and the safety of all Nevadans. He performed that duty admirably and well. He performed a great service to the State of Nevada. We have a lot to be thankful for.

MR. PRESIDENT:

Pat, this is a happy day, but a sad day, too. I loved Jerry, too. I traveled thousands of miles on Nevada's roads with him. He was a great friend, a strapping man and a great Nevadan and a great American. Thank you. We are all with you.

SENATOR BROWER:

Thank you, Mr. President. I would like to offer a welcome to Pat and to everyone who is here today to remember Jerry.

Jerry was everything mentioned earlier. He was charming, charismatic, and a good friend. He was a constituent of mine when I was in the Assembly, as Pat is now. He was a Vietnam veteran.

As a country, we went a long time without saying much about our Vietnam veterans. We, as a country, have made up for that in recent years. That is one of the things I loved the most about

Jerry. We are losing our World War II veterans at an incredible rate and we are losing our Vietnam veterans as well. I encourage all of us to remember the sacrifices that our Vietnam veterans made as exemplified by Jerry. Keep all of them in our prayers.

Resolution adopted.

Senator Kieckhefer moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 11 be immediately transmitted to the Assembly.

Motion carried unanimously.

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

Senate in recess at 12:06 p.m.

SENATE IN SESSION

At 12:17 p.m.

President Krolicki presiding.

Quorum present.

Senator Leslie moved that Assembly Bill No. 500 be re-referred to the Committee on Finance.

Motion carried.

Senator McGinness moved that Assembly Bill No. 282 be taken from the Second Reading File and placed on the Secretary's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 98.

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

Motion carried.

Assembly Bill No. 100.

Senator Wiener moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 137.

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

Motion carried.

Assembly Bill No. 160.

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

Motion carried.

Assembly Bill No. 483.

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

Motion carried.

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

Senate in recess at 12:27 p.m.

SENATE IN SESSION

At 12:29 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator McGinness moved that Assembly Bill No. 282 be taken from the Secretary's desk and placed on the Second Reading File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 583.

"SUMMARY—Establishes the Fund for State Park Interpretative and Educational Programs and Operation of Concessions. (BDR 35-1210)"

"AN ACT relating to state parks; creating the Fund for State Park Interpretative and Educational Programs and Operation of Concessions; authorizing the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to establish certain concessions within state parks; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Division of State Parks of the State Department of Conservation and Natural Resources is funded by grants and gifts of money, fees and legislative appropriations. (NRS 407.075, 407.0762, 407.077)

Section 2 of this bill authorizes the Administrator of the Division to establish concessions within the boundaries of any state park the revenue from which is required to be deposited in the Fund for State Park Interpretative and Educational Programs and Operation of Concessions. **Section 1** of this bill creates the Fund for State Park Interpretative and Educational Programs and Operation of Concessions for the use of the Division and provides for the expenditure of money from the Fund.

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

Section 1. Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Fund for State Park Interpretative and Educational Programs and Operation of Concessions is hereby created as an enterprise fund for the use of the Division to receive all revenues derived from sales of concessions and vending machines operated within state parks and other special revenue generating activities.*

2. *Money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.*

3. *In addition to any expenditure required by subsection 4, the cost of any goods and services used for the sale of concessions and the coordination of special revenue generating activities must be expended from the Fund.*

4. ~~Upon~~ Money deposited in the Fund must be expended:

(a) ~~By the Administrator, upon approval by the Director, ~~the Administrator shall expend money deposited in the Fund~~ for special interpretative or educational programs and special park projects that enhance the interpretative and educational mission of the Division ~~;~~~~; or

(b) For any other purpose authorized by the Legislature or by the Interim Finance Committee if the Legislature is not in session.

5. *Any balance remaining in the Fund does not revert to the State General Fund at the end of any fiscal year.*

Sec. 2. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue, upon

application therefor and proof of residency and age, an annual permit for entering, camping and boating in all state parks and recreational areas in this State to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted. The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Fund for State Park Interpretive and Educational Programs and Operation of Concessions.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or

boating, or to attend special events, must pay any fee established for the respective activity.

4. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 3. 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. 583 to Senate Bill No. 442 gives the administrator more flexibility in how these funds are expended.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 598.

"SUMMARY—Revises provisions governing educational personnel. (BDR 34-439)"

"AN ACT relating to educational personnel; removing the requirement that the Superintendent of Public Instruction notify a licensee by mail of the date of expiration of his or her license; requiring the Department of Education to maintain a directory of licensees on the Internet website maintained by the Department; requiring the Department to provide on a monthly basis an electronic file with a list of each licensed employee whose license will expire to the board of trustees of the school district that employs the person; ~~requiring~~ **authorizing** the board of trustees of the school district to notify each licensee of the date of expiration of his or her license; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill removes the requirement that the Superintendent of Public Instruction provide written notice, by first class mail, to each person who is licensed by the Superintendent of the date on which his or her license expires. This bill also requires the Department of Education to: (1) maintain a directory of the name of each person who is licensed and the date on which his or her license expires; (2) make that information available to licensed educational personnel and to the general public on the Department's Internet website; and (3) provide to the board of trustees of each school district, each calendar month, an electronic file with a list of each licensed employee who is employed by the board of trustees and whose license will expire within the 9 months immediately following that calendar month. This bill further ~~requires~~ **authorizes** the board of trustees of each school district to notify

each licensed employee identified in the list of the date on which his or her license will expire. ~~Such notification.~~ **If the board of trustees of a school district provides such notice, the notice** must be provided not later than 6 months before the date of expiration.

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

Section 1. NRS 391.042 is hereby amended to read as follows:

391.042 **1.** The ~~Superintendent of Public Instruction~~ **Department** shall ~~provide written notice to each person~~ :

(a) Maintain a directory of the name of each person who holds a license issued pursuant to this chapter ~~of~~ **and** the date on which ~~the~~ **his or her** license expires ~~.~~ The written notice must be mailed, by first class mail, to the last known address of the licensee, as reflected in the records of the Superintendent, not less than 6 months and not more than 1 year before the date of expiration ~~;~~ ;

(b) Make the directory readily available to licensed educational personnel and to the general public on the Internet website maintained by the Department; and

(c) Provide to the board of trustees of each school district, at the end of each calendar month, an electronic file with a list of each licensed employee who is employed by the board of trustees and whose license will expire within the 9 months immediately following that calendar month.

2. *The board of trustees of a school district ~~shall~~ may notify each licensed employee identified in the list received pursuant to paragraph (c) of subsection 1 of the date on which his or her license will expire. ~~The~~ **If the board of trustees of a school district provides notice to a licensed employee pursuant to this subsection, the notice must be provided not later than 6 months before the date of expiration of the license.***

Sec. 2. This act becomes effective on July 1, 2011.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

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

Amendment No. 598 to Assembly Bill No. 39 revises a portion of the bill that would have required school districts to provide notice about the prospective expiration of the license of a licensed educator; instead, school districts are authorized to provide this notification.

Amendment adopted.

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

Assembly Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 599.

"SUMMARY—Revises the requirements concerning background investigations of certain applicants for employment or contracts with private postsecondary educational institutions. (BDR 34-442)"

"AN ACT relating to private postsecondary educational institutions; revising the requirements concerning background investigations of certain applicants for employment or contracts with private postsecondary educational institutions; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires certain persons who apply for employment or a contract with a private postsecondary educational institution to submit a completed fingerprint card that must be taken by an agency of law enforcement and authorization for the postsecondary institution to conduct an investigation of the background of the applicants. (NRS 394.465) This bill allows the fingerprint card and authorization to be submitted electronically to the Central Repository for Nevada Records of Criminal History. This bill also exempts an applicant from the background check if (1) the applicant will provide instruction from a location outside this State through a licensed program of distance education; (2) the applicant previously underwent a background check; and (3) the Administrator of the Commission on Postsecondary Education determines that an additional background check is not necessary.

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

Section 1. NRS 394.465 is hereby amended to read as follows:

394.465 1. Except as otherwise provided in subsection ~~4~~ 6, before a postsecondary educational institution employs or contracts with a person:

- (a) To occupy an instructional position;
 - (b) To occupy an administrative or financial position, including a position as school director, personnel officer, counselor, admission representative, solicitor, canvasser, surveyor, financial aid officer or any similar position; or
 - (c) To act as an agent for the institution,
- ↪ the applicant must submit to the Administrator ~~completed fingerprint cards~~ **the information set forth in subsection 2.**

2. The applicant must submit to the Administrator:

(a) A complete set of fingerprints taken by a law enforcement agency and ~~a form~~ written permission authorizing ~~an investigation of the applicant's background and the submission of a complete set of~~ the Administrator to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for ~~its report and for~~ submission to the Federal Bureau of Investigation for ~~its~~ a report ~~. The fingerprint cards and authorization form submitted must be those which are provided to the applicant by the Administrator. The applicant's fingerprints must be taken by an agency of law enforcement.~~

~~2~~ *on the applicant's background and to such other law enforcement agencies as the Administrator deems necessary; or*

(b) Written verification, on a form prescribed by the Administrator, stating that the fingerprints of the applicant were taken and directly

forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Administrator deems necessary.

3. The Administrator may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Administrator deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Administrator deems necessary.

4. Except as otherwise provided in NRS 239.0115, the Administrator shall keep the results of the investigation confidential.

~~5.~~ 5. The applicant shall pay the cost of the investigation.

~~6.~~ 6. An applicant is not required to satisfy the requirements of ~~subsection 1~~ **this section** if the applicant:

(a) Is licensed by the Superintendent of Public Instruction;

(b) Is an employee of the United States Department of Defense;

(c) Is a member of the faculty of an accredited postsecondary educational institution in another state who is domiciled in a state other than Nevada and is present in Nevada for a temporary period to teach at a branch of that accredited institution; ~~or~~

(d) Is an instructor who provides instruction from a location outside this State through a program of distance education for a postsecondary educational institution licensed by the Commission ~~for~~ who previously underwent an investigation of his or her background and the Administrator determines that an additional investigation is not necessary; or

(e) Has satisfied the requirements of subsection 1 within the immediately preceding 5 years.

7. *As used in this section, "distance education" means instruction delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated geographically.*

Sec. 2. This act becomes effective upon passage and approval.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

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

Amendment No. 599 to Assembly Bill No. 40 provides that distance education instructors for programs licensed by the Commission on Postsecondary Education are not required to undergo a background investigation if they have already had such an investigation, and the administrator of the Commission determines that an additional investigation is not needed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that the Secretary of the Senate dispense with reading the histories of all bills and resolutions for the remainder of the Legislative Session.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 113.

Bill read second time and ordered to third reading.

Assembly Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 571.

"SUMMARY—Revises provisions governing the collection of fines, administrative assessments ~~and~~ **and** fees ~~and restitution~~ owed by certain convicted persons. (BDR 14-557)"

"AN ACT relating to the State Controller; authorizing a county treasurer to enter into a cooperative agreement with the Office of the State Controller for the purpose of assigning the responsibility of collecting fines, administrative assessments ~~and~~ **and** fees ~~and restitution~~ from certain criminal defendants; making various changes relating to the collection of fines, administrative assessments ~~and~~ **and** fees ~~and restitution~~ from certain criminal defendants; making various changes relating to debt collection between this State and the Federal Government; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that if a fine, administrative assessment, fee or restitution imposed upon a defendant is delinquent: (1) the defendant is liable for a collection fee; (2) the entity responsible for collecting the delinquent amount may report the delinquency to credit reporting agencies, may contract with a collection agency and may request that the court take appropriate action; and (3) the court may request that a prosecuting attorney undertake collection efforts, may order the suspension of the driver's license of the defendant and may, in the case of a delinquent fine or administrative assessment, order that the defendant be confined in the appropriate prison, jail or detention facility. (NRS 176.064)

Sections 7 and 11 of this bill require the district court to forward to the county treasurer the necessary information for the collection of the debt of a criminal defendant. If a county is unable to collect the debt, **sections 7,**

11 and 14 of this bill authorize the county treasurer to enter into a cooperative agreement with the Office of the State Controller for the purpose of assigning to the Office of the State Controller the responsibility for collecting the debt.

Under existing law, a judgment entered by the court ordering a defendant to pay a fine, administrative assessment or restitution constitutes a lien. (NRS 176.275) **Section 8** of this bill requires a district court judge to inform a defendant at the time of sentencing of the provisions of NRS 176.275, and that if the lien is not satisfied, collection efforts may be undertaken against the defendant.

Sections 9 and 12 of this bill require a defendant to pay costs and fees associated with the efforts to collect a debt.

Section 14 authorizes the Office of the State Controller to enter into a cooperative agreement with a governmental entity for the purpose of establishing the Office of the State Controller as the collection agent for the governmental entity.

Section 15 of this bill authorizes the State Controller or his or her designee to enter into a reciprocal agreement with the Federal Government for the collection and offset of indebtedness.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 7, 8 and 9 of this act.

Sec. 7. 1. *If a fine, administrative assessment ~~or fee for restitution~~ is imposed pursuant to this chapter upon a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a felony or gross misdemeanor, the district court entering the judgment of conviction shall forward to the county treasurer or other office assigned by the county to make collections the information necessary to collect the fine, administrative assessment ~~or fee for restitution~~. The county treasurer or other office assigned by the county to make collections is responsible for such collection efforts and has the authority to collect the fine, administrative assessment ~~or fee for restitution~~.*

2. *If the county treasurer or other office assigned by the county to make collections is unable to collect the fine, administrative assessment ~~or fee for restitution~~ after 60 days, the county treasurer may assign to the Office of the State Controller the responsibility for collection of the fine, administrative assessment ~~or fee for restitution~~ through a cooperative agreement pursuant to section 14 of this act, so long as the Office of the State Controller is willing and able to make such collection efforts.*

3. If the county treasurer and the Office of the State Controller enter into a cooperative agreement pursuant to section 14 of this act, the county treasurer or other county office assigned by the county to make collections shall forward to the Office of the State Controller the necessary information. For the purposes of this section, the information necessary to collect the fine, administrative assessment ~~and~~ or fee ~~for restitution~~ shall be considered and limited to:

- (a) The name of the defendant;
- (b) The date of birth of the defendant;
- (c) The social security number of the defendant;
- (d) The last known address of the defendant; and
- (e) The nature and the amount of money owed by the defendant.

4. If the Office of the State Controller is successful in collecting the fine, administrative assessment ~~and~~ or fee ~~for restitution~~, the money collected must be returned to the originating county, minus the costs and fees actually incurred in collecting the fine, administrative assessment ~~and~~ or fee ~~for restitution~~ pursuant to section 9 of this act.

5. Any money collected pursuant to subsection 4 must be deposited in the State Treasury, pursuant to NRS 176.265.

6. Any record created pursuant to subsection 3 that contains personal identifying information shall not be considered a public record pursuant to NRS 239.010 and must be treated pursuant to NRS 239.0105.

7. Unless otherwise prohibited by law, the entity responsible for collecting the fine, administrative assessment ~~and~~ or fee ~~for restitution~~ pursuant to this section ~~and~~ has the authority to compromise the amount to be collected for the purpose of satisfying the judgment.

Sec. 8. If a district court imposes a fine, administrative assessment ~~and~~ or fee ~~for restitution~~ upon a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a felony or gross misdemeanor, the district court judge shall advise the defendant at the time of sentencing that:

1. The judgment constitutes a lien, pursuant to NRS 176.275; and
2. If the defendant does not satisfy the lien, collection efforts may be undertaken against the defendant pursuant to the laws of this State.

Sec. 9. 1. A defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill who owes a fine, administrative assessment ~~and~~ or fee ~~for restitution~~ pursuant to section 7 of this act, must be assessed by and pay to the county treasurer or other office assigned by the county to make collections the following costs and fees if the county treasurer or other office assigned by the county to make collections is successful in collecting the fine, administrative assessment ~~and~~ or fee ~~for restitution~~:

- (a) The costs and fees actually incurred in collecting the fine, administrative assessment ~~and~~ or fee ~~for restitution~~ and

(b) A fee payable to the county treasurer in the amount of 2 percent of the amount of the fine, administrative assessment ~~+~~ or fee ~~for restitution~~ assigned to the county treasurer or other office assigned by the county to make collections.

2. The total amount of the costs and fees required to be collected pursuant to subsection 1 must not exceed 35 percent of the amount of the fine, administrative assessment ~~+~~ or fee ~~for restitution~~ or \$50,000, whichever is less.

Sec. 10. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.

Sec. 11. 1. *If a district court orders a defendant to pay for expenses incurred by the county or State in providing the defendant with an attorney pursuant to NRS 178.3975 or makes an execution on the property of the defendant pursuant to NRS 178.398, the district court entering the judgment shall forward to the county treasurer or other office assigned by the county to make collections the information necessary to collect the fee. The county treasurer or other office assigned by the county to make collections is responsible for such collection efforts and has the authority to collect the fee.*

2. If the county treasurer or other office assigned by the county to make collections is unable to collect the fee after 60 days, the county treasurer may assign to the Office of the State Controller the responsibility for collection of the fee through a cooperative agreement pursuant to section 14 of this act, so long as the Office of the State Controller is willing and able to make such collection efforts.

3. If the county treasurer and the Office of the State Controller enter into a cooperative agreement pursuant to section 14 of this act, the county treasurer or other county office assigned by the county to make collections shall forward to the Office of the State Controller the necessary information. For purposes of this section, the information necessary to collect the fee shall be considered and limited to:

- (a) The name of the defendant;*
- (b) The date of birth of the defendant;*
- (c) The social security number of the defendant;*
- (d) The last known address of the defendant; and*
- (e) The nature and the amount of money owed by the defendant.*

4. If the Office of the State Controller is successful in collecting the fee, the money collected must be returned to the originating county, minus the costs and fees actually incurred in collecting the fee.

5. Any money collected must be paid to the county or state public defender's office which bore the expense and which was not reimbursed by another governmental agency, pursuant to NRS 178.3975.

6. Any record created pursuant to subsection 3 that contains personal identifying information shall not be considered a public record pursuant to NRS 239.010 and must be treated pursuant to NRS 239.0105.

7. Unless otherwise prohibited by law, the entity responsible for collecting the fee pursuant to this section, has the authority to compromise the amount to be collected for the purpose of satisfying the judgment.

Sec. 12. 1. A defendant who owes a fee pursuant to section 11 of this act, must be assessed by and pay to the county treasurer or other office assigned by the county to make collections, the following costs and fees if the county treasurer or other office assigned by the county to make collections is successful in collecting the fee:

(a) The costs and fees actually incurred in collecting the fee; and

(b) A fee payable to the county treasurer in the amount of 2 percent of the amount of the fee assigned to the county treasurer or other office assigned by the county to make collections.

2. The total amount of the costs and fees required to be collected pursuant to subsection 1 must not exceed 35 percent of the amount of the fee or \$50,000, whichever is less.

Sec. 13. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this act.

Sec. 14. The Office of the State Controller may act as the collection agent for any governmental entity pursuant to a cooperative agreement entered into between the Office of the State Controller and the governmental entity.

Sec. 15. The State Controller or his or her designee may enter into a reciprocal agreement with the Federal Government for the collection and offset of indebtedness, pursuant to which the State will offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to the departments, agencies or institutions of this State, non tax related debt owed to the Federal Government, and the Federal Government will offset from federal payments to vendors and taxpayers debt owed to the State of Nevada.

Sec. 16. This act becomes effective on July 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.

Amendment No. 571 to Assembly Bill No. 196 excludes restitution as a collectible item, but retains administrative assessments, fees, and fines for which collection procedures are to be established.

Amendment adopted.

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

Assembly Bill No. 233.

Bill read second time and ordered to third reading.

Assembly Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 577.

"SUMMARY—Makes various changes pertaining to certain court reporters. (BDR 1-235)"

"AN ACT relating to court reporters; making various changes pertaining to the appointment, duties and work product of court reporters in the district courts and justice courts of this State; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill provides that a business organization appointed to provide to a district court the services of a certified court reporter must be licensed by the Certified Court Reporters' Board of Nevada. (NRS 3.320)

Section 2 of this bill clarifies that an official reporter pro tempore of a district court is appointed rather than employed and, like the official reporter he or she replaces, does not have a fixed term of employment. (NRS 3.320, 3.340)

Section 3 of this bill states that prima facie evidence of the testimony and proceedings in a district court is provided by the transcript and not the report of the official reporter. (NRS 3.360)

Section 4 of this bill makes various changes with respect to the compensation of the official reporter of a district court. (NRS 3.370)

Section 5 of this bill provides that, when sound recording equipment is used to record proceedings in a district court and a transcript is subsequently made: (1) the person who transcribes the recording shall subscribe to an oath that he or she has truly and correctly transcribed the proceedings as recorded; and (2) the person who operates the sound recording equipment shall subscribe to an oath that the sound recording is a true and accurate recording of the proceedings and, in the event of an error, malfunction or other problem relating to the sound recording equipment or the sound recording, report that error, malfunction or problem to the court.

Section 5 also requires a copy of a sound recording, if requested, to be provided with a requested transcript. The cost for providing the recording must not exceed the actual cost of producing the recording and must be paid by the party who requests the recording. (NRS 3.380)

Section 6 of this bill states that, with regard to proceedings in a justice court, compensation for the preparation of a transcript is to be deposited with the certified court reporter and not with the deputy clerk of the court. (NRS 4.410)

Section 7 of this bill provides that: (1) the sound recording of each proceeding in justice court must be preserved until at least 1 year, instead of 30 days, after the time for filing an appeal expires; and (2) with respect to certain criminal proceedings in a justice court, sound recordings must be preserved for a period of at least 8 years. (NRS 4.420)

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

Section 1. NRS 3.320 is hereby amended to read as follows:

3.320 1. The judge or judges of any district court may appoint, subject to the provisions of this chapter and other laws as to the qualifications and examinations of the appointee, one certified court reporter, to be known as

official reporter of the court or department and to hold office during the pleasure of the judge appointing the official reporter. The appointee may be any business organization *licensed by the Board* if the person representing ~~it,~~ *the business organization*, who actually performs the reporting service, is a certified court reporter.

2. The official reporter, or any one of them if there are two or more, shall:

(a) At the request of either party or of the court in a civil action or proceeding, and on the order of the court, the district attorney or the attorney for the defendant in a criminal action or proceeding, make a record of all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, and all statements and remarks made by the district attorney or judge, and all oral instructions given by the judge; and

(b) ~~It~~ *When* directed by the court or requested by either party, within such reasonable time after the trial of the case as may be designated by law or, in the absence of any law relating thereto, by the court, ~~write out the record, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter or other printing machine,~~ *transcribe the record into a written transcript.* The reporter shall certify ~~to that copy as being~~ *that the action or proceeding was* correctly reported and transcribed and, when directed by the law or court, shall file ~~it,~~ *the written transcript* with the clerk of the court.

3. *As used in this section, "Board" means the Certified Court Reporters' Board of Nevada, created by NRS 656.040.*

Sec. 2. NRS 3.340 is hereby amended to read as follows:

3.340 The official reporter of any district court shall attend to the duties of office in person except when excused for good and sufficient reason by order of the court, which order shall be entered upon the minutes of the court. Employment in his or her professional capacity elsewhere shall not be deemed a good and sufficient reason for such excuse. When the official reporter of any court has been excused in the manner provided in this section, the court may designate an official reporter pro tempore who shall perform the same duties and receive the same compensation during the term of his or her ~~employment~~ *appointment* as the official reporter.

Sec. 3. NRS 3.360 is hereby amended to read as follows:

3.360 The ~~report~~ *transcript* of the official reporter, or official reporter pro tempore, of any court, duly appointed and sworn, when transcribed and certified as being a correct transcript of the testimony and proceedings in the case, is prima facie evidence of such testimony and proceedings.

Sec. 4. NRS 3.370 is hereby amended to read as follows:

3.370 1. Except as otherwise provided in subsection 3, for his or her services the official reporter or reporter pro tempore is entitled to the following compensation:

(a) For being available to report civil and criminal testimony and proceedings when the court is sitting during traditional business hours on any day except Saturday or Sunday, \$170 per day, to be paid by the county as provided in subsection 4.

(b) For being available to report civil and criminal testimony and proceedings when the court is sitting beyond traditional business hours or on Saturday or Sunday:

(1) If the reporter has been available to report for at least 4 hours, \$35 per hour for each hour of availability; or

(2) If the reporter has been available to report for fewer than 4 hours, a pro rata amount based on the daily rate set forth in paragraph (a),
↳ to be paid by the county as provided in subsection 4.

(c) For transcription:

(1) Except as otherwise provided in subparagraph (2), for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, \$7.50 per page for the original draft and one copy, and \$2 per page for each additional copy;

(II) Within 48 hours after it is requested, \$5.62 per page for the original draft and one copy, and \$1.50 per page for each additional copy;

(III) Within 4 days after it is requested, \$4.68 per page for the original draft and one copy, and \$1.25 per page for each additional copy; or

(IV) More than 4 days after it is requested, \$3.55 per page for the original draft and one copy, and 55 cents per page for each additional copy.

(2) For civil litigants who are ordering the original draft and are represented by a nonprofit legal corporation or a program for pro bono legal assistance, for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, \$5.50 per page and \$1.10 per page for each additional copy;

(II) Within 48 hours after it is requested, \$4.13 per page and 83 cents per page for each additional copy;

(III) Within 4 days after it is requested, \$3.44 per page and 69 cents per page for each additional copy; or

(IV) More than 4 days after it is requested, \$2.75 per page and 55 cents per page for each additional copy.

(3) For any party other than the party ordering the original draft, for the copy of the draft to be delivered:

(I) Within 24 hours after it is requested, \$1.10 per page;

(II) Within 48 hours after it is requested, 83 cents per page;

(III) Within 4 days after it is requested, 69 cents per page; or

(IV) More than 4 days after it is requested, 55 cents per page.

(d) For reporting all civil matters, in addition to the compensation provided in paragraphs (a) and (b), \$30 for each hour or fraction thereof actually spent, to be taxed as costs pursuant to subsection 5.

(e) For providing an instantaneous translation of testimony into English which appears on a computer that is located at a table in the courtroom where the attorney who requested the translation is seated:

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests such a translation, in addition to the compensation provided pursuant to paragraphs (a) and (b), \$140 for the first day and \$90 per day for each subsequent day from the party who makes the request. This additional compensation must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the translation service to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests such a translation, in addition to the compensation provided pursuant to paragraphs (a), (b) and (d), \$140 for the first day and \$90 per day for each subsequent day, to be paid by the party who requests the translation.

(f) For providing a diskette containing testimony prepared from a translation provided pursuant to paragraph (e):

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the compensation provided pursuant to paragraphs (a), (b) and (e), \$1.50 per page of the translation contained on the diskette from the party who makes the request. This additional compensation must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the diskette to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the compensation provided pursuant to paragraphs (a), (b), (d) and (e), \$1.50 per page of the translation contained on the diskette, to be paid by the party who requests the diskette.

2. For the purposes of subsection 1, a page is a sheet of paper 8 1/2 by 11 inches **†† and does not include a condensed transcript.** The left margin must not be more than 1 1/2 inches from the left edge of the paper. The right margin must not be more than three-fourths of an inch from the right edge of the paper. Each sheet must be numbered on the left margin and must contain at least 24 lines of type. The first line of each question and of each answer may be indented not more than five spaces from the left margin. The first line of any paragraph or other material may be indented not more than 10 spaces from the left margin. There must not be more than one space between words or more than two spaces between sentences. The type size must not be larger than 10 characters per inch. The lines of type may be double spaced or one and one-half spaced.

3. If the court determines that the services of more than one reporter are necessary to deliver transcripts on a daily basis in a criminal proceeding, each reporter is entitled to receive:

(a) The compensation set forth in paragraphs (a) and (b) of subsection 1 and subparagraph (1) of paragraph (e) of subsection 1, as appropriate; and

(b) Compensation of \$7.50 per page for the original draft and one copy, and \$2 per page for each additional copy for transcribing a proceeding of which the transcripts are ordered by the court to be delivered on or before the start of the next day the court is scheduled to conduct business.

4. The compensation specified in paragraphs (a) and (b) of subsection 1, the compensation for transcripts in criminal cases ordered by the court to be made, the compensation for transcripts in civil cases ordered by the court pursuant to NRS 12.015, the compensation for transcripts for parents or guardians or attorneys of parents or guardians who receive transcripts pursuant to NRS 432B.459, the compensation in criminal cases that is ordered by the court pursuant to subparagraph (1) of paragraph (e) and subparagraph (1) of paragraph (f) of subsection 1 and the compensation specified in subsection 3 must be paid out of the county treasury upon the order of the court. When there is no official reporter in attendance and a reporter pro tempore is appointed, his or her reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in the same manner. The respective district judges may, with the approval of the respective board or boards of county commissioners within the judicial district, fix a monthly salary to be paid to the official reporter in lieu of per diem. The salary, and also actual traveling expenses in cases where the reporter acts in more than one county, must be prorated by the judge on the basis of time consumed by work in the respective counties and must be paid out of the respective county treasuries upon the order of the court.

5. Except as otherwise provided in subsection 4, in civil cases, the compensation prescribed in paragraph (d) of subsection 1 and for transcripts ordered by the court to be made must be paid by the parties in equal proportions, and either party may, at the party's option, pay the entire compensation. In either case, all amounts so paid by the party to whom costs are awarded must be taxed as costs in the case. The compensation for transcripts and copies ordered by the parties must be paid by the party ordering them. No reporter may be required to perform any service in a civil case until his or her compensation has been paid to him or her. ~~for deposited with the clerk of the court.~~

6. Where a transcript is ordered by the court or by any party, the compensation for ~~it~~ **the transcript** must be paid to the ~~clerk of the court~~ and by the clerk paid to the reporter ~~upon~~ **before** the furnishing of the transcript.

~~{7.} {The testimony and proceedings in an uncontested divorce action need not be transcribed unless requested by a party or ordered by the court.} {If a proceeding is recorded and a transcript is requested, a copy of any sound recording must, if requested, be provided with the transcript. The cost for providing the sound recording must not exceed the actual cost of production and must be paid by the party who requests the sound recording.}~~

Sec. 5. NRS 3.380 is hereby amended to read as follows:

3.380 1. The judge or judges of any district court may, with the approval of the board of county commissioners of any one or more of the counties comprising such district, in addition to the appointment of a court reporter as in this chapter provided, enter an order for the installation of sound recording equipment for use in any of the instances recited in NRS 3.320, for the recording of any civil and criminal proceedings, testimony, objections, rulings, exceptions, arraignments, pleas, sentences, statements and remarks made by the district attorney or judge, oral instructions given by the judge and any other proceedings occurring in civil or criminal actions or proceedings, or special proceedings whenever and wherever and to the same extent as any of such proceedings have heretofore under existing statutes been recorded by the official reporter or any special reporter or any reporter pro tempore appointed by the court.

2. For the purpose of operating such sound recording equipment, the court or judge may appoint or designate the official reporter or a special reporter or reporter pro tempore or the county clerk or clerk of the court or deputy clerk. The person so operating such sound recording equipment shall subscribe to an oath that he or she will well and truly operate the equipment so as to record all of the matters and proceedings.

3. The court may then designate the person operating such equipment or any other competent person to ~~read~~ **listen to** the recording and to transcribe ~~it~~ **the recording** into ~~typewriting~~ **written text**. The person ~~transcribing~~ **who:**

(a) **Transcribes** the recording shall subscribe to an oath that he or she has truly and correctly transcribed ~~it~~ **the proceedings as recorded**.

(b) **Operates the sound recording equipment as described in subsection 2 shall:**

(1) **Subscribe to an oath that the sound recording is a true and accurate recording of the proceedings; and**

(2) **In the event of an error, malfunction or other problem relating to the sound recording equipment or the sound recording, report that error, malfunction or problem to the court.**

4. The transcript may be used for all purposes for which transcripts have heretofore been received and accepted under then existing statutes, including transcripts of testimony and transcripts of proceedings as constituting bills of exceptions or part of the bill of exceptions on appeals in all criminal cases and transcripts of the evidence or proceedings as constituting the record on appeal in civil cases and including transcripts of preliminary hearings before justices of the peace and other committing magistrates, and are subject to correction in the same manner as transcripts under existing statutes.

5. **If a proceeding is recorded and a transcript is requested, a copy of the sound recording must, if requested, be provided with the transcript. The cost for providing the sound recording must not exceed the actual cost of**

production and must be paid by the party who requests the sound recording.

6. In civil and criminal cases when the court has ordered the use of such sound recording equipment, any party to the action, at the party's own expense, may provide a certified court reporter to make a record of and transcribe all the matters of the proceeding. In such a case, the record prepared by sound recording is the official record of the proceedings, unless it fails or is incomplete because of equipment or operational failure, in which case the record prepared by the certified court reporter shall be deemed, for all purposes, the official record of the proceedings.

Sec. 6. NRS 4.410 is hereby amended to read as follows:

4.410 1. If the person designated to transcribe the proceedings is:

(a) Regularly employed as a public employee, the person is not entitled to additional compensation for preparing the transcript.

(b) Not regularly employed as a public employee and not a certified court reporter, the person is entitled to such compensation for preparing the transcript as the board of county commissioners determines.

(c) A certified court reporter, the person is entitled to the same compensation as set forth in NRS 3.370.

2. The compensation for transcripts and copies must be paid by the party ordering them. In a civil case, the preparation of the transcript need not commence until the compensation has been deposited with the ~~deputy clerk of the court.~~ **court reporter.**

Sec. 7. NRS 4.420 is hereby amended to read as follows:

4.420 ~~The~~

1. Except as otherwise provided in this section:

(a) **The** sound recording of each proceeding in justice court must be preserved until at least ~~30 days~~ **1 year** after the time for filing an appeal expires.

(b) **With respect to a proceeding in justice court that involves a misdemeanor for which enhanced penalties may be imposed, a gross misdemeanor or a felony, the sound recording of the proceeding must be preserved for at least 8 years after the time for filing an appeal expires.**

2. If no appeal is taken, the justice of the peace may order the destruction of the recording at any time after ~~that date.~~ **the date specified in subsection 1.**

3. If there is an appeal to the district court, the sound recording must be preserved until at least 30 days after final disposition of the case on appeal, but the justice of the peace may order the destruction of the recording at any time after that date.

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

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener

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

Amendment No. 577 to Assembly Bill No. 249 moves from Section 4 to Section 5 new language concerning the availability of a sound recording upon request of a transcript. It also clarifies that payment for a transcript must be paid to the reporter before the transcript is provided.

Amendment adopted.

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

Assembly Bill No. 290.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 601.

"SUMMARY—Revises provisions governing pupils enrolled in high school. (BDR 34-647)"

"AN ACT relating to education; authorizing the principal of a high school or the principal's designee to postpone the administration of the high school proficiency examination in the subject areas of mathematics and science for a pupil who is not academically ready in those subject areas; authorizing the board of trustees of a school district to administer the practice test of the high school proficiency examination to pupils enrolled in high school; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the high school proficiency examination is administered to pupils enrolled in high school in the subject areas of reading, mathematics, science and writing. (NRS 389.015, 389.550) Also under existing law, unless a pupil satisfies certain alternative criteria, passage of the high school proficiency examination in its entirety is required for receipt of a standard high school diploma. (NRS 389.805) Existing administrative regulations of the State Board of Education set forth the times for the administration of the high school proficiency examination beginning with grade 10. (NAC 389.051) **Section 4** of this bill authorizes the principal of a high school or the principal's designee to postpone the administration of the high school proficiency examination in the subject area of mathematics or science, or both, for a pupil enrolled in grade 10 for not more than 1 year if: (1) the principal or the principal's designee and the pupil's teacher who provides instruction in the applicable subject area determine based upon the criteria for grading established by the school district for the applicable subject area, that the pupil is not academically ready to take the examination; ~~if, based upon a determination that the pupil is not achieving at least 79 percent competency in the applicable subject area;~~ and (2) the parent or legal guardian of the pupil agrees in writing that the pupil is not academically ready for that subject area of the examination. If the administration of the examination is postponed, the pupil's academic plan for high school must be revised to ensure that: (1) the pupil is enrolled in or scheduled to enroll in the appropriate course work for his or her grade level

and receives the necessary preparation to enable the pupil to take the subject area of the high school proficiency examination which was postponed; and (2) the pupil participates in the statewide program to prepare pupils for the high school proficiency examination or enrolls in a course of study offered by the board of trustees of the school district designed to assist pupils with passing the high school proficiency examination.

Effective on July 1, 2011, existing law authorizes the board of trustees of each school district to require the administration of district-wide tests, examinations and assessments that are in addition to any other test, examination or assessment that is required by state or federal law. (NRS 389.006) **Section 4.5** of this bill authorizes the board of trustees of each school district to administer the practice test of the high school proficiency examination to pupils enrolled in high school.

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

Section 1. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

- (a) Work in consultation with a school counselor to develop an academic plan for the pupil;
- (b) Sign the academic plan; and
- (c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

3. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

4. *If the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed for a pupil pursuant to section 4 of this act, the pupil's academic plan must be revised in consultation with the pupil's teacher who provides instruction in the applicable subject area and the pupil's parent or legal guardian as set forth in section 4 of this act.*

5. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and

receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 2. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. (Deleted by amendment.)

Sec. 4. 1. *The principal of a high school, or the principal's designee, may postpone, for not more than 1 year, the administration of the high school proficiency examination in the subject area of mathematics or science, or both, for a pupil enrolled in grade 10 at the high school if:*

(a) *The principal, or the principal's designee, and the pupil's teacher who provides instruction in the applicable subject area determine based upon the criteria for grading established by the school district for the applicable subject area, that the pupil is not academically ready to take the high school proficiency examination in the subject area of mathematics or science . ~~based upon a determination that the pupil is not achieving at least 79 percent competency in the applicable subject area.~~ If the high school in which the pupil is enrolled administers the practice test of the high school proficiency examination, the results of the pupil on that test may be included as one of the factors to determine the pupil's readiness.*

(b) *The parent or legal guardian of the pupil agrees in writing with the determination of the principal, or the principal's designee, and the teacher that the pupil is not academically ready to take the high school proficiency examination in the subject area of mathematics or science, or both.*

2. *If the administration of the mathematics or science subject area of the high school proficiency examination is postponed for a pupil pursuant to subsection 1, the principal of the school, or the principal's designee, shall provide the pupil and his or her parent or legal guardian a copy of the informational pamphlet concerning the high school proficiency examination developed by the Department pursuant to NRS 389.0173.*

3. *If the administration of the mathematics or science subject area of the high school proficiency examination is postponed for a pupil pursuant to subsection 1, the academic plan of the pupil developed pursuant to NRS 388.205 must be revised to:*

(a) *Ensure that the pupil is enrolled in or scheduled to enroll in the course work for his or her grade level and receives the necessary preparation to enable the pupil to take the subject area of the high school proficiency examination for which the examination is postponed; and*

(b) *Require the pupil to participate in the statewide program to prepare pupils for the high school proficiency examination established pursuant to NRS 389.0175 or enroll in the course of study designed to assist pupils with passing the high school proficiency examination prescribed by the State Board pursuant to NRS 389.045, or both.*

4. *On or before July 1 of each year, the board of trustees of each school district shall submit a report to the Department and the Legislative Committee on Education indicating:*

(a) The number of pupils for whom the administration of the high school proficiency examination is postponed in the immediately preceding school year; and

(b) A notation indicating whether the administration was postponed for the subject area of mathematics or science, or both.

Sec. 4.5. NRS 389.006 is hereby amended to read as follows:

389.006 1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments , ***including, without limitation, the practice test of the high school proficiency examination to pupils enrolled in high school,*** that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

Sec. 5. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Mathematics; and
- (c) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11 ~~††~~ , ***except for a pupil enrolled in grade 10 for whom the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed pursuant to section 4 of this act.***

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

➔ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, the pupil may be promoted to the next higher grade, but the results of the pupil's examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. Except as otherwise provided in subsection 6, if a pupil fails to pass the high school proficiency examination, the pupil must not be graduated unless he or she:

- (a) Is able, through remedial study, to pass the proficiency examination; or
- (b) Passes the subject areas of mathematics and reading tested on the proficiency examination, has at least a 2.75 grade point average on a 4.0 grading scale and satisfies the alternative criteria prescribed by the State Board pursuant to NRS 389.805,

↳ but the pupil may be given a certificate of attendance, in place of a diploma, if the pupil has reached the age of 18 years.

6. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 5 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

- (a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;
- (b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or
- (c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

7. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

- (a) To the extent necessary for administering and evaluating the examinations.

- (b) That a disclosure may be made to a:

- (1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his or her duties;

- (2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his or her duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his or her duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his or her duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) As required pursuant to NRS 239.0115.

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

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

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

Amendment No. 601 revises the bill concerning the method of determining if a student may need a one-year delay for taking the mathematics or science portion of the State's high school proficiency exam. The amendment deletes the specific requirement for achieving 79 percent competency, and instead requires school districts to establish grading criteria for this purpose.

Amendment adopted.

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

Assembly Bill No. 306.

Bill read second time and ordered to third reading.

Assembly Bill No. 368.

Bill read second time and ordered to third reading.

Assembly Bill No. 451.

Bill read second time and ordered to third reading.

Assembly Bill No. 551.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 75.

Bill read third time.

Remarks by Senators Kihuen, Roberson, Brower, Schneider, Hardy and Kieckhefer.

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

SENATOR KIHUEN:

Senate Bill No. 75 requires the State Treasurer, at the direction of the Commission on Economic Development, to provide private equity funding to businesses that engage in certain industries. It allows the State Treasurer to invest an amount not to exceed \$50 million of the State Permanent School Fund in businesses located or seeking to locate in Nevada.

SENATOR ROBERSON:

The State Treasurer's Office relies on a Declaratory Order signed by a district court judge to claim that this legislation is not unconstitutional.

This Declaratory Order is nothing more than a substitute for a legal opinion from the Attorney General's Office, which the Attorney General's Office has failed to provide.

The order was prepared by the Attorney General's Office. It was not contested and for that reason appears to have been signed by the court.

This does not make the legislation constitutional. The Nevada Supreme Court has not addressed this situation.

I will state again, the Attorney General's Office has failed to provide a legal opinion in favor of the constitutionality of this legislation. The Legislative Counsel Bureau (LCB) has also failed to provide such an opinion. I think there is good reason for their failure to offer such legal opinion.

Therefore, until the State Supreme Court decides that this legislation is constitutional, I believe that it is unconstitutional, as it is in violation of Section 9 of Article 8 of the Nevada State Constitution.

The 1989, 1991, 1993, 1995, 1997 and 1999 Legislatures all passed joint resolutions trying to get rid of Article 8, Section 9 of the *Nevada Constitution*. This resulted in votes of the people in 1992, 1996 and 2000. It was handily voted down in each of those elections.

I would ask my colleagues to support the Nevada State Constitution and the clear will of the people and reject this legislation.

SENATOR BROWER:

Thank you, Mr. President. My colleague from Clark County makes a compelling case. I sat on the committee that heard this bill and was impressed by some of the ideas brought forward that were behind this bill. I considered it with great interest in terms of it being an "outside the box" approach to this issue. As our colleague has indicated, we have not been able to get a clean bill of health on this bill in terms of its constitutionality. I expressed reservations in that regard in committee and since that time we have not seen an Attorney General Office opinion and we have not seen an LCB opinion. Most importantly, for our purposes here, we have not seen a Nevada Supreme Court opinion. They have not said, definitively, that this unique approach is, in fact, constitutional. Until we have that, we ought not as a Legislative Body go out on a limb and pass something that we are not certain is constitutional. For that reason I oppose this bill.

SENATOR SCHNEIDER:

I have heard here, today, that the LCB and the Attorney General's Office have not issued opinions. Has an opinion been requested? Did they refuse to give an opinion? We have 21 members in this Chamber and we all have different opinions. I can give you my opinion and tell you it is or is not constitutional, but my opinion does not count.

SENATOR KIHUEN:

The Attorney General's Office wrote the judicial confirmation, which they would not do if they did not think it was constitutional. LCB would not have drafted the bill if they did not think it was constitutional. It was suggested that the Supreme Court weigh in, but the Supreme Court cannot weigh in until an issue is "ripe," meaning until it is actually something possible, not theoretical.

SENATOR HARDY:

Thank you, Mr. President. I have not been privy to the conversations about the constitutionality of this bill. The amendment we addressed was prepared by LCB. We have a "he said, she said" issue going on at this time. I feel uncomfortable if we are processing something that has a constitutional question in it.

SENATOR ROBERSON:

Thank you, Mr. President. I have had a conversation with LCB. There was a reluctance from LCB to get involved in this now that the district court has signed the order requested by the State Treasurer's Office or by the Attorney General's Office. It is my sense that if the State Treasurer believed the Legislative Counsel Bureau would give that office a favorable opinion that one

would have been requested. I think it is telling that the LCB has not given an opinion, nor has the Attorney General's Office given a legal opinion. I do not think they are willing to stand by this. It is one thing to ask a judge to sign an order, it is another thing to have the Attorney General's Office say, "Yes, we believe as a matter of law, this is our opinion that it is constitutional." From my prospective, it says a lot that there is no legal opinion from either LCB or the Attorney General's Office.

SENATOR KIECKHEFER:

Thank you, Mr. President. I am not an attorney and I do not want to get into a legal debate with my colleagues who are. It is not the Attorney General's Office or LCB who determines what is the law of this land, it is the courts. They are a separate, but equal branch of government to ours. There is a duly elected district court judge who has issued an opinion that this is consistent with the Nevada State Constitution. If we waited for every bill we passed to be reviewed by the Supreme Court for its constitutionality, we would be held up significantly in our work. I will have to rely in the belief that the district court judge believes that it is constitutional and that he has the voice of authority on matters concerning what is and what is not constitutional. I will rely on his opinion.

Roll call on Senate Bill No. 75:

YEAS—13.

NAYS—Brower, Cegavske, Gustavson, Halseth, McGinness, Rhoads, Roberson, Settlemeyer—8.

Senate Bill No. 75 having received a constitutional majority, Mr. President declared it passed, as amended.

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 12:55 p.m.

SENATE IN SESSION

At 12:57 p.m.

President Pro Tempore Schneider presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 470.

Bill read third time.

Roll call on Senate Bill No. 470:

YEAS—21.

NAYS—None.

Senate Bill No. 470 having received a constitutional majority, Mr. President Pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 474.

Bill read third time.

Roll call on Senate Bill No. 474:

YEAS—21.

NAYS—None.

Senate Bill No. 474 having received a constitutional majority, Mr. President Pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 478.

Bill read third time.

Roll call on Senate Bill No. 478:

YEAS—21.

NAYS—None.

Senate Bill No. 478 having received a constitutional majority, Mr. President Pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 479.

Bill read third time.

Roll call on Senate Bill No. 479:

YEAS—21.

NAYS—None.

Senate Bill No. 479 having received a constitutional majority, Mr. President Pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 482.

Bill read third time.

Roll call on Senate Bill No. 482:

YEAS—21.

NAYS—None.

Senate Bill No. 482 having received a constitutional majority, Mr. President Pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Assembly Bills Nos. 23, 110, 115, 130, 141, 145, 146, 182, 200, 237, 280, 395, 396, 420, 422, 454, 472, 480, 544; Assembly Joint Resolution No. 1, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was re-referred Senate Bill No. 493, 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 Revenue.

STEVEN A. HORSFORD, *Chair*

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

Senate in recess at 1:02 p.m.

SENATE IN SESSION

At 1:19 p.m.

President Pro Tempore Schneider presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bill No. 493 be re-referred to the Committee on Revenue.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 18, 2011

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 566.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 566.

Senator Parks moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Lee moved to reconsider the vote whereby Senate Bill No. 75 was this day passed.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 75.

Bill read third time.

Roll call on Senate Bill No. 75:

YEAS—12.

NAYS—Brower, Cegavske, Gustavson, Halseth, Lee, McGinness, Rhoads, Roberson, Settlemeyer—9.

Senate Bill No. 75 having received a constitutional majority, Mr. President Pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President Pro Tempore and Secretary signed Senate Bill No. 31; Assembly Bills Nos. 1, 30, 36, 37, 42, 45, 46, 50, 61, 62, 63, 68, 73, 203, 211, 214, 215.

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 the following students from the Nate Mack Elementary School: Bailey Burns, Sebastian Campbell, Rachel Carpenter, Sean Cooper, Sam Cox, Justin Dalton, Tuff Donovan, Jenna Ellis,

Cora Jenkins, Jessica Lindsay, John McCullough, Hayley McNally, Mason Mellor, Gerald Miller, Daniel Raspopovich, Meia Stuart, Griffin Szeman, Desirae Taylor, Eric Toca, Jazlyn Vidrios, Sophia Broussard, Jonathan Chavarria, Eric Cooper, Jasmin Finney, Julian Hulse, Kris Bernielle Icban, Calvin Juarez, Ryan Luker, Dianni Mariano, Brenna Pease, Jazmine Perez, Jenna Rosario, David Scott, Roxanne Torres, Bailey Trotta, Gregor Anthony Laswell, Breanna Brown, Jake Crawford, Alondra Diaz Morones, Alexis Flynn, Ryedae Kemp, Gwyneth Miller, Nicholas Paradis, Morgan Seiler, Shelly Vazquez, Fatima Garcia, Theresa Hermann, Jacqueline Carpenter, MaryAnne Cox, Kathia Dalton, John Donovan, Corrin Jenkins, Barbara Lindsay, Robin Mellor, Janette Rozgay Miller, John Raspopovich, Debra Stuart, End DePass, Jay Ramos, Angelique Agan, Marielsa Valle, Susan Pease, Robin Rosario, Nancy Heavey, Steven Crawford and Stacey Shaver.

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Major General (Retired) Ron Bath and Judge William A. Munnell.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to the following students from the Truckee Meadows Community College High School: Briel Anderson, Hunter Cavanagh, Lindsey Davis, Celina Gonzalez, Candace Goodman, Jessica Gutierrez, Amber Jones, Wanda LeGrange, Daniel Lewis, Courtney Linville, Olivia Myer, Margaret Perez, Michelle Rhodes, Jagpreet Singh, Carly Sitko, Steele Sasha, Jessica Stewart, Samuel Taber, Sara Aguirre, Alisha Bhatia, Kevin Carlson, Nicolle Derheim, Alivia Ely, Aizzabelle Garcia, Kimberly Godoy, Maria Gomez, Nicole Kenny, Amy Lawhon, Kori Lee, Elizabeth Loudon, Hope Loudon, Cassandra Mason, Megan Patten, Jennifer Pfennig, Hannah Tabbada and Shatton Zubieta.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Glen Carano, Lamise Carano, Pat Lundvahl, Perry Diloreto, Lieutenant Colonel Dan Waters, Ann Lee, Dawn Henderson, Bill Henderson, John Frankovich, Bob Lee, former Senator Terry Care, Mike Dayton, Paul C. Deyhle and Colonel Craig Wroblewski.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to the following students, teachers and chaperones from the Bernice Mathews Elementary School: Daniel Aguilar, Cassandra Marquez Flores, Daniel Andrade, Jayden Milton, Linda Arreola Gonzalez, Edgar Mora, Vicente Ivan Chavez Cobian, Alejandra Mora-Hernandez, Maritza Cruz, Javier Moreno, Jessica Dominguez, Kolotita Palavu, Avril Frazier, Sahara Ramirez, Marco Garcia Murillo, Adanelly Ruelas, Alma Garibay, America Sarabia, Millicent Gonzalez Neri, Roderick Steiner, Pedro Gurrola, Cynthia Valdez, Odalis Gusman Marquez, Leonel Valdivia, Kevin Hong, Ramon Valencia-Soto, Lilia Juarez Lara, Destiny

Westley, Anthony King, Giselle Mandujano, Briana Anderson, Lynette Maldonado, Joan Atienza, Joseph Marshall, Jesse Bailey, Carlos Moran, Giovanni Baltazar, Drake Neumann, Cynthia Barela, Warren Petteway, Marcos Batres, Kaylie Pinto, Oma Cabrera, Samantha Reyna, Bianca Ceja, Isac Rodriguez, Yocelyn Cervin, Nicholas Rosas, Jessica Delgado, Genaro Villarruel, Kristel Echavez, Mykiel Ellis, Nelly Estrada, Isaias German, Mario Gomez, Joseph Hanek, Nathan Hunter, Giovanni Jacobo, Marveta Lewis, Jose Jesus Luna; teachers and chaperones Holly Vialpando, Ryan Rogers, Jenny Ricci, Amie Stickel and Gary Reyna.

Senator Horsford moved that the Senate adjourn until Thursday May 19, 2011, at 11:30 a.m.

Motion carried.

Senate adjourned at 1:24 p.m.

Approved:

MICHAEL A. SCHNEIDER
President Pro Tempore of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate