

**THE ONE HUNDRED AND SIXTEENTH DAY**

---

CARSON CITY (Thursday), June 2, 2011

Senate called to order at 12:01 p.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

The time is ticking by pretty fast as we are seeing the deadlines for this, the Seventy-sixth Session of this Legislature.

It is so easy to become confused and then live in cross-purposes with each other.

Take us by the hand and help us to see things from Your viewpoint that we may see them as they really are. We come to choices and decisions with a prayer on our lips for our wisdom fails us. Give to these, Your servants in the Senate, Your wisdom.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

## REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair**Mr. President:*

Your Committee on Education, to which was referred Assembly Bill No. 224, 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 Finance, to which was referred Assembly Bill No. 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVEN A. HORSFORD, *Chair**Mr. President:*

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*MESSAGES FROM THE GOVERNOR  
OFFICE OF THE GOVERNOR

June 1, 2011

The Honorable John Oceguera, *Speaker of the Assembly*, Legislative Building, 401 South

Carson Street, Carson City, Nevada 89701

RE: Assembly Bill No. 135 of the 76th Legislative Session

DEAR SPEAKER OCEGUERA:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill No. 135, which is entitled:

AN ACT relating to probation; revising provisions concerning violations of probation; and providing other matters properly relating thereto.

This bill relates to the authority of courts to, upon determination that a person has violated a condition of probation, continue or revoke the probation or suspension of sentence. More specifically, the bill limits courts' discretion to revoke the probation and suspension of sentence to cases where: (1) imprisonment is necessary to protect the community from further criminal activity by the probationer; (2) the probationer is in need of treatment which can most effectively be provided if he or she is imprisoned; (3) the seriousness of the violation or the totality of violations by the probationer warrant revocation of probation and suspension of the sentence; or (4) the violation demonstrates the probationer cannot be supervised pursuant to practices and policies governing probation.

The bill further precludes courts from revoking probation and the suspension of the sentence based on the probationer's failure to pay court imposed administrative assessments, fees and expenses. In addition, before revoking probation and the suspension of the sentence, the bill requires courts to make findings to support the reasons for the revocation and state them on the record.

The requirement that courts state on the record the reasons for revocation of probation and the suspension of a sentence is reasonable. The limits imposed on the discretion of the courts to revoke probation and the suspension of a sentence, however, are not. The effective administration of justice requires the proportionate enforcement of criminal sentences. Proportionality is not, though, easily obtained through the application of categorical methodology. Instead, courts require flexibility and discretion in fashioning the appropriate response to a probation violation. Thus, courts have traditionally been granted latitude in determining the appropriate mechanism by which such sentences are enforced. The revocation of probation and the suspension of a sentence are tools often employed toward that end.

Insofar as this bill limits the cases in which these enforcement mechanisms are available, it undermines the ability of courts to effectively enforce sentences. The Legislature's attempt to categorically define the circumstances under which revocation of probation and the suspension of a sentence are appropriate fails to adequately capture the scope of cases where such revocation is appropriate; therefore, I veto this bill and return it to you without my approval.

Sincerely,

BRIAN SANDOVAL

*Governor of Nevada*

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

June 1, 2011

The Honorable John Ocegura, *Speaker of the Assembly*, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill No. 253 of the 76th Legislative Session

DEAR SPEAKER OCEGUERA:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill No. 253, which is entitled:

AN ACT relating to occupational safety; revising certain fines for willful violations of the Nevada Occupational Safety and Health Act; authorizing citations and fines for violation of a settlement agreement; providing for a survey of salaries of safety and mechanical inspectors; and providing other matters properly relating thereto.

This bill relates to occupational safety. It proposes significant increases to the fines that may be imposed for willful violations of the Nevada Occupational Safety and Health Act (OSHA).

The bill also revises the punishment for a willful violation that results in the death of an employee.

There is some merit to the argument that the bill's increased fines may help reduce the number of willful OSHA violations occurring in Nevada's workplaces. However, a more innovative and proactive approach is warranted to improve workplace safety and change behavior before it results in workplace injuries or death. I therefore exercise my constitutional grant of authority to veto AB 253 and return it to you without my approval.

Sincerely,  
BRIAN SANDOVAL  
*Governor of Nevada*

MESSAGES FROM THE GOVERNOR  
OFFICE OF THE GOVERNOR

June 1, 2011

The Honorable John Oceguera, *Speaker of the Assembly*, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill No. 254 of the 76th Legislative Session

DEAR SPEAKER OCEGUERA:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill No. 254, which is entitled:

AN ACT relating to occupational safety; revising provisions governing the grounds for the issuance of a citation for certain occupational safety and health violations; providing for the issuance of a citation for certain occupational safety and health violations upon a determination by the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative that any employee has access to a hazard; and providing other matters properly relating thereto.

This bill relates to occupational safety. Like Assembly Bill No. 253, which I have already vetoed, Assembly Bill No. 254 unnecessarily increases the complexity and cost of operating a business in Nevada. The bill expands the scope of behavior for which a citation may be issued to an employer for violating the Nevada Occupational Safety and Health Act (OSHA) by allowing the issuance of a citation based upon a determination that an employee "has access to a hazard" in the workplace.

Legislation passed in 2009 has significantly improved jobsite safety and enforcement of OSHA violations in Nevada, and I am a strong supporter of continued improvement in these areas. However, this bill creates ambiguous and misguided new requirements that will be difficult to enforce and burdensome to comply with. Because this bill will not proactively improve the conditions and safety of our workplaces, I veto it and return it to you without my approval.

Sincerely,  
BRIAN SANDOVAL  
*Governor of Nevada*

MESSAGES FROM THE GOVERNOR  
OFFICE OF THE GOVERNOR

June 1, 2011

The Honorable John Oceguera, *Speaker of the Assembly*, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill No. 456 of the 76th Legislative Session

DEAR SPEAKER OCEGUERA:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill No. 456, which is entitled:

AN ACT relating to education; authorizing certain pupils to receive a standard high school diploma without passing all subject areas of the high school proficiency examination under certain circumstances; authorizing the board of trustees of a school district to adopt a policy that allows

certain pupils enrolled in high school the opportunity to make up credit; authorizing a juvenile court to impose certain orders against the parent or legal guardian of a child who is adjudicated in need of supervision because the child is a habitual truant; revising provisions governing employment of minors; and providing other matters properly relating thereto.

This bill alters requirements for graduation from high school. In order to receive a standard high school diploma, students must pass all portions of the Nevada High School Proficiency Examination (HSPE) and meet certain other district and state requirements. Approval of Assembly Bill No. 456 would allow students to graduate from high school even if they continue to fail one subject area of the HSPE, so long as they earn at least a 2.75 grade point average, satisfy minimum attendance requirements, do not have any pending disciplinary actions, and obtain a cumulative passing score on the HSPE.

Supporters of the bill point out that some students cannot pass the math portion of the HSPE, but these students are otherwise proficient in all other subjects areas and do well in school. While personally compelling, this argument lacks a broad policy implication; if the number of students is as small as has been represented, other remedies may exist besides a wholesale change in graduation requirements. The bill does not address the fact that Nevada's graduation rates and grade-level performance are amongst the worst in the nation. It similarly fails to address why an achievement gap exists for a few students on certain portions of the HSPE. Other measures already enacted this legislative session do more to change the status quo. For example, Assembly Bill No. 290 will allow the principal of a high school to postpone administration of the math and/or science portion of the HSPE for pupils who are not academically ready. These students will be enrolled in the appropriate course work and participate in a program designed to help students pass the exam.

Although this bill may allow more students to graduate from high school, it represents diminished expectations for our students and lower standards for obtaining a high school diploma in Nevada. In my State of the State address, I said that our education system emphasizes too many of the wrong things. Assembly Bill No. 456 is another example of this paradigm and would send the wrong message to our students.

I am committed to improving our education system and enhancing student achievement. Because this bill provides a way to hide or ignore a student achievement problem, rather than to fix it, I veto it and return it to you without my approval.

Sincerely,  
BRIAN SANDOVAL  
*Governor of Nevada*

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 30, 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 Bills Nos. 171, 307, 332, 432, 453, 497, 511, 515, 546, 563, 572.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 24, Amendment No. 731; Senate Bill No. 40, Amendment No. 612; Senate Bill No. 92, Amendment No. 593; Senate Bill No. 191, Amendment No. 701; Senate Bill No. 204, Amendment No. 744; Senate Bill No. 254, Amendment No. 742; Senate Bill No. 307, Amendment No. 741; Senate Bill No. 432, Amendment No. 812, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 36, Amendment No. 823; Senate Bill No. 55, Amendment No. 625; Senate Bill No. 57, Amendment No. 735; Senate Bill No. 65, Amendment No. 645; Senate Bill No. 110, Amendment No. 594; Senate Bill No. 140, Amendments Nos. 670, 809; Senate Bill No. 151, Amendment No. 648; Senate Bill No. 238, Amendment No. 668; Senate Bill No. 251, Amendment No. 805; Senate Bill No. 282, Amendment No. 548; Senate Bill No. 304, Amendment No. 804; Senate Bill No. 321, Amendment No. 799;

Senate Bill No. 329, Amendment No. 826; Senate Bill No. 348, Amendment No. 663; Senate Bill No. 376, Amendment No. 732; Senate Bill No. 381, Amendments Nos. 730, 765; Senate Bill No. 400, Amendment No. 615; Senate Bill No. 419, Amendment No. 710, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 18, Amendment No. 651; Senate Bill No. 19, Amendment No. 652; Senate Bill No. 30, Amendment No. 626; Senate Bill No. 32, Amendment No. 665; Senate Bill No. 34, Amendments Nos. 666, 825; Senate Bill No. 82, Amendment No. 647; Senate Bill No. 98, Amendment No. 857; Senate Bill No. 249, Amendment No. 838; Senate Bill No. 262, Amendment No. 844; Senate Bill No. 267, Amendment No. 858; Senate Bill No. 268, Amendment No. 833; Senate Bill No. 289, Amendment No. 855; Senate Bill No. 294, Amendment No. 815; Senate Bill No. 315, Amendment No. 640; Senate Bill No. 365, Amendment No. 639; Senate Bill No. 472, Amendment No. 781, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 773 to Assembly Bill No. 179; Senate Amendment No. 611 to Assembly Bill No. 198; Senate Amendment No. 633 to Assembly Bill No. 238; Senate Amendment No. 705 to Assembly Bill No. 283; Senate Amendment No. 709 to Assembly Bill No. 289; Senate Amendment No. 747 to Assembly Bill No. 304; Senate Amendment No. 597 to Assembly Bill No. 309; Senate Amendment No. 759 to Assembly Bill No. 393; Senate Amendments Nos. 778, 619 to Assembly Bill No. 398; Senate Amendment No. 789 to Assembly Bill No. 419; Senate Amendment No. 750 to Assembly Bill No. 545.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Atkinson, Bustamante Adams and Goedhart as a Conference Committee concerning Assembly Bill No. 20.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Diaz, Anderson and Stewart as a Conference Committee concerning Assembly Bill No. 39.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Dondero Loop, Neal and Woodbury as a Conference Committee concerning Assembly Bill No. 40.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Bobzien, Mastroluca and Stewart as a Conference Committee concerning Assembly Bill No. 498.

MATTHEW BAKER

*Assistant Chief Clerk of the Assembly*

ASSEMBLY CHAMBER, Carson City, May 31, 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. 776 to Assembly Bill No. 2; Senate Amendment No. 831 to Assembly Bill No. 117; Senate Amendment No. 678 to Assembly Bill No. 291; Senate Amendment No. 695 to Assembly Bill No. 294; Senate Amendment No. 676 to Assembly Bill No. 374; Senate Amendment No. 696 to Assembly Bill No. 388.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendment No. 673 to Assembly Bill No. 53; Senate Amendment No. 634 to Assembly Bill No. 59; Senate Amendment No. 693 to Assembly Bill No. 136; Senate Amendment No. 764 to Assembly Bill No. 240; Senate Amendment No. 591 to Assembly Bill No. 257; Senate Amendment No. 677 to Assembly Bill No. 277; Senate Amendments Nos. 635, 656 to Assembly Bill No. 379.

MATTHEW BAKER

*Assistant Chief Clerk of the Assembly*

ASSEMBLY CHAMBER, Carson City, June 1, 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 Bills Nos. 222, 449.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 745 to Assembly Bill No. 242; Senate Amendment No. 777 to Assembly Bill No. 258; Senate Amendment No. 856 to Assembly Bill No. 260; Senate Amendment No. 800 to Assembly Bill No. 265; Senate Amendments Nos. 679, 824 to Assembly Bill No. 273; Senate Amendment No. 706 to Assembly Bill No. 308; Senate Amendment No. 714 to Assembly Bill No. 322; Senate Amendment No. 675 to Assembly Bill No. 328; Senate Amendment No. 631 to Assembly Bill No. 413; Senate Amendment No. 834 to Assembly Bill No. 452; Senate Amendment No. 749 to Assembly Bill No. 471.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendments Nos. 617, 772 to Assembly Bill No. 77; Senate Amendment No. 685 to Assembly Bill No. 81; Senate Amendment No. 690 to Assembly Bill No. 433.

MATTHEW BAKER  
*Assistant Chief Clerk of the Assembly*

#### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Finance, to which was re-referred Senate Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVEN A. HORSFORD, *Chair*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senate Resolution No. 5.

Resolution read.

Senator Parks moved the adoption of the resolution.

Remarks by Senator Parks.

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

Senate Resolution No. 5 designates the Senate members and alternates of the Legislative Commission for the 2011 and 2013 biennium. The Resolution also includes a procedure for requesting an alternate to replace a regular member who will be absent from the meeting. The members are Senators Horsford, Leslie, Denis, Roberson, Halseth and Settlemeyer. The first alternates are Senators Wiener, Schneider, Lee, Hardy, Gustavson and Brower. The second alternates are Senators Copening, Parks, Breeden, McGinness, Cegavske and Kieckhefer. Alternate members will be requested to attend in the order of their numerical designation.

Resolution adopted.

Senator Wiener moved that Senate Bill No. 164 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Horsford moved that all necessary rules be suspended and that Senate Bill No. 320, just reported out of committee, be placed on the Second Reading File.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 171.

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

Motion carried.

Assembly Bill No. 222.

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

Motion carried.

Assembly Bill No. 307.

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

Motion carried.

Assembly Bill No. 332.

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

Motion carried.

Assembly Bill No. 432.

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

Motion carried.

Assembly Bill No. 449.

Senator Wiener moved that the bill be referred to the Select Committee on Economic Growth and Employment.

Motion carried.

Assembly Bill No. 453.

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

Motion carried.

Assembly Bill No. 497.

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

Motion carried.

Assembly Bill No. 511.

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

Motion carried.

Assembly Bill No. 515.

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

Motion carried.

Assembly Bill No. 546.

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

Motion carried.

Assembly Bill No. 563.

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

Motion carried.

Assembly Bill No. 572.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 211.

Bill read second time and ordered to third reading.

Senate Bill No. 418.

Bill read second time and ordered to third reading.

Assembly Bill No. 48.

Bill read second time and ordered to third reading.

Assembly Bill No. 100.

Bill read second time and ordered to third reading.

Assembly Bill No. 148.

Bill read second time and ordered to third reading.

Assembly Bill No. 247.

Bill read second time and ordered to third reading.

Assembly Bill No. 531.

Bill read second time and ordered to third reading.

Assembly Bill No. 570.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 129.

Bill read third time.

Roll call on Senate Bill No. 129:

YEAS—21.

NAYS—None.

Senate Bill No. 129 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 340.

Bill read third time.

Roll call on Senate Bill No. 340:

YEAS—21.

NAYS—None.



Senate Bill No. 340 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 528.

Bill read third time.

Roll call on Assembly Bill No. 528:

YEAS—20.

NAYS—Schneider.

Assembly Bill No. 528 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 502—AN ACT relating to local improvements; authorizing the acquiring, improving, equipping, operating, maintaining and financing of a medical tourism and health care project within a tourism improvement district in certain counties; requiring the Commission on Tourism to adopt regulations relating to such a project; authorizing the imposition of a surcharge in certain counties on the amount charged for any items or services related to a minor league baseball stadium project or an event facility; providing for the use of the proceeds of such a surcharge; and providing other matters properly relating thereto.

Senator Kihuen moved that the bill be referred to the Select Committee on Economic Growth and Employment.

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 12:44 p.m.

#### SENATE IN SESSION

At 1:33 p.m.

President Krolicki presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bill No. 320 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 77.

The following Assembly amendment was read:

Amendment No. 646.

"SUMMARY—Revises provisions relating to notaries public. (BDR 19-404)"

"AN ACT relating to notaries public; ~~subjecting a person to punishment for a category C felony if the person knowingly submits an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact;~~ revising provisions relating to the requirements for appointment as a notary public, storage of the stamp and journal of a notary public, documentation of notarial acts, and liability and penalties for certain misconduct and violations of law by a notary public or an employer of a notary public; prohibiting a notary public from performing a notarial act on certain documents or from making or noting a protest of a negotiable instrument under certain circumstances; authorizing the Secretary of State to impose a civil penalty for certain violations; ~~providing a penalty;~~ and providing other matters properly relating thereto."

**Legislative Counsel's Digest:**

Notaries public are appointed by and subject to the authority of the Secretary of State pursuant to the provisions of chapter 240 of NRS. ~~Section 1 of this bill makes it a category C felony for a person applying for appointment as a notary public to knowingly submit an application that contains a substantial and material misstatement or omission of fact.~~

**Section 2** of this bill requires, if required by the Secretary of State, a person applying for appointment as a notary public to submit with the application a complete set of his or her fingerprints and a fee. **Sections 3 and 5** of this bill require a notary public to keep his or her stamp and journal in a secure location when not using the stamp or journal. **Section 5** also revises provisions relating to the documentation of notarial acts performed: (1) at the same time and for the same person; or (2) for a person for whom a notary public has performed a notarial act within the previous 6 months. **Section 4** of this bill prohibits a notary public from performing a notarial act on a document that is not completely filled out and signed and prohibits the notary public from making or noting a protest of a negotiable instrument under certain circumstances. **Section 6** of this bill amends provisions relating to penalties for violations of law by notaries public and employers of notaries public.

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

**Section 1.** ~~NRS 240.010 is hereby amended to read as follows:~~

~~240.010 1. The Secretary of State may appoint notaries public in this State.~~

~~2. The Secretary of State shall not appoint as a notary public a person:~~

~~(a) Who submits an application containing a substantial and material misstatement or omission of fact.~~

~~(b) Whose previous appointment as a notary public in this State has been revoked.~~

~~—(e) Who, except as otherwise provided in subsection 3, has been convicted of:~~

~~—(1) A crime involving moral turpitude; or~~

~~—(2) Burglary, conversion, embezzlement, extortion, forgery, fraud, identity theft, larceny, obtaining money under false pretenses, robbery or any other crime involving misappropriation of the identity or property of another person or entity;~~

~~— if the Secretary of State is aware of such a conviction before the Secretary of State makes the appointment.~~

~~—(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending;~~

~~—(e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that the person has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.~~

~~—3. A person who has been convicted of a crime involving moral turpitude may apply for appointment as a notary public if the person provides proof satisfactory to the Secretary of State that:~~

~~—(a) More than 10 years have elapsed since the date of the person's release from confinement or the expiration of the period of his or her parole, probation or sentence, whichever is later;~~

~~—(b) The person has made complete restitution for his or her crime involving moral turpitude, if applicable;~~

~~—(c) The person possesses his or her civil rights; and~~

~~—(d) The crime for which the person was convicted is not one of the crimes enumerated in subparagraph (2) of paragraph (e) of subsection 2.~~

~~—4. A notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.~~

~~—5. It is unlawful for a person to:~~

~~—(a) Represent himself or herself as a notary public appointed pursuant to this section if the person has not received a certificate of appointment from the Secretary of State pursuant to this chapter.~~

~~—(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.~~

~~—6. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 5.~~

~~—7. A person who knowingly violates the provisions of paragraph (b) of subsection 5 is guilty of a category C felony and shall be punished as provided in NRS 193.130. **(Deleted by amendment.)**~~

Sec. 2. NRS 240.030 is hereby amended to read as follows:

240.030 1. Each person applying for appointment as a notary public must:

(a) At the time the applicant submits his or her application, pay to the Secretary of State \$35.

(b) Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if the applicant were a public officer.

(c) Submit to the Secretary of State proof satisfactory to the Secretary of State that the applicant has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

(d) Enter into a bond to the State of Nevada in the sum of \$10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.

*(e) If required by the Secretary of State, submit:*

*(1) A complete set of the fingerprints of the applicant and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

*(2) A fee established by regulation of the Secretary of State which must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.*

2. In addition to the requirements set forth in subsection 1, an applicant for appointment as a notary public who resides in an adjoining state must submit to the Secretary of State with the application:

(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;

(b) A copy of the applicant's state business license issued pursuant to chapter 76 of NRS and any business license required by the local government where the business is located, if the applicant is self-employed; and

(c) Unless the applicant is self-employed, a copy of the state business license of the applicant's employer, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's employer setting forth the facts which show that the employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.

3. In completing an application, bond, oath or other document necessary to apply for appointment as a notary public, an applicant must not be required to disclose his or her residential address or telephone number on any such document which will become available to the public.

4. The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when the applicant applies for the appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the

applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as a notary public to the applicant.

5. The term of a notary public commences on the effective date of the bond required pursuant to paragraph (d) of subsection 1. A notary public shall not perform a notarial act after the effective date of the bond unless the notary public has been issued a certificate of appointment.

6. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of \$10 for each duplicate or amended certificate of appointment which is issued to a notary. If the notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.

**Sec. 3.** NRS 240.040 is hereby amended to read as follows:

240.040 1. The statement required by paragraph (d) of subsection 1 of NRS 240.1655 must:

(a) Be imprinted in indelible, photographically reproducible ink with a rubber or other mechanical stamp; and

(b) Set forth:

(1) The name of the notary public;

(2) The phrase "Notary Public, State of Nevada";

(3) The date on which the appointment of the notary public expires;

(4) The number of the certificate of appointment of the notary public;

(5) If the notary public so desires, the Great Seal of the State of Nevada;

and

(6) If the notary public is a resident of an adjoining state, the word "nonresident."

2. After July 1, 1965, an embossed notarial seal is not required on notarized documents.

3. The stamp required pursuant to subsection 1 must:

(a) Be a rectangle, not larger than 1 inch by 2 1/2 inches, and may contain a border design; and

(b) Produce a legible imprint.

4. A notary public shall not affix his or her stamp over printed material.

5. ***A notary public shall keep his or her stamp in a secure location during any period in which the notary public is not using the stamp to perform a notarial act.***

6. As used in this section, "mechanical stamp" includes an imprint made by a computer or other similar technology.

**Sec. 4.** NRS 240.075 is hereby amended to read as follows:

240.075 A notary public shall not:

1. Influence a person to enter or not enter into a lawful transaction involving a notarial act performed by the notary public.
2. Certify an instrument containing a statement known by the notary public to be false.
3. Perform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120.
4. Endorse or promote any product, service or offering if his or her appointment as a notary public is used in the endorsement or promotional statement.
5. Certify photocopies of a certificate of birth, death or marriage or a divorce decree.
6. Allow any other person to use his or her notary's stamp.
7. Allow any other person to sign the notary's name in a notarial capacity.
8. Perform a notarial act on a document that contains only a signature.
9. ***Perform a notarial act on a document, including a form that requires the signer to provide information within blank spaces, unless the document has been filled out completely and has been signed.***
10. ***Make or note a protest of a negotiable instrument unless the notary public is employed by a depository institution and the protest is made or noted within the scope of that employment. As used in this subsection, "depository institution" has the meaning ascribed to it in NRS 657.037.***

**Sec. 5.** NRS 240.120 is hereby amended to read as follows:

240.120 1. ~~Each~~ ***Except as otherwise provided in subsection 2, each*** notary public shall keep a journal in his or her office in which the notary public shall enter for each notarial act performed, at the time the act is performed:

- (a) The fees charged, if any;
  - (b) The title of the document;
  - (c) The date on which the notary public performed the service;
  - (d) ~~The~~ ***Except as otherwise provided in subsection 3, the*** name and signature of the person whose signature is being notarized;
  - (e) ~~At~~ ***Subject to the provisions of subsection 4, a*** description of the evidence used by the notary public to verify the identification of the person whose signature is being notarized;
  - (f) An indication of whether the notary public administered an oath; and
  - (g) The type of certificate used to evidence the notarial act, as required pursuant to NRS 240.1655.
2. ***A notary public may make one entry in the journal which documents more than one notarial act if the notarial acts documented are performed:***
    - (a) ***For the same person and at the same time; and***
    - (b) ***On one document or on similar documents.***
  3. ***When taking an acknowledgment for a person, a notary public need not require the person to sign the journal if the notary public has***

*performed a notarial act for the person within the previous 6 months and the notary public has personal knowledge of the identity of the person.*

*4. If, pursuant to subsection 3, a notary public does not require a person to sign the journal, the notary public shall enter "known personally" as the description required to be entered into the journal pursuant to paragraph (e) of subsection 1.*

5. If the notary verifies the identification of the person whose signature is being notarized on the basis of a credible witness, the notary public shall:

(a) Require the witness to sign the journal in the space provided for the description of the evidence used; and

(b) Make a notation in the journal that the witness is a credible witness.

~~3-~~ 6. The journal must:

(a) Be open to public inspection.

(b) Be in a bound volume with preprinted page numbers.

~~4-~~ 7. A notary public shall, upon request and payment of the fee set forth in NRS 240.100, provide a certified copy of an entry in his or her journal.

~~5-~~ 8. *A notary public shall keep his or her journal in a secure location during any period in which the notary public is not making an entry or notation in the journal pursuant to this section.*

9. A notary public shall retain each journal that the notary public has kept pursuant to this section until 7 years after the date on which he or she ceases to be a notary public.

~~6-~~ 10. A notary public shall file a report with the Secretary of State and the appropriate law enforcement agency if the journal of the notary public is lost or stolen.

~~7-~~ 11. The provisions of this section do not apply to a person who is authorized to perform a notarial act pursuant to paragraph (b), (c) or (d) of subsection 1 of NRS 240.1635.

**Sec. 6.** NRS 240.150 is hereby amended to read as follows:

240.150 1. For misconduct or neglect in a case in which a notary public appointed pursuant to the authority of this State may act, either by the law of this State or of another state, territory or country, or by the law of nations, or by commercial usage, the notary public is liable on his or her official bond to the parties injured thereby, for all the damages sustained.

2. The employer of a notary public *may be assessed a civil penalty by the Secretary of State of not more than \$2,000 for each violation specified in subsection 4 committed by the notary public, and the employer* is liable for any damages proximately caused by the misconduct of the notary public, if:

(a) The notary public was acting within the scope of his or her employment at the time the notary public engaged in the misconduct; and

(b) The employer of the notary public consented to the misconduct of the notary public.

3. The Secretary of State may refuse to appoint or may suspend or revoke the appointment of a notary public who fails to provide to the Secretary of State, within a reasonable time, information that the Secretary of State requests from the notary public in connection with a complaint which alleges a violation of this chapter.

4. Except as otherwise provided in this chapter, for any willful violation or neglect of duty or other violation of this chapter, or upon proof that ~~the~~ a notary public has been convicted of a crime ~~involving moral turpitude:~~

~~(a) A notary public or other person who violates a provision of this chapter may be fined not more than \$2000 for each violation;~~

~~(b) described in paragraph (c) of subsection 2 of NRS 240.010:~~

(a) The appointment of the notary public may be suspended for a period determined by the Secretary of State, but not exceeding the time remaining on the appointment;

~~(c) (b) The appointment of the notary public may be revoked ~~or~~~~

~~(d) after a hearing; or~~

(c) The notary public may be ~~fin~~ed and his or her appointment may be:

~~(1) Revoked; or~~

~~(2) Suspended for a period determined by the Secretary of State.~~  
**assessed a civil penalty of not more than \$2,000 for each violation.**

5. If the Secretary of State revokes or suspends the appointment of a notary public pursuant to this section, the Secretary of State shall:

(a) Notify the notary public in writing of the revocation or suspension; and

(b) Cause notice of the revocation or suspension to be published ~~in a newspaper of general circulation in the county in which the notary public resides or works.~~ **on the website of the Secretary of State.**

6. Except as otherwise provided by law, the Secretary of State may ~~impose the fine~~ **assess the civil penalty** that is authorized pursuant to this section upon a notary public whose appointment has expired if the notary public committed the violation that justifies the ~~fine~~ **civil penalty** before his or her appointment expired.

**7. The appointment of a notary public may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.**

**Sec. 6.5.** NRS 240.201 is hereby amended to read as follows:

240.201 1. An electronic notary public shall keep a journal of each electronic notarial act which includes, without limitation, the requirements of subsections 1 and ~~2~~ **5** of NRS 240.120.

2. The Secretary of State may suspend the appointment of an electronic notary public who fails to produce any journal entry within 10 days after receipt of a request from the Secretary of State.

3. Upon resignation, revocation or expiration of an appointment as an electronic notary public, all notarial records required pursuant to NRS 240.001 to 240.206, inclusive, must be delivered to the Secretary of State.



**Sec. 7.** This act becomes effective upon passage and approval for the purpose of adopting regulations by the Secretary of State pursuant to the amendatory provisions of section 2 of this act and on January 1, 2012, for all other purposes.

Senator Lee moved that the Senate concur in the Assembly amendment to Senate Bill No. 77.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 233.

The following Assembly amendment was read:

Amendment No. 699.

"SUMMARY — ~~Establishes the Office of Grant Procurement, Coordination and Management in the Department of Administration.~~ **Makes various changes concerning the administration of grants.** (BDR 18-1058)"

"AN ACT relating to grants; establishing the Office of Grant Procurement, Coordination and Management in the Department of Administration; setting forth the duties of the Chief of the Office; requiring all state ~~and local~~ agencies to notify the Office of any grants for which the agency applies and any which they receive; **authorizing state agencies, commissions and departments to hold certain hearings relating to grants; authorizing state departments, institutions and agencies to take certain actions to carry out a grant before receiving approval from the Interim Finance Committee; increasing the monetary thresholds at which certain approval of revisions of work programs and acceptance of gifts and grants is required; increasing the amount of certain gifts and grants that certain state agencies may accept under certain circumstances;** and providing other matters properly relating thereto."

**Legislative Counsel's Digest:**

Existing law provides for the Department of Administration, divides the Department into various divisions and requires the Director of the Department to appoint Chiefs of those divisions. (NRS 232.213, 232.215) **Sections 9 and 10** of this bill establish the Office of Grant Procurement, Coordination and Management in the Department and require the Director to appoint the Chief of the Office. **Section 2** of this bill sets forth the qualifications for the Chief. **Section 2.5 of this bill requires the Chief to employ two persons to assist him or her in carrying out the duties of the Office.** **Section 3** of this bill sets forth the duties of the Chief, which include: (1) researching and identifying federal grants which may be available to state ~~and local~~ agencies; ~~and local nonprofit organizations;~~ (2) writing grants for federal funds for state agencies; (3) coordinating with members of Congress representing this State to identify and manage available federal grants and programs; (4) seeking out grants and writing grant proposals for state agencies in Nevada; **and** (5) ~~compiling information about grants and~~

~~providing information to state and local agencies about grants for which they are eligible to apply, (6) keeping track of all the grants for which state and local agencies have applied and of all grants they have received, and, if practicable, coordinating with those state and local agencies that have received grants for similar projects to ensure they do not duplicate their efforts or services, and (7) seeking grants for which businesses can apply to develop projects in Nevada and offering to help those companies in applying for such grants. In addition, section 3 authorizes the Chief to write grants for federal funds for local agencies and local nonprofit organizations if he or she is requested to do so by the local agency or local nonprofit organization.~~

Section 4 of this bill requires all state ~~and local~~ agencies to notify the Office of any grants for which they apply and any grants which they receive.

If a public hearing is required in connection with a grant from the Federal Government to a state agency, commission or department, section 11.3 of this bill authorizes the agency, commission or department to either request that the hearing be included as an agenda item at a meeting of the Interim Finance Committee or conduct the hearing itself. Section 11.5 of this bill authorizes a department, institution or agency of the Executive Department of State Government which has received a grant that requires approval from the Interim Finance Committee to take steps to carry out the grant before receiving such approval, including, without limitation, classifying positions, recruiting for positions, advertising for bids or requesting proposals if the department, institution or agency includes a statement in the notice or advertisement that any position or contract is contingent upon approval by the Interim Finance Committee.

Under the State Budget Act, a department, institution or agency of the Executive Department of State Government is required to obtain approval from the Interim Finance Committee, except in certain limited circumstances, before revising a work program in an amount more than \$20,000 if the revision will increase or decrease by 10 percent or \$50,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program. (NRS 353.220) Section 11.7 of this bill increases the monetary threshold to an amount of more than \$30,000 if the revision will increase by 10 percent or \$75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program. Section 11.9 of this bill increases, under certain circumstances, the maximum amount of gifts, including grants from nongovernmental sources, that certain state agencies can accept from \$10,000 to \$20,000 and the maximum amount of governmental grants that such an agency can accept from \$100,000 to \$150,000.

~~Section 12 of this bill requires the Chief of the Office to develop suggestions and proposals for an incentive program to encourage businesses~~

~~to apply for grants to develop projects in Nevada and, on or before January 1, 2013, to submit a report setting forth those suggestions and proposals, together with any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.]~~

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

**Section 1.** Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

**Sec. 2. 1.** *The person appointed to serve as the Chief of the Office of Grant Procurement, Coordination and Management must have:*

*(a) Extensive expertise and experience in applying for and receiving grants;*

*(b) Specialized knowledge of the process of grant writing and approval in the public and private sector; and*

*(c) Proven experience in designing and managing programs which rely solely or partially upon money received from grants.*

*2. The Chief shall devote his or her entire time and attention to the business of his or her office and shall not engage in any other gainful employment or occupation.*

*Sec. 2.5. 1. The Chief of the Office of Grant Procurement, Coordination and Management shall employ two persons to serve in the unclassified service of the State for the purposes set forth in this section.*

*2. A person employed pursuant to this section shall, under the direction of the Chief of the Office of Grant Procurement, Coordination and Management, assist the Chief in carrying out the provisions of sections 2 to 6, inclusive, of this act.*

**Sec. 3. 1.** *The Chief of the Office of Grant Procurement, Coordination and Management shall:*

*(a) Research and identify federal grants which may be available to state ~~for local~~ agencies. ~~and local nonprofit organizations.~~*

*(b) Write grants for federal funds for state agencies.*

*(c) Coordinate with the members of Congress representing this State to combine efforts relating to identifying and managing available federal grants and related programs.*

*(d) If requested by a state agency, research the availability of grants and write grant proposals and applications for the state agency, giving priority to grants:*

*(1) For the Department of Health and Human Services;*

*(2) For the Office of Energy; and*

*(3) Which may facilitate economic development in this State . ~~and~~  
~~(2) For research and development at a university, state college, community college or research facility within the Nevada System of Higher Education.]~~*

*(e) ~~Create and maintain an Internet website which sets forth information relating to grants, including, without limitation, contacts for information and~~*

~~applications for grants, resources for applying for and receiving grants, information concerning grants that have been applied for and awarded to state and local agencies, and notifications of opportunities for grants.~~

~~(f)~~ **To the greatest extent practicable, ensure that state ~~and local~~ agencies are aware of any grant opportunities for which they are or may be eligible.**

~~(g) Advise~~

**(f) If requested by the Director of a state agency, advise the Director and the state ~~and local agencies~~ agency concerning the requirements for receiving and managing grants.**

~~(h) Coordinate~~

**(g) To the greatest extent practicable, coordinate with ~~all~~ state and local agencies that have received grants for similar projects to ensure that the efforts and services of those state and local agencies are not duplicated.**

~~(i) Seek grants for which businesses may apply that may assist those businesses in developing projects in this State and offer to assist those businesses in applying for such grants.~~

~~(j)~~ **(h) On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding all activity relating to the application for, receipt of and use of grants in this State.**

~~2. If requested by a local agency or local nonprofit organization, the Chief may write grant proposals and applications for federal funds for the local agency or local nonprofit organization.~~

~~3.~~ **The Chief may adopt regulations to carry out the provisions of this section and sections 4 and 5 of this act.**

**Sec. 4. In addition to any other requirement concerning applying for or receiving a grant, a state ~~for local~~ agency shall notify the Office of Grant Procurement, Coordination and Management, on a form prescribed by the Office, of any grant:**

1. For which the state ~~for local~~ agency applies; and
2. Which the state ~~for local~~ agency receives.

**Sec. 5. The Office of Grant Procurement, Coordination and Management may apply for and receive any gift, grant, contribution or other money from any source to carry out the provisions of sections 2 to 6, inclusive, of this act.**

**Sec. 6. 1. The Account for the Office of Grant Procurement, Coordination and Management is hereby created in the State General Fund. The Account must be administered by the Chief of the Office.**

**2. Any money accepted pursuant to section 5 of this act must be deposited in the Account.**

**3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.**

**4. The money in the Account which is donated for a purpose specified by the donor, within the scope of the duties of the Chief of the Office of**

*Grant Procurement, Coordination and Management, must only be used for that purpose. If no purpose is specified, the money in the Account must only be used to carry out the duties of the Chief.*

**5. Claims against the Account must be paid as other claims against the State are paid.**

**Sec. 7.** (Deleted by amendment.)

**Sec. 8.** NRS 232.212 is hereby amended to read as follows:

232.212 As used in NRS 232.212 to 232.2195, inclusive, **and sections 2 to 6, inclusive, of this act**, unless the context requires otherwise:

1. "Department" means the Department of Administration.
2. "Director" means the Director of the Department.

**Sec. 9.** NRS 232.213 is hereby amended to read as follows:

232.213 1. The Department of Administration is hereby created.

2. The Department consists of a Director and the following : ~~divisions;~~

- (a) Budget Division.
- (b) Risk Management Division.
- (c) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.
- (d) Buildings and Grounds Division.
- (e) Purchasing Division.
- (f) Administrative Services Division.
- (g) Division of Internal Audits.
- (h) Office of Grant Procurement, Coordination and Management.**

3. The Director may establish a Motor Pool Division or may assign the functions of the State Motor Pool to one of the other divisions of the Department.

**Sec. 10.** NRS 232.215 is hereby amended to read as follows:

232.215 The Director:

1. Shall appoint a Chief of the:

- (a) Risk Management Division;
- (b) Buildings and Grounds Division;
- (c) Purchasing Division;
- (d) Administrative Services Division;
- (e) Division of Internal Audits; ~~and~~

**(f) Office of Grant Procurement, Coordination and Management; and**

**(g) Motor Pool Division, if separately established.**

2. Shall appoint a Chief of the Budget Division, or may serve in this position if the Director has the qualifications required by NRS 353.175.

3. Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative, technical and procedural activities of the Division.

4. Is responsible for the administration, through the divisions of the Department, of the provisions of chapters 331, 333 and 336 of NRS, NRS 353.150 to 353.246, inclusive, and 353A.031 to 353A.100, inclusive,

and all other provisions of law relating to the functions of the divisions of the Department.

5. Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.

6. Has such other powers and duties as are provided by law.

**Sec. 11.** NRS 232.2165 is hereby amended to read as follows:

232.2165 1. The Chief of:

- (a) The Buildings and Grounds Division;
- (b) The Purchasing Division;
- (c) The Administrative Services Division;
- (d) The Division of Internal Audits; and
- (e) If separately established, the Motor Pool Division,

↪ of the Department serves at the pleasure of the Director, but, except as otherwise provided in subsection 2, for all purposes except removal is in the classified service of the State.

2. The Chief of the Motor Pool Division, if separately established, and the Chief of the Division of Internal Audits are in the unclassified service of the State.

*3. The Chief of the Office of Grant Procurement, Coordination and Management is in the unclassified service of the State and serves at the pleasure of the Director.*

**Sec. 11.1. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 11.3 and 11.5 of this act.**

**Sec. 11.3. If a public hearing is required in connection with a grant from the Federal Government to a state agency, commission or department, the agency, commission or department may:**

**1. Request that the hearing be included as an item on the agenda of a meeting of the Interim Finance Committee; or**

**2. Conduct the hearing in accordance with chapter 241 of NRS.**

**Sec. 11.5. A department, institution or agency of the Executive Department of the State Government that receives a grant for a program which requires the approval of the Interim Finance Committee and which requires the department, institution or agency to take action to carry out the program, including, without limitation, classifying positions, recruiting for positions, advertising for bids and requesting proposals, may begin to carry out the program before obtaining that approval if the department, institution or agency includes a statement in any notice or advertisement that the position or contract is contingent upon the approval of the Interim Finance Committee.**

**Sec. 11.7. NRS 353.220 is hereby amended to read as follows:**

353.220 1. The head of any department, institution or agency of the Executive Department of the State Government, whenever he or she deems it necessary because of changed conditions, may request the revision of the work program of his or her department, institution or agency at any time

during the fiscal year, and submit the revised program to the Governor through the Chief with a request for revision of the allotments for the remainder of that fiscal year.

2. Every request for revision must be submitted to the Chief on the form and with supporting information as the Chief prescribes.

3. Before encumbering any appropriated or authorized money, every request for revision must be approved or disapproved in writing by the Governor or the Chief, if the Governor has by written instrument delegated this authority to the Chief.

4. Whenever a request for the revision of a work program of a department, institution or agency in an amount more than ~~+\$20,000+~~ \$30,000 would, when considered with all other changes in allotments for that work program made pursuant to NRS 353.215 and subsections 1, 2 and 3 of this section, increase or decrease by 10 percent or ~~+\$50,000+~~ \$75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program, the request must be approved as provided in subsection 5 before any appropriated or authorized money may be encumbered for the revision.

5. If a request for the revision of a work program requires additional approval as provided in subsection 4 and:

(a) Is necessary because of an emergency as defined in NRS 353.263 or for the protection of life or property, the Governor shall take reasonable and proper action to approve it and shall report the action, and his or her reasons for determining that immediate action was necessary, to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes approval of the revision, and other provisions of this chapter requiring approval before encumbering money for the revision do not apply.

(b) The Governor determines that the revision is necessary and requires expeditious action, he or she may certify that the request requires expeditious action by the Interim Finance Committee. Whenever the Governor so certifies, the Interim Finance Committee has 15 days after the request is submitted to its Secretary within which to consider the revision. Any request for revision which is not considered within the 15-day period shall be deemed approved.

(c) Does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the request is submitted to its Secretary within which to consider the revision. Any request which is not considered within the 45-day period shall be deemed approved.

6. The Secretary shall place each request submitted pursuant to paragraph (b) or (c) of subsection 5 on the agenda of the next meeting of the Interim Finance Committee.

7. In acting upon a proposed revision of a work program, the Interim Finance Committee shall consider, among other things:

- (a) The need for the proposed revision; and
- (b) The intent of the Legislature in approving the budget for the present biennium and originally enacting the statutes which the work program is designed to effectuate.

**Sec. 11.9. NRS 353.335 is hereby amended to read as follows:**

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

- (a) The need for the facility or service to be provided or improved;
- (b) Any present or future commitment required of the State;
- (c) The extent of the program proposed; and
- (d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:



(a) Gifts, including grants from nongovernmental sources, not exceeding ~~10,000~~ 20,000 each in value; and

(b) Governmental grants not exceeding ~~100,000~~ 150,000 each in value,

↪ if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Department of Administration, the specific approval of the Chief.

6. This section does not apply to:

(a) The Nevada System of Higher Education;

(b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395; or

(c) Artifacts donated to the Department of Cultural Affairs.

~~Sec. 12. The Chief of the Office of Grant Procurement, Coordination and Management established pursuant to NRS 232.213, as amended by section 9 of this act, shall:~~

~~1. Develop suggestions and proposals for establishing an incentive system to encourage businesses to apply for grants to develop projects in this State pursuant to paragraph (i) of subsection 1 of section 3 of this act; and~~

~~2. On or before January 1, 2013, and in addition to or together with the report required pursuant to paragraph (j) of subsection 1 of section 3 of this act, submit a report setting forth those suggestions and proposals for establishing an incentive system, together with any suggestions for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.] (Deleted by amendment.)~~

~~Sec. 12.5. NRS 353.345 is hereby repealed.~~

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

**TEXT OF REPEALED SECTION**

**353.345 Approval of Interim Finance Committee required for allocation of money received under federal block grant. Whenever federal funding in the form of a categorical grant of a specific program administered by a state agency, commission or department is terminated and incorporated into a block grant from the Federal Government to the State of Nevada, the state agency, commission or department must obtain the approval of the Interim Finance Committee in order to allocate the money received from any block grant.**

Senator Lee moved that the Senate concur in the Assembly amendment to Senate Bill No. 233.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 361.

The following Assembly amendment was read:

Amendment No. 614.

"SUMMARY—Authorizes the issuance of a temporary permit to appropriate water to establish fire-resistant vegetative cover in certain areas. (BDR 48-285)"

"AN ACT relating to water; authorizing the issuance of a temporary permit to appropriate water to establish fire-resistant vegetative cover in certain areas; and providing other matters properly relating thereto."

**Legislative Counsel's Digest:**

**Section 1** of this bill authorizes a person to apply to the State Engineer for the issuance of a temporary permit to appropriate water to establish vegetative cover that is resistant to fire in an area that has been burned by a wildfire or to prevent or reduce the impact of a wildfire in an area. ~~Unless extended by the State Engineer, the~~ **The** duration of such a temporary permit is limited to 1 year. **Section 2** of this bill declares the use of water to prevent or reduce the impact of wildfires or to rehabilitate areas burned by wildfires as a policy of the State.

**Sections 3-7** of this bill exempt an application for such a temporary permit from several requirements in existing law for applications for permits concerning water rights, including publication of notice of the application in a newspaper and authorization for the filing of protests against the granting of the application. This expedited process is similar to the process for the issuance of environmental permits by the State Engineer. (NRS 533.437-533.4377)

**Section 8** of this bill requires the State Forester Firewarden, upon the request of the State Engineer, to review the plan for establishing the vegetative cover that is required to be submitted by the applicant for the temporary permit.

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

**Section 1.** Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A person may apply for a temporary permit to appropriate water to establish vegetative cover that is resistant to fire in an area that has been burned by a wildfire or to prevent or reduce the impact of a wildfire in an area.*

*2. In addition to the information required by NRS 533.335, an applicant for a temporary permit shall submit to the State Engineer:*

*(a) A plan for establishing vegetative cover that is resistant to fire in the area;*

*(b) Any other information which is necessary for a full understanding of the necessity of the appropriation; and*

*(c) For:*

*(1) Examining and filing the application for the temporary permit, \$150.*

*(2) Issuing and recording the temporary permit, \$200.*

*3. The State Engineer may forward a plan submitted pursuant to subsection 2 to the State Forester Firewarden for his or her review and comments.*

*4. The State Engineer shall approve an application for a temporary permit if:*

*(a) The application is accompanied by the prescribed fees;*

*(b) The appropriation is in the public interest; and*

*(c) The appropriation does not impair water rights held by other persons.*

*5. A temporary permit issued pursuant to this section must not exceed 1 year in duration . . . ~~but may be extended by the State Engineer in increments not to exceed 1 year in duration.~~*

**Sec. 2.** NRS 533.024 is hereby amended to read as follows:

533.024 The Legislature declares that:

1. It is the policy of this State:

(a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.

(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

(c) To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.

*(d) To encourage and promote the use of water to prevent or reduce the spread of wildfire or to rehabilitate areas burned by wildfire, including, without limitation, through the establishment of vegetative cover that is resistant to fire.*

2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.

**Sec. 3.** NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 5 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general

circulation and printed and published in the county where the water is sought to be appropriated, a notice of the application which sets forth:

- (a) That the application has been filed.
  - (b) The date of the filing.
  - (c) The name and address of the applicant.
  - (d) The name of the source from which the appropriation is to be made.
  - (e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.
  - (f) The purpose for which the water is to be appropriated.
- ↪ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

- (a) For municipal, quasi-municipal or industrial use; and
  - (b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,
- ↪ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit ~~+~~ **or a temporary permit issued pursuant to section 1 of this act.**

**Sec. 4.** NRS 533.363 is hereby amended to read as follows:

533.363 1. Except as otherwise provided in subsection 2, if water for which a permit is requested is to be used in a county other than that county in which it is to be appropriated, or is to be diverted from or used in a different county than that in which it is currently being diverted or used, then the State Engineer shall give notice of the receipt of the request for the permit to:

- (a) The board of county commissioners of the county in which the water for which the permit is requested will be appropriated or is currently being diverted or used; and
- (b) The board of county commissioners of the county in which the water will be diverted or used.

2. The provisions of subsection 1 do not apply:

(a) To an environmental permit ~~or~~ *or a temporary permit issued pursuant to section 1 of this act.*

(b) If:

(1) The water is to be appropriated and used; or

(2) Both the current and requested place of diversion or use of the water are,

↪ within a single, contiguous parcel of real property.

3. A person who requests a permit to which the provisions of subsection 1 apply shall submit to each appropriate board of county commissioners a copy of the application and any information relevant to the request.

4. Each board of county commissioners which is notified of a request for a permit pursuant to this section shall consider the request at the next regular or special meeting of the board held not earlier than 3 weeks after the notice is received. The board shall provide public notice of the meeting for 3 consecutive weeks in a newspaper of general circulation in its county. The notice must state the time, place and purpose of the meeting. At the conclusion of the meeting the board may recommend a course of action to the State Engineer, but the recommendation is not binding on the State Engineer.

**Sec. 5.** NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in this subsection and subsections 3 and 11 and NRS 533.365, the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if an application is protested, by the protestant and the applicant.

(b) Postpone action if the purpose for which the application was made is municipal use.

(c) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

3. Except as otherwise provided in subsection 11, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if the application is protested, by the protestant and the applicant.

(b) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

4. If the State Engineer does not act upon an application within 1 year after the final date for filing a protest, the application remains active until acted upon by the State Engineer.

5. Except as otherwise provided in subsection 11, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

6. In determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

7. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 12, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

8. If:

(a) The State Engineer receives an application to appropriate any of the public waters, or to change the point of diversion, manner of use or place of use of water already appropriated;

(b) The application involves an amount of water exceeding 250 acre-feet per annum;

(c) The application involves an interbasin transfer of groundwater; and

(d) Within 7 years after the date of last publication of the notice of application, the State Engineer has not granted the application, denied the application, held an administrative hearing on the application or issued a permit in response to the application,

↳ the State Engineer shall notice a new period of 45 days in which a person who is a successor in interest to a protestant or an affected water right owner may file with the State Engineer a written protest against the granting of the application. Such notification must be entered on the Internet website of the State Engineer and must, concurrently with that notification, be mailed to the board of county commissioners of the county of origin.

9. Except as otherwise provided in subsection 10, a person who is a successor in interest to a protestant or an affected water right owner who wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8 shall, within 45 days after the date on which the notification was entered and mailed, file with the State Engineer a written protest that complies with the provisions of this chapter and with the regulations adopted by the State Engineer, including, without limitation, any regulations prescribing the use of particular forms or requiring the payment of certain fees.

10. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in

the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer on a form provided by the State Engineer.

11. The provisions of subsections 1 to 6, inclusive, do not apply to an application for an environmental permit ~~†~~ **or a temporary permit issued pursuant to section 1 of this act.**

12. The provisions of subsection 7 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

13. As used in this section:

(a) "County of origin" means the county from which groundwater is transferred or proposed to be transferred.

(b) "Domestic well" has the meaning ascribed to it in NRS 534.350.

**Sec. 6.** NRS 533.380 is hereby amended to read as follows:

533.380 1. Except as otherwise provided in subsection 5, in an endorsement of approval upon any application, the State Engineer shall:

(a) Set a time before which the construction of the work must be completed, which must be within 5 years after the date of approval.

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land:

(1) For which a final subdivision map has been recorded pursuant to chapter 278 of NRS;

(2) For which a plan for the development of a project has been approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(3) On any land for which a plan for the development of a planned unit development has been recorded pursuant to chapter 278A of NRS,

↪ must not be less than 5 years.

2. The State Engineer may limit the applicant to a smaller quantity of water, to a shorter time for the completion of work, and, except as otherwise provided in paragraph (b) of subsection 1, to a shorter time for the perfecting of the application than named in the application.

3. Except as otherwise provided in subsection 4 and NRS 533.395 and 533.4377, the State Engineer may, for good cause shown, grant any number of extensions of time within which construction work must be completed, or water must be applied to a beneficial use under any permit therefor issued by the State Engineer, but a single extension of time for a municipal or quasi-municipal use for a public water system, as defined in NRS 445A.235, must not exceed 5 years, and any other single extension of time must not exceed 1 year. An application for the extension must in all cases be:



(a) Made within 30 days following notice by registered or certified mail that proof of the work is due as provided for in NRS 533.390 and 533.410; and

(b) Accompanied by proof and evidence of the reasonable diligence with which the applicant is pursuing the perfection of the application.

↪ The State Engineer shall not grant an extension of time unless the State Engineer determines from the proof and evidence so submitted that the applicant is proceeding in good faith and with reasonable diligence to perfect the application. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the application.

4. Except as otherwise provided in subsection 5 and NRS 533.395, whenever the holder of a permit issued for any municipal or quasi-municipal use of water on any land referred to in paragraph (b) of subsection 1, or for any use which may be served by a county, city, town, public water district or public water company, requests an extension of time to apply the water to a beneficial use, the State Engineer shall, in determining whether to grant or deny the extension, consider, among other factors:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

(b) The number of parcels and commercial or residential units which are contained in or planned for the land being developed or the area being served by the county, city, town, public water district or public water company;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use;

(d) Any delays in the development of the land or the area being served by the county, city, town, public water district or public water company which were caused by unanticipated natural conditions; and

(e) The period contemplated in the:

(1) Plan for the development of a project approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(2) Plan for the development of a planned unit development recorded pursuant to chapter 278A of NRS,

↪ if any, for completing the development of the land.

5. The provisions of subsections 1 and 4 do not apply to an environmental permit ~~†~~ **or a temporary permit issued pursuant to section 1 of this act.**

6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is composed of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

**Sec. 7.** NRS 533.400 is hereby amended to read as follows:

533.400 1. Except as otherwise provided in subsection 2, on or before the date set in the endorsement of a permit for the application of water to beneficial use, or on the date set by the State Engineer under a proper application for extension therefor, any person holding a permit from the State Engineer to appropriate the public waters of the State of Nevada, to change the place of diversion or the manner or place of use, shall file with the State Engineer a statement under oath, on a form prescribed by the State Engineer. The statement must include:

- (a) The name and post office address of the person making the proof.
- (b) The number and date of the permit for which proof is made.
- (c) The source of the water supply.
- (d) The name of the canal or other works by which the water is conducted to the place of use.
- (e) The name of the original person to whom the permit was issued.
- (f) The purpose for which the water is used.
- (g) If for irrigation, the actual number of acres of land upon which the water granted in the permit has been beneficially used, giving the same by 40-acre legal subdivisions when possible.
- (h) An actual measurement taken by a licensed state water right surveyor or an official or employee of the Office of the State Engineer of the water diverted for beneficial use.
- (i) The capacity of the works of diversion.
- (j) If for power, the dimensions and capacity of the flume, pipe, ditch or other conduit.
- (k) The average grade and difference in elevation between the termini of any conduit.
- (l) The number of months, naming them, in which water has been beneficially used.
- (m) The amount of water beneficially used, taken from actual measurements, together with such other data as the State Engineer may require to become acquainted with the amount of the appropriation for which the proof is filed.

2. The provisions of subsection 1 do not apply to a person holding an environmental permit ~~†~~ **or a temporary permit issued pursuant to section 1 of this act.**

**Sec. 8.** NRS 472.040 is hereby amended to read as follows:

472.040 1. The State Forester Firewarden shall:

- (a) Supervise or coordinate all forestry and watershed work on state-owned and privately owned lands, including fire control, in Nevada, working with federal agencies, private associations, counties, towns, cities or private persons.
- (b) Administer all fire control laws and all forestry laws in Nevada outside of townsite boundaries, and perform any other duties designated by the

Director of the State Department of Conservation and Natural Resources or by state law.

(c) Assist and encourage county or local fire protection districts to create legally constituted fire protection districts where they are needed and offer guidance and advice in their operation.

(d) Designate the boundaries of each area of the State where the construction of buildings on forested lands creates such a fire hazard as to require the regulation of roofing materials.

(e) Adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire hazardous forested areas.

(f) Purchase communication equipment which can use the microwave channels of the state communications system and store this equipment in regional locations for use in emergencies.

(g) Administer money appropriated and grants awarded for fire prevention, fire control and the education of firefighters and award grants of money for those purposes to fire departments and educational institutions in this State.

(h) Determine the amount of wages that must be paid to offenders who participate in conservation camps and who perform work relating to fire fighting and other work projects of conservation camps.

(i) Cooperate with the State Fire Marshal in the enforcement of all laws and the adoption of regulations relating to the prevention of fire through the management of vegetation in counties located within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

(j) Assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the Lake Tahoe Basin and the Lake Mead Basin, and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations.

(k) Ensure that any adopted regulations are consistent with those of fire protection districts created pursuant to chapter 318, 473 or 474 of NRS.

***(l) Upon the request of the State Engineer, review a plan submitted with an application for the issuance of a temporary permit pursuant to section 1 of this act.***

2. The State Forester Firewarden in carrying out the provisions of this chapter may:

(a) Appoint paid foresters and firewardens to enforce the provisions of the laws of this State respecting forest and watershed management or the protection of forests and other lands from fire, subject to the approval of the board of county commissioners of each county concerned.

(b) Appoint suitable citizen-wardens. Citizen-wardens serve voluntarily except that they may receive compensation when an emergency is declared by the State Forester Firewarden.

(c) Appoint, upon the recommendation of the appropriate federal officials, resident officers of the United States Forest Service and the United States Bureau of Land Management as voluntary firewardens. Voluntary firewardens are not entitled to compensation for their services.

(d) Appoint certain paid foresters or firewardens to be arson investigators.

(e) Employ, with the consent of the Director of the State Department of Conservation and Natural Resources, clerical assistance, county and district coordinators, patrol officers, firefighters, and other employees as needed, and expend such sums as may be necessarily incurred for this purpose.

(f) Purchase, or acquire by donation, supplies, material, equipment and improvements necessary to fire protection and forest and watershed management.

(g) With the approval of the Director of the State Department of Conservation and Natural Resources and the State Board of Examiners, purchase or accept the donation of real property to be used for lookout sites and for other administrative, experimental or demonstration purposes. No real property may be purchased or accepted unless an examination of the title shows the property to be free from encumbrances, with title vested in the grantor. The title to the real property must be examined and approved by the Attorney General.

(h) Expend any money appropriated by the State to the Division of Forestry of the State Department of Conservation and Natural Resources for paying expenses incurred in fighting fires or in emergencies which threaten human life.

3. The State Forester Firewarden, in carrying out the powers and duties granted in this section, is subject to administrative supervision by the Director of the State Department of Conservation and Natural Resources.

**Sec. 9.** This act becomes effective upon passage and approval.

Senator Lee moved that the Senate concur in the Assembly amendment to Senate Bill No. 361.

Motion carried by a constitutional majority.

Bill ordered enrolled.

#### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Finance, to which were re-referred Senate Bills Nos. 278, 338, 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVEN A. HORSFORD, *Chair*

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill Nos. 223, 236, 299, 323, 339; Assembly Bills Nos. 242, 258, 260, 265, 273, 308, 322, 328, 413, 471.

Senator Horsford moved that the Senate adjourn until Friday, June 3, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 1:41 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

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