

# Journal

OF THE

## ASSEMBLY OF THE STATE OF NEVADA

---

SEVENTY-SEVENTH SESSION

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**THE FIRST DAY**

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CARSON CITY (Monday), February 4, 2013

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Ross Miller at 11:24 a.m.

Prayer by the Chaplain, Reverend Kimberly Morgan.

Gracious God, who answers to many names, thank You that we live in a democracy, when countless people across the globe are risking their lives to obtain the same privileges.

This is the opening of the 77th Regular Session of the Nevada Legislature. All of the easy problems have been solved, and we do not agree on the means to resolve the issues we face.

Please be with us.

Democracy thrives on open and vigorous debate about public policies and competing interests. Be with us to ensure that civility and understanding rise above disrespect and disregard for the interests and ideas of others.

Democracy is not a zero-sum game or a winner-take-all contest. Grace this process with harmony and cooperation to ensure that our legislators, lobbyists, and others work together to find inspired solutions which advance the common good.

Bless the hardworking and creative legislative staff; grace them with endurance and patience as they work long hours behind the scenes to support and assist this honorable process.

Bless the many lobbyists who walk these halls; grace them with truth, compassion, and vision, as they represent the varied interests of Nevadans and beyond.

Bless these legislators as they give of their time and energy. Please grace them with wisdom, discernment, and understanding. Make them ever mindful of their calling to serve the people of this state.

Most especially, gracious God, open our hearts, so there is room for You to work with us and through us in the days ahead.

Amen.

Presentation of the colors by the Girl Scouts of Sierra Nevada and Southern Nevada.

Pledge of allegiance to the Flag.

Special musical renditions of *Home Means Nevada, Campin' in Nevada*, and *Ain't Gonna Rain No More* by C.W. and Mr. Spoons.

Mr. Secretary of State requested Ms. Susan Furlong to serve as temporary Chief Clerk of the Assembly.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of the 41 Assemblymen-elect and the Assemblywoman appointee.

Roll called.

Present: Assemblymen Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler, and Woodbury.

Mr. Secretary of State appointed Assemblymen Ohrenschall, Flores, Elliot Anderson, Paul Anderson, Martin, Munford, Duncan, Hickey, and Oscarson as a temporary Committee on Credentials.

Assembly in recess at 11:38 a.m.

#### ASSEMBLY IN SESSION

At 11:49 a.m.

Mr. Secretary of State presiding.

Quorum present.

#### REPORTS OF COMMITTEES

*Mr. Secretary of State:*

Your temporary Committee on Credentials has had the credentials of the respective Assemblymen-elect and Assemblywoman appointee under consideration and begs leave to report that the following persons have been and are duly elected members of the Assembly of the 77th Session of the Legislature of the State of Nevada: Assemblymen Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick,

Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler, and Woodbury, and that Lesley Cohen has been and is a duly appointed member of the Assembly of the 77th Session of the Legislature of the State of Nevada.

JAMES OHRENSCHALL, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ohrenschall moved the adoption of the report.  
Motion carried unanimously.

Mr. Secretary of State appointed Assemblymen Frierson and Hardy as a committee to escort Chief Justice Kristina Pickering of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Mr. Secretary of State announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:52 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Secretary of State presiding.

Quorum present.

Chief Justice Pickering administered the oaths of office to the Assemblymen.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assemblymen for whom Certificates of Election or a Certificate of Appointment had been issued.

Roll called.

Present: Assemblymen Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler, Woodbury.

Assemblywoman Flores moved that Chief Justice Pickering be given a unanimous vote of thanks for administering the oath

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

A committee from the Senate composed of Senators Manendo, Atkinson, and Kieckhefer appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Mr. Secretary of State announced that there would be no temporary organization of the Assembly and that all nominations were in order for permanent appointment.

Mr. Secretary of State declared that nominations were in order for Speaker. Assemblyman Horne nominated Assemblywoman Marilyn K. Kirkpatrick for Speaker.

Assemblyman Hickey seconded the nomination.

Assemblyman Aizley moved that nominations be closed.

Motion carried unanimously.

Mr. Secretary of State declared Assemblywoman Marilyn K. Kirkpatrick to be Speaker of the Assembly.

Mr. Secretary of State appointed Assemblymen Aizley and Horne as a committee to escort the Speaker to the rostrum.

Madam Speaker presiding.

Assemblyman Bobzien moved that Secretary of State Miller be given a unanimous vote of thanks for his services to the Assembly.

Assemblyman Kirner seconded the motion.

Motion carried unanimously.

Madam Speaker appointed Assemblyman Hogan and Assemblywoman Carlton as a committee to escort the Secretary of State to the bar of the Assembly

The appointed committee escorted Secretary of State Miller to the bar of the Assembly.

Remarks by Assemblymen Horne, Hickey, and Madam Speaker.

Assemblyman Horne requested that the following remarks be entered in the Journal:

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker, and congratulations. Your accession to the position as Speaker is well deserved. In your four previous terms as a member of this body, you have earned the reputation of being a hard worker and a legislator who has gone out of her way to work with fellow colleagues across the aisle and with those in that lesser house across the way—we call that the Senate.

I look forward to serving as your Majority Leader during this important legislative session, and when necessary, just being your friend in some of the really difficult times that may come. I would also like to congratulate all my Assembly colleagues, especially our brand new freshmen. You have agreed to endure the sometimes harsh spotlight that comes with public service. However, I believe at the end of your service, you will find that heat well worth it. If you are

like any of your predecessors, you are serving because you believe in the wonderful future that lies ahead for Nevada, and today you stand in a position to help make that future a reality.

Speaking of the end of your service, I would like to remind you that there will be an end to your service in this body. Each of you has been given the privilege to be one of 63 legislators sent here not only to represent your respective districts, but the state of Nevada. Do not forget: It is a privilege. You do not own these seats. They have been given to you only on loan by the people who do own them—the citizens of Nevada. You will find this experience rewarding at times and at times exasperating. However, please remember that during the ebb and flow of those various emotions you will experience, you are performing a valuable and honorable service to the state while occupying the people's seats.

I would like to thank the families, friends, and significant others. To my colleagues, believe it or not, without your friends, families, and significant others, you would not be here today. They have made tremendous sacrifice for you to take this journey, and you should give them a round of applause right now. To all the friends, families and significant others, I will ask you to be patient with all of us during the next 120 days, because we will continue to need your support while we do the state's business.

Lastly, I invite all of you to have a wonderful time while you're here. Don't be fearful to make friends across the aisle, even those persons in that other house, because I have found it much easier to solve problems with friends than with acquaintances or enemies. I look forward to serving with each of you in solving our state's problems, and I welcome you here today.

Thank you, Madam Speaker.

ASSEMBLYMAN HICKEY:

Thank you, Madam Speaker, and congratulations.

For any member who has had the privilege to stand and address this Assembly during the last century and a half, they have done so under the watchful eye of the sixteenth President we see gazing upon us. Today, we're in no less a tenuous moment in time than in those battle-born days of Nevada's early statehood when Abraham Lincoln gave his famous speech about a house divided against itself not being able to stand.

Having recently emerged out of the political wars of this past November that weren't always civil, we should heed these words of the Great Emancipator and refuse to let our political differences prevent us from doing our duty as Nevadans, for Nevada. The challenge this session for each of us is not to see each other for the political party we represent, but for the person each of the 42 of us here are. Whether or not we will have a good session will be decided by how successfully we do the hard work—and with our new Speaker, I know we will—get beyond the partisanship and learn to do something that is somewhat of a lost art: practice something called statesmanship.

We've just elected a most unique Speaker as the head of this body. Our new Speaker, only the second woman to be so, has lived a life that is interesting, of character, and of grit. Having emancipated herself from a difficult situation at the age of 16, she worked her way through high school at nights and slept during the day in between classes on the couch of her high school counselor. I think it is ironic that a young woman would go from that—waiting on the tables of some of Nevada's most powerful politicians—to having some of those same individuals waiting for you outside your office to meet soon as the new Speaker.

Our Speaker is attempting to set a refreshing new tone of putting policy before politics when it comes to lawmaking, and my caucus says if that's what the new sheriff around here wants, a lot of us are going to sign up.

Finally, let us strive, before we represent our political parties and our caucuses, to remember that we represent the thousands of Nevadans who look at us as people representing them. Therefore, this session let's do our best to be judged not by what we say, but by what we do. Before we talk—we'll do that a lot—let's try to listen, and when we act, let's try to do it together.

Thank each of you for this privilege, and may God bless you, Madam Speaker.

MADAM SPEAKER:

Thank you, Assemblyman Hickey. If the body will allow me, I would like to take a few moments to make some brief remarks—I don't know how brief they are, but I will be quick. Speaker Pro Tempore-Elect Aizley, Majority Leader Horne, Minority Leader Hickey, and members of the Nevada Assembly, legislative staff, and honored guests, thank you for this privilege.

I first want to thank the Girl Scouts. This is the first time ever that women have carried the flag into the Assembly, and I'm glad that they could be here with us today.

As many of you know, I am not one for formal speeches or ceremonies and I am not afraid to do things a little bit differently, because sometimes we just need to shake things up to get some different results. I think I proved that today by bringing in CW and Mr. Spoons, because I really think that *Home Means Nevada* was very near and dear and it kind of took a different tone today when it was sung. So I hope that everybody enjoyed it as much as I did. I thought it was important today to start by celebrating our history. I bet the kids will be excited about those new songs, and I encourage you to go out and get the CD, because there are a lot of great songs about a lot of great things in Nevada. I didn't want the state to move forward without giving a little thought to where we came from and what has made us who we are.

I'm glad that we are recognizing our families today; some of them have been a formative part of Nevada's history. These families are the reason that we are here today. Whether it is the grandparents who are worried about their health care or the children who are attending our schools, they are the ones that we are working for during the next 120 days. Today, 12 new members take their seats in the Assembly. They come from diverse backgrounds and occupations, and so do the constituents that they represent. We are fortunate to have them here, and they are ready to work for the good of Nevada. Will the new members of the Assembly please rise and be recognized? Thank you. I would also like to welcome back all of our returning members, as well.

This legislative session marks 150 years since the birth of our state. We have much to be proud of, growing from a small battle-born state to what we are today. But as we recognize and honor the past, we are faced with a choice of what we want to become over the next several decades. Will we be a state that answers the wake-up call to the problems in our education system, or will we once again put off taking action and leave the toughest problems for future generations to solve? Will we be a state that continues to apply nickel-size solutions to dollar-size problems, or will we finally recognize that we just can't balance our state on the backs of a few industries?

This session, I am personally committed to working with our Governor and our colleagues in both houses, from both parties, to reach workable, bipartisan solutions to our greatest challenges. We can only move our state forward by working together for the common good, rather than trying to score a few political points. The people of our state are looking for leadership, leadership that looks past the election cycle and leadership that looks past the 30-second sound bite, and that's exactly what each and every one of us should strive to give them.

In an effort not to waste one minute of this session, we have already begun having some serious and productive conversations with leadership of both houses and parties. I would like to thank Minority Leader Hickey for his openness and willingness to work together—not as Democrats, not as Republicans, but as Nevadans. As most of you know, Nevadans are not dealing with the same economic realities as they were even just a few years ago. Many of our families, our friends, and our neighbors still face uncertainty when it comes to their employment

and their housing situation. We are on a long road to recovery, and with that come opportunities to build a new economy and transform the future of our state.

For too long, our answer to education has been to cut. I am here to tell you today we can no longer cut. We can no longer afford to ask our teachers, our students, and our parents to do more with less, and then ask them why we are getting the same results. I would like to thank the Governor for acknowledging the importance of early childhood education and for his proposed funding of limited pre-K and for kindergarten. However, I hope this effort will be extended to all of Nevada's children. As we have learned from study after study, those are the most formative years in a child's education.

We are long overdue in making a serious investment in our schools to make up for lost ground—to move our education system forward so that we have higher graduation rates, students who are well trained for today's workforce, and the opportunity for all of our children to reach their potential. That means giving our educators all the tools that they need to be successful: resources, mentoring, and the teaching environment to be innovative and allow for creativity.

With all that in mind, we also need to ensure our tax dollars are not wasted and that our revenue is fully utilized. By reforming our tax system, we can give businesses and citizens the guarantees they need, as that is the foundation to rebuilding our economy. We should work to expand Nevada Jobs First, which gives contractors preferences as long as their workers come from Nevada. We should work to connect businesses with higher education to invest in programs that train workers with the skills our businesses require. These are the types of discussions I intend to have beginning right now, and I know that each and every one of my colleagues are up to that task.

There is a lot of change in the Legislature this year, with new faces and new leadership. I hope you will join with me in seeing the changes as an opportunity to take some real bold action. I am hopeful that this session will be one of civility, working together, taking on Nevada's toughest issues in a collective voice for the state. The buck really stops with us. Let's begin to make some real investments in our schools, reform our tax structure, and rebuild our economy.

You know, in my time in the Legislature, I've heard a lot about legislators going across the street to the bar, hammering out their differences on an issue, or the Governor coming and working on an issue until all hours of the morning. Why? Because it needed to be done: parties aside, differences aside, solving problems together. Those stories are usually about legendary sessions where big issues were tackled head on. That's exactly the opportunity—and frankly, that's the responsibility of each and every one of us here today.

By the way, let's get away from one Nevada tradition—bickering, pettiness, personality versus policy. Whether it's an Assembly, Senate, Republican, or Democratic bill, I'm going to tell you something: Nevadans just don't care; they just want solutions. Let's not shy away from difficult conversations. Let's have them, frankly and openly, and let's consider all ideas—it doesn't matter where they come from. But let's agree to do one thing: to find a way to move our state forward with solutions that represent all of the people in this room and the constituents we serve. Let's make this a session that future legislators look back on as an example of how Nevadans work together to get the job done. Oh and by the way—and most of you know me—it's okay to have a little bit of fun together while we do all of this.

I look forward to a productive session with each and every one of you, and I thank you for your service to our great state.

Madam Speaker declared that nominations were in order for Speaker pro Tempore.

Assemblywoman Pierce nominated Assemblyman Aizley for Speaker pro Tempore.

Assemblywoman Diaz moved that nominations be closed.

Motion carried unanimously.

Madam Speaker declared Assemblyman Aizley to be Speaker pro Tempore of the Assembly.

Madam Speaker declared that nominations were in order for Chief Clerk of the Assembly.

Assemblyman Munford nominated Ms. Susan Furlong for Chief Clerk.

Assemblyman Stewart moved that nominations be closed.

Motion carried unanimously.

Madam Speaker declared Ms. Susan Furlong to be Chief Clerk of the Assembly.

Madam Speaker appointed Assemblymen Frierson, Benitez-Thompson, and Grady as a committee to inform the Senate that the Assembly was organized and ready for business.

Madam Speaker appointed Assemblymen Horne, Aizley, and Hickey as a committee to inform the Governor that the Assembly was organized and ready for business.

Madam Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:54 p.m.

#### ASSEMBLY IN SESSION

At 12:59 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Frierson reported that his committee had informed the Senate that the Assembly was organized and ready for business.

Assembly in recess at 12:59 p.m.

#### ASSEMBLY IN SESSION

At 1:07 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Horne reported that his committee had informed the Governor that the Assembly was organized and ready for business.

Madam Speaker announced the following standing committees, the first-named member of each committee being the chair, the second-named being the vice chair:



## COMMERCE AND LABOR—

Bobzien, Kirkpatrick, Bustamante Adams, Carlton, Daly, Diaz, Frierson, Healey, Horne, Ohrenschall, Ellison, Grady, Hansen, Hardy, Livermore.

## EDUCATION—

Elliot Anderson, Dondero Loop, Aizley, Cohen, Diaz, Eisen, Munford, Neal, Swank, Duncan, Fiore, Kirner, Stewart, Woodbury.

## GOVERNMENT AFFAIRS—

Benitez-Thompson, Neal, Elliot Anderson, Bustamante Adams, Daly, Healey, Munford, Pierce, Swank, Ellison, Livermore, Oscarson, Stewart, Woodbury.

## HEALTH AND HUMAN SERVICES—

Dondero Loop, Spiegel, Benitez-Thompson, Brooks, Eisen, Hogan, Martin, Pierce, Sprinkle, Duncan, Fiore, Hambrick, Hickey, Oscarson.

## JUDICIARY—

Frierson, Ohrenschall, Carrillo, Cohen, Diaz, Dondero Loop, Martin, Spiegel, Duncan, Fiore, Hansen, Wheeler.

## LEGISLATIVE OPERATIONS AND ELECTIONS—

Ohrenschall, Flores, Elliot Anderson, Martin, Munford, Duncan, Hickey, Oscarson.

## NATURAL RESOURCES, AGRICULTURE, AND MINING—

Daly, Aizley, Carrillo, Cohen, Healey, Swank, Paul Anderson, Ellison, Hansen, Livermore, Wheeler.

## TAXATION—

Bustamante Adams, Pierce, Benitez-Thompson, Frierson, Horne, Kirkpatrick, Neal, Grady, Hardy, Hickey, Kirner, Stewart.

## TRANSPORTATION—

Carrillo, Hogan, Bobzien., Brooks, Carlton, Flores, Healey, Spiegel, Sprinkle, Swank, Paul Anderson, Hambrick, Hardy, Wheeler, Woodbury.

## WAYS AND MEANS—

Carlton, Horne, Aizley, Bobzien, Brooks, Eisen, Flores, Hogan, Kirkpatrick, Sprinkle, Paul Anderson, Grady, Hambrick, Hardy, Hickey, Kirner.

## MAJORITY FLOOR LEADER—

William C. Horne

## ASSISTANT MAJORITY FLOOR LEADER—

Jason M. Frierson

## MAJORITY WHIP—

David Bobzien

## CHIEF DEPUTY MAJORITY WHIP—

Peggy Pierce

## ASSISTANT MAJORITY WHIP—

Olivia Diaz

## ASSISTANT MAJORITY WHIP—

Lucy Flores

## MINORITY FLOOR LEADER—

Pat Hickey

## ASSISTANT MINORITY FLOOR LEADER—

Crescent Hardy

## MINORITY WHIP—

Tom Grady

## MINORITY WHIP—

Lynn Stewart

## MINORITY POLICY COORDINATOR—

Randy Kirner

COMMUNICATIONS  
MESSAGES FROM THE GOVERNOR  
OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, January 28, 2013

THE HONORABLE MO DENIS, THE HONORABLE MARILYN KIRKPATRICK, NEVADA  
LEGISLATURE, 401 S. Carson Street, Carson City, Nevada 89701

DEAR SENATOR DENIS AND SPEAKER KIRKPATRICK:

Enclosed please find my message to the 77th Session of the Nevada Legislature, delivered pursuant to Article 5, Section 10 of the Nevada Constitution. As you know, I delivered the message on Wednesday, January 16, 2013, to a special committee of the Legislature and other guests in the Assembly Chamber in Carson City. Thank you in advance for lodging my message in the record of the 77th Legislative Session. My staff and I look forward to working with all of you in the months ahead.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne requested that the Governor's State of the State Address as presented to the Legislative Commission's Special Committee to Receive the Governor's State of the State Address of January 16, 2013, be entered in the Journal. .

Madam Speaker, Mr. President, distinguished members of the Legislature, honorable Justices of the Nevada Supreme Court, constitutional officers, Senator Heller, honored guests, my fellow Nevadans: For nearly 150 years, governors before me have stood in front of this body and delivered their State of the State address. The personal delivery of a biennial message has become one of our most honored traditions. I'm proud to be here tonight to continue this tradition, along with my wife, the First Lady Kathleen, and my three children, Marisa, Madeline, and James. Thank you for your love and support.

I want to take a moment and pause to remember two extraordinary Nevadans, both of whom I had the honor of serving with in the Nevada Legislature. First, Gene Segerblom, who devoted her entire life to the service of this state as a mother, schoolteacher, and state legislator. Her son, Senator Tick Segerblom, is with us tonight. Tick, Nevada will not soon forget your mother or her service.

Our friend Senator William J. Raggio lived a legendary Nevada life and served in this building with honor and distinction for over four decades. His legacy is a stirring reminder for those of us in public service. There are no barriers to what can be accomplished if we summon the will to work together. I am particularly pleased and honored that Bill's wife Dale could be with us tonight. Mrs. Raggio.

Two years ago, we gathered in a different time under different circumstances. As I stood before you on that evening, our state was reeling from the ravages of the Great Recession. Nevada led the nation in unemployment, housing foreclosures, and personal bankruptcies. State revenue projections had dropped dramatically, and we faced budget cuts in every category.

That evening, I asked the Nevada family to embrace a fundamental course correction—to leave behind the limits of the past and consider the case of our state's future anew. The challenges of the moment were too complex to resort to tired partisanship. Rather, they demanded that we resolve to work together to meet the challenges of the twenty-first century. And we rose to the occasion.

In the final days of the 76th Legislative Session, we were able to craft and work together a bipartisan compromise that led to a balanced budget, important education reforms, and a transformed economic development effort. These elements created the foundation of the progress of the last two years—progress that every Nevadan can be proud of. While my last appearance before you was preceded by a period of decline, my appearance before you tonight has been preceded by a period of growth—yes, growth.

We are emerging from the worst economic crisis of our generation. Though it remains unacceptably high, our unemployment rate is lower than it has been in over three years, and it is falling faster than almost every other state in the nation. State revenues are growing again because our economy is growing again. In the last 24 months, Nevada businesses have created almost 30,000 new jobs. Yes, the last two years have been a success story, not fully realized but undeniably on track.

Tonight, ladies and gentlemen, I can confidently report to the people of Nevada that the state of our state grows stronger every day.

Now we stand at the threshold of another legislative session, another 120 days of decisions that will shape the future of our great state. We must make some immediate decisions—a budget and other pressing issues of the day—but that is only part of the task before us. Our greater challenge is helping a Nevada that is still on the horizon. It awaits us in the future, not too far off but far enough that we must consider what we can be.

I want us tonight to contemplate a journey that takes us to that other Nevada, and I want us to agree that what we find there must be the best that it can be. Traveling with us on that journey will be the children whose faces you see on the screens behind me. These children are all members of the graduating class of 2023; they're second graders today. It is my hope that the faces of these children will inspire us as we consider both the short- and long-term realities of our state.

Two years ago, we began laying the foundation for improved education in Nevada to win a critical victory for Nevada's children, and we did. We passed laws requiring performance-based evaluations for teachers, ending teacher tenure as we know it and reinvigorating the State Board of Education. These historic reforms were essential changes necessary to ensure success for our children.

But structural reforms alone will not fix our problems. Responsibility for Nevada's students does not rest with one single group. It's borne by each and every one of us—parents, educators, school board members, legislators, and governors. To advance the cause of students, we must now turn our eye to the classroom. I continue to believe that literacy is the key to long-term success, and so tonight, I again ask you to take the necessary steps to ensure that every Nevada child can read by Grade Three. If children cannot read by third grade, their chances of graduating from high school become remote.

For pre-[grade]three students, I will propose increased funding for early education in the state's most at-risk schools, and I will ask the Legislature to act quickly, because Nevada's students cannot wait another two years. My budget therefore includes an aggressive expansion of all-day kindergarten among the state's most at-risk schools. Twenty million dollars is allocated over the biennium for this purpose. This means that by 2015, almost half of our elementary schools would have an all-day kindergarten option. If we expect children to read by [grade] three, we cannot continue to ignore all the data that tells us all-day kindergarten is a critical foundation for a child's success.

My budget matches this focus on young learners with two initiatives targeting older students. Of course, we all want the graduation rate to improve, and we want students to have skills for work or college after they graduate. One of the most successful programs in the country today is Teach for America, a unique corps of brilliant young leaders from America's top universities who give their time and talent as teachers in schools that need them most. These teachers help spur innovation and creativity in instruction that make the entire system better. Teach for America has helped make a difference in the lives of hundreds of Nevada students,

but we can do more.

I am proposing a new investment in Teach for America to help recruit, train, develop, and place top teacher and leadership talent in Nevada. I am also asking that Nevada make a firm commitment to another national program with proven results. In the last year, I used available funding to pilot the Jobs for America's Graduates (JAG) initiative in seven Nevada schools. JAG helps prevent dropouts by putting a specialist in the school to work with the most at-risk students. The work continues even after the students graduate and transitions students from high school to a college or a career. It works in over 30 states, and it has worked here in Nevada.

With me tonight in the hall is Dayton High School JAG student Joey Doyle and his JAG advisor Nancy Gardner. Joey grew up in challenging circumstances that most of us can only imagine. Despite these challenges, Joey made a conscious decision to turn his life around, and with the help of good friends, mentors, and the JAG program, he is now a senior at Dayton High School on track to graduate. Joey has told me he is proud to be a member of the Dayton High School JAG program, and Joey, we are proud of you.

My budget includes sufficient resources to fund the JAG program to include up to 50 additional high schools by 2014 and to serve nearly 2,000 additional high school students. To all our current JAG students and specialists, thank you for setting an example across the state.

Now as we make these investments, we must also recognize how Nevada has changed. Our schools are more diverse; more than 15 percent of Nevada's students are English language learners. The Clark County School District alone is responsible for more than 50,000 English language learners representing more than 150 languages. The challenges these students confront are wholly different from those faced by their peers, yet our obligation to them is no less important. Reality dictates that we acknowledge that reading levels, graduation rates, and college readiness will not improve until we appropriately focus on these students.

To lay the first plank in building a stronger foundation for these students, my budget proposes \$14 million for an English Language Learners initiative. I will continue to fight for more school choice. Many students attend schools that are not meeting their needs. We owe them and their parents additional choice as well as individualized instruction.

I will introduce an opportunity scholarship bill giving businesses a tax credit for making contributions to a scholarship fund. These dollars will be distributed on a means-tested basis to students at low-performing schools for use in attending the school of their choice. All in, the proposed budget includes \$135 million in new investment in Nevada's schoolchildren, and as parents and taxpayers, we have a right to expect a return on that investment.

While Nevada's teachers will be supported through the most effective professional development, elevated student performance requires an outstanding teacher in every classroom and an outstanding principal in every building. Nevada is on the cusp of implementing a system that will transform the way we evaluate our state's teachers and administrators, but we need to take the next step.

My budget includes an appropriation for a data system that links student performance to teacher effectiveness. This system is a long-term investment in what will be the backbone of our approach to teacher evaluation. It will ensure that parents and students have the teachers they deserve and that teachers are evaluated fairly. I believe the future of Nevada's students is bright. We've already seen progress not just in passing reforms, but in improving outcomes for students.

Thanks to our educators, last year graduation rates in Clark County rose, third graders in Washoe County posted their highest reading scores ever, and high school math and science performance across the state increased. I know that we have many of our state superintendents in attendance—if you would please rise and be recognized for the hard work that you do. These are small steps, but they're steps to build on, and we will. What we can never do, though, is fall backwards. My pledge to parents, students, and educators is to always, always move ahead.

Now of course our efforts to improve education cannot focus only on the very young. The Nevada System of Higher Education has been an important part of our state's success since its founding. It has become an even more important player in our economic development efforts.

I am pleased and honored to have the Chancellor both as a member of my Cabinet and as an active member of the state Economic Development Board. Mr. Chancellor, I know you are here—if you would please stand.

With the Chancellor's support, we are creating new courses of study at UNR and UNLV focused specifically on the sectors we are targeting for economic growth. UNLV is working with my office of Economic Development to establish UNLV as the global intellectual hub for gaming, hospitality, and entertainment. I'm also proud to announce that funding is included in my proposed budget to begin the planning and construction of a new hotel administration school at UNLV and a student achievement center at UNR.

Our community colleges are also meeting the challenges of today and tomorrow. We are pairing the community colleges more closely with our workforce needs so that they deliver students into jobs that will be waiting for them in the new economy.

Perhaps most importantly for the lives of thousands of current Nevada high school students, my budget again contains an appropriation to support and extend the Kenny C. Guinn Millennium Scholarship through 2017. I'd like to take a moment to introduce former First Lady Dema Guinn who is with us tonight. Dema, I give you my solemn promise that as long as I am Governor, there will always be a Kenny C. Guinn Millennium Scholarship for Nevada students.

A quality education is the foundation of economic growth—the key to improving quality of life in our state. However, the modern economy requires more than an investment in education to broaden economic opportunity. Economic development—getting Nevada working again—has been my greatest priority over the last two years. We've completely overhauled the way Nevada approaches economic development. We have worked as one—Democrat, Republican, independent, north and south, urban and rural—to improve the economic conditions facing Nevada families.

Two years ago, I promised that with a renewed focus and with your help, Nevada businesses would create 50,000 new jobs across Nevada in four years' time. As I stated earlier, we are more than halfway there. Nevada's employers have created nearly 30,000 new jobs in the last two years, and in October-November of 2012, Nevada's job growth was the second strongest in the nation. In addition to companies like Zappos, we are now seeing dozens of other companies coming to Nevada, like Apple, Urban Outfitters, NOW Foods, Xtreme Green, Romotive, and Ameriprise Financial. They bring with them capital investment and good paying jobs with benefits. Many other businesses are in the pipeline to start up or expand in Nevada, thanks to the work of our state and regional economic development teams and the business environment that we have all created right here in the great state of Nevada.

We have made great progress, but our task is far from over. While we aggressively pursue new businesses outside our borders, we cannot forget the businesses that are right here in Nevada. We all know—we know—Nevada employers continue to struggle with the aftermath of the Great Recession. To assist the recovery, my budget provides \$25 million in further tax relief from the modified business tax for an additional 2,700 businesses. That means that since 2011, we will have eliminated the burden of this tax on almost three-quarters of Nevada's businesses. And let me be clear: Nevada's employers cannot afford higher taxes, and I will not support them.

You and I know that we must continue to address the unemployment in our state, and we must deal with the economic realities thrust upon us. Too many of our friends and neighbors are still out of work, and at 10.8 percent, unemployment is still much too high. Against this backdrop, many programs have required modernization, and even the job description of Governor has changed. I have led trade missions to China, Korea, and Canada, and missions to Mexico and Israel are planned to expand Nevada's global footprint. I am committed to leaving no stone unturned, no road not taken.

We must also invest in Nevada's innovators and entrepreneurs, and tonight I am proud to announce that we will commit \$10 million to Nevada's knowledge fund to do just that.

For rural Nevada, we have placed an item in the budget to support the [Knowledge Account]

University Cooperative Extension program, and we are moving forward on “Nevada Grown,” an effort to help provide Nevada farm products for Nevadans. Funds to market rural Nevada tourism are also increased. We are moving forward with our sage grouse management plan to show the federal government that we can manage our own lands and limit further federal intrusion into our lives.

To help Nevada businesses even more, we will also restructure the nearly \$703 million Nevada owes to the federal government used to pay unemployment benefits to Nevadans who were out of work. This step will save employers \$9 million, stabilize the rate paid by businesses, and ensure that the entire amount is paid off by 2016.

We will also work on Project Neon, a major new highway project that will meet the most critical transportation needs of southern Nevada. Project Neon is perhaps the largest public works project in Nevada since the construction of Hoover Dam. It will completely modernize the infrastructure of southern Nevada’s transportation grid and ensure that our commute is safer and more efficient for decades to come.

Nevada must continue to lead in other ways, and no opportunity is as rich with promise as our primary industry, gaming. Nevada was the first state to legalize and regulate online gaming. In the absence of federal action on this issue, Nevada must continue to lead. The Nevada Gaming Control Board will bring legislation to eliminate Nevada’s statutory barriers to interstate online poker and ask for authority to enter into interstate agreements. Nevada has always been the gold standard of both gaming regulation and operation, and I intend to see to it that our state will lead the world into this new frontier. Other states are moving quickly on this issue, and I respectfully ask the Legislature to pass a bill within 30 days. The promise of these ideas is real. The chance to innovate is exciting.

But even as we work to modernize our economy and set a new course toward a brighter economic future, we must address the consequences of the prolonged economic downturn. Last month, I announced that Nevada would comply with the provisions of the Affordable Care Act as they relate to the expansion of Medicaid services. As a result, some 78,000 more Nevadans will now have coverage without facing the new tax penalties imposed by the Affordable Care Act.

The federal law allows us to shift mental health and other state spending to Medicaid sources, saving the General Fund nearly \$25 million over the biennium. Over the next six years, this comprehensive approach will create up to 8,000 new health care jobs and inject over a half billion dollars into our state’s economy. As I’ve noted before, we must reduce taxes on businesses to help them bear the increased costs of the Affordable Care Act, but the issue of long-term health care costs remains. As such, I believe we must ask certain Medicaid patients to make a modest contribution toward the cost of their own care, and I will insist that Nevada be able to opt out of the Medicaid expansion program in future years should circumstances change.

Beyond Medicaid, my budget provides additional funding for our state’s most vulnerable citizens. It includes more support for autism and early intervention services, piloting 24/7 mental health care in southern Nevada, and increased community-based services for Nevada’s disabled and senior citizens.

We’ve all been touched by the housing crisis over these last few years, and Nevadans continue to struggle with home foreclosures. Last year, thousands of Nevadans attended a free housing assistance event in Las Vegas sponsored by our own Department of Business and Industry called “Home Means Nevada.” At the comprehensive event, over 250 representatives from banks met with homeowners and provided help on the spot. While many Nevadans received assistance at that event, we must continue to do more.

Working with the Attorney General, Catherine Cortez-Masto, my administration will use multistate settlement funds to assist Nevadans who have been hardest hit by the housing crisis. We are obligated as leaders to find ways to keep people in their homes and families together, and I will use every available means at my disposal to protect and help the people who fight every day to stay in their most important possession, their home.

The recession has hurt the entire Nevada family. State employees have seen their pay cut and they have been required to take unpaid furlough days. Tonight I am announcing that we will be able to provide some relief to them as well. Merit pay will be restored for state employees beginning on July 1, 2014, and the number of required furlough days will be cut in half as of July 1 of this year. Thank you to all state employees.

There is another group that deserves our attention and respect—our veterans. The men and women who have served our nation in two wars are coming home. Tonight, I ask you to join me in remembering those who have made the ultimate sacrifice and those who have not yet returned. Over 300 Nevadans remain deployed with our Army and Air National Guard, and many more of Nevada's finest are serving in uniform at home and abroad.

With us tonight is one Marine recently returned home, a reminder of all those who remain deployed, Gunnery Sergeant Ben Stryffeler. I had the privilege of meeting Ben two years ago. Since then, we have twice chatted over breakfast about his life and military service. Ben graduated from Carson High 17 years ago and immediately enlisted in the Marine Corps. Since then, he has served his country with dignity and honor, being deployed four times to Iraq and Afghanistan. Ben returned home from Afghanistan a little over a month ago, after serving alongside a weapons company that engaged in heavy combat. Gunnery Sergeant Stryffeler represents the best that we can be. Ben and all the men and women of the military deserve our heartfelt gratitude and respect. Thank you, Ben.

In honor of those who serve in the Armed Forces, my budget contains funding for additional veteran service officers. It also includes money to begin the first phase to build a new stand-alone veterans home in northern Nevada to complement the veterans home in Boulder City. Nevada cherishes its veterans, and these resources will help ensure that our service members receive the benefits they deserve. We owe the men and women who serve our country nothing less than total victory.

Ladies and gentlemen, by doing all of these things, we are laying the groundwork for the future of our children and their families. They are the foundation of my budget and will continue to be the primary focus of my administration. My Executive Budget that will be transmitted to the Legislature tonight represents General Fund spending of approximately \$6.5 billion for the next two years, which is a modest increase over my last budget. Caseload growth in Health and Human Services drives much of this increase. My commitment to K-12 education has also increased spending for our schools. But we must only allow for growth that our fragile economic recovery can bear.

In this budget, we've reduced the tax burden on local businesses, we've addressed increasing caseloads, and we've begun to diversify our economy. The social service net is stronger, support for education is increased, and Nevadans will continue to benefit from the overarching policy of this administration throughout this economic downturn—that is, we cannot cut our way out, we cannot tax our way out, we can only grow our way out.

As Nevada prepares to celebrate 150 years of statehood, we must also consider how far we have come and prepare for what lies ahead. [The year] 2014 is not just the anniversary of Nevada's statehood; it also marks the centennial year of the approval of women's suffrage in our state. Nevada gave women the right to vote in 1914, five years before the rest of the nation adopted the Nineteenth Amendment in 1919. It is my hope that the celebration of women's suffrage and the commemoration of Nevada's 150th birthday will provide a joint platform of examining who we are and who we can be.

Nevadans are rightfully proud of their history. We are also cognizant of the world around us, and we are ever mindful of those students whose faces inspire us to plan big for a bright future.

Tonight, we can take pride in our progress. The table has been set by economic improvements, and we can now see a light at the end of the tunnel. But problems persist, and they demand our attention. Such is the current context in which I have come before you tonight to describe the budget and the policy agenda placed before the 77th Session of the Legislature. It is a context of improvement, realism, and yes, optimism. It is a context in which we are cast again in the role of problem solvers. My plan represents the next phase of recovery and rebuilding.

Tonight we prepare to embark on a legislative session that I hope will set an example for bipartisanship. Two years ago, we gathered in difficulty and confronted a time of triage. Then, we were consumed by the effort simply to stop the free fall. Tonight we come together to further stabilize our state and lay a stronger foundation for its future.

From the vantage point of this new foundation, from the watershed moment of our 150th birthday, we can cast our gaze to the horizon—to the world we want for the graduating class of 2023: an educated and healthy citizenry, a vibrant and sustainable economy, safe and livable communities, and an efficient and responsive state government.

Each step we will take—indeed each of the many steps taken over the last two years—is coming together to reveal a map of promise and opportunity, and I know in my heart it will guide us not just where we want to go but where we must.

I am proud to serve as your Governor. I am proud to call Nevada my home.

God bless all of you, God bless the great state of Nevada, and God bless the United States of America, the greatest nation on Earth. Thank you.

#### MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA  
OFFICE OF THE SECRETARY OF STATE

January 4, 2013

SUSAN FURLONG, *Chief Clerk*  
401 S. Carson Street  
Carson City, Nevada 89701-4747  
DEAR MS. FURLONG:

This letter is in acknowledgment of the transfer of Assembly Bill Nos. 136, 137, 152, 300, 301, 416, 433, 546, 550, and 578 (of the 76th Legislative Session), which were vetoed by the Governor after the end of the 76th Legislative Session. Also enclosed is A.J.R. 1 (of the 76th Legislative Session). The enclosed engrossed and enrolled copies of these bills are being transferred to the 77th Legislative Session pursuant to NRS 218.430(2) from the Elections Division to your office on Friday, January 4, 2013.

If you have any questions in this regard, please do not hesitate to contact the Elections Division at (775) 684-5705.

Respectfully,  
ROSS MILLER  
*Secretary of State*

BY: SHELLY CAPURRO  
*Elections Division Officer*



FEBRUARY 4, 2013—DAY 1

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SUPREME COURT OF NEVADA  
KRISTINA PICKERING, CHIEF JUSTICE  
201 SOUTH CARSON STREET  
CARSON CITY, NV 89701-4702  
(775) 684-1754

January 7, 2013

SENATOR MO DENIS  
SPEAKER MARILYN KIRKPATRICK  
NEVADA LEGISLATURE  
401 S. Carson Street  
Carson City, NV 89701-4747

RE: State of the Judiciary Address—2013 Legislative Session

DEAR SENATOR DENIS AND SPEAKER KIRKPATRICK:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Supreme Court in 2013, to address a joint session of the Legislature on the State of the Judiciary. The date suggested to our Clerk of Court by Susan Furlong is March 1, 2013, at 10:30 a.m.

Your joint consideration of this matter would be much appreciated.

Sincerely,  
KRISTINA PICKERING  
*Chief Justice*

UNITED STATES SENATE  
WASHINGTON, D.C. 20510-7012

January 9, 2013

THE HONORABLE MARILYN KIRKPATRICK, *Speaker*, State of Nevada Assembly, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER KIRKPATRICK:

I am writing to request the honor of speaking before both Houses of the Nevada State Legislature at 5:00 p.m. on Wednesday, February 20, 2013.

My Reno office will be coordinating the details of my visit. Please contact Mary Conelly at 775-686-5750 if you have any questions.

Thank you for your kind consideration.

With all best wishes.

Sincerely,  
HARRY REID  
*Majority Leader*  
*United States Senate*

STATE OF NEVADA  
OFFICE OF THE SECRETARY OF STATE

February 4, 2013

SUSAN FURLONG  
*Chief Clerk of the Assembly*  
401 S. Carson Street  
Carson City, Nevada 89701-4747

RE: The Education Initiative

DEAR MS. FURLONG:

Pursuant to the Nevada Constitution, Article 19, Section 2, the Secretary of State's office is required to transmit to the Nevada Legislature any initiative petition proposing a statute or amendment of an existing statute, which is filed with this office and deemed sufficient. The initiative petition must be transmitted as soon as the Nevada Legislature convenes and organizes. In compliance with the Nevada Constitution, enclosed please find "The Education Initiative."

Should you have any questions, please contact me at (775) 684-5705.

Respectfully,

ROSS MILLER  
*Secretary of State*

BY: SCOTT F. GILLES  
*Deputy Secretary for Elections*

#### PRESENTATION OF PETITIONS

Initiative Petition No. 1—AN ACT relating to taxation; imposing a margin tax on business entities engaged in business in this State; providing for the administration and collection of the tax and the distribution of the proceeds; temporarily increasing the payroll tax imposed on certain financial institutions; providing penalties; making an appropriation; and providing other matters properly relating thereto.

This act provides for the imposition of a margin tax on business entities engaged in business in this State, and requires that the proceeds of the tax be used to fund the operation of the public schools in this State for kindergarten through grade 12.

**Sec. 2.** Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 3 to 45, inclusive, of this act.

**Sec. 3.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 17, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 4.** *"Affiliated group" means a group of two or more business entities, each of which is controlled by one or more common owners or by one or more of the members of the group.*

**Sec. 5.** *"Business" means any activity engaged in or caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, to any person or governmental entity.*

**Sec. 6. 1.** *Except as otherwise provided in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust, professional association, joint stock company, holding company and any other person engaging in a business, and includes a combined group.*

**2.** *"Business entity" does not include:*

*(a) A natural person unless that person is engaging in a business and is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss From Business, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming, or its equivalent or successor form, for that business;*

*(b) A governmental entity;*

*(c) Any person or other entity that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution; or*

*(d) Any credit union that is authorized to transact business in this State pursuant to the provisions of chapter 678 of NRS.*

Sec. 7. *“Combined group” means an affiliated group of business entities that is required to file a group return pursuant to section 27 of this act.*

Sec. 8. *“Commission” means the Nevada Tax Commission.*

Sec. 9. *“Controlled by” means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a business entity, whether through the ownership of voting securities, by contract or otherwise.*

Sec. 10. *“Engaging in a business” means commencing, conducting or continuing a business, the exercise of corporate or franchise powers regarding a business, and the liquidation of a business which is or was engaging in a business when the liquidator holds itself out to the public as conducting that business.*

Sec. 11. *“Governmental entity” means:*

1. *The United States and any of its unincorporated agencies and instrumentalities.*  
2. *Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.*

3. *The State of Nevada and any of its unincorporated agencies and instrumentalities.*

4. *Any county, city, district or other political subdivision of this State.*

Sec. 12. *“Lending institution” means an entity that makes loans and:*

1. *Is regulated by the Federal Reserve Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Commodity Futures Trading Commission, the Office of Thrift Supervision or any comparable regulatory body;*

2. *Is licensed by, registered with or otherwise regulated by the Commissioner of Financial Institutions;*

3. *Is a “broker” or “dealer” as defined in 15 U.S.C. § 78c; or*

4. *Provides financing to unrelated parties solely for agricultural production.*

Sec. 13. *“Pass-through revenue” means:*

1. *Revenue received by a business entity solely on behalf of another in a disclosed agency capacity, including, without limitation, revenue received as a broker, bailee, consignee or auctioneer, notwithstanding that the business entity may incur liability, primarily or secondarily, in a transaction in its capacity as an agent;*

2. *Taxes collected from a third party by a business entity and remitted by the business entity to a taxing authority; and*

3. *Reimbursement for advances made by a business entity on behalf of a customer or client, other than with respect to services rendered or with respect to purchases of goods by the business entity in carrying out the business in which it engages.*

Sec. 14. *“Taxable year” means the taxable year used by a business entity for the purposes of federal income taxation.*

Sec. 15. *“Total income” means the total amount received by a business entity from all sources, without subtracting any costs or expenses.*

Sec. 16. *“Total revenue” means the total revenue of a business entity as determined under section 24 of this act.*

Sec. 17. *“Unitary business” means a business characterized by unity of ownership, functional integration, centralization of management and economy of scale.*

Sec. 18. 1. *For the purposes of this chapter, an entity constitutes a “passive entity” only if:*

(a) *The entity is a general partnership, limited partnership, limited-liability partnership or limited-liability limited partnership or a trust, other than a business trust; and*

(b) *During the period on which margin is based, at least 90 percent of the entity’s federal gross income consists of:*

(1) *Dividends or interest; and*

(2) *Royalties, bonuses or delay rental income from mineral properties and income from other nonoperating mineral interests.*

2. *The income described in paragraph (b) of subsection 1 does not include any:*

(a) Rent; or

(b) Income received by a nonoperator from mineral properties under a joint operating agreement if the nonoperator is a member of an affiliated group and another member of that group is the operator under that joint operating agreement.

Sec. 19. The Department shall:

1. Administer and enforce the provisions of this chapter, and may adopt such regulations as it deems appropriate for those purposes.

2. Adopt such regulations as may be necessary or appropriate to interpret and carry out the provisions of sections 24 and 27 of this act.

3. Retain from the proceeds of the taxes, interest and penalties it receives pursuant to this chapter an amount sufficient to reimburse the Department for the actual cost of administering this chapter, to the extent that the Department incurs any cost it would not have incurred but for the enactment of this chapter, and deposit the amount so retained with the State Treasurer for credit to the State General Fund. The amount so retained must not exceed the amount authorized by statute for this purpose.

4. Except as otherwise provided in subsection 3, deposit all taxes, interest and penalties it receives pursuant to this chapter in the State Distributive School Account in the State General Fund. The money so deposited must be apportioned among the several school districts and charter schools of this State at the times and in the manner provided by law for the money in the State Distributive School Account.

Sec. 20. 1. Each person responsible for maintaining the records of a business entity shall:

(a) Keep such records as may be necessary to determine the amount of the liability of the business entity pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. The Department may by regulation specify the types of records which must be kept to determine the amount of the liability of a business entity pursuant to the provisions of this chapter.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 21. 1. To verify the accuracy of any return filed or, if no return is filed by a business entity, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the tax imposed by this chapter.

2. Any person who may be liable for the tax imposed by this chapter and who keeps outside of this State any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 22. 1. Except as otherwise provided in this section, a margin tax is hereby imposed on each business entity that engages in a business in this State during any taxable year beginning on or after the effective date of this section, at the rate of 2 percent of the taxable margin of the business entity for the taxable year.

2. The margin tax extends to the limits of the Nevada Constitution, the Constitution of the United States and the federal law adopted under the United States Constitution.

3. A business entity is exempt from the margin tax imposed for each taxable year regarding which:

(a) *The amount of the total revenue of the business entity from its entire business is less than or equal to \$1,000,000, as determined under section 24 of this act;*

(b) *The business entity qualifies as a passive entity, as determined pursuant to section 18 of this act; or*

(c) *The business entity qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).*

4. *A business entity that pays any tax imposed on the business entity pursuant to NRS 363A.130 or 363B.110 for any of the last four calendar quarters ending on or before the last day of a taxable year for which the margin tax is imposed pursuant to this section is entitled to a credit against the amount of the margin tax due from that business entity for that taxable year in the amount of the taxes paid by the business entity pursuant to NRS 363A.130 and 363B.110 for those calendar quarters, but not more than the amount of the margin tax due from the business entity for that taxable year.*

Sec. 23. 1. *Subject to the provisions of section 27 of this act, the taxable margin of a business entity must be computed by:*

(a) *Determining the business entity's margin, which is the lesser of 70 percent of the total revenue of the business entity from its entire business, as determined under section 24 of this act, or an amount computed by:*

(1) *Determining the total revenue of the business entity from its entire business under section 24 of this act; and*

(2) *Except as otherwise provided in subsection 2, subtracting from the amount determined under subparagraph (1), at the election of the business entity, either:*

(I) *The cost of goods sold, as determined under section 25 of this act; or*

(II) *The amount of compensation, as determined under section 26 of this act; and*

(b) *Apportioning the business entity's margin to this State as provided in section 28 of this act to determine the business entity's taxable margin.*

2. *An election under subparagraph (2) of paragraph (a) of subsection 1 must be made by a business entity on its annual return and is effective only for that annual return. A business entity shall notify the Department of its election not later than the date the annual return is due.*

3. *In making any computation under this section, an amount that is zero or less must be computed as zero.*

Sec. 24. 1. *Except as otherwise provided in this section and subject to the provisions of section 27 of this act, for the purpose of computing its taxable margin under section 23 of this act, the total revenue of a business entity is:*

(a) *For a business entity treated for the purposes of federal income taxation as a corporation, an amount computed by:*

(1) *Adding:*

(I) *The amount reportable as income on line 1c of Internal Revenue Service Form 1120; and*

(II) *The amounts reportable as income on lines 4 to 10, inclusive, of Internal Revenue Service Form 1120; and*

(2) *Subtracting:*

(I) *The amount of any bad debts expensed for the purposes of federal income taxation that corresponds to items of income included in subparagraph (1) for the current reporting period or a past reporting period;*

(II) *To the extent included in subparagraph (1), any foreign royalties and foreign dividends;*

(III) *To the extent included in subparagraph (1), any net distributive income from a business entity treated as a partnership or as an S corporation for the purposes of federal income taxation;*

(IV) Any allowable deductions from Internal Revenue Service Form 1120, Schedule C, to the extent that the relating dividend income is included in total revenue;

(V) To the extent included in subparagraph (1), any items of income attributable to an entity that is a disregarded entity for the purposes of federal income taxation; and

(VI) To the extent included in subparagraph (1), any other amounts authorized by this section;

(b) For a business entity treated for the purposes of federal income taxation as a partnership, an amount computed by:

(1) Adding:

(I) The amount reportable as income on line 1c of Internal Revenue Service Form 1065;

(II) The amounts reportable as income on lines 4, 6 and 7 of Internal Revenue Service Form 1065;

(III) The amounts reportable as income on lines 3a and 5 to 11, inclusive, of Internal Revenue Service Form 1065, Schedule K;

(IV) The amount reportable as income on line 17 of Internal Revenue Service Form 8825; and

(V) The amount reportable as income on line 11, plus the amount reportable on line 2 or line 45, of Internal Revenue Service Form 1040, Schedule F; and

(2) Subtracting:

(I) The amount of any bad debts expensed for the purposes of federal income taxation that corresponds to items of income included in subparagraph (1) for the current reporting period or a past reporting period;

(II) To the extent included in subparagraph (1), any foreign royalties and foreign dividends;

(III) To the extent included in subparagraph (1), any net distributive income from a business entity treated as a partnership or as an S corporation for the purposes of federal income taxation;

(IV) To the extent included in subparagraph (1), any items of income attributable to an entity that is a disregarded entity for the purposes of federal income taxation; and

(V) To the extent included in subparagraph (1), any other amounts authorized by this section; or

(c) For any business entity other than a business entity treated for the purposes of federal income taxation as a corporation or partnership, an amount determined in a manner substantially equivalent to the amount determined under paragraph (a) or (b), as prescribed in regulations adopted by the Department.

2. Subject to the provisions of section 27 of this act, a business entity that is part of a federal consolidated group shall compute its total revenue under subsection 1 as if it had filed a separate return for the purposes of federal income taxation.

3. A business entity that owns an interest in a passive entity may exclude from the total revenue of the business entity the business entity's share of the net income of the passive entity, but only to the extent the net income of the passive entity was generated by the margin of any other business entity.

4. Except as otherwise provided in subsection 5, to the extent included under subparagraph (1) of paragraph (a) of subsection 1, subparagraph (1) of paragraph (b) of subsection 1 or paragraph (c) of subsection 1:

(a) A business entity may exclude from its total revenue:

(1) The amount of any pass-through revenue of the business entity; and

(2) The amount of tax basis, as determined under the Internal Revenue Code and any regulations adopted pursuant thereto, of any securities and loans sold; and

(b) A business entity that is a lending institution may exclude from its total revenue the amount of any proceeds from the principal repayment of loans.

5. *If a business entity is part of an affiliated group, the business entity may not exclude from its total revenue any of the amounts described in subsection 4 which are paid to entities that are members of the affiliated group.*

6. *To the extent included under subparagraph (1) of paragraph (a) of subsection 1, subparagraph (1) of paragraph (b) of subsection 1 or paragraph (c) of subsection 1:*

(a) *A business entity may exclude from its total revenue the amount of any revenue attributable to dividends and interest upon any bonds or securities of the Federal Government, the State of Nevada or a political subdivision of this State.*

(b) *A business entity that is required to pay a license fee pursuant to NRS 463.370 may exclude from its total revenue the amount of its gross revenue used to determine the amount of that fee.*

7. *Any amount excluded under this section from the total revenue of a business entity must not be included in the determination of the cost of goods sold under section 25 of this act or the determination of the amount of compensation under section 26 of this act.*

8. *For the purposes of this section, any reference to:*

(a) *An Internal Revenue Service form includes any variant of the form and any subsequent form with a different number or designation that substantially provides the same information as the original form.*

(b) *An amount reportable as income on a line number of an Internal Revenue Service form means the amount entered to the extent the amount entered complies with federal income tax law and includes the corresponding amount entered on a variant of the form or subsequent form with a different line number to the extent the amount entered complies with federal income tax law.*

Sec. 25. 1. *Subject to the provisions of section 27 of this act, a business entity that elects to subtract the cost of goods sold for the purpose of computing its taxable margin under section 23 of this act must determine the amount of that cost as provided in this section.*

2. *Except as otherwise provided in this section, the cost of goods sold includes:*

(a) *All direct costs of acquiring or producing the goods, including:*

(1) *Labor costs;*

(2) *The cost of materials that are an integral part of the specific property produced;*

(3) *The cost of materials that are consumed in the ordinary course of performing production activities;*

(4) *Handling costs, including costs attributable to processing, assembling, repackaging and transportation to the business entity;*

(5) *Storage costs, including the costs of carrying, storing or warehousing property;*

(6) *Depreciation, depletion and amortization, as reported on the federal income tax return on which the return under this chapter is based, to the extent associated with and necessary for the production of the goods;*

(7) *The cost of renting or leasing equipment, facilities or real property which is directly used for the production of the goods;*

(8) *The cost of repairing and maintaining equipment, facilities or real property which is directly used for the production of the goods;*

(9) *The costs attributable to any research, experimental, engineering or design activities directly related to the production of the goods;*

(10) *Taxes paid in relation to acquiring or producing any material, and taxes paid in relation to services that are a direct cost of production; and*

(11) *The cost of producing or acquiring any electricity sold; and*

(b) *The following costs in relation to the business entity's goods:*

(1) *Deterioration of the goods;*

(2) *Obsolescence of the goods;*

(3) *Spoilage and abandonment of the goods, including the costs of rework labor, reclamation and scrap;*

(4) *If the property is held for future production, the direct costs of preproduction allocable to the property;*

(5) *The direct costs of postproduction allocable to the property;*

(6) *The costs of insurance on any plant, facility, machinery, equipment or materials directly used in the production of the goods;*

(7) *The cost of insurance on the produced goods;*

(8) *The cost of utilities, including any electricity, gas and water, directly used in the production of the goods;*

(9) *The costs of quality control, including any replacement of defective components pursuant to standard warranty policies, inspection directly allocable to the production of the goods, and repairs and maintenance of the goods; and*

(10) *Licensing and franchise costs, including any fees incurred in securing the contractual right to use a trademark, corporate plan, manufacturing procedure, special recipe or other similar right directly associated with the goods produced.*

3. *The cost of goods sold does not include the following costs in relation to the business entity's goods:*

(a) *The cost of renting or leasing any equipment, facilities or real property that is not used for the production of the goods;*

(b) *Selling costs, including employee expenses relating to sales;*

(c) *Distribution costs;*

(d) *Advertising and marketing costs;*

(e) *Expenses for idle facilities;*

(f) *Rehandling costs;*

(g) *Bidding costs incurred in the solicitation of contracts, whether or not the contracts are ultimately awarded to the business entity;*

(h) *Interest, including interest on debt incurred or continued during the period of production of the goods to finance such production;*

(i) *Any taxes assessed on the business entity based on income;*

(j) *Strike or lockout expenses, except the wages of employees hired to replace striking personnel;*

(k) *Compensation of directors, officers and consultants;*

(l) *Dividends to shareholders or distributions to members or partners which are business entities;*

(m) *Professional fees and costs of litigation;*

(n) *Fines, damages or restitution paid pursuant to judgments, consent decrees or settlements of legal actions including arbitration; and*

(o) *Any of the amounts described in subsection 2 which are paid to entities that are members of an affiliated group of which the business entity is a part.*

4. *For the purposes of this section and section 23 of this act, and subject to the provisions of section 27 of this act, a business entity:*

(a) *May make a subtraction in relation to the cost of goods sold only if that entity owns those goods.*

(b) *Must determine its cost of goods sold in accordance with the methods used on the federal income tax return on which is based the return under this chapter. This paragraph does not affect the type or category of cost of goods sold that may be subtracted in accordance with this section to compute the taxable margin of a business entity.*

5. *As used in this section:*

(a) *"Goods" means real property or tangible personal property sold in the ordinary course of business of a business entity.*

(b) *"Production" includes construction, installation, manufacture, development, extraction, improvement, creation, raising or growth.*



Sec. 26. 1. *Except as otherwise provided in this section and subject to the provisions of section 27 of this act, a business entity that elects to subtract the amount of compensation for the purpose of computing its taxable margin under section 23 of this act may subtract an amount equal to:*

(a) *All wages, salaries and bonuses paid by the business entity to its officers, directors, owners, partners and employees who are natural persons; and*

(b) *The cost of all benefits, to the extent deductible for the purposes of federal income taxation, the business entity provides to its officers, directors, owners, partners and employees, including retirement, health care, employer contributions made to employees' health savings accounts and workers' compensation benefits.*

2. *Notwithstanding the actual amount of wages, salaries and bonuses paid by a business entity to its officers, directors, owners, partners and employees, a business entity may not include in the amount of wages, salaries and bonuses the business entity subtracts pursuant to paragraph (a) of subsection 1, in relation to each individual person, more than \$300,000 per taxable year on which margin is based. If a person is paid by more than one entity of a combined group, the combined group may not subtract pursuant to paragraph (a) of subsection 1, in relation to that person, a total of more than \$300,000 per taxable year on which margin is based.*

3. *As used in this section:*

(a) *Except as otherwise provided in paragraph (b), "wages, salaries and bonuses means the amount entered in the Medicare wages and tips box of Internal Revenue Service Form W-2 or any subsequent form with a different number or designation that substantially provides the same information.*

(b) *"Wages, salaries and bonuses" includes, to the extent not included in the amount described in paragraph (a), the amount of any:*

(1) *Net distributive income from a business entity treated as a partnership for the purposes of federal income taxation, but only if the person receiving the distribution is a natural person;*

(2) *Net distributive income from limited-liability companies and corporations treated as S corporations for the purposes of federal income taxation, but only if the person receiving the distribution is a natural person; and*

(3) *Net distributive income from a limited-liability company treated as a sole proprietorship for the purposes of federal income taxation, but only if the person receiving the distribution is a natural person.*

Sec. 27. 1. *Business entities that are part of an affiliated group engaged in a unitary business must file, in lieu of individual returns, a combined group return based on the combined group's business. The combined group:*

(a) *Must not include a business entity that conducts business outside of the United States if, as determined in accordance with regulations adopted by the Department:*

(1) *Eighty percent or more of that business entity's property and payroll are allocable to locations outside of the United States; or*

(2) *That business entity has no property or payroll and 80 percent or more of the business entity's total income is allocable to locations outside of the United States.*

(b) *Constitutes a single business entity for purposes of the application of the tax imposed by this chapter.*

2. *For the purposes of section 23 of this act, a combined group shall determine its total revenue by:*

(a) *Determining the total revenue of each of its members as provided in section 24 of this act as if the member was an individual business entity;*

(b) *Adding the total revenue of all its members determined under paragraph (a); and*

(c) *Subtracting from the amount determined under paragraph (b), to the extent included under subparagraph (1) of paragraph (a) of subsection 1 of section 24 of this act,*

*subparagraph (1) of paragraph (b) of subsection 1 of section 24 of this act or paragraph (c) of subsection 1 of section 24 of this act, any items of total revenue received from a member of the combined group.*

3. *For the purposes of section 23 of this act, a combined group shall make an election to subtract either the cost of goods sold or the amount of compensation that applies to all of its members. Regardless of the election, the taxable margin of the combined group may not exceed 70 percent of the combined group's total revenue from its entire business.*

4. *A member of a combined group may claim as the cost of goods sold those costs that qualify under section 25 of this act if the goods for which the costs are incurred are owned by another member of the combined group.*

5. *For the purposes of section 23 of this act, a combined group that elects to subtract:*

(a) *The cost of goods sold must determine that amount by:*

(1) *Determining the cost of goods sold for each of its members as provided in section 25 of this act as if the member was an individual business entity;*

(2) *Adding all the amounts of the costs of goods sold determined under subparagraph (1); and*

(3) *Subtracting from the amount determined under subparagraph (2) any amount of the costs of goods sold paid from one member of the combined group to another member of the combined group, but only to the extent that the corresponding item of total revenue was subtracted under paragraph (c) of subsection 2.*

(b) *The amount of compensation must determine that amount by:*

(1) *Determining the amount of compensation for each of its members as provided in section 26 of this act as if the member was an individual business entity, subject to the limitation set forth in subsection 2 of section 26 of this act;*

(2) *Adding all the amounts of compensations determined under subparagraph (1); and*

(3) *Subtracting from the amount determined under subparagraph (2) any amount of compensation paid from one member of the combined group to another member of the combined group, but only to the extent that the corresponding item of total revenue was subtracted under paragraph (c) of subsection 2.*

6. *Each business entity that is part of a combined group's return must, for the purposes of determining margin and apportionment, include its activities for the same period as that used by the combined group.*

7. *Each member of a combined group is jointly and severally liable for the tax of the combined group.*

Sec. 28. 1. *A business entity's margin must be apportioned to this State to determine the amount of tax imposed by section 22 of this act by multiplying the margin by a fraction, the numerator of which is the business entity's total income from business done in this State, as determined under section 29 of this act, and the denominator of which is the business entity's total income from its entire business, as determined under section 30 of this act.*

2. *For the purpose of apportioning margin:*

(a) *Income excluded from total revenue by a business entity under section 24 of this act must not be included in either the total income of the business entity from its business done in this State as determined under section 29 of this act or the total income of the business entity from its entire business as determined under section 30 of this act.*

(b) *Income derived from transactions between individual members of a combined group that are excluded under paragraph (c) of subsection 2 of section 27 of this act must not be included in:*

(1) *The total income of the business entity from its business done in this State as determined under section 29 of this act, except that income ultimately derived from the sale of tangible personal property between individual members of a combined group where one member party to the transaction does not have nexus in this State must be included in the total income of the business entity from its business done in this State as determined under section*

29 of this act to the extent that the member of the combined group that does not have nexus in this State resells the tangible personal property without substantial modification to a purchaser in this State. For the purposes of this subsection, “income ultimately derived from the sale of tangible personal property” means the amount paid for the tangible personal property by the third-party purchaser.

(2) The total income of the business entity from its entire business as determined under section 30 of this act.

(c) Notwithstanding any provision of paragraph (a) or (b) to the contrary, if a loan or security is treated as inventory of the seller for the purposes of federal income taxation, the gross proceeds of the sale of that loan or security are considered total income.

Sec. 29. 1. Subject to the provisions of section 28 of this act, in apportioning margin, the total income of a business entity from its business done in this State is the sum of the business entity’s total income from:

- (a) Each sale of tangible personal property which is delivered or shipped to a buyer in this State, regardless of the specified terms and conditions of the sale;
- (b) Each service performed in this State;
- (c) Each rental of property situated in this State;
- (d) The use of a patent, copyright, trademark, franchise or license in this State;
- (e) Each sale of real property located in this State, including royalties from oil, gas or other mineral interests; and
- (f) Any other business done in this State.

2. For the purposes of paragraph (b) of subsection 1, the total income derived from servicing loans secured by real property shall be deemed to be performed in this State if the real property is located in this State.

3. A combined group shall include in its total income computed under subsection 1 the total income of each business entity that is a member of the combined group which has a nexus in this State for the purpose of taxation.

Sec. 30. 1. Subject to the provisions of section 28 of this act, in apportioning margin, the total income of a business entity from its entire business is the sum of the business entity’s total income from:

- (a) Each sale of the business entity’s tangible personal property;
- (b) Each service, rental or royalty; and
- (c) Any other business.

2. If a business entity sells an investment or capital asset, the business entity’s total income from its entire business for taxable margin includes only the net gain from the sale.

3. A combined group shall include in its total income computed under subsection 1 the total income of each business entity that is a member of the combined group, without regard to whether that entity has a nexus with this State for the purpose of taxation.

Sec. 31. 1. A business entity shall use the same accounting methods to apportion margin as used in computing margin.

2. A business entity may not change its accounting methods used to calculate its total income more often than once every 4 years without the express written consent of the Department. A change in accounting methods is not justified solely because the change results in a reduction of tax liability.

Sec. 32. 1. The tax imposed by this chapter for each taxable year is due on the last day of the calendar month following that taxable year.

2. Except as otherwise provided in this chapter, each business entity engaging in a business in this State during a taxable year that is not exempt from the tax imposed by this chapter for that taxable year shall file with the Department a return on a form prescribed by the Department, together with the remittance of any tax due pursuant to this chapter for that taxable year, not later than 30 days after the date the business entity is required to file its federal income tax return for that taxable year with the Internal Revenue Service. The return

*required by this subsection must be executed under penalty of perjury and include the taxpayer identification number or social security number of the business entity, as applicable, and such other information as is required by the Department.*

*Sec. 33. Upon written application made before the date on which a business entity is otherwise required to file a return and pay the tax imposed by this chapter, the Department may:*

*1. If the business entity is granted an extension of time by the Federal Government for the filing of its federal income tax return, extend the time for filing the return required by this chapter until not later than 30 days after the date the business entity is required to file its federal income tax return pursuant to the extension of time granted by the Federal Government. The Department may require, as a condition to the granting of any extension pursuant to this subsection, the payment of the tax estimated to be due pursuant to this chapter.*

*2. For good cause extend by 30 days the time within which the business entity is required to pay the tax. If the tax is paid during a period of extension granted pursuant to this subsection, no penalty or late charge may be imposed for failure to pay at the time required, but the business entity shall pay interest at the rate of 1 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.*

*Sec. 34. 1. If the taxable margin of a business entity changes as a result of:*

*(a) The filing by the business entity of an amended federal income tax return or other return, the business entity shall, within 30 days after that filing, file an amended return with the Department.*

*(b) An audit or other adjustment by the Internal Revenue Service or another competent authority, the business entity shall, within 30 days after the audit report or other adjustment becomes final, file an amended return with the Department.*

*2. If, based upon an amended return filed pursuant to this section, it appears that the tax imposed by this chapter has not been fully assessed, the Department shall assess the deficiency, with interest calculated at the rate and in the manner set forth in NRS 360.417. Any assessment required by this subsection must be made within 3 years after the Department receives the amended return.*

*Sec. 35. If the Department determines that any tax, penalty or interest has been paid more than once or has been erroneously collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.*

*Sec. 36. 1. Except as otherwise provided in NRS 360.235 and 360.395:*

*(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the taxable year for which the overpayment was made.*

*(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.*

*2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.*

*3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.*

*4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.*

Sec. 37. 1. *No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of this State to prevent or enjoin the collection under this chapter of the tax imposed by this chapter or any amount of tax, penalty or interest required to be collected.*

2. *No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously determined or collected unless a claim for refund or credit has been filed.*

Sec. 38. 1. *Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his or her principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.*

2. *Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.*

Sec. 39. 1. *If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with the Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Commission rendered on appeal, the claimant may, within 90 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.*

2. *If judgment is rendered for the plaintiff, the amount of the judgment must first be credited towards any tax due from the plaintiff.*

3. *The balance of the judgment must be refunded to the plaintiff.*

Sec. 40. *If the court finds that the Department acted arbitrarily or capriciously in denying the plaintiff's claim, interest on the amount refunded to the plaintiff may be allowed at the Federal Funds Target Rate, but no greater than 6 percent per annum, upon the amount refunded to the plaintiff from the date of payment of the amount to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.*

Sec. 41. *A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.*

Sec. 42. 1. *The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.*

2. *The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.*

3. *The Attorney General shall prosecute the action, and the provisions of NRS, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.*

Sec. 43. 1. *If any amount in excess of \$25 has been illegally determined, either by the Department or by the person filing the return, the Department shall certify this fact to the State Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.*

2. *If an amount not exceeding \$25 has been illegally determined, either by the Department or by the person filing the return, the Department, without certifying this fact to*

*the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.*

**Sec. 44. 1.** *A person shall not:*

*(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration with intent to defraud the State or to evade payment of the tax or any part of the tax imposed by this chapter.*

*(b) Make, cause to be made or permit to be made any false entry in books, records or accounts with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter.*

*(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter.*

**2.** *Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.*

**Sec. 45.** *The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.*

**Sec. 46.** NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377 or 377A of NRS ~~1-4~~ *or sections 3 to 45, inclusive, of this act*, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

**Sec. 47.** NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, *sections 3 to 45, inclusive, of this act*, NRS 482.313, or chapter 585 or 680B of NRS as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

**Sec. 48.** NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 444A or 585 of NRS, *or sections 3 to 45, inclusive, of this act*, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

**Sec. 49.** NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

↪ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the

payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, or chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, *sections 3 to 45, inclusive, of this act*, NRS 482.313, or chapter 585 or 680B of NRS from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

**Sec. 50.** NRS 363A.130 is hereby amended to read as follows:

363A.130 1. There is hereby imposed an excise tax on each employer at the rate of ~~{2}~~ **2.29** percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

**Sec. 51.** NRS 363A.130 is hereby amended to read as follows:

363A.130 1. There is hereby imposed an excise tax on each employer at the rate of ~~{2.29}~~ **2.42** percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

**Sec. 52.** NRS 363A.130 is hereby amended to read as follows:

363A.130 1. There is hereby imposed an excise tax on each employer at the rate of ~~{2.42}~~ **2** percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.



3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

- (a) File with the Department a return on a form prescribed by the Department; and
- (b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

**Sec. 53.** NRS 78.245 is hereby amended to read as follows:

78.245  ~~[No]~~

**1. Except as otherwise provided in subsection 2, no** stocks, bonds or other securities issued by any corporation organized under this chapter, nor the income or profits therefrom, nor the transfer thereof by assignment, descent, testamentary disposition or otherwise, shall be taxed by this State when such stocks, bonds or other securities shall be owned by nonresidents of this State or by foreign corporations.

**2. The provisions of subsection 1 do not apply to the tax imposed pursuant to sections 3 to 45, inclusive, of this act.**

**Sec. 54.** NRS 90.420 is hereby amended to read as follows:

90.420 1. The Administrator by order may deny, suspend or revoke any license, fine any licensed person, limit the activities governed by this chapter that an applicant or licensed person may perform in this State, bar an applicant or licensed person from association with a licensed broker-dealer or investment adviser or bar from employment with a licensed broker-dealer or investment adviser a person who is a partner, officer, director, sales representative, investment adviser or representative of an investment adviser, or a person occupying a similar status or performing a similar function for an applicant or licensed person, if the Administrator finds that the order is in the public interest and that the applicant or licensed person or, in the case of a broker-dealer or investment adviser, any partner, officer, director, sales representative, investment adviser, representative of an investment adviser, or person occupying a similar status or performing similar functions or any person directly or indirectly controlling the broker-dealer or investment adviser, or any transfer agent or any person directly or indirectly controlling the transfer agent:

(a) Has filed an application for licensing with the Administrator which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;

(b) Has violated or failed to comply with a provision of this chapter as now or formerly in effect or a regulation or order adopted or issued under this chapter;

(c) Is the subject of an adjudication or determination after notice and opportunity for hearing, within the last 5 years by a securities agency or administrator of another state or a court of competent jurisdiction that the person has violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act or the securities law of any other state, but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts taken place in this State;

(d) Within the last 10 years has been convicted of a felony or misdemeanor which the Administrator finds:

(1) Involves the purchase or sale of a security, taking a false oath, making a false report, bribery, perjury, burglary, robbery or conspiracy to commit any of the foregoing offenses;

(2) Arises out of the conduct of business as a broker-dealer, investment adviser, depository institution, insurance company or fiduciary; or

(3) Involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion or misappropriation of money or securities or conspiracy to commit any of the foregoing offenses;

(e) Is or has been permanently or temporarily enjoined by any court of competent jurisdiction, unless the order has been vacated, from acting as an investment adviser,

representative of an investment adviser, underwriter, broker-dealer or as an affiliated person or employee of an investment company, depository institution or insurance company or from engaging in or continuing any conduct or practice in connection with any of the foregoing activities or in connection with the purchase or sale of a security;

(f) Is or has been the subject of an order of the Administrator, unless the order has been vacated, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(g) Is or has been the subject of any of the following orders which were issued within the last 5 years, unless the order has been vacated:

(1) An order by the securities agency or administrator of another state, Canadian province or territory or by the Securities and Exchange Commission or a comparable regulatory agency of another country, entered after notice and opportunity for hearing, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(2) A suspension or expulsion from membership in or association with a member of a self-regulatory organization;

(3) An order of the United States Postal Service relating to fraud;

(4) An order to cease and desist entered after notice and opportunity for hearing by the Administrator, the securities agency or administrator of another state, Canadian province or territory, the Securities and Exchange Commission or a comparable regulatory agency of another country, or the Commodity Futures Trading Commission; or

(5) An order by the Commodity Futures Trading Commission denying, suspending or revoking registration under the Commodity Exchange Act;

(h) Has engaged in unethical or dishonest practices in the securities business;

(i) Is insolvent, either in the sense that liabilities exceed assets or in the sense that obligations cannot be met as they mature, but the Administrator may not enter an order against a broker-dealer or investment adviser under this paragraph without a finding of insolvency as to the broker-dealer or investment adviser;

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~4~~ **or sections 3 to 45, inclusive, of this act;**

(k) Is determined by the Administrator in compliance with NRS 90.430 not to be qualified on the basis of lack of training, experience and knowledge of the securities business; or

(l) Has failed reasonably to supervise a sales representative, employee or representative of an investment adviser.

2. The Administrator may not institute a proceeding on the basis of a fact or transaction known to the director when the license became effective unless the proceeding is instituted within 90 days after issuance of the license.

3. If the Administrator finds that an applicant or licensed person is no longer in existence or has ceased to do business as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent or is adjudicated mentally incompetent or subjected to the control of a committee, conservator or guardian or cannot be located after reasonable search, the Administrator may by order deny the application or revoke the license.

**Sec. 55.** NRS 90.730 is hereby amended to read as follows:

90.730 1. Except as otherwise provided in subsection 2, information and records filed with or obtained by the Administrator are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 and NRS 239.0115, the following information and records do not constitute public information under subsection 1 and are confidential:

(a) Information or records obtained by the Administrator in connection with an investigation concerning possible violations of this chapter; and

(b) Information or records filed with the Administrator in connection with a registration statement filed under this chapter or a report under NRS 90.390 which constitute trade secrets or commercial or financial information of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

3. The Administrator may submit any information or evidence obtained in connection with an investigation to the:

(a) Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action under this chapter; and

(b) Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS ~~§~~ and sections 3 to 45, inclusive, of this act.

4. The Administrator may disclose any information obtained in connection with an investigation pursuant to NRS 90.620 to the agencies and administrators specified in subsection 1 of NRS 90.740 but only if disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding, and the receiving agency or administrator represents in writing that under applicable law protections exist to preserve the integrity, confidentiality and security of the information.

5. This chapter does not create any privilege or diminish any privilege existing at common law, by statute, regulation or otherwise.

**Sec. 56.** NRS 604A.820 is hereby amended to read as follows:

604A.820 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~§~~ or sections 3 to 45, inclusive, of this act;

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 180 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

**Sec. 57.** NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, information obtained from any employing unit or person pursuant to the administration of this chapter and

any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

↪ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must

set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS ~~[-]~~ **and sections 3 to 45, inclusive, of this act.** The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to chapter 612 of NRS for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under chapter 612 of NRS and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

**Sec. 58.** NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

↪ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

↪ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS ~~and~~ **and sections 3 to 45, inclusive, of this act.** The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance.

**Sec. 59.** NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations:

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage broker doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage broker.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS ~~§~~ or sections 3 to 45, inclusive, of this act.

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct examinations of a mortgage broker, as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage broker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and

(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.

**Sec. 60.** NRS 645B.670 is hereby amended to read as follows:

645B.670 Except as otherwise provided in NRS 645B.690:

1. For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than \$25,000 if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a mortgage broker, the Commissioner may impose upon the mortgage broker an administrative fine of not more than \$25,000, may suspend, revoke or place conditions upon the mortgage broker's license, or may do both, if the mortgage broker, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the mortgage broker is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that the mortgage broker cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage broker knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage broker possesses and which, if submitted by the mortgage broker, would have rendered the mortgage broker ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage broker is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittance;

(n) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;



(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(p) Has repeatedly violated the policies and procedures of the mortgage broker;

(q) Has failed to exercise reasonable supervision over the activities of a mortgage agent as required by NRS 645B.460;

(r) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(s) Has employed a person as a mortgage agent or authorized a person to be associated with the mortgage broker as a mortgage agent at a time when the mortgage broker knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(1) Had been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or

(2) Had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license or registration revoked within the immediately preceding 10 years;

(t) Has violated NRS 645C.557; or

(u) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS [ ] **or sections 3 to 45, inclusive, of this act.**

3. For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than \$25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:

(a) Is grossly negligent or incompetent in performing any act for which the mortgage agent is required to be licensed pursuant to the provisions of this chapter;

(b) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(c) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage agent knew or, by the exercise of reasonable diligence, should have known;

(d) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter;

(e) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(f) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(g) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(h) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(i) Has violated NRS 645C.557;

(j) Has repeatedly violated the policies and procedures of the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed; or

(k) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.

**Sec. 61.** NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage banker doing business in this State.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage bankers.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS ~~[-]~~ *or sections 3 to 45, inclusive, of this act.*

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.

**Sec. 62.** NRS 645E.670 is hereby amended to read as follows:

645E.670 1. For each violation committed by an applicant, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than \$25,000 if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than \$25,000, may suspend, revoke or place conditions upon the license, or may do both, if the licensee, whether or not acting as such:

- (a) Is insolvent;
- (b) Is grossly negligent or incompetent in performing any act for which the licensee is required to be licensed pursuant to the provisions of this chapter;
- (c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;
- (d) Is in such financial condition that the licensee cannot continue in business with safety to his or her customers;
- (e) Has made a material misrepresentation in connection with any transaction governed by this chapter;
- (f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;
- (g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by the licensee, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;
- (h) Has failed to account to persons interested for all money received for a trust account;
- (i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;
- (j) Has been convicted of, or entered or agreed to enter a plea of nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;
- (k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;
- (l) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~§~~ **or sections 3 to 45, inclusive, of this act;**
- (m) Has failed to satisfy a claim made by a client which has been reduced to judgment;
- (n) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;
- (o) Has violated NRS 645C.557;
- (p) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use; or
- (q) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

**Sec. 63.** NRS 658.151 is hereby amended to read as follows:

658.151 1. The Commissioner may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the depository institution:

- (a) Has violated its charter or any laws applicable thereto.
- (b) Is conducting its business in an unauthorized or unsafe manner.
- (c) Is in an unsafe or unsound condition to transact its business.
- (d) Has an impairment of its stockholders' or members' equity.
- (e) Has refused to pay its depositors in accordance with the terms on which such deposits were received, or has refused to pay its holders of certificates of indebtedness or investment in accordance with the terms upon which those certificates of indebtedness or investment were sold.

- (f) Has become or is in imminent danger of becoming otherwise insolvent.
- (g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.
- (h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.
- (i) Has made a voluntary assignment of its assets to trustees.
- (j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~and~~ *or sections 3 to 45, inclusive, of this act.*

2. The Commissioner also may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the officers of the depository institution have refused to be examined upon oath regarding its affairs.

**Sec. 64.** NRS 665.133 is hereby amended to read as follows:

665.133 1. The records and information described in NRS 665.130 may be disclosed to:

- (a) An agency of the Federal Government or of another state which regulates the financial institution which is the subject of the records or information;
- (b) The Director of the Department of Business and Industry for the Director's confidential use;
- (c) The State Board of Finance for its confidential use, if the report or other information is necessary for the State Board of Finance to perform its duties under this title;
- (d) The Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS ~~and~~ *and sections 3 to 45, inclusive, of this act;*
- (e) An entity which insures or guarantees deposits;
- (f) A public officer authorized to investigate criminal charges in connection with the affairs of the depository institution;
- (g) A person preparing a proposal for merging with or acquiring an institution or holding company, but only after notice of the disclosure has been given to the institution or holding company;
- (h) Any person to whom the subject of the report has authorized the disclosure;
- (i) Any other person if the Commissioner determines, after notice and opportunity for hearing, that disclosure is in the public interest and outweighs any potential harm to the depository institution and its stockholders, members, depositors and creditors; and
- (j) Any court in a proceeding initiated by the Commissioner concerning the financial institution.

2. All the reports made available pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom the reports are made available, or any officer, director or employee thereof, may disclose any of the reports or any information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.

**Sec. 65.** NRS 669.275 is hereby amended to read as follows:

669.275 1. The Commissioner may require a licensee to provide an audited financial statement prepared by an independent certified public accountant licensed to do business in this State.

2. On the fourth Monday in January of each year, each licensee shall submit to the Commissioner a list of stockholders required to be maintained pursuant to paragraph (c) of subsection 1 of NRS 78.105 or the list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.

3. The list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241 must include the percentage of each member's interest in the company, in addition to the requirements set forth in that section.

4. Except as otherwise provided in NRS 239.0115, any document submitted pursuant to this section is confidential. *This subsection does not limit the examination of any document by the*

*Department of Taxation if necessary to carry out the provisions of sections 3 to 45, inclusive, of this act.*

**Sec. 66.** NRS 669.2825 is hereby amended to read as follows:

669.2825 1. The Commissioner may institute disciplinary action or forthwith initiate proceedings to take possession of the business and property of any retail trust company when it appears that the retail trust company:

- (a) Has violated its charter or any state or federal laws applicable to the business of a trust company.
- (b) Is conducting its business in an unauthorized or unsafe manner.
- (c) Is in an unsafe or unsound condition to transact its business.
- (d) Has an impairment of its stockholders' equity.
- (e) Has refused to pay or transfer account assets to its account holders as required by the terms of the accounts' governing instruments.
- (f) Has become insolvent.
- (g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.
- (h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.
- (i) Has made a voluntary assignment of its assets to receivers, conservators, trustees or creditors without complying with NRS 669.230.
- (j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~or sections 3 to 45, inclusive, of this act.~~

*or sections 3 to 45, inclusive, of this act.*

- (k) Has materially and willfully breached its fiduciary duties to its customers.
- (l) Has failed to properly disclose all fees, interest and other charges to its customers.
- (m) Has willfully engaged in material conflicts of interest regarding a customer's account.
- (n) Has made intentional material misrepresentations regarding any aspect of the services performed or proposed to be performed by the retail trust company.

2. The Commissioner also may forthwith initiate proceedings to take possession of the business and property of any trust company when it appears that the officers of the trust company have refused to be examined upon oath regarding its affairs.

**Sec. 67.** NRS 669.2847 is hereby amended to read as follows:

669.2847 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

- (a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.
- (b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

- (a) The licensee has failed to pay the annual license fee;
- (b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Division of Financial Institutions;
- (c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~or sections 3 to 45, inclusive, of this act;~~

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

**Sec. 68.** NRS 669.285 is hereby amended to read as follows:

669.285 Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division are confidential and may be disclosed only to:

1. The Division, any authorized employee of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; ~~and~~

2. *The Department of Taxation for its use in carrying out the provisions of sections 3 to 45, inclusive, of this act; and*

3. Any person when the Commissioner, in the Commissioner's discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

**Sec. 69.** NRS 669A.310 is hereby amended to read as follows:

669A.310 1. Except as otherwise provided in this section, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter, any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division pursuant to this chapter and any other private information relating to a family trust company are confidential and may be disclosed only to:

(a) The Division, any authorized employee of the Division and a state or federal agency investigating activities regulated pursuant to this chapter; ~~and~~

(b) *The Department of Taxation for its use in carrying out the provisions of sections 3 to 45, inclusive, of this act; and*

(c) Any other person if the Commissioner, in the Commissioner's discretion, determines that the interests of the public in disclosing the information outweigh the interests of the person about whom the information pertains in not disclosing the information.

2. The Commissioner shall give to the family trust company to which the information relates 10-days' prior written notice of intent to disclose confidential information directly or indirectly to a person pursuant to paragraph ~~((b))~~ (c) of subsection 1. Any family trust company which receives such a notice may object to the disclosure of the confidential information and will be afforded the right to a hearing in accordance with the provisions of chapter 233B of NRS. If a family trust company requests a hearing, the Commissioner may not reveal confidential information prior to the conclusion of the hearing and a ruling. Prior to dissemination of any confidential information, the Commissioner shall require a written agreement not to reveal the confidential information by the party receiving the confidential information. In no event shall the Commissioner disclose confidential information to the general public, any competitor or any potential competitor of a family trust company.

3. Nothing in this chapter is intended to preclude a law enforcement officer from gaining access to otherwise confidential records by subpoena, court order, search warrant or other lawful means. Notwithstanding any other provision of this chapter, the Commissioner shall have the ability to share information with other out of state or federal regulators with whom the Department of Business and Industry has an agreement regarding the sharing of information.

Nothing in this chapter is intended to preclude any agency of this State from gaining access to otherwise confidential records in accordance with any applicable law.

**Sec. 70.** NRS 673.484 is hereby amended to read as follows:

673.484 The Commissioner may after notice and hearing suspend or revoke the charter of any association for:

1. Repeated failure to abide by the provisions of this chapter or the regulations adopted thereunder.

2. Failure to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~{ }~~ **or sections 3 to 45, inclusive, of this act.**

**Sec. 71.** NRS 675.440 is hereby amended to read as follows:

675.440 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted under it.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted under it;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~{ }~~ **or sections 3 to 45, inclusive, of this act;**

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

**Sec. 72.** NRS 677.510 is hereby amended to read as follows:

677.510 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, or revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter, or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~{} or sections 3 to 45, inclusive, of this act;~~

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

**Sec. 73.** NRS 680B.037 is hereby amended to read as follows:  
680B.037 ~~{Payment}~~

1. *Except as otherwise provided in subsection 2, payment* by an insurer of the tax imposed by NRS 680B.027 is in lieu of all taxes imposed by the State or any city, town or county upon premiums or upon income of insurers and of franchise, privilege or other taxes measured by income of the insurer.

2. *The provisions of subsection 1 do not apply to the tax imposed pursuant to the provisions of sections 3 to 45, inclusive, of this act.*

**Sec. 74.** NRS 683A.451 is hereby amended to read as follows:

683A.451 The Commissioner may refuse to issue a license or certificate pursuant to this chapter or may place any person to whom a license or certificate is issued pursuant to this chapter on probation, suspend the person for not more than 12 months, or revoke or refuse to renew his or her license or certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the following causes:

1. Providing incorrect, misleading, incomplete or partially untrue information in his or her application for a license.

2. Violating a law regulating insurance, or violating a regulation, order or subpoena of the Commissioner or an equivalent officer of another state.

3. Obtaining or attempting to obtain a license through misrepresentation or fraud.

4. Misappropriating, converting or improperly withholding money or property received in the course of the business of insurance.

5. Intentionally misrepresenting the terms of an actual or proposed contract of or application for insurance.

6. Conviction of a felony.

7. Admitting or being found to have committed an unfair trade practice or fraud.

8. Using fraudulent, coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere.

9. Denial, suspension or revocation of a license as a producer of insurance, or its equivalent, in any other state, territory or province.

10. Forging another's name to an application for insurance or any other document relating to the transaction of insurance.

11. Improperly using notes or other reference material to complete an examination for a license related to insurance.

12. Knowingly accepting business related to insurance from an unlicensed person.

13. Failing to comply with an administrative or judicial order imposing an obligation of child support.

14. Failing to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~{} or sections 3 to 45, inclusive, of this act.~~



**Sec. 75.** NRS 686C.360 is hereby amended to read as follows:

686C.360 The Association is exempt from payment of all fees and all taxes levied by this state or any of its political subdivisions, except taxes on property ~~[-]~~ **and the tax imposed pursuant to sections 3 to 45, inclusive, of this act.**

**Sec. 76.** NRS 687A.130 is hereby amended to read as follows:

687A.130 The Association is exempt from payment of all fees and all taxes levied by this State or any of its subdivisions, except taxes:

1. Levied on real or personal property; or
2. Imposed pursuant to the provisions of chapter 363A or 363B of NRS ~~[-]~~ **or sections 3 to 45, inclusive, of this act.**

**Sec. 77.** NRS 688C.210 is hereby amended to read as follows:

688C.210 1. After notice, and after a hearing if requested, the Commissioner may suspend, revoke, refuse to issue or refuse to renew a license under this chapter if the Commissioner finds that:

- (a) There was material misrepresentation in the application for the license;
  - (b) The licensee or an officer, partner, member or significant managerial employee has been convicted of fraudulent or dishonest practices, is subject to a final administrative action for disqualification, or is otherwise shown to be untrustworthy or incompetent;
  - (c) A provider of viatical settlements has engaged in a pattern of unreasonable payments to viators;
  - (d) The applicant or licensee has been found guilty or guilty but mentally ill of, or pleaded guilty, guilty but mentally ill or nolo contendere to, a felony or a misdemeanor involving fraud, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude, whether or not a judgment of conviction has been entered by the court;
  - (e) A provider of viatical settlements has entered into a viatical settlement in a form not approved pursuant to NRS 688C.220;
  - (f) A provider of viatical settlements has failed to honor obligations of a viatical settlement or an agreement to purchase a viatical settlement;
  - (g) The licensee no longer meets a requirement for initial licensure;
  - (h) A provider of viatical settlements has assigned, transferred or pledged a viaticated policy to a person other than another provider licensed under this chapter, a purchaser of the viatical settlement or a special organization;
  - (i) The applicant or licensee has provided materially untrue information to an insurer that issued a policy that is the subject of a viatical settlement;
  - (j) The applicant or licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[-]~~ **or sections 3 to 45, inclusive, of this act;**
  - (k) The applicant or licensee has violated a provision of this chapter or other applicable provisions; or
  - (l) The applicant or licensee has acted in bad faith with regard to a viator.
2. A suspension imposed for grounds set forth in paragraph (k) or (l) of subsection 1 must not exceed a period of 12 months.

3. If the Commissioner takes action as described in subsection 1, the applicant or licensee may apply in writing for a hearing before the Commissioner to determine the reasonableness of the action taken by the Commissioner, pursuant to the provisions of NRS 679B.310 to 679B.370, inclusive.

**Sec. 78.** NRS 694C.450 is hereby amended to read as follows:

694C.450 1. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at the rate of:

- (a) Two-fifths of 1 percent on the first \$20,000,000 of its net direct premiums;
- (b) One-fifth of 1 percent on the next \$20,000,000 of its net direct premiums; and
- (c) Seventy-five thousandths of 1 percent on each additional dollar of its net direct premiums.

2. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at a rate of:

(a) Two hundred twenty-five thousandths of 1 percent on the first \$20,000,000 of revenue from assumed reinsurance premiums;

(b) One hundred fifty thousandths of 1 percent on the next \$20,000,000 of revenue from assumed reinsurance premiums; and

(c) Twenty-five thousandths of 1 percent on each additional dollar of revenue from assumed reinsurance premiums.

↪ The tax on reinsurance premiums pursuant to this subsection must not be levied on premiums for risks or portions of risks which are subject to taxation on a direct basis pursuant to subsection 1. A captive insurer is not required to pay any reinsurance premium tax pursuant to this subsection on revenue related to the receipt of assets by the captive insurer in exchange for the assumption of loss reserves and other liabilities of another insurer that is under common ownership and control with the captive insurer, if the transaction is part of a plan to discontinue the operation of the other insurer and the intent of the parties to the transaction is to renew or maintain such business with the captive insurer.

3. If the sum of the taxes to be paid by a captive insurer calculated pursuant to subsections 1 and 2 is less than \$5,000 in any given year, the captive insurer shall pay a tax of \$5,000 for that year. The maximum aggregate tax for any year must not exceed \$175,000. The maximum aggregate tax to be paid by a sponsored captive insurer applies only to each protected cell and does not apply to the sponsored captive insurer as a whole.

4. Two or more captive insurers under common ownership and control must be taxed as if they were a single captive insurer.

5. Notwithstanding any specific statute to the contrary and except as otherwise provided in this subsection, the tax provided for by this section constitutes all the taxes collectible pursuant to the laws of this State from a captive insurer, and no occupation tax or other taxes may be levied or collected from a captive insurer by this State or by any county, city or municipality within this State, except for taxes imposed pursuant to chapter 363A or 363B of NRS *or sections 3 to 45, inclusive, of this act* and ad valorem taxes on real or personal property located in this State used in the production of income by the captive insurer.

6. Twenty-five percent of the revenues collected from the tax imposed pursuant to this section must be deposited with the State Treasurer for credit to the Account for the Regulation and Supervision of Captive Insurers created pursuant to NRS 694C.460. The remaining 75 percent of the revenues collected must be deposited with the State Treasurer for credit to the State General Fund.

7. A captive insurer that is issued a license pursuant to this chapter after July 1, 2003, is entitled to receive a nonrefundable credit of \$5,000 applied against the aggregate taxes owed by the captive insurer for the first year in which the captive insurer incurs any liability for the payment of taxes pursuant to this section. A captive insurer is entitled to a nonrefundable credit pursuant to this section not more than once after the captive insurer is initially licensed pursuant to this chapter.

8. As used in this section, unless the context otherwise requires:

(a) "Common ownership and control" means:

(1) In the case of a stock insurer, the direct or indirect ownership of 80 percent or more of the outstanding voting stock of two or more corporations by the same member or members.

(2) In the case of a mutual insurer, the direct or indirect ownership of 80 percent or more of the surplus and the voting power of two or more corporations by the same member or members.

(b) "Net direct premiums" means the direct premiums collected or contracted for on policies or contracts of insurance written by a captive insurer during the preceding calendar year, less the amounts paid to policyholders as return premiums, including dividends on unabsorbed premiums or premium deposits returned or credited to policyholders.

**Sec. 79.** NRS 695A.550 is hereby amended to read as follows:

695A.550 Every society organized or licensed under this chapter is hereby declared to be a charitable and benevolent institution, and is exempt from every state, county, district, municipal and school tax other than *the tax imposed pursuant to sections 3 to 45, inclusive, of this act and taxes on real property and office equipment.*

**Sec. 80.** 1. Subject to the provisions of section 82 of this act, there is hereby appropriated from the State General Fund to the Department of Taxation for the initial costs of administering the provisions of sections 3 to 45, inclusive, of this act:

For fiscal year 2013-2014 \$2,900,000

For fiscal year 2014-2015 \$2,700,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, and reverts to the State General Fund as soon as all payments of money committed have been made.

**Sec. 81.** 1. Subject to the provisions of section 82 of this act, there is hereby appropriated from the State General Fund to the Department of Taxation for the initial costs of administering the provisions of sections 3 to 45, inclusive, of this act:

For fiscal year 2014-2015 \$1,400,000

For fiscal year 2015-2016 \$4,200,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2016, and reverts to the State General Fund as soon as all payments of money committed have been made.

**Sec. 82.** The amendatory provisions of sections 50 and 51 of this act, as applicable, are intended to raise the revenue necessary to support the appropriation made by section 80 or 81 of this act, whichever becomes effective, as required by Section 6 of Article 19 of the Nevada Constitution. If the revenue so raised is not sufficient to support the full amount of the appropriation in either fiscal year, the appropriation for that year is reduced to the extent of the deficiency.

**Sec. 83.** 1. If this act is enacted by the 77th Session of the Legislature and approved by the Governor as provided in subsection 3 of Section 2 of Article 19 of the Nevada Constitution:

(a) This section, sections 1 to 21, inclusive, sections 23 to 50, inclusive, sections 53 to 80, inclusive, and sections 82 and 84 of this act become effective on July 1, 2013.

(b) Section 22 of this act becomes effective on January 1, 2014.

(c) Section 50 of this act expires by limitation on June 30, 2015.

(d) Sections 51, 52 and 81 of this act shall not become effective.

2. If this act is not enacted and approved as provided in subsection 1, but is approved by the voters after the act has been referred or submitted to the voters pursuant to subsection 3 of Section 18 of Article 4 or subsection 3 of Section 2 of Article 19 of the Nevada Constitution:

(a) This section, sections 1 to 50, inclusive, sections 53 to 79, inclusive, and sections 81, 82 and 84 of this act become effective on January 1, 2015.

(b) Section 51 of this act becomes effective on July 1, 2015.

(c) Section 52 of this act becomes effective on July 1, 2016.

(d) Section 80 of this act shall not become effective.

3. For the purposes of subsection 1, this act shall be deemed to have been approved by the Governor if, in accordance with Section 35 of Article 4 of the Nevada Constitution:

(a) The Governor signs the act;

(b) The act is passed by both Houses of the Legislature during its 77th Session notwithstanding the objections of the Governor; or

(c) The Governor fails to return or file the act within the time provided by Section 35 of Article 4 of the Nevada Constitution.

**Sec. 84.** If any provision of this act or its application to any person or circumstance is held to invalid or ineffective, that invalidity or ineffectiveness must be given the narrowest possible construction and shall not affect any other provision or application of this act.

Assemblyman Horne moved that Initiative Petition No. 1 be referred to the Committee on Taxation.

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Taxation:

Assembly Joint Resolution No. 1 of the 76th Session—Proposing to amend certain provisions of the Nevada Constitution related to the assessment and collection of property taxes to authorize the Legislature to provide by law for the calculation of the taxable value of improvements to real property upon the transfer, sale or conveyance of the property.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

*11. The Legislature may provide by law for the determination of the value of improvements to real property for the purposes of taxation upon the transfer, sale or other conveyance of the property as the Legislature determines to be appropriate.*

Assemblyman Horne moved that the resolution be referred to the Committee on Taxation.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 1—Adopting the Joint Standing Rules of the Senate and Assembly for the 77th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly for the 77th Session of the Legislature are hereby adopted as follows:

#### CONFERENCE COMMITTEES

##### *Rule No. 1. Procedure Concerning.*

*1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.*

*2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.*

*3. The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment.*

*4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.*

#### MESSAGES

##### *Rule No. 2. Biennial Message of the Governor.*

*Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.*

**Rule No. 2.2. Other Messages From the Governor.**

*Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.*

**Rule No. 2.4. Proclamation by the Governor Convening Special Session.**

*Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.*

**Rule No. 2.6. Messages Between Houses.**

*Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.*

**NOTICE OF FINAL ACTION**

**Rule No. 3. Communications.**

*Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.*

**BILLS AND JOINT RESOLUTIONS**

**Rule No. 4. Signature.**

*Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.*

**Rule No. 5. Joint Sponsorship.**

*1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.*

*2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:*

*(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and*

*(b) The name of each non-primary joint sponsor, in alphabetical order.*

3. *The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.*

4. *Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.*

5. *Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.*

6. *An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.*

#### PUBLICATIONS

##### Rule No. 6. Ordering and Distribution.

1. *The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's website.*

2. *Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.*

#### RESOLUTIONS

##### Rule No. 7. Types, Usage and Approval.

1. *A joint resolution must be used to:*

(a) *Propose an amendment to the Nevada Constitution.*

(b) *Ratify a proposed amendment to the United States Constitution.*

(c) *Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.*

2. A concurrent resolution must be used to:
- (a) Amend these Joint Standing Rules, which requires a majority vote of each House for adoption.
  - (b) Request the return from the Governor of an enrolled bill for further consideration.
  - (c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.
  - (d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.
  - (e) Express facts, principles, opinion and purposes of the Senate and Assembly.
  - (f) Establish a joint committee of the two Houses.
  - (g) Direct the Legislative Commission to conduct an interim study.
3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.
4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.
5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.
6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

#### VETOES

##### Rule No. 8. Special Order.

1. Bills which have passed the Legislature, and which are returned after the Governor's disapproval, or veto of the same, shall:
- (a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or
  - (b) Become the subject of a special order.
2. When the message is received or, if made a special order, when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the Secretary of the Senate and the Chief Clerk of the Assembly shall, without interruption, read the message and the bill consecutively, the bill following the message; and the message and the bill must not be read upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?"
3. It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

#### ADJOURNMENT

##### Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.
2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees,



*select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.*

**Rule No. 9.5. Adjournment Sine Die.**

1. *The Legislature shall not take any action on a bill or resolution after midnight Pacific time at the end of the 120th consecutive calendar day of session, inclusive of the day on which the session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of session is void, unless the legislative action is conducted during a special session.*

2. *A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.*

3. *The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the measure of time specified in subsection 1 for the purpose of extending the duration of the session.*

4. *Any action taken in violation of subsection 2 or 3 shall be deemed out of order.*

5. *As used in this Rule, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.*

**EXPENDITURES FROM THE LEGISLATIVE FUND**

**Rule No. 10. Manner of Authorization.**

*Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.*

**LEGISLATIVE COMMISSION**

**Rule No. 11. Membership and Organization.**

1. *When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:*

(a) *One, if such membership is less than one-fifth of the total number elected to that House.*

(b) *Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House. If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.*

2. *Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.*

3. *A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.*

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

#### RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

Rule No. 13. Reserved.

#### LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

(a) Two requests from each Assemblyman and Assemblywoman; and

(b) Four requests from each Senator,

↪ for the drafting of a bill or resolution.

2. Except as otherwise provided in subsection 4 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 15th calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 15th calendar day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

6. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

7. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

8. If two or more measures are being considered in the same House which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

9. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

**Rule No. 14.1. Secondary Deadlines for Submission of Details to the Legislative Counsel.**

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Legislator on or before the 8th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the Legislator who submitted the request shall, by the 15th calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a standing committee of the Assembly or Senate on or before the 15th calendar day of the legislative session pursuant to subsection 2 of Joint Standing Rule No. 14, the chair of the standing committee or his or her designee shall, by the 22nd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

3. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

4. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator, either individually or as the chair of a standing committee, who is or will be serving during the legislative session.

5. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

**Rule No. 14.2. Limitations on Time for Introduction of Legislation.**

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),  
 ↪ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),  
 ↪ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),  
 ↪ whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

#### SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd

calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

**Rule No. 14.4. Emergency Requests.**

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

**Rule No. 14.5. Waivers.**

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

*(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.*

*3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.*

*4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.*

*5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.*

**Rule No. 14.6. Exemptions.**

*1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:*

*(a) Contains an appropriation; or*

*(b) Has been determined by the Fiscal Analysis Division to:*

*(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;*

*(2) Create or increase any significant fiscal liability of the State;*

*(3) Implement a budget decision; or*

*(4) Significantly decrease any revenue of the State,*

*↪ is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.*

*2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.*

*3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.*

*4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:*

*(a) A measure that primarily relates to carrying out the business of the Legislature.*

*(b) A bill returned from enrollment for a technical correction.*

*(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.*

*Rule No. 14.7. Amendments.*

1. *The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.*

2. *For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.*

3. *This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.*

*Rule No. 15. Reserved.*

*Rule No. 16. Reserved.*

**DATE OF FIRST JOINT BUDGET HEARING***Rule No. 17. Requirement.*

*The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.*

**CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES  
OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR  
CERTAIN TREATMENT OR SERVICES**

*Rule No. 18. Topics of Consideration.*

*Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:*

1. *The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;*
2. *The extent to which coverage for the treatment or service is currently available;*
3. *The extent to which the required coverage may increase or decrease the cost of the treatment or service;*
4. *The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;*
5. *The effect the required coverage will have on the cost of health care provided in this State; and*
6. *Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.*

**INTERIM FINDINGS AND RECOMMENDATIONS  
OF LEGISLATIVE COMMITTEES**

*Rule No. 19. Date for Reporting.*

*Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.*

## ANTI-HARASSMENT POLICY

*Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.*

1. *The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.*

2. *In accordance with Title VII of the Civil Rights Act, for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:*

(a) *Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;*

(b) *Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or*

(c) *Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.*

3. *Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:*

(a) *Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;*

(b) *Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;*

(c) *Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and*

(d) *Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.*

4. *Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:*

(a) *Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;*

(b) *Filing a complaint about the conduct; or*

(c) *Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.*

5. *A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:*

(a) *The Speaker of the Assembly;*

(b) *The Majority Leader of the Senate; or*

(c) *The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.*

↪ *The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.*

6. *The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.*



7. *If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.*

8. *The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.*

9. *All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.*

10. *This policy does not create any enforceable legal rights in any person.*

#### VOTE ON GENERAL APPROPRIATION BILL

**Rule No. 21. *Waiting Period Between Introduction and Final Passage.***

*A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.*

#### USE OF LOCK BOXES BY STATE AGENCIES

**Rule No. 22. *Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.***

*To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.*

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

Assemblyman Horne moved that Assembly Concurrent Resolution No. 1 be immediately transmitted to the Senate.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 1—Adopting the Standing Rules of the Assembly for the 77th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules are hereby adopted for the 77th Session of the Legislature as follows:

#### I. OFFICERS AND EMPLOYEES

##### DUTIES OF OFFICERS

**Rule No. 1. *Speaker of the Assembly.***

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Assembly, call the members back to order before the hour to which the Assembly had adjourned.

(c) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(d) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(e) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

(l) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

**Rule No. 2. Continuation of Leadership of the Assembly During the Interim Between Sessions.**

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Assemblymen or Assemblywomen designated to be the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty required of that officer by the Standing Rules of the Assembly and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. *The Assemblyman or Assemblywoman designated to be the Speaker and the Assemblyman or Assemblywoman designated to be the Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Assembly Standing Rule No. 23.*

4. *The Assemblyman or Assemblywoman designated to be the Speaker for the next succeeding regular session shall:*

(a) *Determine the start time of the Assembly's organizational session.*

(b) *Have the right to name any person to call the Assembly to order and preside over the Assembly's organizational session until a presiding officer is elected.*

(c) *Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Assembly once the Assembly is organized and ready for business.*

5. *This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.*

**Rule No. 3. Chief Clerk.**

1. *The Chief Clerk is elected by the Assembly and is responsible to the Speaker.*

2. *The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.*

3. *The Chief Clerk shall administer the daily business of the Assembly.*

4. *The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.*

5. *The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the final journal, history and committee minutes of the Assembly.*

6. *At the direction of the Speaker or Speaker Designate, the Chief Clerk shall attest and affix the seal of the Assembly to all writs, warrants, subpoenas and formal documents issued by the Assembly.*

7. *This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.*

**Rule No. 4. Reserved.**

**Rule No. 5. Reserved.**

**Rule No. 6. Reserved.**

*The next rule is 10.*

## II. SESSIONS AND MEETINGS

**Rule No. 10. Time of Meeting.**

*The Assembly shall meet each day at 11:30 a.m., unless the Assembly adjourns to some other hour.*

**Rule No. 11. Open Meetings.**

*All meetings of the Assembly and its committees must be open to the public.*

**Rule No. 12. Reserved.**

*The next rule is 20.*

*III. DECORUM AND DEBATE**Rule No. 20. Points of Order.*

*If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.*

*Rule No. 21. Portable Electronic Communication Devices.*

*1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.*

*2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.*

*Rule No. 22. Reserved.**Rule No. 23. Select Committee on Ethics; Legislative Ethics.*

*1. The Select Committee on Ethics consists of:*

*(a) Two members of the Assembly appointed by the Speaker from the majority political party;*

*(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and*

*(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.*

*2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.*

*3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.*

*4. A member of the Committee is disqualified to serve during the consideration of a specific question if:*

*(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or*

*(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.*

*5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next*

succeeding regular session, or until the Speaker or the Speaker Designate or the Minority Leader or Minority Leader Designate appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest.

8. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the content of an opinion of the Committee at any time after his or her hearing; or

(c) Discloses the content of an advisory opinion issued to him or her by the Committee.

9. A complaint which alleges a breach of ethics or a conflict of interest must be:

(a) Made in writing on a form provided by the Chief Clerk of the Assembly;

(b) Signed and verified under penalty of perjury by the person making the allegation; and

(c) Filed with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair. The Chair or Vice Chair, as appropriate, shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

10. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

↪ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. *In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:*

- (a) *The conflict impedes his or her independence of judgment; and*
- (b) *His or her interest is greater than the interests of an entire class of persons similarly situated.*

14. *The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:*

- (a) *Prohibit a Legislator from requesting or introducing a legislative measure; or*
- (b) *Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.*

15. *If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.*

16. *Except as otherwise provided in the Joint Standing Rules, the standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 10:*

- (a) *Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and*
- (b) *Supersede and preempt all other standards and procedures with regard to such matters.*

17. *For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.*

18. *This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of a newly-constituted Assembly at the commencement of a session.*

*The next rule is 30.*

#### IV. QUORUM, VOTING, ELECTIONS

*Rule No. 30. Manner of Voting.*

1. *The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.*

2. *The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.*

3. *When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.*

4. *When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.*

5. *The electronic roll call system may be used to determine the presence of a quorum.*

6. *The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.*

7. *Only a member who:*

(a) *Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and*

(b) *Is physically present within the Assembly Chambers,*

*↪ may cast a vote in the Assembly.*

8. *A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.*

**Rule No. 31. Requirement of Voting.**

1. *A member shall vote on all questions that come before the body unless the member:*

(a) *Is excused; or*

(b) *Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.*

2. *A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.*

**Rule No. 32. Announcement of the Vote.**

1. *A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.*

2. *The announcement of the result of any vote shall not be postponed.*

**Rule No. 33. Voting by Division.**

*Upon a division and count of the Assembly on any question, no person without the bar shall be counted.*

*The next rule is 40.*

**V. LEGISLATIVE BODIES**

**A. COMMITTEES**

**Rule No. 40. Standing Committees.**

*The standing committees of the Assembly are as follows:*

1. *Ways and Means, sixteen members.*

2. *Judiciary, twelve members.*

3. *Taxation, twelve members.*

4. *Education, fourteen members.*

5. *Legislative Operations and Elections, eight members.*

6. *Natural Resources, Agriculture, and Mining, eleven members.*

7. *Transportation, fifteen members.*

8. *Commerce and Labor, fifteen members.*

9. *Health and Human Services, fourteen members.*

10. *Government Affairs, fourteen members.*

**Rule No. 41. Appointment of Committees.**

1. *Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.*

2. *To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.*

3. All committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's website. Each standing committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

**Rule No. 42. Subcommittees.**

1. Subcommittees made up of committee members may be appointed by the chair to consider and report back on specific subjects or bills.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

**Rule No. 43. Concurrent Referrals.**

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

**Rule No. 44. Committee on Legislative Operations and Elections.**

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law.

**Rule No. 45. Committee of the Whole.**

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

**B. ELECTION CONTESTS**

**Rule No. 46. Procedure for Election Contests.**

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Committee on Legislative Operations and Elections. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.



2. *The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.*

3. *The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.*

4. *If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.*

**C. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF**

**Rule No. 47. Committee Chairs.**

1. *The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.*

2. *The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.*

3. *Possessing the powers and performing the duties described in this Rule, each committee chair shall:*

- (a) Preside over committee meetings and put all questions before the committee;*
- (b) Preserve order and decorum and decide all questions of order;*
- (c) Determine the order of bills for hearing;*
- (d) Prepare and distribute the committee's agenda;*
- (e) Prepare and distribute a work session document that contains a list of all measures on which the committee is ready to consider final action;*
- (f) Call recesses of the committee as deemed necessary;*
- (g) Request amendments to resolve conflicts;*
- (h) Determine when final action is to be taken on measures, committee reports and other business of the committee;*
- (i) Sign and submit bill draft requests on behalf of the committee;*
- (j) Appoint subcommittees, as necessary;*
- (k) Provide direction to committee support staff;*
- (l) Prepare and submit committee reports;*
- (m) Review and approve minutes of the committee;*

(n) *Handle unfinished business for measures heard in the committee;*  
 (o) *Inform the Speaker of committee activity; and*  
 (p) *Maintain custody of all papers referred to the committee until they are turned over to the Chief Clerk.*

4. *In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.*

5. *The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.*

**Rule No. 48. Attendance.**

1. *Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.*

2. *A member shall advise the chair if he or she must leave a meeting for an extended period of time.*

3. *Members not in attendance when a final action is taken on a measure will be marked absent for the vote.*

**Rule No. 49. Committee Staff.**

*Duties of committee attachés shall be prescribed by the Chief Clerk and include, but are not limited to, the following:*

1. *The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.*

2. *The committee secretary shall record the meeting and draft committee minutes for the chair's approval.*

3. *On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.*

4. *The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.*

**Rule No. 50. Committee Operations.**

1. *Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.*

2. *The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet jointly whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.*

3. *When a joint meeting is chaired by a Senator, the practices of the Senate that are inconsistent with those of the Assembly do not create a precedent for the same practice in the Assembly.*

**Rule No. 51. Committee Records.**

1. *The chair of each committee shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Chief Clerk.*

2. *The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:*

- (a) *The time and place of each meeting;*
- (b) *The attendance and absence of members;*
- (c) *The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and*
- (d) *The subjects or measures considered and action taken.*

3. *A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording but, except as otherwise provided in this subsection, the official record of the meeting is the minutes of the committee meeting approved by the chair pursuant to paragraph (m) of subsection 3 of Assembly Standing Rule No. 47. Minutes of joint meetings prepared by non-Assembly staff are not official records of the Assembly.*

4. *The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the minutes of committee meetings.*

*Rule No. 52. Final Disposition of Committee Minutes and Exhibits.*

*Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.*

#### *D. COMMITTEE HEARINGS*

*Rule No. 52.5. Notices of Bills, Topics and Public Hearings.*

1. *Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the Legislative Building and be posted on the Nevada Legislature's website.*

2. *The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.*

3. *Subsection 1 does not apply to:*

- (a) *Committee meetings held on the floor of the Assembly during a recess; or*
- (b) *Conference committee meetings.*

*Rule No. 53. Communications.*

1. *Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.*

2. *At the direction of the Chair, lobbyists, the press, and members of the public are not allowed at the dais.*

3. *All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.*

4. *The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.*

*Rule No. 54. Testimony, Witnesses and Exhibits.*

1. *All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.*

2. *In addressing the committee, a person must state for the record whether he or she supports, opposes or is neutral to the bill or resolution before the committee. For purposes of legislative intent:*

(a) *“Support” of a bill or resolution shall be construed as:*

(1) *Approval of the measure as written; or*

(2) *Approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure.*

(b) *“Opposition” to a bill or resolution shall be construed as:*

(1) *Not supporting the measure as written; or*

(2) *Opposing the measure as revised by an amendment that has not been approved by the sponsor of the measure.*

(c) *A “neutral” position on a bill or resolution is one in which the person offers particular insight on the measure but expresses no position on the measure.*

3. *Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.*

4. *A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.*

5. *Questions from the committee will be restricted to relevant subject areas.*

6. *When the chair deems necessary, witnesses will be sworn in pursuant to NRS 218E.040 before providing testimony.*

7. *Unless waived or revised by the chair, handouts for hearings, including proposed amendments:*

(a) *Must be submitted to the committee’s manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;*

(b) *Must include the name and contact information of the person providing the handouts;*

(c) *For proposed amendments, must include a brief statement of intent; and*

(d) *Must be submitted by electronic mail or other electronic means.*

#### **Rule No. 55. Hearings.**

1. *The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chair, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.*

2. *Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.*

3. *Committee members may address the chair for permission to question the witness.*

4. *A committee meeting shall adjourn no later than 10 minutes preceding the hour of its next regularly scheduled meeting.*

5. *At the discretion of the chair, a meeting may be held outside the regularly scheduled day(s) and time.*

6. *Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in order to conduct a meeting outside Carson City.*

#### **E. VOTING AND COMMITTEE ACTION**

#### **Rule No. 56. Manner of Voting.**

1. *The chair shall declare all votes and shall cause same to be entered on the records of the committee.*

2. *A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.*

**Rule No. 57. Committee Action.**

1. *The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.*

2. *Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.*

3. *All motions require a second. If no second is received, that motion shall be declared invalid.*

4. *A committee may not take final action on a bill or resolution until at least 24 hours after the close of the hearing on the bill or resolution.*

5. *Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all questions that come before the committee unless the member:*

*(a) Is excused; or*

*(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.*

6. *A majority of the entire committee is required to reconsider action on a bill or resolution.*

7. *Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.*

8. *Absent the consent of the chair and the approval of the Speaker, the chair must be present when the committee votes to take any final action regarding bills or resolutions.*

9. *No member of the committee may vote by proxy under any circumstances.*

10. *A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair or other person approved by the Speaker has informed the Speaker of the intention of the committee to consider such a question.*

11. *Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chair.*

12. *A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.*

13. *Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.*

14. *A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.*

15. *The minority of a committee may not make a report or present to the House an alternative report.*

**F. PARLIAMENTARY AUTHORITY**

**Rule No. 58. Precedence of Parliamentary Authority for Committees.**

*The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.*

## G. DECORUM AND DEBATE IN COMMITTEES

*Rule No. 59. Portable Electronic Communication Devices.*

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

*Rule No. 60. Reserved.**Rule No. 61. Privilege of Closing Debate.*

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

*Rule No. 62. Points of Order.*

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

*Rule No. 63. Reserved.*

## VI. RULES GOVERNING MOTIONS

*Rule No. 64. Entertaining.*

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

## PARTICULAR MOTIONS

*Rule No. 65. Indefinite Postponement.*

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

*Rule No. 66. To Strike Enacting Clause.*

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

*Rule No. 67. Division of Question.*

*Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.*

*Rule No. 68. Reserved.*

*The next rule is 80.*

#### VII. DEBATE

*Rule No. 80. Speaking on Question.*

*1. No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.*

*2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution or amendment. If the member desires to speak on the importance of such issue, bill, resolution or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.*

*Rule No. 81. Previous Question.*

*The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.*

*Rule No. 82. Privilege of Closing Debate.*

*The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.*

*The next rule is 91.*

#### VIII. CONDUCT OF BUSINESS

##### A. RULES AND PROCEDURE

*Rule No. 91. Rescission, Change or Suspension of Rule.*

*No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.*

*Rule No. 92. Reserved.*

*Rule No. 93. Reserved.*

*Rule No. 94. Privilege of the Floor and Lobbying.*

*1. Except as otherwise provided in subsection 2, no person, except Senators, former Assemblymen and Assemblywomen, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.*

2. A former Senator or former Assemblyman or Assemblywoman who is expelled from service in the Senate or the Assembly shall have the privilege of the floor only with permission of the Speaker during the session from which he or she was expelled.

**Rule No. 95. Material Placed on Legislators' Desks.**

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

**Rule No. 96. Peddling, Begging and Soliciting.**

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for or occupied by signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

**Rule No. 97. Petitions and Other Papers.**

Petitions and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

**Rule No. 98. Request of Purpose.**

A member may request the purpose of a bill or joint resolution upon its introduction.

**Rule No. 99. Remarks.**

The remarks of all members on final passage of bills or joint resolutions and on adoption of Assembly or concurrent resolutions shall be included in the day's journal. In addition, it shall be in order for members to make remarks under other orders of business and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

**Rule No. 100. Precedence of Parliamentary Authority.**

1. The precedence of parliamentary authority in the Assembly is:

(a) The Constitution of the State of Nevada and judicial decisions thereon.

(b) The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

(c) Custom, usage and precedence.

(d) The Statutes of the State of Nevada.

(e) Mason's Manual of Legislative Procedure.

2. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

**Rule No. 101. Reserved.**



**Rule No. 102. Privileged Questions.**

*Privileged questions have precedence over all others in the following order:*

1. *Motions to fix the time to which the Assembly shall adjourn.*
2. *Motions to adjourn.*
3. *Questions relating to the rights and privileges of the Assembly or any of its members.*
4. *A call of the House.*
5. *Motions for special orders.*

**Rule No. 103. Reserved.**

**B. BILLS**

**Rule No. 104. Reserved.**

**Rule No. 105. Reserved.**

**Rule No. 106. Skeleton Bills.**

*The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.*

**Rule No. 107. Reserved.**

**Rule No. 108. Reserved.**

**Rule No. 109. Reading of Bills.**

*The first reading of a bill or joint resolution shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill or joint resolution shall be rejected. The same question must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.*

**Rule No. 110. Second Reading and Amendment of Bills.**

1. *All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.*

2. *Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended*

*on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Rule No. 120.*

*3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.*

*4. It shall not be in order to consider an amendment that removes all sponsors of a bill or resolution.*

**Rule No. 111. Consent Calendar.**

*1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.*

*2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.*

*3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.*

*4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.*

*5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.*

**Rule No. 112. Reserved.**

**Rule No. 113. General File.**

*1. All bills and joint resolutions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.*

*2. A member who moves to amend a bill or joint resolution during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.*

*3. A member who speaks on third reading regarding the final passage of a bill, joint resolution or initiative petition must limit his or her remarks to an explanation of the bill, joint resolution or initiative petition. If the member desires to speak on the importance of the bill, joint resolution or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.*

**Rule No. 114. Reserved.**

**Rule No. 115. Reconsideration of Vote on Bill.**

1. A motion to reconsider a final vote on a bill or resolution shall be in order only on the day on which the final vote is taken, and the vote on such a motion to reconsider must be taken on the same day. The motion to reconsider can be made only by a member who voted with the prevailing side.

2. A motion to reconsider a vote on an amendment to a pending question must be made at once and can be made only by a member who voted with the prevailing side.

3. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill or resolution. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn or to fix the time to adjourn; and when the Assembly adjourns while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

**Rule No. 116. Vetoed Bills.**

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question, except as hereinafter stated, which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

**Rule No. 117. Reserved.**

**C. RESOLUTIONS**

**Rule No. 118. Treated as Bills—Joint Resolutions.**

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and

2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

**Rule No. 119. Return from the Secretary of State.**

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

**D. ORDER OF BUSINESS**

**Rule No. 120. Order of Business.**

*The Order of Business must be as follows:*

1. *Call to Order.*
2. *Reading and Approval of Journal.*
3. *Presentation of Petitions.*
4. *Reports of Standing Committees.*
5. *Reports of Select Committees.*
6. *Communications.*
7. *Messages from the Senate.*
8. *Motions, Resolutions and Notices.*
9. *Introduction, First Reading and Reference.*
10. *Consent Calendar.*
11. *Second Reading and Amendment.*
12. *General File and Third Reading.*
13. *Unfinished Business of Preceding Day.*
14. *Vetoed Bills and Special Orders of the Day.*
15. *Remarks from the Floor, limited to 10 minutes.*

*Rule No. 121. Reserved.*

*Rule No. 122. Reserved.*

*Rule No. 123. Reserved.*

*Rule No. 124. Reserved.*

*Rule No. 125. Reserved.*

*Rule No. 126. Reserved.*

*Rule No. 127. Reserved.*

*Rule No. 128. Reserved.*

*The next rule is 140.*

#### **IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS**

*Rule No. 140. Compensation of Witnesses.*

*Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.*

*Rule No. 141. Use of the Assembly Chamber.*

*1. The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.*

*2. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.*

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 2—Providing for the appointment of Assembly attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 77th Session of the Legislature of the State of Nevada: Matthew Baker, Lucinda Benjamin, McCall Miller, Christie Peters, Jason P. Hataway, Carol Aiello-Sala, Sylvia Brown, Robin L. Bates, Sharon P. Murphy, Norman Budden, Linda Marrone, Mary A. Matheus, Steven J. Sweeney, Debra Williams, Marge Griffin, Patricia A. Manning, Jasmine Shackley, Sally Stoner, Carolyn Maynick, Jenny McMenomy, Erin Marlon, Tina Mims Frias, Brittany Shipp, Matthew Walker, Jean Kvam, Denise Larsen, Nichole Bailey, Jeanne Peyton, Judy Molnar, Sheri Bashaw, Jessica Nitti, Janet F. Stokes, Sylvia Dominguez-Curry, Juan Ortega, Mary Bean, Robin Carter, Sara Menke, Linda Law, Judi Bishop, Andrew Diss, Harle Glover, Pat Hutson, Mary Lee, Mary Merry, Cynthia Zermeno, Mistia Zuckerman, Jeff Eck, Bonnie Borda Hoffecker, Leslie Danihel, Patti Adams, Connie Davis, Linda Blevins, Anne Bowen, Nate Helton, Sherie Silva, Carol J. Thomsen, Janice Wright, Cynthia Wyett, Ted Zuend, John Budden, Linda Conaboy, Jennifer Dalton, Janel Davis, Nancy Davis, James Fonda, Dianne Harvey, Gina Hall, Theresa Horgan, Jacqueline Lethbridge, Sharon McCallen, Lori McCleary, Earlene Miller, Karen Pugh, Thelma Reindollar, Maysha Watson, Karyn Werner, Linda Whimple, Kate Wilson, Lynson Beaulieu, Teresa Boquiren, Michael Cabrera, Patti Flasch, Jaunice Franzen, Anni Glogovac, Patricia Hartman, Verdene Johnson, Deanna Lazovich, Gregory Martin, Marilyn McElhany, Barbara Mickle, Margaret Kelly Osborne, Jenny Polek, Sheree L. Rosevear, Paula Rudolph, Christina Salerno, Jennifer Scaffidi, Cindy Southerland, Susan Sutton, Robin Valentine-Kindred, Jackie Valley, Cindie Kusko, Olivia M. Lloyd, Sean O'Callaghan, Gariety Pruitt, Steven Sisneros, Cheryl Williams, Macy Young, Karel Ancona-Henry, Taylor Herrick, Diane Hudson, David E. Moore, Marcia Peterson, Susan Schmid, Elizabeth Saenz, Sonja Strom, and Deanna Keirstead.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 3—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the sum to be allowed, as provided by law, for each member of the Assembly for periodicals, stamps and stationery is \$60 and for the use of telephones is \$2,800, and the sum to be allowed, as provided by law, for the Speaker and Speaker Pro Tempore, Majority Floor Leader, Minority Floor Leader and chair of each standing committee of the Assembly for postage, telephone tolls and other communication charges is \$900; and be it further

RESOLVED, That these amounts be certified by the Speaker and Chief Clerk to the State Controller, who is authorized to draw warrants therefor on the Legislative Fund, and the State Treasurer is thereafter authorized to pay these warrants.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

Assemblyman Horne moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 4, 2013, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed use of appropriate broadcasting facilities, and the list be included in this day's Journal:

ANDE ENGLEMAN, FREELANCE EDITOR/PRODUCER: Andrea Engleman; ASSOCIATED PRESS: Sandra Chereb; COVEREDGE, INC.: Tracey Frohn, Mark Materne, Robert Noble, James Parker, Matthew Sherwood, Keith Taylor, Richard Travis; ENTRAVISION COMMUNICATIONS: Anya Arechiga, Raul Delgado, Cesar Perez; FNB ENTERPRISES LLC (VIDEO CONTRACTOR TO COVEREDGE): Rhode Roberts; JUSTASKKIM: Kim Cordy; KLAS-TV: Nathan Baca, Alex Brauer, Richard Czarny; KNPB, CHANNEL 5, PUBLIC BROADCASTING: Ben Asnis, Brent Boynton, Jeremy Dunn, Ande Engelman, Alex Muench, David Santina, Chris Zangara; KOLO-TV: Sholeh Moll, Ed Pearce; KRNV-TV NEWS 4: Kausik Bhakta, Brooke Boone, Chuck King; KSNV-TV NEWS 3: Elizabeth Donatelli, Brandon Dyer, Richard Gacovino, Scott Pinkerton, Kenny Ramis, George Romero, Jim Snyder, Neb Solomon, Mackenzie Warren, Eric Wiener; KTNV-TV 13: Bradley Driver, Jay Romano, Victoria Spilabotte; KTVN-TV NEWS 2: Arianna Bennett, Michelle Boehler, Erin Breen, Jennifer Burton, Christopher Ciarlo, Wendy Damonte, Byron Ellis, Jeffrey Foss, Brad Horn, Jeff Martinez, Paul Nelson, John Potter, Adam Rasmussen, Gabriela Tafolla, Gene Vance; KUNR-FM: Kate McGee; KVVU-TV FOX 5, Las Vegas: Kevin Bolinger, Justin Grant; LAS VEGAS REVIEW-JOURNAL: Laura Myers, Sean Whaley; LAS VEGAS SUN: Cy Ryan; NEVADA APPEAL: John Barrette, Wheeler Cowperthwaite, Geoff Dornan, James Grant, Shannon Litz, Mark Raymond, Adam Trumble; NEVADA BROADCASTERS ASSOCIATION: Adrienne Abbott; RALSTON REPORTS: Jon Ralston; RECORD-COURIER, THE: Kurt Hildebrand; RENO-GAZETTE JOURNAL: Brian Duggan; RENO SPARKS VIDEO PRODUCTIONS: William Pearce; VEGAS PBS: Mitch Fox.

Motion carried.

By Assemblyman Aizley:

Assembly Joint Resolution No. 1—Expressing the support of the Nevada Legislature for the designation of the Upper Las Vegas Wash as a national monument.

WHEREAS, The Upper Las Vegas Wash contains thousands of Pleistocene mammal fossils of national importance, including Columbian mammoth, ground sloth, American lion, camel and horse fossils; and

WHEREAS, Since 1933, the Upper Las Vegas Wash has been valued by scientists because of the significant paleontological fossils demonstrative of the Pleistocene epoch, commonly referred to as the Ice Age, that are located in the area; and

WHEREAS, In 2004, during the preparation of the Las Vegas Valley Disposal Boundary Final Environmental Impact Statement, the Bureau of Land Management identified sensitive biological, cultural and paleontological resources determined to be worthy of more evaluation with respect to the protective status of the resources; and

WHEREAS, The harsh desert environment of the Upper Las Vegas Wash supports unique and imperiled plants, including the Las Vegas buckwheat, Merriam's bearpoppy, Las Vegas bearpoppy, the halfring milkvetch, Joshua trees and several species of cacti; and

WHEREAS, The Upper Las Vegas Wash provides important habitat for the threatened desert tortoise, endemic poppy bees, kit foxes, burrowing owls and a variety of reptiles; and

WHEREAS, In 2010, a National Park Service reconnaissance survey of the area determined that the area likely contains the largest continuous section of Pleistocene strata in the desert southwest; and

WHEREAS, The Upper Las Vegas Wash is significant to the culture and history of the native and indigenous people of the area, including the Southern Paiute Tribe; and

WHEREAS, Despite the findings and recommendations of the aforementioned Environmental Impact Statement and reconnaissance survey, the Upper Las Vegas Wash remains inadequately protected; and

WHEREAS, Many irreplaceable fossil specimens in the Upper Las Vegas Wash have been lost to vandalism or theft; and

WHEREAS, Designation of the Upper Las Vegas Wash site as a national monument would protect the unique resources of the area for present and future generations while allowing for public education and continued scientific research opportunities; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 77th Session of the Nevada Legislature hereby recognize that the Upper Las Vegas Wash contains unique, nationally important biological, cultural and paleontological resources; and be it further

RESOLVED, That to conserve, protect, interpret and enhance for the benefit of present and future generations these unique and nationally important resources, the Nevada Legislature expresses its support for the designation of the Upper Las Vegas Wash site as a national monument; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the Governor and the Director of the State Department of Conservation and Natural Resources, and to the Director of the Department of Wildlife for distribution to the various conservation groups that have participated in the effort to designate the Upper Las Vegas Wash site as a national monument; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Horne moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Ellison and Senator Goicoechea:

Assembly Joint Resolution No. 2—Urging the Bureau of Land Management and the United States Forest Service to partner with the livestock industry in this State to increase livestock grazing on public lands.

WHEREAS, The State of Nevada is one of the states that is greatly affected by wildfires; and

WHEREAS, The wildfires in Nevada have burned vast areas of this State, including numerous acres of rangeland and forest located on public lands managed and controlled by the Bureau of Land Management and the United States Forest Service; and

WHEREAS, The growth of an invasive, nonnative annual grass known as cheatgrass has been a significant contributing factor to the increased extent and frequency of wildfires in this State; and

WHEREAS, Frequent wildfires and the increased presence of cheatgrass have degraded the ecosystem in this State by inhibiting the establishment of native plant species; and

WHEREAS, In addition to burning rangeland and forest which support livestock grazing, the frequent wildfires have damaged wildlife habitats, including the habitat of the sage grouse, a bird whose populations have been declining for years, and have caused a rise in the costs associated with wildfire suppression and the rehabilitation of those public lands affected by the wildfires; and

WHEREAS, In a 1,700-acre study conducted by researchers at the University of Nevada, Reno, late-season livestock grazing was shown to reduce the amount of cheatgrass, which could fuel a fire, from 500 pounds per acre to 25 pounds per acre; and

WHEREAS, Increasing livestock grazing on rangeland and forest located on public lands simultaneously serves to support the livestock industry while decreasing the costs of wildfire suppression and benefiting the ecosystem; and

WHEREAS, Limiting the closure of public lands for purposes of wildfire suppression to two growing seasons will also serve to support the livestock industry; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 77th Session of the Nevada Legislature hereby urge the Bureau of Land Management and the United States Forest Service to partner with the livestock industry in this State to increase grazing on public lands; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the President of the Nevada Cattlemen's Association and the President of the Nevada Farm Bureau; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Horne moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 1—AN ACT relating to public welfare; providing for the inclusion in the State Plan for Medicaid of emergency care, including dialysis, for patients with kidney failure; providing for the presumptive eligibility for Medicaid of certain applicants for assistance under the Supplemental Security Income Program; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 2—AN ACT relating to public lands; revising the provisions governing the Land Use Planning Advisory Council, the membership of the Advisory Council and the appointment of persons to the Advisory Council; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 3—AN ACT relating to gaming; revising provisions governing investigations and the initiation of complaints by the State Gaming Control Board for violations relating to the tax on live entertainment; and providing other matters properly relating thereto.



Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 4—AN ACT relating to governmental administration; authorizing the State or a local government, under certain circumstances, to publish a legal notice or legal advertisement on an Internet website maintained by the State or local government in lieu of publishing the legal notice or legal advertisement in a newspaper of general circulation; requiring the State or a local government to publish certain information in a newspaper of general circulation if the State or local government publishes a legal notice or legal advertisement on an Internet website; authorizing a public body to charge and collect a fee for providing, upon request, a copy of certain public records under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 5—AN ACT relating to gaming; revising provisions relating to interactive gaming; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 6—AN ACT relating to taxation; requiring the State Treasurer to return a certain percentage of the revenue from the taxation of special fuel to the county in which the revenue was generated; requiring any money received by a county to be used exclusively for the construction and maintenance of county roads within that county; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 7—AN ACT relating to gaming; revising provisions relating to the Gaming Policy Committee; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 8—AN ACT relating to public welfare; revising provisions governing the duties of the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services; repealing certain programs relating to Medicaid and public assistance; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 9—AN ACT relating to the City of Reno; making various changes to the provisions of the Charter of the City of Reno relating to the Mayor, Assistant Mayor, City Council, City Manager and Civil Service Commission; authorizing the City Council to establish additional appointive positions for officers and employees of the City; repealing certain provisions relating to employment in the Civil Service System and authorizing the Civil Service Commission to provide for such matters by rule; making various other changes to the Charter; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 10—AN ACT relating to gaming; revising provisions relating to the unlawful use or possession of certain devices in a licensed gaming establishment; revising provisions relating to the unlawful possession, use, sale or manufacture of counterfeit items for the purposes of gaming or contests or promotions related to gaming; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 11—AN ACT relating to industrial insurance; repealing the provision which requires an insurer to submit to the Administrator of the

Division of Industrial Relations of the Department of Business and Industry a written report concerning certain claims for compensation; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 12—AN ACT relating to occupational safety; removing the requirement that an employee notify his or her employer before filing certain complaints with the Division of Industrial Relations of the Department of Business and Industry; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 13—AN ACT relating to relations between governments and public employees; revising provisions governing the period during which the Local Government Employee-Management Relations Board is required to conduct certain hearings; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 14—AN ACT relating to motor vehicles; revising provisions concerning temporary permits to act as a salesperson; allowing the Department of Motor Vehicles to reinstate the registration of a dormant vehicle or remove the suspension of that registration under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 15—AN ACT relating to transportation; removing the prospective expiration of the authority of the Department of Transportation to use the construction manager at risk method for the construction, reconstruction, improvement and maintenance of highways; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 16—AN ACT relating to the State Government; requiring the Department of Administration to compile and publish an administrative manual consisting of the policies adopted and amended by the State Board of Examiners for the Executive Branch of State Government; providing special authority and notice requirements for the adoption, amendment and repeal of such policies; ratifying the policies currently in effect; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 17—AN ACT relating to education; revising provisions governing interagency panels convened when a school district employee operating a program of education for incarcerated persons is excluded from a facility or institution operated by the Department of Corrections; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 18—AN ACT relating to transportation; authorizing the Department of Transportation, under certain circumstances, to relinquish a state highway to a county or city and authorizing a county or city, under certain circumstances, to relinquish a local road to the Department; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 19—AN ACT relating to governmental administration; transferring the duties of the State Advisory Board of Trustees for the Trust Relating to the Fairground to the Nevada Junior Livestock Show Board; abolishing the State Advisory Board of Trustees for the Trust Relating to the Fairground; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 20—AN ACT relating to agriculture; deleting provisions which authorize the Director of the State Department of Agriculture to remove certain persons from office with the approval of the State Board of Agriculture; revising the classification and qualifications of certain persons appointed by the Director; expanding the purposes for which expenditures from the Livestock Inspection Account and for the Program for the Control of Pests and Plant Diseases may be made; requiring an inspector of the Department to notify an agricultural enforcement officer of certain findings made by the inspector concerning the actual legal owner of an animal; revising the circumstances under which a person may possess the carcass of a bovine animal; revising provisions governing certain farm products other than livestock, livestock products or poultry; revising the circumstances under which a person must obtain a license to engage in pest control; repealing provisions governing the Agricultural Loan Mediation Program, slaughtering cattle without a formal inspection, and licenses to engage in activities concerning the control of wood-destroying pests or organisms; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 21—AN ACT relating to public safety; revising provisions prohibiting open containers of alcoholic beverages in motor vehicles; revising provisions governing the requirements and procedures for reporting motor vehicle accidents; transferring certain duties relating to the reporting of those accidents from the Department of Motor Vehicles to the Department of Public Safety; revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 22—AN ACT relating to manufactured housing; allowing the Administrator of the Manufactured Housing Division of the

Department of Business and Industry to waive the continuing education requirements for specialty servicepersons under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 23—AN ACT relating to manufactured homes; clarifying that certain provisions governing providers of services pertinent to the sale, installation and occupancy of manufactured homes apply to persons who work on both new and used manufactured homes; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 24—AN ACT relating to motor vehicles; providing for the limited issuance of special license plates to commemorate the 150th anniversary of Nevada's admission into the Union; imposing a fee for the issuance or renewal of such license plates; revising provisions relating to the number of characters required to be contained on a license plate; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 25—AN ACT relating to cities; revising provisions governing the imposition of special assessments for the abatement of certain conditions and nuisances on property within a city; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 26—AN ACT relating to the taxation of property; reducing the statutory rate of depreciation applicable to improvements made on real property for the purpose of determining the taxable value of the property; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 27—AN ACT relating to peace officers; expanding the category of personnel of the Department of Public Safety upon whom the powers of a peace officer are conferred; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 28—AN ACT relating to public health; revising the definition of “sentinel event” for purposes of provisions relating to the health and safety of patients at certain medical facilities; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 29—AN ACT relating to public health; creating the Committee to Review Suicide Fatalities; providing for the membership of the Committee; setting forth the powers and duties of the Committee; requiring certain data or information to be made available to the Committee; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 30—AN ACT relating to crimes; revising provisions governing the community notification website which provides certain information to the public concerning sex offenders and offenders convicted of a crime against a child; amending provisions concerning the confidentiality of the content of the record of registration of a sex offender or offender convicted of a crime against a child; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 31—AN ACT relating to public records; revising provisions governing requests for books and records of certain agencies of the Executive Department of the State Government; codifying a common law balancing test by which governmental entities determine whether to disclose certain books and records of the entity; revising provisions governing the information that a governmental entity is required to provide upon the denial of a request for a book or record of the entity; providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 32—AN ACT relating to taxation; revising the conditions upon and requirements for a partial abatement of the taxes imposed on certain new or expanded businesses and renewable energy facilities; tolling for the period of such an abatement the time limitations upon certain procedures for the enforcement of the abated taxes; requiring each board of county commissioners to adopt an ordinance regarding the approval or denial of an application for such an abatement; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 33—AN ACT relating to energy; revising provisions governing the partial abatement of certain property taxes for certain renovated buildings and structures which meet certain energy efficiency standards; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 34—AN ACT relating to common-interest communities; authorizing the executive board of an association to act without a meeting under certain circumstances; providing for the certification of voting monitors to administer and supervise votes of units' owners; authorizing the appointment of a referee to render a decision in certain disputes involving common-interest communities; authorizing the Administrator of the Real Estate Division of the Department of Business and



Industry to issue subpoenas under certain circumstances; revising various provisions governing common-interest communities; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 35—AN ACT relating to elections; revising requirements for reporting contributions, expenditures and campaign expenses relating to special elections; revising provisions governing the disposition of unspent contributions; establishing a procedure for a candidate to end his or her campaign; clarifying the existence of certain remedies and penalties relating to campaign finance; making various other changes relating to campaign finance; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 36—AN ACT relating to employment; making various changes concerning apprenticeships for conformity to federal regulations; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 37—AN ACT relating to public works; revising provisions relating to the enforcement of the prevailing wage requirement for public works projects; authorizing certain larger counties to enforce those provisions; authorizing the governing body of such counties to provide certain remedies and impose administrative penalties for violations of those provisions; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 38—AN ACT relating to economic development; revising the provisions governing the partial abatement of certain taxes imposed on a new or expanded business; revising the provisions governing a deferment of the payment of the sales and use taxes due on certain property

purchased by a new or expanded business; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 39—AN ACT relating to pharmacy; making various changes concerning the sale, transfer or acquisition of certain products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 40—AN ACT relating to victims of crime; authorizing the State Board of Parole Commissioners to notify victims of crime of certain information through the use of an automated victim notification system; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 41—AN ACT relating to state purchasing; revising provisions governing contracts to provide services to state agencies; revising the thresholds governing certain actions relating to contracts for services, formal contracts and local purchasing; revising provisions concerning purchases and contracts which are contrary to the provisions governing state purchasing; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 42—AN ACT relating to cyber security; establishing the Nevada Cyber Institute within the Nevada System of Higher Education; creating the Advisory Board of the Nevada Cyber Institute; setting forth the powers and duties of the Board of Regents of the University of Nevada regarding the Nevada Cyber Institute; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 43—AN ACT relating to offenders; clarifying provisions governing credits earned by an offender which reduce the term of imprisonment of the offender; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 44—AN ACT relating to common-interest communities; requiring associations of planned communities to allow the outdoor storage of trash and recycling containers under certain circumstances; requiring the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations pertaining to the storage of trash and recycling containers; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 45—AN ACT relating to the Department of Administration; revising provisions governing the duties of the Division of State Library and Archives of the Department of Administration; eliminating the Repository for Records Concerning Programs, Activities and Events Related to the Participation of Citizens in the Development of Public Policy and the Improvement of the Operation of Government; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 46—AN ACT relating to the funding of capital projects of school districts; providing for the imposition and administration of a new sales and use tax and ad valorem tax in certain counties for the capital projects of the school districts in those counties; exempting that ad valorem tax from the statutory limitation on the total ad valorem tax levy; authorizing

those school districts to use the proceeds of those taxes and certain proceeds from the governmental services tax to finance capital projects; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 47—AN ACT relating to justice courts; authorizing the board of county commissioners of larger counties to provide by resolution for a circuit justice of the peace to serve two or more small townships; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 48—AN ACT relating to elections; providing that a person who is not a qualified elector and who votes or attempts to vote knowing that fact, or a person who votes or attempts to vote using the name of another person, is guilty of a category B felony; revising certain nomination procedures; requiring county clerks to certify certain lists of candidates and nominees to the Secretary of State; extending the period in which a person may register to vote by computer; making various other changes relating to the administration and conduct of an election; expanding the definition of “campaign expenses”; amending reporting requirements relating to special elections; requiring persons and entities which make expenditures against candidates to report contributions and expenditures; requiring nonprofit corporations to report certain contributions and campaign expenditures; eliminating a requirement that the Secretary of State obtain certain advice and consent of the Legislative Commission; making various other changes relating to campaign finance; providing penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 49—AN ACT relating to public defenders; imposing an additional sales and use tax to be used by counties to pay costs associated with providing legal defense for indigent persons; authorizing boards of county commissioners to impose an additional sales and use tax to be used to provide revenue for the Fund for Legal Defense of Indigent Persons;

establishing the Fund for Legal Defense of Indigent Persons to reimburse certain counties for certain extraordinary costs of providing public defender services; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 50—AN ACT relating to local government finance; revising the termination date of certain redevelopment plans; providing specific authority for redevelopment agencies to loan money to finance the purchase of land and the construction and installation of certain improvements to real property under certain circumstances; requiring certain redevelopment agencies to make available to the public certain reports concerning proposed redevelopment projects; requiring certain redevelopment agencies to include additional information in certain annual reports; revising provisions governing the tax imposed on the revenues from the rental of transient lodging in a district created to defray the cost of improving a central business area; eliminating the prohibition on certain local governments creating a tourism improvement district that includes any property within the boundaries of a redevelopment area; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 51—AN ACT relating to public administrators; providing for the District Attorney of Lyon County to be ex officio Public Administrator of Lyon County; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 52—AN ACT relating to taxicabs; authorizing the Taxicab Authority to limit the geographical area from which temporarily authorized taxicabs within its jurisdiction may offer or provide service; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 53—AN ACT relating to public welfare; revising reporting requirements concerning traumatic brain injuries; abolishing the Subcommittee on Traumatic Brain Injuries of the Nevada Commission on Services for Persons with Disabilities; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 54—AN ACT relating to courts; revising certain fees in the justice court; requiring the county treasurer to deposit a portion of the fees received from justice courts into a special account to be used for certain purposes; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 55—AN ACT relating to crimes; imposing an additional penalty for attempting or conspiring to commit certain crimes against certain older or vulnerable persons; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 56—AN ACT relating to controlled substances; increasing the penalty for the first offense of selling a controlled substance to a minor; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 57—AN ACT relating to the Nevada Equal Rights Commission; requiring the Administrator of the Commission to prepare and submit the biennial report of the activities of the Commission; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 58—AN ACT relating to veterans; making the Office of Veterans Services the Department of Veterans Services; creating the Office of Veterans Policy and Coordination in the Office of the Governor; creating the Interagency Council on Veterans Affairs; revising provisions relating to donations for veterans homes; providing exceptions to provisions governing public works and lease-purchase agreements with respect to certain projects of the Department of Veterans Services; requiring the Division of State Parks of the State Department of Conservation and Natural Resources to issue annual permits for the free use of state parks and other recreational areas to certain veterans; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 59—AN ACT relating to public works; formalizing and renaming existing components of the State Public Works Division of the Department of Administration to create a Public Works–Compliance and Code Enforcement Section and a Public Works–Professional Services Section within the Division; providing regulatory authority for the Administrator of the Division and the State Public Works Board of the Division; eliminating a requirement that the Division periodically inspect buildings owned by the Nevada System of Higher Education; eliminating a requirement that a proposal for the construction of a state building include operating costs for personnel and other expenses of operation; repealing a requirement to report to the Legislature annually on projects of construction of state buildings that are financed by certain bonds or obligations; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 60—AN ACT relating to charities; requiring nonprofit corporations to register with the Secretary of State before soliciting charitable contributions in this State; prescribing the information that must be filed with the Secretary of State to register; requiring the Secretary of State to provide certain information concerning registered nonprofit corporations to the public; enacting provisions concerning the investigation of nonprofit corporations; requiring the disclosure of certain information by a person conducting a solicitation for charitable contributions for or on behalf of a

nonprofit corporation or other charitable organization; authorizing the imposition of penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 61—AN ACT relating to economic development; revising various provisions relating to regional development authorities; requiring the Board of Economic Development to approve certain contracts entered into by the Office of Economic Development; revising the duties of the Executive Director of the Office; abolishing the Interagency Committee for Coordinating Tourism and Economic Development and the Advisory Council on Economic Development; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 62—AN ACT relating to justice courts; authorizing the justice of the peace in each justice court in smaller counties to appoint a bailiff or deputy marshal for the court; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 63—AN ACT relating to labor; revising provisions governing compensation for overtime; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 64—AN ACT relating to criminal justice; revising the contents of certain presentence investigations and reports to include an evaluation for substance abuse, a needs assessment and a treatment and training plan; requiring reports of presentence investigations to be maintained in an offender information system; repealing provisions governing general investigations and reports; revising various provisions relating to the duties



of the Director of the Department of Corrections; requiring documentation of an offender's performance and progress in and completion of certain programs; requiring the development of certain information systems to integrate the operations of certain agencies; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 65—AN ACT relating to public meetings; exempting certain committees and subcommittees of a public body from compliance with the Open Meeting Law in certain circumstances; prohibiting a member of a public body from designating a person to attend a meeting in the member's place without certain authority; revising provisions relating to the prosecution of an alleged violation of the Open Meeting Law; revising provisions governing the provision of supporting material for meetings to the public; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 66—AN ACT relating to property tax; revising the circumstances under which the State Board of Equalization must provide notice of a proposed increase in the valuation of property; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 67—AN ACT relating to crimes; authorizing a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action; amending various provisions concerning the investigation and prosecution of sex trafficking, involuntary servitude and trafficking in persons; revising provisions governing the waiver of a preliminary examination; amending various provisions concerning the crimes of sex trafficking, involuntary servitude and trafficking in persons; revising various provisions governing the penalties for sex trafficking, involuntary servitude and trafficking in persons; requiring a person convicted of sex trafficking to register as a sex offender; amending various provisions relating to victims of sex trafficking; revising provisions relating to the powers and duties of the

Advocate for Missing or Exploited Children; providing penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 68—AN ACT relating to taxation; revising the provisions relating to the certification of populations by the Governor; revising the provisions relating to the allocation and distribution of taxes from the Local Government Tax Distribution Account; revising the provisions relating to the establishment of an alternative formula for the distribution of taxes from the Local Government Tax Distribution Account by cooperative agreement; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Anderson and Senator Kihuen:

Assembly Bill No. 69—AN ACT relating to crematories; requiring a crematory for human remains to be located in a certain area; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Hambrick, Oscarson and Fiore:

Assembly Bill No. 70—AN ACT relating to the use of force; revising the provisions governing justifiable homicide; revising the provisions governing civil liability in actions involving the use of force; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 71—AN ACT relating to crimes; revising provisions governing the basis and procedure for determining whether a dog is dangerous or vicious; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 72—AN ACT relating to the Nevada State Board of Veterinary Medical Examiners; increasing the membership of the Board from seven members to eight members by adding a veterinary technician; increasing from four to five the number of members needed to call a meeting of the Board and to constitute a quorum; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Kirner:

Assembly Bill No. 73—AN ACT relating to chiropractic; revising certain provisions governing unprofessional conduct by a chiropractor or chiropractor's assistant; revising the information which must be submitted by an applicant for a license to practice chiropractic; revising provisions relating to the score which an applicant must obtain on an examination for a license to practice chiropractic; revising provisions governing temporary licenses to practice chiropractic; revising provisions governing the renewal of a license to practice chiropractic and a certificate as a chiropractor's assistant; revising provisions governing the reinstatement of a license to practice chiropractic; revising the circumstances under which a chiropractor may pierce or sever any body tissue; revising certain fees charged and collected by the Chiropractic Physicians' Board of Nevada; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Flores:

Assembly Bill No. 74—AN ACT relating to public affairs; requiring that document preparation services be registered with the Secretary of State; establishing qualifications for registration; requiring the filing of a bond; regulating the business practices of document preparation services; authorizing disciplinary action and other remedies in specified circumstances; establishing fees; providing civil and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Aizley, Carlton and Flores; Senators Parks and Segerblom:

Assembly Bill No. 75—AN ACT relating to property tax; revising provisions governing the publication of property tax rolls in larger counties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Livermore (by request):

Assembly Bill No. 76—AN ACT relating to peace officers; requiring certain state agencies to reimburse certain persons who possess some or all of the powers of peace officers for the cost to repair or replace their required uniforms and other clothing, accessories and safety equipment under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hickey:

Assembly Bill No. 77—AN ACT relating to the Legislature; prohibiting a former State Legislator from receiving compensation or other consideration to serve as a lobbyist to the Legislature for a period of 2 years after leaving office; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Hickey:

Assembly Bill No. 78—AN ACT relating to public money; authorizing a county treasurer to deposit county money in certain insured deposit accounts in insured banks, insured credit unions or insured savings and loan associations; providing for the redeposit of county money into insured deposit accounts in one or more other insured banks, insured credit unions or insured savings and loan associations under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 79—AN ACT relating to children; providing for the establishment by statute of the Early Childhood Advisory Council;

prescribing the membership and duties of the Council; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 80—AN ACT relating to public health; creating the Task Force on Alzheimer’s Disease within the Health Division of the Department of Health and Human Services; providing for its membership; setting forth the powers and duties of the Task Force; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 81—AN ACT relating to the protection of children; requiring certain committees and other bodies appointed or organized by an agency which provides child welfare services to include a member who represents the interests of natural parents; requiring an improvement plan prepared by an agency which provides child welfare services to be posted on the Internet; consolidating certain state-level entities which review the death of children; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Frierson:

Assembly Bill No. 82—AN ACT relating to evidence; prohibiting a juvenile court from receiving evidence of the previous sexual conduct of a victim of a sexual assault; prohibiting a court from receiving evidence of the previous sexual conduct of a child in proceedings related to the protection of children; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

#### VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 136 of the 76th Session.

Governor’s message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 136 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 136, which is entitled:

AN ACT relating to criminal laws; revising provisions governing credits for offenders sentenced for certain crimes; revising provisions governing the sealing and removal of certain records; and providing other matters properly related thereto.

This bill allows people convicted of certain category B felonies to earn credits to reduce their sentences, thereby allowing for an earlier release from prison. Under existing law, these so-called "good time credits" can be earned by offenders convicted of certain category C, D, or E felonies by acquiring vocational skills or undergoing drug treatment programs. The bill would extend the good time credit provision to Class B felons, with the exception of repeat offenders and offenders guilty of violent crimes or sexual assault. The bill also authorizes a person to petition for the sealing of records relating to an arrest if the prosecuting attorney declines to prosecute the charges.

Assembly Bill 136 has been promoted as a cost-cutting measure that will save money by reducing the cost of housing certain non-violent criminals in Nevada's crowded prisons. However, I am concerned that the bill will allow dangerous criminals to be prematurely released from prison, thereby increasing risk to Nevada's communities and sending a message to offenders that this state is soft on crime. Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblyman Horne moved that Assembly Bill No. 136 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 137 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 137 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 137, which is entitled:

AN ACT relating to education; requiring the implementation of a school breakfast program at certain public schools; requiring the Department of Education to report on the school breakfast program for each public school; requiring school districts to report on school nutrition programs; and providing other matters properly related thereto.

Assembly Bill 137 requires the implementation of a school breakfast program at any public school, including a charter school, that is eligible to operate a program of nutrition in accordance with federal regulations. Where a school breakfast program is implemented, the school must serve breakfast free of charge to all students and must serve breakfast after the school day starts in the following order of priority: (1) the classroom; (2) a transportable manner; or (3) the cafeteria. The bill also requires the Department of Education and board of trustees of each school district, on a biennial basis, to prepare written reports related to the school breakfast program and other nutrition programs.

The importance of providing nourishment to students who arrive at school without breakfast cannot be overlooked. To that end, the boards of trustees of school districts and governing boards of charter schools are authorized under existing law to operate or provide for the operation of nutrition programs in their schools. This includes the type of school breakfast program that Assembly Bill 137 would require at all eligible schools.

I am confident that school districts and charter schools are currently capable of determining how best to administer nutrition programs for their students. I cannot support Assembly Bill 137. Therefore, I veto it and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblyman Horne moved that Assembly Bill No. 137 of the 76th Session be placed on Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 152 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 13, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 152 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 152, which is entitled:

AN ACT relating to transportation; creating an advisory committee to develop recommendations relating to the funding of the construction and maintenance of highways in this State; providing for the membership and duties of the advisory committee; authorizing the advisory committee to place advisory questions regarding the recommendations of the committee on the ballot for the general election to be held in 2012; requiring the Secretary of State to appoint committees to prepare arguments for and against approval of the recommendation proposed in

any such advisory question placed on the ballot; and providing other matters properly related thereto.

Assembly Bill 152 creates an advisory committee to develop recommendations for increasing the funding of highways in the state. The committee is comprised of eight members, each of which is appointed by the leadership of the Legislature. The bill further provides that the committee may place advisory questions on the ballot relating to the recommendations developed by the committee.

This bill unnecessarily expands government and circumvents the legislative process. The purpose of the advisory committee is to develop recommendations for increasing the funding of highways in the state. The funding of highways, however, falls squarely within the jurisdiction of the Nevada Department of Transportation, which is overseen by the Board of Transportation. There is no indication that the Department is performing its planning function insufficiently. Therefore, I must conclude that the advisory committee is unnecessary and redundant. This unnecessary expansion of government would serve to make the government apparatus associated with the funding of our highways unwieldy, frustrating the efficient administration of that funding. Such a result is not the interest of the people of the state.

Moreover, the proposed committee is comprised solely of members appointed by the legislative branch, and the bill provides the committee with access to the ballot. A similar bill was processed in the 75th Legislative Session. That bill, Assembly Bill 503, similarly proposed the establishment of an advisory committee on the funding of highways. The bill was vetoed by Governor Jim Gibbons, who observed in his veto message that the bill “effectively circumvents the legislative process by allowing a small group of non-elected officials to make recommendations that have major implications on taxpayers, and to then present those recommendations to the voters.” He further noted that, “[i]f such recommendations are to be submitted to the voters, they should be recommendations from the Legislature as a whole.” Ultimately, Governor Gibbons concluded that the bill represented “an abdication of legislative authority.” I agree. Therefore, because the bill unnecessarily expands government and abdicates legislative authority, I veto it and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblyman Horne moved that Assembly Bill No. 152 of the 76th Session be placed on the Chief Clerk’s desk.

Motion carried.

Vetoed Assembly Bill No. 300 of the 76th Session.

Governor’s message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 300 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 300, which is entitled:



AN ACT relating to real property; revising provisions providing for mediation in certain actions for foreclosure; and providing other matters properly related thereto.

This bill revises existing law governing foreclosures on real property, in particular, the bill makes changes to the Foreclosure Mediation Program, which was created during the 2009 Legislative Session to address the residential foreclosure crisis existing in this state. The Mediation Program is administered by the Administrative Office of the Courts, and the Nevada Supreme Court is authorized to adopt rules necessary to carry out provisions of the program. Assembly Bill No. 300 will impose additional statutory provisions related to the operation of the program.

Supporters of this bill maintain that many issues and problems with the Mediation Program have arisen since its creation two years ago, and should be addressed through statutory amendments. However, the Nevada Supreme Court, on June 1, 2011, in Docket No. ADKT 0435, issued an Order Establishing Advisory Committee on the Foreclosure Mediation Program. The Order appointed fourteen members to the Advisory Committee who will consider issues associated with the mediation program. It should also be noted that several cases dealing with various aspects of the Mediation Program are currently pending before the Nevada Supreme Court.

In light of the rapidly-developing body of law related to residential foreclosures and the fact that an advisory committee has been charged with considering ways to improve the Foreclosure Mediation Program, I cannot support a bill that represents duplicative and possibly conflicting efforts.

Therefore, I veto Assembly Bill 300 and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblyman Horne moved that Assembly Bill No. 300 of the 76th Session be placed on Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 301 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 301 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 301, which is entitled:

AN ACT relating to civil rights; revising provisions governing the restoration of the right to vote to persons who have been convicted of a felony; revising provisions governing the registration to vote of a person convicted of a felony; revising provisions governing the cancellation of the registration to vote of a person convicted of a felony; revising provisions governing a challenge to the right to vote

of a person convicted of a felony; and providing other matters properly related thereto.

Assembly Bill 301 revises provisions governing the restoration of civil rights to persons convicted of a felony. Under existing law, unless a person has been convicted of certain specified felonies, a person convicted of a felony is immediately restored to the right to vote upon: (1) an honorable discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon with the restoration of the right to vote; (4) an honorable discharge from parole; or (5) being released from prison upon completion of a sentence. Currently, the right to vote is not restored to a person released from prison if the person has been convicted of certain felonies, unless the person petitions a court for an order granting restoration of the right.

The bill would automatically restore voting rights upon completion of any felony sentence of imprisonment, probation or parole. Supporters of this bill argue that automatic restoration of voting rights for all felons, regardless of the severity of the offense, will streamline the voter registration process and eliminate confusion about when or how voter rights are restored. However, these arguments are not compelling reasons to overlook the severity of certain offenses and alter the just punishment that is delivered to those who commit these offenses. Notably, Assembly Bill 301 does not alter restoration of the rights to serve as a juror or hold office, which can occur only upon petition to a court (for restoration of the right to serve as a juror in a civil action) or after the passage of a certain period of time after release from prison. Like these rights, the right to vote is a privilege that should not lightly be restored to those few individuals who commit the most egregious crimes in our society.

Because Assembly Bill 301 unnecessarily revises appropriate provisions related to the restoration of civil rights for certain ex-felons, I veto it and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblyman Horne moved that Assembly Bill No. 301 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 416 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 17, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 416 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 416, which is entitled:

AN ACT relating to energy; revising provisions governing the Solar Energy Systems Incentive Program; revising provisions governing the Water Power Energy Systems Demonstration Program; revising provisions governing the payment of incentives to participants in the Solar Program and the Wind Program; revising the prospective expiration of the Wind Program and the Waterpower Program;

providing for the prospective expiration of the Solar Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations; revising certain provisions governing certain energy-related tax incentives; revising certain provisions relating to plans filed by certain utilities; authorizing a utility to recover certain costs under certain circumstances; and providing other matters properly related thereto.

This bill amends, in part, the statutory requirements associated with the submission of resource plans for the review and approval of the Public Utilities Commission (“PUC”). Resource plans account for how a public utility will meet consumer demand for electricity in our state. Under the current state of the law, utilities are required to submit these plans on a periodic basis to the PUC for approval, after a public hearing. The main purpose of the requirement is simple: to reduce electricity rates by subjecting the manner in which a utility proposes to meet consumer demand to the scrutiny of a public process and the approval of an impartial regulator. Thus, in accordance with NRS 704.741, utilities are required to submit to the PUC every three years a comparison of the best combination of sources of supply to meet projected consumer demand or the best method to reduce demand.

Resource plans help achieve rate savings not only through an analysis of the source of supply, but also through a review for the method of transmission of some sources, including renewable energy. NRS 704.741(4), for example, requires utilities to provide a plan for the construction and expansion of transmission facilities designed to serve renewable energy zones to facilitate the achievement of renewable portfolio standards. The achievement of these standards produces environmental benefits and economic development gains in renewable energy in Nevada. The law provides that where such a transmission plan is approved, the utility may recover, at the discretion of the PUC, all just and reasonable costs of planning and constructing the facility.

Insofar as the central aim of resource plan approval is rate containment, we must strive to protect the integrity of that process. Nevada’s consumers are too important to our economic recovery to subject to ratemaking that does not properly account for their interests.

Assembly Bill 416, however, instead of seeking to strengthen consumer protections for the people of this state, substantially reduces the protections the resource plan approval process provides; it obscures the focus of the process by introducing new concerns not related to reducing rates for Nevadans, and it provides for cost recovery for energy exportation, in some cases without prior approval, contrary to traditional ratemaking principles.

The bill provides for the inclusion in resource plans of a utility’s plan for the construction and expansion of transmission facilities to support the construction of renewable energy facilities without regard to the location of consumers, and it requires inclusion of plans for transmission facilities that are anticipated to be necessary to serve the needs of any renewable energy facility that requests interconnection with the utility and delivers energy to purchasers located outside the State or service area of the utility.

Review of the construction and expansion of transmission facilities intended to benefit electricity consumers in other states, however, does not serve the traditional purpose of resource plan approval—to exercise downward pressure on rates for Nevadans. Instead, the broadening of the scope of resource plans threatens to undermine the interests of ratepayers because once approved, under NRS 704.110(11), related expenses would be deemed prudent and the utility would be allowed, at the discretion of the PUC, to recover all just and reasonable costs. This process would mean rate increases for the people of the state to finance the construction of facilities to service out of state consumers.

What is perhaps more troubling, however, is the bill’s requirement that, if proposed facilities or transmission corridor actions do not fall with a resource plan filing requirement, or, alternatively, if the utility is required pursuant to federal law to commit to such facilities within a time that does not support a resource plan filing, the PUC shall allow the utility to recover

reasonable and prudent expenses for the siting, development and permitting of the proposed facility or corridor activities conducted without inclusion in the plan.

The mandatory allowance for the recovery of such costs is entirely inapposite to the cost recovery principle expressed in the current rate case provisions, which provide, for example, for the permissive recovery of costs associated with a transmission facility linked to the attainment of renewable portfolio standards only after approval by the PUC. If such costs are permissive after approval, it is difficult to conceive of a public policy justification for mandatory costs in the absence of any approval at all.

The inconsistent policy approach would be, perhaps, reconcilable if the probability of expenses set to trigger the mandatory allowance of costs was limited. It appears, however, that is not the case. At least one public utility has made clear, during a hearing on a similar provision in a similar bill earlier this session, its intention to develop renewable transmission corridors. Under this bill, the plan for such development is not necessarily a requirement of a resource plan. Thus, it appears the utility would be entitled to the reasonable and prudent costs associated with that development. Those costs would not only be substantial, but they would reflect an unacceptable outcome: Nevada ratepayers forced to finance the transmission of renewable energy to out of state consumers without the opportunity to comment beforehand. Moreover, there is no provision in the bill to allow ratepayers, in the event any investment shouldered by them succeeds, to participate in that success through reduced rates.

This bill threatens not only to undermine the value of the resource plan approval process in maintaining reasonable electricity rates and prudent facilities approvals, but it will provide for increased rates to cover utility expenditures unrelated to the provision of electricity in this state. To increase utility rates on Nevadans struggling to emerge from a severe economic recession would result in the imposition of an unnecessary and unfair burden on our recovery. Therefore, I exercise my constitutional grant of authority to veto AB 416 and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblyman Horne moved that Assembly Bill No. 416 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 433 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 17, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 433 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 433, which is entitled:

AN ACT relating to employment practices; making it unlawful for public employers to make rules or regulations that prohibit or prevent an employee from engaging in politics or becoming a candidate for public office with certain exceptions; prohibiting any employer from taking any adverse employment action

against an employee because the employee has become a candidate for any public office with certain exceptions; providing a penalty; and providing other matters properly related thereto.

Existing Nevada law makes it unlawful for a private employer to make rules or regulations that prohibit an employee from engaging in politics or becoming a candidate for office. This bill seeks to extend those protections to the employees of public employers and labor organizations; on its face, this intent has merit. However, the bill as written goes well beyond existing law and establishes new prohibitions pertaining to an “adverse employment action” as defined in new amendatory language. These requirements go too far to be practicable, overreaching in the apparent desire to protect the employee while in fact placing an undue burden on both public and private employers. Small firms would be adversely impacted and large employers, whether public or private, would have their leave policies unworkably restricted.

Had the authors of this measure simply included public employers and labor organizations in the existing statutory framework, their concept would have been better executed. As written, this bill places unworkable restrictions on the employer/employee relationship. I therefore exercise my constitutional grant of authority to veto Assembly Bill 433 and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblyman Horne moved that Assembly Bill No. 433 of the 76th Session be placed on the Chief Clerk’s desk.

Motion carried.

Vetoed Assembly Bill No. 546 of the 76th Session.

Governor’s message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 15, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 546 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 546, which is entitled:

AN ACT relating to children; making various changes to provisions governing early childhood care and education; providing for the establishment by statute of the Early Childhood Advisory Council; requiring certain training of persons who are employed in early childhood care; requiring annual reports concerning such training to be submitted to the Department of Education and the Legislative Committee on education; requiring the Board for Child Care to adopt regulations establishing requirements for courses of training in child care for employees of a child care facility; making an appropriation; and providing other matters properly related thereto.

This bill has merit, particularly as it draws attention to the importance of early childhood learning as it relates to later success in school. The bill codifies in statute an existing Advisory

Council formed by Executive Order of a prior administration; the bill also establishes needed collaboration between the State Department of Education and the State Department of Health and Human Services with regard to early childhood care and education.

However, the bill also places new training and reporting responsibilities on licensed childcare facilities and those facilities which receive reimbursement from the Program for Child Care and Development administered by the Division of Welfare and Supportive Services. In fact, the “continuing training in child care...must include, without limitation, the annual completion by each employee of not less than 24 hours of such training, not less than 16 hours of which must be training relating to early childhood development” and standards to be adopted pursuant to this bill. Such a standard sets a new, overly high bar for small businesses in the childcare industry. The cost of this annual training would either be passed through to consumers, many of whom cannot afford to pay more for their childcare, or born by employees, many of whom work for relatively low wages. It could also result in decreased wages for childcare workers. Moreover, the bill’s requirement of training in “early childhood development” overlooks a more pressing need for training in the area of infant and to toddler care.

Therefore, because this bill makes it more difficult for private businesses to succeed at a time when affordable child care is of utmost importance to Nevadans, and because the training requirements reflected in the bill do not target the most pressing areas of need, I exercise my constitutional grant of authority to veto Assembly Bill 546 and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblyman Horne moved that Assembly Bill No. 546 of the 76th Session be placed on the Chief Clerk’s desk.

Motion carried.

Vetoed Assembly Bill No. 550 of the 76th Session.

Governor’s message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 550 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 550, which is entitled:

AN ACT relating to transportation; directing the Legislative Commission to conduct an interim study concerning state ports of entry; and providing other matters properly related thereto.

Assembly Bill No. 550 directs the Legislative Commission to appoint a committee to conduct an interim study concerning state ports of entry. The study must examine the feasibility and cost of establishing permanent ports of entry on highways within this state, and consider the appropriate functions to be performed at or by ports of entry. In conducting the study, the committee is required to consult with agencies within Nevada and of adjoining states having jurisdiction over matters relating to transportation.

In some states, ports of entry provide an effective mechanism for monitoring and inspecting commercial vehicles and drivers to promote and enforce compliance with state and federal regulations. Ports of entry, however, are not considered the most efficient or effective means for Nevada to accomplish its compliance and safety goals in the trucking industry. A comprehensive study of ports of entry was conducted in 2004 by the Nevada Department of Transportation with the Departments of Public Safety, Motor Vehicles, Agriculture, Business and Industry, Taxation, and the Federal Motor Carrier Administration. The study concluded that annual benefits are less than annual costs for either a Nevada-only port of entry or a California/Nevada joint port of entry, making neither port of entry economically justified.

There is no indication that factors related to operating a port of entry in Nevada have significantly changed since the 2004 study was conducted. Therefore, I must conclude that an interim study on ports of entry is unnecessary and redundant.

Because this bill would require an unnecessary and duplicative study to be conducted, I veto it and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblyman Horne moved that Vetoed Assembly Bill No. 550 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 578 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 578 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 578, which is entitled:

AN ACT relating to the Legislature; providing for the establishment of Joint Interim Standing Committees of the Legislature; specifying the powers and duties of the Joint Interim Standing Committees; repealing carious statutory committees; assigning certain powers and duties of repealed statutory committees to the Joint Interim Standing Committees; making various other changes relating to interim legislative activity; and providing other matters properly related thereto.

This bill amends existing law to provide for nine Joint Interim Standing Committees of the Legislature, each with an extensive membership component and a budget for travel and per diem expenses. These committees are empowered to review and discuss issues within their jurisdiction, and to call witnesses, prepare reports, and submit proposed legislation to each regular session of the Nevada Legislature. In short, this statutory scheme creates an interim session of the legislative body proper, meeting in joint committees that exactly mirror the regular workings of a legislative session. The people of Nevada have long provided for limited legislative sessions, occurring only once each biennium or at such times of special need as the

governor may decide. In addition, Nevada already provides for the Legislative Commission which has the following powers and duties pursuant to NRS 218E.175:

- (a) Assist the Legislature in retaining status coordinate with the Executive and Judicial Branches of State Government.
- (b) Investigate and inquire into subjects upon which the Legislature may act by the enactment or amendment of statutes, governmental problems, important issues of public policy or questions of statewide interest.
- (c) Assure that the most effective use is made of the audit, fiscal, legal and research services and facilities provided by the Legislative Counsel Bureau to the Legislature and its members.
- (d) Coordinate and oversee interim studies and other legislative committees meeting in the interim between regular legislative sessions.

This existing framework is adequate to the interim work of Nevada's citizen legislature. Assembly Bill 578 takes Nevada precipitously close to annual sessions of its legislative body, or at the very least to full-time service by its members. Because this bill encroaches upon the Constitutional restrictions imposed by the people of this state in limiting legislative power, I exercise my constitutional grant of authority to veto AB 578 and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

Assemblyman Horne moved that Assembly Bill No. 578 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 4, 2013

*To the Honorable the Assembly:*

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 1.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

#### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1

Read first time.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 1 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Horne.

Motion carried.



## GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Roll call on Senate Bill No. 1:

YEAS—42

NAYS—None.

Senate Bill No. 1 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Sari Aizley, David Phillips, and Mary Phillips.

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Roberta Lange and Chris Miller.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to April Anderson, Jacob Anderson, Taylor Anderson, Jordan Anderson, and Joseph Anderson.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Coral Academy: Madison Roberts-Smith, Gavan Allen, Conner Anderson, Issabella Phillipone, Samantha Hasegawa, Kai Santos, Sierra Schroeder, Sean Shipman, Lina Strand, Tanner Lack, Bethany Matthews, Zoya Vincent, Vivian Vo, Samantha Yson, Alex Vogedes, Jason Andrion, Amanda Bateman, Aries Cahigas, Danica Mae Calpo, Sarah Elfass, William Everman, Luis Gonzalez Aguilar, Carlos Guillen, Conner Malchow, Troy Manuta, Gabe Marquez, Michael Miller, Cody Morse, Alejandro Rangel, Briana Segura, Karen Villanueva, Ron Bonomo, Tekin Tuncer, Feyzi Tandogan, Ercan Aydogdu, Eray Idle, Kelley Karpchuk, Morgan Mundy, and Chastity Orr.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Jodi Brooks, Wayne Carter, Lorin Carter, Mitchell Posen, Kevin Brooks, Autumn Carter, Robin Carter, Devin Carter, and Wayne Carter Jr.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Gariety Pruitt,

Gina Hall, Brad Adams, Alaina Brown, Morgan Watson, Jordan Gregory, and Judith Bishop.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Merritt Carlton and Ashley Smith.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Frost, Cinthia Zermeño, and Larissa Hansen.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Cohen, Aileen Cohen, and Minnie Jaroslow.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Alejandre, Gilberto Diaz, Alejandra Diaz, Xavier Carson Diaz, William Curry, and Sylvia Dominguez-Curry.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Dondero, Molly Dondero, Rob Dondero, Elise Dondero, Joan Partier, Bill Partier, Lindsey Loop Solis, Sunshine Solis, Rylie Kokoski, Noah Solis, Thalia Dondero, and Carolyn Dondero Martin.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Duncan, Harvey Duncan, and Verna Duncan.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Eisen, Jonathan Eisen, Adam Eisen, and Arika Garcia.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Ellison, Billy Ellison, Brennen Ellison, Cindy Ellison, Cynthia Ellison, Garrett Ellison, Leah Ellison, Ryeland Ellison, Shaena Ellison, Ann Green, Cynthia Green, Dick Hershey, Louise Hershey, Anthony Moseley, Josalynne Moseley, Michelle Moseley, Mike Moseley, and Allison Ulibarri.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Howard, Ana Velasquez, Lill Fiore, Savannah Kaime, Jake William Willis, and Melony Gallegos.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Oscar Peralta, Vivian Flores, and Alexis Flores.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Nathalia Frierson, Matthew Frierson, and Abigail Frierson.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Cordes, Cady Cordes, Tami Harmon, Paul Harmon, Addyson Harmon, Pat Grady, Sean Cordes, Taylen Cordes, and Jace Harmon.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick, John Hambrick, Laura Sullivan, Mark Sullivan, Ted Weiss, and Kathy Weiss.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Hansen, Sharon Hansen, Daniel Hansen, Ali Hansen, Rachel Haack, and Mallory Hansen.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Harrison, Peri Hardy, Omar De La Rosa, and Sheri Bashaw.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Holman, Angie Holman, Jim Mullin, and Linda Mullin.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Shin Hickey, Shinae Hickey, John Hickey, Virginia Watterson, J. Wong, Bruce Fuh, and Joan Fuh.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Martin.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Whitney Moffet, Chloe Horne, Henry Horne, Mary Jackson, Toni Horne, Quyncee Horne, and Emmitt Smith.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Giunchigliani,

Gary Gray, Mike Kirkpatrick, Tara Kirkpatrick, Emma Krumme, Jessica Kirkpatrick, Brianna Lamanna, and Whitney Morfitt.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Kaitlin Meetze, Linda Law, Cindy Southerland, and Peggy Kirner.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Livermore, Robert Morin, and Colleen Morin.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to Paula Rudolph, Dana Barooshian, Marvin Carter, Bob Bachant, and Carin Bachant.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Garcia, Teresa Boquiren, and Peggy Lear Bowen.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Valley.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanne Ohrenschall, Frank Daykin, Rhiana Ohrenschall, and Rhen Ohrenschall.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Sydney Hatch, Richard Hatch, Dr. King Bibby, Alex Vaisman, Susan Davila, Rebecca Oscarson, Jared Oscarson, Bren Oscarson, and Karen Oscarson.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Sasser and Janet Stokes.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Ronnie Barre and Bill Spiegel.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Margann Duke, Jeremy Duke, Zack Duke, Ian Duke, Abel Duke, Ani Duke, Ardynne Sprinkle, Thalia Routsis, Kristi Sprinkle, Devin Sprinkle, and Michael Sprinkle.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Stewart, Sara Menke, Delaney Mott, and Amanda Schweisthal.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Lynson Beaulieu, Scott Swank, and Breana Lake.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Barry Penzel, Cindy Penzel, Marie Brummley, Eileen Thomas, Tom Starrett, Steve Donahue, and Kat Kallas.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Kenny Taylor, Missy Hardy, and Celssie Hardy.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, February 6, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:59 p.m.

Approved:

MARILYN K. KIRKPATRICK  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*