

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 23, 2013

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

Madam Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

Gracious One,

We come before You, trusting not in our own righteousness, but in Your great and manifold mercies. We see those mercies unfold in our personal lives; we see in the dawn of each new day the unfolding of blessings in the natural beauties of the Earth, and we give thanks.

Help the members of this body work in unity of spirit toward the good of all, that our communities and state might reflect an appreciation for each person, whether man or woman, child or adult, whatever race or religion, to allow each to live in dignity. Help us move together toward the common good. In the name of love, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Home moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 185, 229, 314.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 31, 88, 94, 103, 104, 107, 111, 112, 127, 141, 152, 170, 192, 208, 209, 211, 217, 224, 228, 243, 246, 267, 278, 283, 286, 297, 307, 312, 317, 318, 321, 325, 329, 343, 350, 359, 381, 409, 410, 414, 421, 424, 425, 428, 429, 441, 448, 449, 450, 453, 456, 478, 493, 496, 503; Senate Joint Resolution No. 13.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 498.

MARK KRMPOTIC
Fiscal Analysis Division

Senate Joint Resolution No. 13.

Assemblyman Horne moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 421 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 113 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 187 and 215 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 166, 167, and 405 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and all bills reported out of committee be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried.

Assemblyman Horne moved that the Assembly dispense with the reprinting of bills for this legislative day.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 486 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 26, 38, 153, 163, 184, 215, 272, 287, 309, 360, 367, 370, and 404 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 31.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 88.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 94.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 103.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 104.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 107.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 111.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 112.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 127.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 141.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 152.

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

Motion carried.

Senate Bill No. 170.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 185.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 192.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 208.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 209.

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

Motion carried.

Senate Bill No. 211.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 217.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 224.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 228.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 229.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 243.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 246.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 267.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 278.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 283.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 286.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 297.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 307.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 312.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 314.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 317.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 318.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 321.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 325.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 329.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 343.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 350.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 359.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 381.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 409.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 410.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 414.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 421.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 424.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 425.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 428.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 429.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 441.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 448.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 449.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 450.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 453.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 456.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 478.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 493.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 496.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 503.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 166.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 571.

SUMMARY—~~[Revises]~~ **Establishes** requirements for the ~~[registration]~~ **permitting** of a vehicle that is driven in Nevada by a nonresident who commutes to work on a regular basis in Nevada. (BDR 43-707)

AN ACT relating to motor vehicles; ~~[revising]~~ **establishing** requirements for the ~~[registration]~~ **permitting** of a motor vehicle of a nonresident who is employed in this State and operates the motor vehicle on the highways of this State on a regular basis to commute to that employment; requiring that such a motor vehicle comply with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a nonresident who is employed in this State and who owns a motor vehicle that is operated in this State must, within 30 days after commencing employment and with certain exceptions, register the motor vehicle in this State. (NRS 482.385) **Section 1** of this bill requires that an

owner of a motor vehicle that is operated in this State by a nonresident daily commuter ~~register~~ **obtain a nonresidential daily commuter permit for** the motor vehicle within 10 days after the nonresident daily commuter commences employment. Such a ~~registration~~ **permit** would require the payment of a fee and be valid for 1 year. **Section 1** also requires such a motor vehicle to comply with the registration, insurance and emissions testing requirements, if any, of the out-of-state location where the owner is a resident. If the location where the owner is a resident does not require emissions testing, **section 1** requires such a motor vehicle to undergo emissions testing as if it were the vehicle of a Nevada resident. For the purposes of this bill, **section 1** defines “nonresident daily commuter” to mean a person who: (1) is not a Nevada resident; (2) enters and leaves the State of Nevada on a regular basis for the purpose of engaging, in this State, in a trade, profession, occupation or other gainful employment; (3) engages in such gainful employment at a location which is within the State of Nevada and not more than 30 road miles from the boundary between the State of Nevada and any of the states of Arizona, California, Idaho, Oregon and Utah; and (4) principally garages his or her commuting vehicle in a state other than Nevada.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who is a natural person shall apply for ~~the registration of~~ a nonresidential daily commuter permit for each vehicle the person owns which is operated in this State by a nonresident daily commuter. The person must apply for the ~~registration~~ permitting of such a vehicle not later than 10 days after the date the nonresident daily commuter first operates the vehicle in this State, regardless of whether the nonresident daily commuter is also the owner of the vehicle.

2. The Department shall grant an application for ~~registration~~ the permitting of a vehicle pursuant to subsection 1 if the applicant:

(a) Submits proof that the vehicle has been registered for the current year in the state, country or other place of which the owner is a resident;

(b) Submits proof that the vehicle is currently insured in compliance with the laws of the state, country or other place of which the owner is a resident;

(c) Submits proof that the vehicle has been tested for emissions in compliance with the laws of the state, country or other place of which the owner is a resident or, if the place where the owner is a resident does not

require the testing of the emissions of motor vehicles, complies with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto for the vehicle as if the vehicle were required to comply with those provisions; and

(d) Pays a fee of \$33 for each vehicle for which the owner ~~registers~~ obtains a permit pursuant to this section.

3. The Department shall issue to an owner who ~~registers~~ obtains a permit for a vehicle pursuant to this section an indicator for the ~~registered~~ permitted vehicle that indicates the vehicle is operated by a nonresident daily commuter. The indicator must be displayed on the ~~registered~~ permitted vehicle when the ~~registered~~ permitted vehicle is operated in this State by a nonresident daily commuter. An indicator issued pursuant to this subsection is issued for a specific vehicle, is nontransferable and expires 1 year after the date of issuance.

4. All fees paid pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State Highway Fund and expended pursuant to subsection 2 of NRS 408.235.

5. A person who violates the provisions of this section is guilty of a misdemeanor and shall be punished:

(a) For the first offense, by a fine of not more than \$100.

(b) For the second and each subsequent offense, by a fine of not more than \$500.

↪ The failure of a person to comply with the provisions of this section for each vehicle to which this section applies constitutes a separate offense.

6. If an owner of a vehicle that is required to be ~~registered~~ permitted pursuant to this section fails to ~~register~~ obtain a permit for the vehicle pursuant to this section, the owner or operator of the vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that the vehicle is required to be ~~registered~~ permitted pursuant to subsection 1 and that the owner has failed to ~~register~~ obtain a permit for the vehicle pursuant to subsection 1. As used in this subsection, "peace officer" includes a constable.

7. The Department may adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, adopting by regulation a definition of "on a regular basis" for the purpose of subsection 8.

8. As used in this section, "nonresident daily commuter" means a person:

(a) Who is not a resident of the State of Nevada;

(b) Who enters and leaves the State of Nevada on a regular basis for the purpose of engaging, in this State, in a trade, profession, occupation or other gainful employment;

(c) Engages in a trade, profession, occupation or other gainful employment at a location which is:

(1) Within the State of Nevada; and

(2) Not more than 30 road miles from the boundary between the State of Nevada and any of the states of Arizona, California, Idaho, Oregon and Utah; and

(d) Whose vehicle, which is used for the purpose described in paragraph (b), is principally garaged outside this State.

Sec. 2. NRS 482.103 is hereby amended to read as follows:

482.103 1. "Resident" includes, but is not limited to, a person:

(a) Whose legal residence is in the State of Nevada.

(b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.

(c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.

(d) Who declares that he or she is a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this State.

2. The term does not include a person who is an actual tourist, an out-of-state student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to persons who operate vehicles in this State under the provisions of NRS 482.385, 482.390, 482.395 or 706.801 to 706.861, inclusive ~~[-]~~, **or section 1 of this act.**

Sec. 3. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, **and section 1 of this act**, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

↪ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who ~~engages in a trade, profession or occupation or accepts gainful employment in this State or who~~ enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such ~~employment or~~ enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive ~~{ }~~, **and section 1 of this act.**

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

↳ As used in this subsection, “peace officer” includes a constable.

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, *indicator*, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates.....	10.00
For every decal displaying a county name	50
For every other <i>indicator</i> , decal, license plate sticker or tab.....	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 167.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 572.

SUMMARY—~~[Revises]~~ **Establishes** requirements for the ~~[registration]~~ **permitting** of certain vehicles that are driven in Nevada and owned by a nonresident business. (BDR 43-708)

AN ACT relating to motor vehicles; ~~[revising]~~ **establishing** requirements for the ~~[registration]~~ **permitting** of a motor vehicle that is operated on the highways of this State for a business purpose within this State; requiring that such a motor vehicle complies with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain nonresident owners of motor vehicles that are used in this State for a gainful purpose must register such motor vehicles in this State. (NRS 482.385) **Section 1** of this bill requires a nonresident who is not a natural person, owns a vehicle of a type subject to registration in this State and allows that vehicle to be operated in this State for business purposes within this State to ~~[register]~~ **obtain a nonresident business permit for** the motor vehicle within 10 days after the commencement of such operation of the vehicle. Such a ~~[registration]~~ **permit** would require the payment of a fee, is nontransferable and is valid for 1 year. **Section 1** also requires such a motor vehicle to comply with the registration, insurance and emissions testing requirements, if any, of the out-of-state location where the nonresident is a resident. If the location where the nonresident is a resident does not require emissions testing, **section 1** requires such a motor vehicle to undergo emissions testing as if it were the vehicle of a Nevada resident. The provisions of **section 1** do not apply to certain motor carriers or apportioned vehicles or vehicles that are leased or rented to lessees by short-term lessors.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, NRS 482.390 and 706.801 to 706.861, inclusive, a nonresident who:

- (a) Is not a natural person;**
- (b) Is the owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter; and**
- (c) Allows that vehicle to be operated in this State by an employee, independent contractor or any other person for the purpose of engaging in the business of the nonresident within this State,**

↪ shall, within 10 days after the commencement of such operation, apply for ~~the registration of~~ a nonresident business permit for the vehicle.

2. The Department shall grant an application for ~~registration~~ the permitting of a vehicle pursuant to subsection 1 if the nonresident owner of the vehicle:

(a) Submits proof that the vehicle has been registered for the current year in the state, country or other place of which the owner is a resident;

(b) Submits proof that the vehicle is currently insured in compliance with the laws of the state, country or other place of which the owner is a resident;

(c) Submits proof that the vehicle has been tested for emissions in compliance with the laws of the state, country or other place of which the owner is a resident or, if the place where the owner is a resident does not require the testing of the emissions of motor vehicles, complies with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto for the vehicle as if the vehicle were required to comply with those provisions; and

(d) Pays a fee of:

(1) Two hundred dollars for the first vehicle for which the owner registers obtains a permit pursuant to this section.

(2) One hundred and fifty dollars for each additional vehicle for which the owner registers obtains a permit pursuant to this section.

3. The Department shall issue to a nonresident owner who ~~registers~~ obtains a permit for a vehicle pursuant to this section an indicator for the ~~registered~~ permitted vehicle that must be displayed on the ~~registered~~ permitted vehicle when the ~~registered~~ permitted vehicle is operated in this State. The indicator issued pursuant to this subsection is nontransferable and expires 1 year after the date of issuance.

4. All fees paid pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State Highway Fund and expended pursuant to subsection 2 of NRS 408.235.

5. A person who violates the provisions of this section is guilty of a misdemeanor and shall be punished:

(a) For the first offense, by a fine of not more than \$500.

(b) For the second and each subsequent offense, by a fine of not more than \$750.

↪ The failure of a person to comply with the provisions of this section for each vehicle to which this section applies constitutes a separate offense.

6. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the

citation determines that the vehicle is required to be ~~registered~~ permitted pursuant to subsection 1. As used in this subsection, "peace officer" includes a constable.

7. The Department may adopt such regulations as are necessary to carry out the provisions of this section.

8. The provisions of this section do not apply with respect to a vehicle that is leased or rented to a lessee by a short-term lessor, as that term is defined in subsection 5 of NRS 482.053.

Sec. 2. NRS 482.103 is hereby amended to read as follows:

482.103 1. "Resident" includes, but is not limited to, a person:

- (a) Whose legal residence is in the State of Nevada.
- (b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.
- (c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.
- (d) Who declares that he or she is a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this State.

2. The term does not include a person who is an actual tourist, an out-of-state student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to persons who operate vehicles in this State under the provisions of NRS 482.385, 482.390, 482.395 or 706.801 to 706.861, inclusive ~~[]~~, **or section 1 of this act.**

Sec. 3. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, **and section 1 of this act**, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

- (a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and
- (b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:
 - (1) On active duty in the military service of the United States;
 - (2) An out-of-state student;
 - (3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to

participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

↪ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection ~~and~~ **and section 1 of this act**, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive ~~{}~~ , **and section 1 of this act.**

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➔ As used in this subsection, "peace officer" includes a constable.

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, *indicator*, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	50
For every other <i>indicator</i> , decal, license plate sticker or tab.....	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 405.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 573.

SUMMARY—Revises provisions concerning the identification of seasonal residents and ~~registration~~ establishes provisions concerning the permitting of the motor vehicles of seasonal residents. (BDR 43-414)

AN ACT relating to motor vehicles; providing for the issuance of special indicia of the ~~registration~~ permitting of a motor vehicle ~~to~~ of a seasonal resident; modifying the provisions pertaining to the issuance of an identification card to a seasonal resident; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "seasonal resident," in relevant part, as a person who is not a resident of the State of Nevada but who temporarily resides in this State for a period of at least 31 consecutive days in each calendar year, returns to his or her state of residence at least once in each calendar year, is registered to vote or pays income tax in another state or jurisdiction and does not engage in gainful employment in this State. (NRS 481.052; NAC 481.005) **Section 3** of this bill allows the Department of Motor Vehicles to issue to a seasonal resident a decal, sticker or other indicia of ~~the~~ a seasonal ~~registration in this State of~~ resident permit for a motor vehicle if the motor vehicle meets certain criteria. **Section 3** also deems an out-of-state student to be a seasonal resident for the purpose of obtaining such a decal, sticker or other indicia. **Section 5** of this bill modifies the fees charged for an identification card issued to a seasonal resident and specifies that such a card is valid for a period of 4 years unless suspended, cancelled or revoked. **Section 5** also deems an out-of-state student to be a seasonal resident for the purpose of obtaining such an identification card. **Sections 2 and 4** of this bill allow a seasonal resident who possesses valid indicia of ~~the~~ a seasonal ~~registration of~~ resident permit for a motor vehicle and a valid identification card for a seasonal resident to operate the motor vehicle upon the highways of this State without registering the vehicle in this State in the same manner as would be required of a vehicle of a resident of this State.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *A seasonal resident may operate a motor vehicle upon the highways of this State without registering the vehicle in this State pursuant to this chapter if the seasonal resident:*

1. Possesses and displays a valid decal, sticker or other indicia of seasonal ~~registration~~ permitting that is issued pursuant to section 3 of this act; and

2. Possesses a valid identification card for seasonal residents that is issued pursuant to section 5 of this act.

Sec. 3. 1. The Department may issue to a seasonal resident a decal, sticker or other indicia of ~~the~~ a seasonal registration in this State of resident permit for a motor vehicle, if the motor vehicle:

(a) Is a private passenger vehicle, a noncommercial truck or a recreational vehicle;

(b) Is not a commercial vehicle or otherwise used for business purposes;

(c) Is registered currently and validly in the state of which the owner or operator of the motor vehicle is a resident; and

(d) Is insured currently and validly in the state of which the owner or operator of the motor vehicle is a resident.

2. The Department shall not require the payment of any governmental services tax as a condition of issuing a decal, sticker or other indicia of seasonal ~~registration~~ permitting pursuant to this section.

3. A decal, sticker or other indicia of seasonal ~~registration~~ permitting that is issued pursuant to this section must be displayed:

(a) On the lower left corner of the rear window of the motor vehicle for which it is issued; or

(b) In another location specified by regulation of the Department.

4. Except as otherwise provided in subsection 5, a decal, sticker or other indicia of seasonal ~~registration~~ permitting that is issued pursuant to this section expires 1 year after the date on which it is issued.

5. The Department may suspend, cancel or revoke a decal, sticker or other indicia of seasonal ~~registration~~ permitting that is issued pursuant to this section for any reason that would justify the suspension, cancellation or revocation, as applicable, of an ordinary motor vehicle registration under the laws of this State.

6. The fee for the initial issuance of a decal, sticker or other indicia of seasonal ~~registration~~ permitting that is issued pursuant to this section is \$18. The fee for the renewal of a decal, sticker or other indicia of seasonal ~~registration~~ permitting that is issued pursuant to this section is \$18.

7. For the purpose of obtaining a decal, sticker or other indicia of seasonal ~~registration~~ permitting that is issued pursuant to this section, an out-of-state student shall be deemed to be a seasonal resident.

8. The Department may adopt regulations to carry out the provisions of this section.

Sec. 4. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; ~~or~~

(4) A migrant or seasonal farm worker ~~[-]; or~~

(5) A seasonal resident who is authorized to operate a motor vehicle upon the highways of this State pursuant to section 2 of this act.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

↪ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the

penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

- (a) On active duty in the military service of the United States;
- (b) An out-of-state student;
- (c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or
- (d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

- (a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and
- (b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➔ As used in this subsection, "peace officer" includes a constable.

Sec. 5. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person who applies for an identification card in accordance with the provisions of this section and who is not ineligible to receive an identification card pursuant to NRS 483.861 is entitled to receive an identification card if the person:*

(a) Is a seasonal resident who does not hold a valid Nevada driver's license; and

(b) Complies with the provisions of this section and any applicable provisions of NRS 483.810 to 483.890, inclusive.

2. *The Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:*

<i>An original or duplicate identification card issued to a seasonal resident.....</i>	<i>\$17</i>
<i>A renewal of an identification card for a seasonal resident.....</i>	<i>17</i>
<i>A new photograph or change of name, or both, for a seasonal resident.....</i>	<i>10</i>

3. *The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.*

4. *An identification card that is issued to a seasonal resident pursuant to this section expires 4 years after the date on which it is issued, unless the seasonal resident commits an act or omission for which the Department is*

required or authorized by the laws of this State to suspend, cancel or revoke the identification card.

5. *For the purpose of obtaining an identification card pursuant to this section, an out-of-state student shall be deemed to be a seasonal resident.*

6. *As used in this section, “photograph” has the meaning ascribed to it in NRS 483.125.*

Sec. 5.5. NRS 483.115 is hereby amended to read as follows:

483.115 “Out-of-state student” means a student ~~[-~~

- ~~1. Whose] whose~~ legal residence is not in this State ~~[-~~
- ~~2. Who] and who~~ comes into ~~[this State to attend]~~ *Nevada for the purpose of attending* an educational institution. ~~[- and~~
- ~~3. Who returns to his or her legal residence during the summer months.]~~

Sec. 6. NRS 483.347 is hereby amended to read as follows:

483.347 1. Except as otherwise provided in subsection 2, the Department shall issue a rectangular-shaped driver’s license which bears a front view colored photograph of the licensee. The photograph and any information included on the license must be placed in a manner which ensures that:

- (a) If the licensee is 21 years of age or older, the longer edges of the rectangle serve as the top and bottom of the license; or
- (b) If the licensee is under 21 years of age, the shorter edges of the rectangle serve as the top and bottom of the license.

2. The Department may issue a temporary driver’s license without a photograph of the licensee if the licensee is temporarily absent from this State and requests the renewal of, the issuance of a duplicate of, or a change in the information on, his or her driver’s license. If the licensee returns to this State for 14 continuous days or more, the licensee shall, within 24 days after the date of return, surrender the temporary license and obtain a license which bears his or her photograph in accordance with subsection 1. A licensee charged with violating the provisions of this subsection may not be convicted if the licensee surrenders the temporary license, obtains a license which bears his or her photograph in accordance with subsection 1 and produces that license in court or in the office of the arresting officer.

3. The Department shall:

(a) Establish a uniform procedure for the production of drivers’ licenses, applicable to renewal as well as to original licenses.

(b) Except as otherwise provided in NRS 483.417 and 483.825, by regulation, increase the fees provided in NRS 483.410, 483.820 and 483.910 **and section 5 of this act** as necessary to cover the actual cost of production of photographs for drivers’ licenses and identification cards. The increase must be deposited in the State Treasury for credit to the Motor Vehicle Fund

and must be allocated to the Department to defray the increased costs of producing the drivers' licenses required by this section.

Sec. 7. NRS 483.820 is hereby amended to read as follows:

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, **and section 5 of this act**, and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if the person is ~~[-~~

~~-(a) A] a resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction. [-or~~

~~-(b) A seasonal resident who does not hold a valid Nevada driver's license.]~~

2. Except as otherwise provided in NRS 483.825, the Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a person 65 years of age or older	\$4
An original or duplicate identification card issued to a person under 18 years of age.....	3
A renewal of an identification card for a person under 18 years of age	3
An original or duplicate identification card issued to any other person	9
A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age	9
A new photograph or change of name, or both	4

3. The Department shall not charge a fee for:

(a) An identification card issued to a person who has voluntarily surrendered his or her driver's license pursuant to NRS 483.420; or

(b) A renewal of an identification card for a person 65 years of age or older.

4. Except as otherwise provided in NRS 483.825, the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 7.5. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

- (1) Full legal name.
- (2) Date of birth.
- (3) State of legal residence.
- (4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section. ***This subsection does not apply to a person who, pursuant to this section, applies for an identification card as a seasonal resident.***

Sec. 8. NRS 483.865 is hereby amended to read as follows:

483.865 1. Upon the application of a person with a disability which limits or impairs the ability to walk, the Department shall place on any identification card issued to the person pursuant to NRS 483.810 to 483.890, inclusive, ***and section 5 of this act*** a designation that the person is a person with a disability. The application must include a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk.

2. For the purposes of this section, "person with a disability which limits or impairs the ability to walk" has the meaning ascribed to it in NRS 482.3835.

Sec. 9. NRS 483.867 is hereby amended to read as follows:

483.867 Upon the application of a person who is a seasonal resident of this State, the Department shall place on any identification card issued to the person pursuant to NRS 483.810 to 483.890, inclusive ~~{ }~~, **and section 5 of this act:**

1. A designation indicating that the person is a seasonal resident; and
2. A statement indicating that the person holds a valid driver's license from another state or jurisdiction.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and carrying out any other preparatory administrative tasks necessary to implement the provisions of this act; and

2. On January 1, 2015, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 421.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 563.

AN ACT relating to parentage; revising provisions relating to assisted reproduction; revising provisions relating to gestational carrier arrangements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the circumstances under which the legal relationship of parent and child is established. Under existing law, the legal relationship of mother and child is established by: (1) proof that the woman has given birth to the child; (2) an adjudication that the woman is the mother of the child; or (3) proof that the woman has adopted the child. (NRS 126.041) The legal relationship of father and child is established by: (1) certain presumptions of paternity that arise if a man was married to, or cohabitating with, the natural mother of the child; (2) a presumption of paternity that arises if the man resides with and holds out the child as his natural child; (3) genetic testing establishing that the man is the father of the child; or (4) a certain voluntary acknowledgment of paternity by the man. (NRS 126.041, 126.051, 126.053) Existing law also establishes the parentage of a child: (1) conceived by means of artificial insemination; or (2) born pursuant to a surrogacy agreement. (NRS 126.045, 126.061) This bill replaces the provisions of existing law governing artificial insemination and surrogacy agreements with provisions governing assisted reproduction and

gestational agreements which are based on the Uniform Parentage Act adopted by the Uniform Law Commission and the Model Act Governing Assisted Reproductive Technology promulgated by the American Bar Association.

Sections 16-22 of this bill provide for the parentage of a child conceived by a woman by means of assisted reproduction. Under **section 18**, a person who donates eggs, sperm or embryos for assisted reproduction by a woman is not a parent of the resulting child. **Sections 19 and 20** provide that a person who donates eggs, sperm or embryos for assisted reproduction, or a person who consents to assisted reproduction, with the intent of being a parent of the resulting child is a legal parent of that child. **Section 22** provides for the parentage of a child if the transfer of eggs, sperm or embryos occurs after a marriage or domestic partnership is dissolved.

Sections 23-33 of this bill enact provisions governing gestational agreements under which a woman carries and gives birth to a child intending that another person or persons become the legal parent or parents of the child. **Section 24** provides that if an enforceable gestational agreement is entered into by the gestational carrier, her spouse or domestic partner, if any, and the intended parent or parents: (1) the intended parent or parents under the gestational agreement become the legal parent or parents of the resulting child upon the birth of that child; and (2) the gestational carrier and her spouse or domestic partner, if any, are not the legal parents of the resulting child. **Sections 26 and 27** establish the requirements for: (1) a person to be eligible to be a gestational carrier ~~and~~; **(2)** the intended parent or parents; and ~~the~~ **(3)** the execution and contents of an enforceable gestational agreement. **Sections 30 and 31** establish remedies for a breach of a gestational agreement. **Sections 32 and 33**: (1) authorize the reimbursement of certain expenses incurred by a donor of a gestational carrier in connection with a gestational agreement; and (2) enact provisions governing the compensation paid to a gestational carrier.

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

Section 1. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. *As used in sections 2 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Assisted reproduction” means a method of causing pregnancy other than sexual intercourse. The term includes, without limitation:*

1. *Intrauterine insemination;*
2. *Donation of eggs;*

3. *Donation of embryos;*
4. *In vitro fertilization and transfer of embryos; and*
5. *Intracytoplasmic sperm injection.*

Sec. 4. *“Domestic partner” means a person who is in a domestic partnership which is registered pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.*

Sec. 5. *“Domestic partnership” has the meaning ascribed to it in NRS 122A.040.*

Sec. 6. *“Donor” means a person with dispositional control of eggs, sperm or embryos who provides eggs, sperm or embryos to another person for gestation and relinquishes all present and future parental and inheritance rights and obligations to any resulting child.*

Sec. 7. *“Embryo” means a cell or group of cells containing a diploid complement of chromosomes or a group of such cells, not including a gamete, that has the potential to develop into a live born human being if transferred into the body of a woman under conditions in which gestation may be reasonably expected to occur.*

Sec. 8. *“Gamete” means a cell containing a haploid complement of deoxyribonucleic acid that has the potential to form an embryo when combined with another gamete. The term includes:*

1. *Sperm.*
2. *Eggs.*
3. *Nuclear deoxyribonucleic acid from one human being combined with the cytoplasm, including, without limitation, cytoplasmic deoxyribonucleic acid, of another human being.*

Sec. 9. *“Gestational agreement” means a contract between an intended parent or parents and a gestational carrier intended to result in a live birth.*

Sec. 10. *“Gestational carrier” means an adult woman who is not an intended parent and who enters into a gestational agreement to bear a child conceived using the gametes of other persons and not her own.*

Sec. 11. *“Intended parent” means a person, married or unmarried, who manifests the intent as provided in sections 2 to 33, inclusive, of this act, to be legally bound as the parent of a child resulting from assisted reproduction.*

Sec. 12. *“In vitro fertilization” means the formation of a human embryo outside the human body.*

Sec. 13. *“Parent” means a person who has established the parent and child relationship.*

Sec. 14. *“Record” means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 15. *“Sign” means, with present intent to authenticate or adopt a record:*

1. *To execute or adopt a tangible symbol; or*
2. *To attach to or logically associate with the record an electronic symbol, sound or process.*

Sec. 16. *Except as otherwise provided by any other provision of law, unless parental rights are terminated, a parent and child relationship established under sections 2 to 33, inclusive, of this act applies for all purposes.*

Sec. 17. *Sections 2 to 33, inclusive, of this act do not apply to the birth of a child conceived by means other than assisted reproduction.*

Sec. 18. *A donor is not a parent of a child conceived by means of assisted reproduction.*

Sec. 19. *A person who provides gametes for, or consents to, assisted reproduction by a woman, as provided in section 20 of this act, with the intent to be a parent of her child is a parent of the resulting child.*

Sec. 20. 1. *Consent by a person who intends to be a parent of a child born by assisted reproduction must be in a signed record.*

2. *Failure of a person to sign a consent required by subsection 1, before or after the birth of the child, does not preclude a finding of parentage if the woman and the person, during the first 2 years of the child’s life, resided together in the same household with the child and openly held out the child as their own.*

Sec. 21. 1. *Except as otherwise provided in subsection 2, the legal spouse or domestic partner of a woman who gives birth to a child by means of assisted reproduction may not challenge the parentage of the child unless:*

(a) *Within 2 years after learning of the birth of the child, a proceeding is commenced to adjudicate parentage; and*

(b) *The court finds that, before or after the birth of the child, the legal spouse or domestic partner did not consent to the assisted reproduction.*

2. *A proceeding to adjudicate parentage may be maintained at any time if the court determines that:*

(a) *The legal spouse or domestic partner did not provide gametes for, or consent to, the assisted reproduction by the person who gave birth;*

(b) *The legal spouse or domestic partner and the woman who gave birth to the child have not cohabited since the probable time of the assisted reproduction; and*

(c) *The legal spouse or domestic partner never openly held out the child as his or her own.*

Sec. 22. 1. *If a marriage or domestic partnership is dissolved or terminated before the transfer of eggs, sperm or embryos, the former*

spouse or former domestic partner is not a parent of the resulting child unless the former spouse or former domestic partner consented in a record that if assisted reproduction were to occur after a dissolution or termination, the former spouse or former domestic partner would be a parent of the child.

2. The consent of a person to assisted reproduction may be withdrawn by that person in a record at any time before placement of the eggs, sperm or embryos.

Sec. 23. 1. *A prospective gestational carrier, her legal spouse or domestic partner if she is married or in a domestic partnership, a donor or the donors and the intended parent or parents may enter into a written agreement providing that:*

(a) The prospective gestational carrier agrees to pregnancy by means of assisted reproduction;

(b) The prospective gestational carrier, her legal spouse or domestic partner if she is married or in a domestic partnership, and the donor or donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(c) The intended parent or parents become the parent or parents of any resulting child.

2. If two persons are the intended parents, both of the intended parents must be parties to the gestational agreement.

3. A gestational agreement is enforceable only if it satisfies the requirements of section 27 of this act.

4. A gestational agreement may provide for payment of consideration pursuant to sections 32 and 33 of this act.

Sec. 24. 1. *If a gestational carrier arrangement satisfies the requirements of sections 26 and 27 of this act:*

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor her legal spouse or domestic partner, if any, shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of sections 26 and 27 of this act and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or

parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination to the contrary is made by a court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within 60 days after the birth of the child.

3. The parties to a gestational carrier arrangement shall assume the rights and obligations of subsections 1 and 2 if:

(a) The gestational carrier satisfies the eligibility requirements set forth in subsection 1 of section 26 of this act;

(b) The intended parent or parents satisfy the ~~requirements~~ requirement set forth in subsection 2 of section 26 of this act; and

(c) The gestational carrier arrangement occurs pursuant to a gestational agreement which meets the requirements set forth in section 27 of this act.

4. Before or after the birth of the resulting child, the intended parent or parents or the prospective gestational carrier or gestational carrier may commence a proceeding in any district court in this State to obtain an order designating the content of the birth certificate issued as provided in NRS 440.270 to 440.340, inclusive. If:

(a) The resulting child is to be born in this State;

(b) A copy of the gestational agreement is attached to the petition; and

(c) The requirements of sections 26 and 27 of this act are satisfied,

↪ the court may issue an order validating the gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child.

Sec. 25. 1. Except as otherwise provided in NRS 239.0115, all hearings held in a proceeding under sections 23 to 33, inclusive, of this act are confidential and must be held in closed court, without admittance of any person other than the parties to a gestational agreement, their witnesses and attorneys, except by order of the court.

2. The files and records pertaining to a gestational carrier arrangement, gestational agreement or proceeding under sections 23 to 33, inclusive, of this act are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor; or

(b) As provided pursuant to subsection 3.

3. A person who intends to file a petition to enforce a gestational agreement may inspect the files or the records of the court concerning the gestational agreement.

Sec. 26. 1. A prospective gestational carrier is eligible to be a gestational carrier pursuant to sections 23 to 33, inclusive, of this act, if, at the time the gestational agreement is executed, she:

(a) ~~Is at least 21 years of age;~~

~~(b) Has given birth to at least one child;~~

~~(e) Has completed a medical evaluation relating to the anticipated pregnancy;~~

~~(d) Has completed a mental health evaluation relating to the anticipated gestational carrier arrangement;~~

~~(e) (b) Has undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement; and~~

~~(f) (c) Did not contribute any gametes that will ultimately result in an embryo that she will attempt to carry to term.~~

2. The intended parent or parents shall be deemed to have satisfied the requirements of sections 23 to 33, inclusive, of this act if, before the gestational carrier agreement is executed, he, she or they have ~~+~~

~~(a) Completed a mental health evaluation relating to the anticipated gestational carrier arrangement; and~~

~~(b) Undergone} undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement.~~

Sec. 27. 1. A gestational agreement is enforceable only if it satisfies the requirements of this section.

2. The gestational carrier and the intended parent or parents must be represented by separate, independent counsel in all matters concerning the gestational carrier arrangement and gestational agreement.

3. A gestational agreement must:

(a) Be in writing;

(b) Be executed before the commencement of any medical procedures in furtherance of the gestational carrier arrangement, other than the medical ~~for mental health evaluations} evaluation required by subsection 1 of section 26 of this act to determine the eligibility of the gestational carrier~~ ~~[and the intended parent or parents,] by:~~

(1) A gestational carrier satisfying the eligibility requirements ~~of} set forth in subsection 1 of section 26 of this act and the legal spouse or domestic partner of the gestational carrier, if any; and~~

(2) An intended parent or parents satisfying the ~~eligibility requirements} requirement set forth in subsection 2 of section 26 of this act;~~

(c) Be notarized and signed by all the parties with attached declarations of the independent attorney of each party; and

(d) Include the separate, written and signed acknowledgment of the gestational carrier and the intended parent or parents stating that he or she has received information about the legal, financial and contractual rights, expectations, penalties and obligations of the gestational agreement.

4. A gestational agreement must provide for:

(a) The express written agreement of the gestational carrier to:

(1) Undergo embryo or gamete transfer and attempt to carry and give birth to any resulting child; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(b) The express written agreement of the legal spouse or domestic partner, if any, of the gestational carrier to:

(1) Undertake the obligations imposed upon the gestational carrier pursuant to the terms of the gestational agreement; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(c) The express written agreement of each party to the use by the gestational carrier of the services of a physician of her choosing, after consultation with the intended parent or parents, to provide care to the gestational carrier during the pregnancy; and

(d) The express written agreement of the intended parent or parents to:

(1) Accept legal and physical custody of any resulting child not biologically related to the gestational carrier or her spouse or domestic partner, if any, immediately upon the birth of the child or children regardless of the number, gender or mental or physical condition of the child or children; and

(2) Assume sole responsibility for the support of any resulting child not biologically related to the gestational carrier or her spouse or domestic partner, if any, immediately upon the birth of the child.

5. A gestational agreement is enforceable even if it contains one or more of the following provisions:

(a) The gestational carrier's agreement to undergo all medical examinations, treatments and fetal monitoring procedures recommended for the success of the pregnancy by the physician providing care to the gestational carrier during the pregnancy.

(b) The gestational carrier's agreement to abstain from any activities that the intended parent or parents or the physician providing care to the gestational carrier during the pregnancy reasonably believes to be harmful to the pregnancy and the future health of any resulting child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using prescription drugs not authorized by a physician aware of the pregnancy, exposure to radiation or any other activity proscribed by a health care provider.

(c) The agreement of the intended parent or parents to pay the gestational carrier reasonable compensation.

(d) The agreement of the intended parent or parents to pay for or reimburse the gestational carrier for reasonable expenses, including, without limitation, medical, legal or other professional expenses, related to the gestational carrier arrangement and the gestational agreement.

Sec. 28. 1. *Any person who is considered to be the parent of a child under sections 23 to 33, inclusive, of this act is obligated to support the child.*

2. *The breach of the gestational agreement by the intended parent or parents does not relieve such an intended parent or parents of the obligation to support a resulting child.*

Sec. 29. *The marriage or domestic partnership of a gestational carrier after she executes a gestational agreement does not affect the validity of the gestational agreement and:*

1. *The consent of the legal spouse or domestic partner of the gestational carrier to the gestational agreement is not required.*

2. *The legal spouse or domestic partner of the gestational carrier must not be presumed to be the parent of any resulting child.*

Sec. 30. 1. *A gestational carrier, her legal spouse or domestic partner, if any, or the intended parent or parents are in noncompliance when he, she or they breach any provision of the gestational agreement or fail to meet any of the requirements of sections 23 to 33, inclusive, of this act.*

2. *In the event of noncompliance, a court of competent jurisdiction shall determine the respective rights and obligations of the parties to the gestational agreement based solely on the evidence of the original intent of the parties.*

3. *There must be no specific performance remedy available for breach of the gestational agreement by the gestational carrier that would require the gestational carrier to be impregnated.*

Sec. 31. 1. *Except as otherwise provided by section 30 of this act or by an express term of the gestational agreement, the intended parent or parents are entitled to any remedy available at law or equity.*

2. *Except as expressly provided by an express term of the gestational agreement, the gestational carrier is entitled to any remedy available at law or equity.*

Sec. 32. 1. *A gestational carrier may receive reimbursement for expenses and economic losses resulting from participation in the gestational carrier arrangement.*

2. *A donor may receive reimbursement for expenses and economic losses resulting from the retrieval or storage of gametes or embryos and incurred after the donor has entered into a valid agreement in a record to be a donor.*

3. *Except as otherwise provided in subsection 4, economic losses occurring before the donor has entered into a valid agreement in a record to be a donor may not be reimbursed.*

4. *Any premiums paid for insurance against economic losses directly resulting from the retrieval or storage of gametes or embryos for donation may be reimbursed even if such premiums were paid before the donor entered into a valid agreement in a record, so long as such agreement becomes valid and effective before the gametes or embryos are used in assisted reproduction pursuant to the terms of the agreement.*

Sec. 33. 1. *The consideration, if any, paid to a donor or prospective gestational carrier must be negotiated in good faith between the parties.*

2. *Compensation must not be conditioned upon the purported quality or genome-related traits of the gametes or embryos.*

Sec. 34. NRS 126.041 is hereby amended to read as follows:

126.041 The parent and child relationship between a child and:

1. ~~[[The natural mother]]~~ **A woman** may be established by :

(a) *Except as otherwise provided in sections 23 to 33, inclusive, of this act* proof of her having given birth to the child ~~[- or under-]~~ ;

(b) *An adjudication of the woman's maternity pursuant to* this chapter, or NRS 125B.150 or 130.701 ~~[-]~~ ;

(c) *Proof of adoption of the child by the woman;*

(d) *An unrebutted presumption of the woman's maternity;*

(e) *The consent of the woman to assisted reproduction pursuant to sections 19 and 20 of this act which resulted in the birth of the child; or*

(f) *An adjudication confirming the woman as a parent of a child born to a gestational carrier if the gestational agreement is enforceable under the provisions of sections 23 to 33, inclusive, of this act or any other provision of law.*

2. ~~[[The natural father]]~~ **A man** may be established ~~[- under-]~~ :

(a) *Under* this chapter, or NRS 125B.150, 130.701 or 425.382 to 425.3852, inclusive ~~[-~~

~~—3.—~~ *An adoptive parent may be established by proof of adoption.[-]* ;

(b) *By proof of adoption of the child by the man;*

(c) *By the consent of the man to assisted reproduction pursuant to sections 19 and 20 of this act which resulted in the birth of the child; or*

(d) *By an adjudication confirming the man as a parent of a child born to a gestational carrier if the gestational agreement was validated pursuant to the provisions of sections 23 to 33, inclusive, of this act, or other provision of law.*

Sec. 35. NRS 127.287 is hereby amended to read as follows:

127.287 1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the

natural parent of a child in return for the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

4. This section does not prohibit a natural parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a lawful contract to act as a ~~[surrogate, be inseminated and give birth to the child of a man who is not her husband.] gestational carrier, as defined in section 10 of this act.~~

Sec. 36. NRS 126.045 and 126.061 are hereby repealed.

TEXT OF REPEALED SECTIONS

126.045 Contract requirements; treatment of intended parents as natural parents; unlawful acts.

1. Two persons whose marriage is valid under chapter 122 of NRS may enter into a contract with a surrogate for assisted conception. Any such contract must contain provisions which specify the respective rights of each party, including:

- (a) Parentage of the child;
- (b) Custody of the child in the event of a change of circumstances; and
- (c) The respective responsibilities and liabilities of the contracting parties.

2. A person identified as an intended parent in a contract described in subsection 1 must be treated in law as a natural parent under all circumstances.

3. It is unlawful to pay or offer to pay money or anything of value to the surrogate except for the medical and necessary living expenses related to the birth of the child as specified in the contract.

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

(a) "Assisted conception" means a pregnancy resulting when an egg and sperm from the intended parents are placed in a surrogate through the intervention of medical technology.

(b) "Intended parents" means a man and woman, married to each other, who enter into an agreement providing that they will be the parents of a child born to a surrogate through assisted conception.

(c) “Surrogate” means an adult woman who enters into an agreement to bear a child conceived through assisted conception for the intended parents.

126.061 Artificial insemination.

1. If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if the husband were the natural father of a child thereby conceived. The husband’s consent must be in writing and signed by the husband and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband’s consent with the Health Division of the Department of Health and Human Services, where, except as otherwise provided in NRS 239.0115, it must be kept confidential and in a sealed file. The physician’s failure to do so does not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

2. The donor of semen provided to a licensed physician for use in artificial insemination of a married woman other than the donor’s wife is treated in law as if the donor were not the natural father of a child thereby conceived.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 17.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 17 revises provisions governing the exclusion of a school district employee from a facility or institution operated by the Department of Corrections in conjunction with the statewide program for education for incarcerated persons. The bill allows the Director of the Department of Corrections, upon good cause, to restrict a teacher’s access to a correctional facility for up to 30 days while the teacher’s case is being heard by an interagency panel.

The bill further clarifies that “good cause” cannot include disagreements that the Director may have regarding course content but may include issues related to health and safety in a correctional facility.

Roll call on Assembly Bill No. 17:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 17 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 33 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 91 and 125 be taken from the General File and rereferred to the Committee on Ways and Means.

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

Assembly in recess at 12:49 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.

Madam Speaker presiding.

Quorum present.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 166, 167, and 405 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 35.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 35 consolidates campaign finance reporting requirements for general elections and special elections held on the same day as a primary or general election. The measure expands campaign finance reporting requirements to recall elections and makes reporting for special elections more consistent with general election reporting. The bill clarifies terms used in categorizing contributions and expenditures, including when an expenditure is deemed to be "coordinated with" a candidate or group of candidates, and that contributions and expenditures "against" a candidate must be reported. The measure makes clear that campaign finance reports are required even if a ballot question does not appear on the ballot or a candidate informally ends his or her campaign, runs unopposed, or loses in the primary.

Candidates who are removed from the ballot or not elected and public officers who resign from office and are not candidates for another office must comply with the laws governing the disposition of unspent contributions. The bill creates a voluntary procedure for formally ending a campaign and streamlining compliance with applicable campaign finance laws.

Finally, A.B. 35 eliminates redundant provisions and repeals an obsolete provision on reporting in city elections. The bill clarifies that remedies and penalties for violations are cumulative and in addition to any other remedies and penalties set forth in the law, including criminal penalties.

Roll call on Assembly Bill No. 35:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 35 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 36.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 36 makes various changes related to apprenticeship programs. The bill designates the Office of the Labor Commissioner as the State Apprenticeship Agency and the Registration Agency consistent with federal regulations. The Labor Commissioner is designated as the State Director of Apprenticeship. The bill charges the State Apprenticeship Council and State Director of Apprenticeship with assisting the State Apprenticeship Agency. Apprenticeship programs and apprentices will be approved by the State Apprenticeship Council.

Assembly Bill 36 also allows trainees of a training trust to be covered by workers' compensation insurance with a deemed wage of \$150 per month.

Roll call on Assembly Bill No. 36:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kimer, Livermore, Oscarson, Stewart, Wheeler, Woodbury—15.

VACANT—1.

Assembly Bill No. 36 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 48.

Bill read third time.

Remarks by Assemblymen Flores and Hickey.

ASSEMBLYWOMAN FLORES:

Assembly Bill 48 is essentially a comprehensive cleanup bill from various changes that were made last session. I will try to be brief, but it is a comprehensive bill.

The bill does a number of things, including making it a crime to vote or attempt to vote if the person knows he or she is not a qualified voter or is using the name of another person. This is punishable as a category D felony. In addition, it requires each county clerk to provide a certified list of candidates to the Secretary of State prior to the primary and general elections. If a voter registers by mail or computer and the voter registration card is returned by the postal service, the voter must present proof of residency before voting. The bill extends the deadline for online voter registration to the third Tuesday before an election and adds definitions for "committee sponsored by a political party" and "independent expenditure."

It also deals with reporting of contributions or independent expenditures by persons and political parties or committees. That is increased from \$100 to \$1,000.

As to the Secretary of State, the bill changes the deadline to have regulations in place governing elections, removes the requirement for the Legislative Commission to approve expense forms, and changes the due date and content of compiled campaign finance reports.

ASSEMBLYMAN HICKEY:

I rise in support of Assembly Bill 48. Having a right to vote is a sacred right given to all citizens of this country. Assembly Bill 48 helps protect that right by specifically penalizing those who commit or attempt voter fraud. It also provides for proof of residency for voters registering by mail or computer and changes other provisions. I believe A.B. 48 helps secure the integrity of our elections and increases accountability. For that reason, I am in support.

Roll call on Assembly Bill No. 48:

YEAS—31.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Kirner, Oscarson, Wheeler—10.

VACANT—1.

Assembly Bill No. 48 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1 p.m.

ASSEMBLY IN SESSION

At 1:07 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that the Assembly reconsider the action whereby Assembly Bill No. 125 was rereferred to the Committee on Ways and Means.

Motion carried.

NOTICE OF EXEMPTION

April 23, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 125.

CINDY JONES
Fiscal Analysis Division

Assemblywoman Carlton moved that Assembly Bill No. 125 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Assembly Bill 248 creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. The bill requires the subcommittee to consider issues concerning Nevada's existing statutes on violations of traffic laws and laws related to drivers' licenses, motor vehicle registration, motor vehicle insurance, and the treatment of violations as criminal offenses. The subcommittee must consider the related laws of other states, the elements of systems necessary to treat violations as civil infractions, and the anticipated fiscal effects of those systems.

Assembly Bill 248 requires the subcommittee to submit its report to the Advisory Commission at least 30 days before the meeting at which the Advisory Commission considers findings and recommendations for proposed legislation for the 78th Legislative Session

This bill has received a lot of support from us as a body, as a whole. I think we have 38 supporters, and I urge us today to support it again on the floor.

Roll call on Assembly Bill No. 248:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 248 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 50 extends the termination date of the redevelopment plan adopted by the agency of a city whose population is 500,000 or more from 45 to 60 years after the date on which the original redevelopment plan was adopted. Such a redevelopment agency must make available to the general public a detailed report concerning certain proposed expenditures for land or improvements by the agency at least seven days before a meeting at which the governing body of the city is scheduled to consider the proposed expenditure. The measure adds certain information to annual reports that must be submitted by such a redevelopment agency to the Legislature and the governing board of a city or a county, as applicable.

The measure provides for the set-aside and use of certain revenues from taxes imposed on property in a redevelopment area for education-related and other purposes. The measure also allows, by eliminating an existing prohibition, a city or county to create a tourism improvement district after October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area.

Roll call on Assembly Bill No. 50:

YEAS—39.

NAYS—Fiore, Wheeler—2.

VACANT—1.

Assembly Bill No. 50 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 61 makes various changes to economic development, including clarifying when an abatement must be approved either by the Director of the Office of Economic Development or the Board; revising the composition of the Board; allowing the Director of the Office to declare void any contract between the Office and a regional development authority; removing the requirement for the Office to develop a State Plan for Inland Ports; specifying that only counties or cities may apply for grants or loans from the Catalyst Fund; and also abolishing the Advisory Council on Economic Development.

Roll call on Assembly Bill No. 61:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 61 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 77 prohibits a former legislator from being a paid lobbyist before the Legislature during the next regular legislative session after the legislator leaves office. The bill does not apply to a former legislator whose job duties include lobbying exclusively for his or her employer but whose job is comprised of significant duties other than lobbying. Former legislators may not register as a lobbyist with the Legislature during this cooling-off period. A violation of these prohibitions is a misdemeanor. The measure applies only to persons elected to a legislative term on or after November 4, 2014.

Roll call on Assembly Bill No. 77:

YEAS—40.

NAYS—Aizley.

VACANT—1.

Assembly Bill No. 77 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 86 requires the State Contractors' Board to notify a licensed contractor who has failed to contribute to the Unemployment Compensation Fund or maintain industrial and occupational disease insurance as required by law that the contractor's license may be subject to administrative action by the Board. The measure authorizes the Board to suspend or revoke a contractor's license if the contractor fails to provide proof of compliance as required.

This bill also requires the Administrator of the Employment Security Division to provide to the Board a quarterly list of each contractor who is not in compliance with the provisions regarding contributions or payments in lieu of contributions to the Fund.

Roll call on Assembly Bill No. 86:

YEAS—40.

NAYS—Fiore.

VACANT—1.

Assembly Bill No. 86 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 87.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 87 provides for consistency in certain zoning ordinances. Prior to March 1, 2014, in a county with a population between 100,000 and 700,000—currently Washoe County—the county and the local governments in the county shall adopt consistent standards and specifications for the construction of any new school building or for any addition to or alteration of an existing school building. These standards and specifications must be approved by the board of trustees of the school district of the county.

Roll call on Assembly Bill No. 87:

YEAS—34.

NAYS—Duncan, Ellison, Fiore, Hardy, Hickey, Oscarson, Wheeler—7.

VACANT—1.

Assembly Bill No. 87 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 90.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Carlton.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 90 allows any person employed by an injured worker's labor organization or association, whether full-time or part-time, and who is not an independent contractor, to represent an individual before a hearing officer or in negotiations, settlements, hearings, or other meetings with an insurer concerning a claim.

In my conversations with many of the affected parties, I found that due to the Great Recession, a lot of labor unions and associations have not had the resources to have a full-time union representative representing injured workers, as is currently required in NRS 616C.325. This will give those organizations, unions, and associations the flexibility to allow them to have

a part-time union representative who will represent injured workers. One question that was brought up to me was whether this would prohibit a union from having an attorney on retainer to represent injured workers. The current law specifically provides that an attorney can represent those injured workers. I checked with our legal counsel, and I did receive an opinion that Assembly Bill 90 would not prohibit a union or labor organization from having an attorney on retainer to represent those injured workers.

ASSEMBLYWOMAN CARLTON:

Unfortunately, I rise in opposition to A.B. 90. In my legislative career, I have dealt with many issues on workers' comp. I have concerns about allowing a part-time person. With all due respect to the sponsor, I understand he is trying to accomplish something of economic need for some of these organizations. But these are complex cases. If something goes wrong, you have no recourse. If anyone looks at Chapter 616, they would see all the time limits and particulars that it takes to navigate a worker's comp case. To have a part-time person for any organization—and nowhere in the bill are any qualifications listed, any certifications listed—we just don't know if that person is going to be truly educated enough to make sure they make the right decisions and file the right forms at the right time to protect the injured worker.

In my first session in this building, I sat in a committee hearing and heard about a caseworker who had to go back because a mistake was made in a worker's comp case. They had to go back to that injured worker's home and take the wheelchair away from him. The last thing I want to do is ever allow something like that to happen again. I have grave concerns with this bill that we may have unqualified people out there giving advice to injured workers, and the injured worker will bear the harm.

Roll call on Assembly Bill No. 90:

YEAS—39.

NAYS—Carlton, Pierce—2.

VACANT—1.

Assembly Bill No. 90 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 99.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 99 revises various provisions of the Uniform Law on Notarial Acts. The measure prohibits a notarial officer from performing a notarial act with respect to a document to which the officer or the officer's spouse or domestic partner is a party or in which either of them have a direct beneficial interest. The bill also establishes a standard for determining whether a notarial officer has personal knowledge of the identity of a person appearing before the notarial officer. The bill specifically authorizes a notarial act to be performed by a person who is authorized to perform such an act by the law of a federally recognized Indian tribe or nation.

Assembly Bill 99 initially included revisions promulgated by the Uniform Commissioners to our Uniform Law on Notarial Acts. Many of those suggestions by the Commissioners had already been put into statute through the work of our Secretary of State and our Government Affairs Committee. Most of the bill has been deleted, but there are a few tweaks to accomplish some goals here that I believe are positive.

Roll call on Assembly Bill No. 99:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 99 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 117 allows a person driving a motorcycle, moped, or trimobile or riding a bicycle or an electric bicycle to proceed into an intersection against a red traffic signal if the person stops as required by the signal, the person waits for two complete cycles of the lights or lighted arrows, and the signal does not change because of a malfunction or the failure of the signal to detect the presence of the vehicle; no other device at the place prohibits a turn, if applicable; and the person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

The bill also provides that if the person commits certain violations while proceeding into an intersection against a red signal that result in an injury to another person, the violations create a rebuttable presumption of facts necessary to impose civil liability.

Roll call on Assembly Bill No. 117:

YEAS—39.

NAYS—Bustamante Adams, Carlton—2.

VACANT—1.

Assembly Bill No. 117 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 150.

Bill read third time.

Remarks by Assemblymen Daly and Hickey.

ASSEMBLYMAN DALY:

Assembly Bill 150 creates the Legislative Committee on Governmental Oversight and Accountability as a statutory interim committee. The Committee may evaluate and comment upon issues related to governmental agencies, including accountability programs, governmental oversight, financing methods, and any other matter affecting government agencies.

ASSEMBLYMAN HICKEY:

I rise in opposition to Assembly Bill 150. Assembly Bill 150 creates the Legislative Committee on Governmental Oversight as a statutory interim committee. This bill overreaches and gives the committee unprecedented authority over local entities. Already the Legislature has the authority to evaluate, review, investigate, and comment on the operation of government entities. Existing committees that we already have are able to accomplish the goals proposed by A.B. 150. We should not be in the business of duplicating government services that add to our financial burden and further burden local governments.

Roll call on Assembly Bill No. 150:

YEAS—25.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kimer, Livermore, Munford, Oscarson, Stewart, Wheeler, Woodbury—16.

VACANT—1.

Assembly Bill No. 150 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 161 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 189.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 189. Assembly Bill 189 started out as a special license plate for well-known, nonprofit health care in southern Nevada. Realizing the rules that we had set up on special plates, a compromise was offered to establish a separate tier of special license plates. This will add five new special license plates to the queue. They will be for the more sophisticated nonprofits that can reach a higher level of bonding and certification and can deal with those particular plates. The initial level will be much higher.

The thought behind this was the more sophisticated nonprofits—larger, well known—will get out of the queue with the others to allow the smaller nonprofits to work through the other queue more quickly. Knowing that they have the resources, they can apply for this special tier of special license plates.

Roll call on Assembly Bill No. 189:

YEAS—39.

NAYS—Kimer, Wheeler—2.

VACANT—1.

Assembly Bill No. 189 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 199. Assembly Bill 199 authorizes the Colorado River Commission to contract with certain new eligible customers based on an allocation of capacity and associated firm energy from a resource pool created pursuant to federal law, without subjecting the CRC to regulation by the Public Utilities Commission of Nevada. The bill prohibits the CRC from serving any new customer located within the service territory of an

electric utility that primarily serves densely populated counties in excess of the allocation made to that customer pursuant to federal law. Lastly, A.B. 199 requires the PUC to establish a tariff for certain services provided by an electric utility for its sale of electric or transmission services, or both, to a customer of the CRC.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks, and on October 1, 2013, for all other purposes.

This allows us to comply with the federal Hoover Power Allocation Act of 2011.

Roll call on Assembly Bill No. 199:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 199 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

I rise in support of Assembly Bill 202. Assembly Bill 202 grants jurisdiction to the juvenile court over a child charged with committing murder or attempted murder if the child was under the age of 14 when the crime was committed. The bill also authorizes a child who has been certified for transfer to adult court to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the adult proceedings.

Assembly Bill 202 also requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certification of juveniles as adults, housing of youthful offenders convicted of crimes as adults, and related subjects and to submit a report and recommendations for legislation to the 78th Session of the Nevada Legislature.

Under existing law a child can be treated as an adult at age eight. This bill ensures that a juvenile under the age of 14 cannot be treated as an adult in the juvenile justice system and creates a task force to look further into certification of juveniles as adults in our state. As my colleague from Assembly District 28 pointed out to me, research shows that young people respond better to treatment and do worse when subjected to adult prison settings.

Roll call on Assembly Bill No. 202:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 202 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

I rise in support of Assembly Bill 205, which requires Nevada's charter schools to operate under performance-based contracts, rather than written charters, and further requires those

contracts to include performance measures for student achievement and proficiency; attendance and reenrollment rates; graduation rates, if applicable; financial and governance outcomes; and indicators which are specific to a school's mission.

There are many other outstanding provisions in here which strengthen our charter schools that are too numerous to mention at this time. I strongly urge our body to support this measure.

Roll call on Assembly Bill No. 205:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 205 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of A.B. 207. Assembly Bill 207 grants discretion to a prosecutor when a child is taken into custody for committing a battery that constitutes domestic violence or other battery offense. The bill authorizes the district attorney to file a petition alleging a different or lesser offense arising out of the same facts, to negotiate an agreement in which the child admits to a different or lesser offense, or to approve another action authorized by law, including dismissal or informal supervision.

Assembly Bill 207 requires the district attorney, in exercising his or her prosecutorial discretion, to consider the nature of the relationship between the child and the victim, the severity of the alleged offense, and whether the child engaged in a pattern of abusive behavior toward the victim.

In your Judiciary Committee, there was a lot of testimony about the collateral consequences to a child when they are adjudicated delinquent of this and many other crimes. Some of those collateral consequences can prevent a child from being able to join the military, to go on to certain colleges and graduate schools—that kind of thing. This will hopefully give prosecutors more discretion when something does not rise to the level of a battery domestic violence.

Roll call on Assembly Bill No. 207:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 207 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 210.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 210. This bill requires that when developing an individualized education program for a pupil with a hearing impairment, the pupil's

individualized education program team consider certain factors in order to achieve the best feasible instruction for the pupil.

The bill provides that a pupil with a hearing impairment cannot be denied the opportunity for instruction in a particular communication mode solely because the pupil's chosen mode of communication differs from that recommended by the individualized education program team. The bill further requires that to the extent feasible, a school provide instruction to such pupils in more than one communication mode.

Finally, this measure requires the Department of Education to post certain data on its website within 30 days after submitting that data to the federal government.

I urge my colleagues to support this bill, but I do want to make clear that the intent of this bill is not to direct the school districts to include certain factors in an individualized education program for a specific student, but only to ensure that a certain list of factors are considered when that plan is developed. The requirement for a school to provide appropriate and equal access to education already exists under federal law. This is simply to ensure that there is consistency in the development of individualized education plans for children with hearing impairments. Again, I urge my colleagues to vote for this bill.

Roll call on Assembly Bill No. 210:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 210 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 223 authorizes a constable, subject to approval by the board of county commissioners, to appoint clerical and operational staff. The bill provides that such staff do not have the powers of peace officers and may not possess a weapon or carry a concealed firearm while performing their duties for the constable.

In a county whose population is 700,000 or more, A.B. 223 requires any person appointed as a deputy constable to be certified by the Peace Officers' Standards and Training Commission, called POST, as a category II peace officer before commencing employment.

Assembly Bill 223 also authorizes a board of county commissioners to establish penalties for the failure of a constable to file any oath, report, or other document required by law to be filed with the county or with the POST Commission. The bill further requires the constable's oath to be filed and recorded in the office of the county recorder in the county where the constable holds office.

Finally, A.B. 223 specifies that the authority of the constable to issue a citation to the owner or driver of a vehicle that is not properly registered applies to vehicles located in the constable's township at the time the citation is issued.

Roll call on Assembly Bill No. 223:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 223 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblymen Ellison, Oscarson, Bobzien, and Ohrenschall.

ASSEMBLYMAN ELLISON:

I rise in support of Assembly Bill 227. This bill creates the Nevada Land Management Task Force consisting of 17 members appointed by the state's county commissions. Administrative support will be provided by the county commissions in conjunction with the Nevada Association of Counties. The Task Force will meet during the 2013-2014 legislative interim to report on matters relating to the transfer of federal lands to the state, including the identification of lands to be transferred by the federal government; a proposed plan for the administration and management of transferred federal lands; and an economic analysis and possible revenue impacts of transferred federal lands.

The Task Force must submit its findings and recommendations to the Legislative Committee on Public Lands no later than September 1, 2014, for inclusion in the Committee's final report.

According to the testimony, several other Western states, including the states of Utah, Wyoming, Idaho, Arizona, and South Carolina, have undertaken similar efforts. This is for a study only. Let me accentuate this again: a study. Assembly Bill 227 works in conjunction with Public Lands and with NACO.

ASSEMBLYMAN OSCARSON:

Thank you, Madam Speaker. I rise in support today of A.B. 227. Within Nevada almost 85 percent of our land is controlled by the federal government, depriving our state of important revenues that our citizens rightly deserve. I believe that the time has come for the federal government to honor its commitment to give states back their public lands that were promised to be returned within a reasonable time after being admitted into the Union— in Nevada's case, 149 years ago. Thank you, and I urge your support of this important legislation.

ASSEMBLYMAN BOBZIEN:

My opposition to this measure rests on two points. The first is that I believe there are a number of misstatements in the preamble to this bill, first and foremost, the idea that it is a negative to our state that these different land management agencies manage land in our state. The National Park Service manages the Great Basin National Park. The Fish and Wildlife Service manages the Shelton National Wildlife Refuge. The Bureau of Land Management manages Red Rock Canyon National Conservation area. These are all places that we take our families and our children. We pass along life lessons, and they enhance our quality of life.

The second part in the preamble that I believe is problematic is the idea that there is growing momentum for this movement. I need to remind members of this body, including the bill's sponsor, that Arizona, in fact, rejected such a measure overwhelmingly at the ballot last fall. Ultimately, Madam Speaker, my opposition to this bill has to do with the fact that to avoid the fiscal note, we have transferred the management and the responsibility of this study over to a nonprofit organization that is not a part of the state. The Nevada Association of Counties is certainly a respectable organization, and their input is necessary. I think it would be far more appropriate for that organization to facilitate a study and bring the findings and report them to our established and existing Public Lands Committee. I urge opposition.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 227, Madam Speaker. First of all, I want to commend my colleague from Elko and the Senator from Eureka. I think they took a very reasoned approach with this legislation, especially compared to the model over in Utah. It's a study; it's nothing more than a study, and it's a study to our Public Lands Committee, which I think most of us have great faith in. The Public Lands Committee may or may not agree with that study. However, when we look back at our history, we have seen some successes where lands have been turned over to the state: the Southern Nevada Public Lands Management Act of 1998—we saw successes with that; money that was used for affordable housing, for parks; and some land was preserved so that other land could be developed.

The state of Nevada does administer parks and administers it well. Obviously, the state will never have the resources of the federal government, and I don't think anyone is asking the state to take over our precious resources like Red Rock Canyon or any of the other parks that my colleague from Reno mentioned. What I hope this study will bring about is a goal of cooperative conservation where maybe we can look to alternative uses but where conservation is going to be a priority. I have talked to the sponsors, and I think they are committed to that. I hope that will be the case, but if not, we do have our Public Lands Committee that will receive this report and decide whether they endorse it or not endorse it. They will report back to the next session.

Roll call on Assembly Bill No. 227:

YEAS—23.

NAYS—Aizley, Bobzien, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Eisen, Flores, Frierson, Healey, Hogan, Horne, Munford, Pierce, Spiegel, Swank—18.

VACANT—1.

Assembly Bill No. 227 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 486 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

NOTICE OF EXEMPTION

April 23, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 33.

CINDY JONES

Fiscal Analysis Division

GENERAL FILE AND THIRD READING

Assembly Bill No. 486.

Bill read third time.

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

Assembly in recess at 1:59 p.m.

ASSEMBLY IN SESSION

At 2 p.m.
Madam Speaker presiding.
Quorum present.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 467.

AN ACT relating to telecommunication providers; authorizing certain telecommunication providers to ~~elect to be relieved of~~ **apply to the Public Utilities Commission of Nevada for relief from** the obligations and status of a provider of last resort; revising certain provisions relating to the regulation of Internet Protocol-enabled service or Voice over Internet Protocol service; ~~providing that certain assessments and surcharges are applicable to providers of Voice over Internet Protocol services;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain telecommunication providers to provide basic network service and business line service to any person requesting such service. (NRS 704.6878) **Section 2** of this bill authorizes such a provider to ~~elect~~ **apply to the Public Utilities Commission of Nevada to** be relieved of its duty to provide such service when certain alternative services are available. ~~by filing notice with the Public Utilities Commission of Nevada and providing certain other information to the Commission.~~ **Section 2 additionally sets forth certain requirements for notice, hearings and consumer sessions related to an application. Section 2 authorizes the Commission to require a telecommunication provider to provide service to a customer under certain circumstances.**

Under existing law, the Commission is prohibited from regulating any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service. (NRS 704.684) **Section 3** of this bill, with exceptions, prohibits any state agency or political subdivision of the State from regulating any Internet Protocol-enabled service or Voice over Internet Protocol service. ~~Section 4 of this bill provides that certain assessments and surcharges may be assessed against or imposed on providers of Voice over Internet Protocol services.~~ **Section 3 preserves certain authority of the Commission to regulate telecommunication providers under provisions of federal and state law.**

Sections 6, 7 and 18-34 of this bill remove obsolete references to telegraph lines and telegraph equipment.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

~~Sec. 2. 1. A competitive supplier that is a provider of last resort may elect to be relieved of its obligations and status as a provider of last resort in any or all areas where an alternative voice service is available from any other provider and via any technology.~~

~~2. A competitive supplier that is a provider of last resort that elects to be relieved of its obligations as a provider of last resort shall file notice with the Commission of its election to be relieved of its obligations and status as a provider of last resort in any or all areas where an alternative voice service is available from any provider and via any technology. The notice must include a map of the area or areas and a listing of the alternative voice services available in each area.~~

~~3. An election notice which is filed pursuant to subsection 2 shall be deemed approved 30 days after the date on which the notice of the election is received by the Commission unless the Regulatory Operations Staff of the Commission or the Consumer's Advocate files a written objection with the Commission within that period. Such an objection must only address whether an alternative voice service is available to existing customers in the area or areas subject to the election. In making an objection pursuant to this subsection, the Regulatory Operations Staff of the Commission or the Consumer's Advocate has the burden to show that an alternative voice service is not available in the area or areas subject to the election.~~

~~4. If an objection is made pursuant to subsection 3, the Commission shall rule on the objection and approve or disapprove the election within 90 days after receiving the notice of the election.~~

~~5. Any provider of last resort who has been granted full or partial relief from its obligations as a provider of last resort by the Commission before October 1, 2013, shall be deemed to be fully released of its obligations and status as a provider of last resort for the area covered by the Commission's order.~~

~~6. The relief described in subsections 2 to 5, inclusive, does not affect an incumbent local exchange carrier's obligations under federal law.~~

~~7. Except as otherwise provided in this chapter, the Commission shall not exercise jurisdiction over an alternative voice service, including, without limitation, determining the rates, pricing, service quality, terms, conditions or availability of an alternative voice service.~~

~~8. For the purposes of this section, "alternative voice service" means a retail service made available through any technology or service arrangement, other than satellite voice service, that provides:~~

~~(a) Voice grade access to the public switched telephone network; and~~

~~(b) Access to emergency 911 service.] file an application with the Commission to be relieved, in whole or in part, of its obligations and status as a provider of last resort in an area where alternative voice service is provided by:~~

~~(a) At least:~~

~~(1) One provider that utilizes a wireline technology and is capable of providing alternative voice service to all households in the area for which relief is sought; and~~

~~(2) One provider that utilizes any other technology and is capable of providing alternative voice service to all households in the area for which relief is sought;~~

~~(b) Two or more providers that utilize a wireless technology of sufficient voice quality as determined by the Commission and are capable of providing alternative voice service to all households in the area for which relief is sought; or~~

~~(c) Three or more providers that utilize any technology of sufficient voice quality as determined by the Commission and are capable of providing alternative voice service to all households in the area for which relief is sought.~~

~~2. An application filed pursuant to subsection 1 must include:~~

~~(a) A map of the area for which relief is sought that identifies separately each provider of alternative voice service which is intended to satisfy the requirements of subsection 1. The map must be of sufficient detail to identify the exact boundary by street of the area for which relief is sought.~~

~~(b) A draft of the notice which the applicant intends to provide pursuant to subsection 4.~~

~~3. The Commission shall approve or deny an application filed pursuant to subsection 1 not later than 180 days after the application is filed with the Commission. The Commission shall not approve an application unless the Commission determines that the applicant has satisfied the requirements of this section. The Commission may hold a hearing to determine whether sufficient alternative voice service exists in an area for which relief is sought by an applicant.~~

~~4. An applicant shall, not later than 30 days after filing an application pursuant to subsection 1, provide written notice:~~

~~(a) To each current customer of the applicant located within the area for which relief is sought. The notice may be included in a bill from the applicant to the customer or included in a special mailing, other than a~~

promotional mailing, which states that important information is enclosed. If a customer has elected to receive his or her bill in an electronic form, such notice must be provided to the customer electronically in the same manner in which he or she receives a bill from the applicant.

(b) To each public safety answering point which is located within the area for which relief is sought.

5. The written notice provided to each customer pursuant to paragraph (a) of subsection 4 must include, in clear and comprehensible language that is understandable to an ordinary layperson:

(a) A statement that the applicant has applied to the Commission for relief of its obligations as a provider of last resort in the area in which the customer resides.

(b) A statement that a consumer session will be conducted by the Commission in accordance with subsection 7 at which the customer may make inquiries or comments concerning the application.

(c) A statement that the Commission will issue a public notice identifying the time, date and location of the consumer session.

(d) Any additional information required by the Commission.

6. A competitive supplier who files an application for relief pursuant to subsection 1 shall conduct at least one meeting concerning the application, which must include the following parties:

(a) The Commission;

(b) The Consumer's Advocate;

(c) Representatives from each public safety answering point that is located within the area for which relief is sought; and

(d) Each local law enforcement agency whose jurisdiction includes, in whole or in part, the area for which relief is sought.

7. Not later than 120 days after receiving an application filed pursuant to subsection 1, the Commission shall, in collaboration with the applicant, schedule and conduct at least one consumer session in each county in which is located, in whole or in part, any area for which relief is sought under the application. The Commission shall provide notice of the consumer session in accordance with regulations adopted pursuant to NRS 703.320.

8. A competitive supplier that is relieved of its obligation and status as a provider of last resort pursuant to this section shall not apply for, and is not entitled to receive, any money from the fund to maintain the availability of telephone service for any area for which relief has been granted pursuant to this section.

9. If the Commission issues an order approving an application for relief pursuant to this section, the relief granted by such approval does not

affect or modify any obligation of an incumbent local exchange carrier pursuant to any applicable federal law or regulation.

10. A competitive supplier that is an incumbent local exchange carrier and receives, on or before September 30, 2013, full or partial relief from its obligations as a provider of last resort pursuant to NRS 704.6878 shall be deemed to be fully released from any obligation as a provider of last resort for the area for which relief was granted on or before September 30, 2013.

11. Except as otherwise provided in this section, any relief granted pursuant to this section does not impose any obligation upon a provider of alternative voice service in the area for which relief was granted.

12. The Commission may declare that an emergency exists in any area in which alternative voice service is not available and where a competitive supplier has been granted relief from its obligations as a provider of last resort pursuant to this section. If the Commission declares an emergency pursuant to this subsection, the Commission may:

(a) Take any steps necessary to protect the health, safety and welfare of the affected residents or businesses and may expedite the availability of alternative voice service to the affected residents or businesses.

(b) Utilize the fund to maintain the availability of telephone service to ensure that any affected resident or business has access to alternative voice service.

13. If, as a result of the approval by the Commission of an application filed pursuant to subsection 1, a residential customer who resides in a county whose population is less than 100,000 does not have access to telephone service, including alternative voice service, the customer may, on or before May 31, 2015, file a request for service with the Commission. Upon receipt of a request, the Commission shall investigate whether such service is available to the customer. If the Commission determines that service is not available, the Commission may order the competitive supplier that received relief pursuant to this section to provide service to the residential customer for a period specified by the Commission. If a competitive supplier is ordered to provide service to a residential customer pursuant to this subsection, the competitive supplier may satisfy its obligation pursuant to this subsection by providing an alternative voice service as provided in NRS 704.68881.

14. Except as otherwise provided in this subsection and subsections 12 and 13, a provider of alternative voice service that is not a provider of last resort, or a competitive supplier that has been relieved of its obligations as a provider of last resort, is not required to assume the obligations of a provider of last resort. The Commission may, through the issuance of an order, impose obligations upon a provider of alternative voice service that receives money from the fund to maintain the availability of telephone

service relating to the provision of service, including, without limitation, the obligation to maintain adequate and reliable service for a specified period of time.

15. As used in this section:

(a) “Alternative voice service” means a retail voice service made available through any technology or service arrangement other than satellite service that provides:

(1) Voice-grade access to the public switched telephone network; and

(2) Access to emergency 911 service.

(b) “Public safety answering point” has the meaning ascribed to it in NRS 707.500.

Sec. 3. 1. Except as otherwise provided in subsection 2, ~~and section 4 of this act,~~ a state agency or political subdivision of the State may not, directly or indirectly, regulate the rates charged for, service or contract terms for, conditions for, or requirements for entry for Internet Protocol-enabled service or Voice over Internet Protocol service.

2. The provisions of subsection 1 must not be construed to:

(a) Affect or limit the enforcement of criminal or civil laws, including, without limitation, laws concerning consumer protection and unfair or deceptive trade practices, that apply generally to the conduct of business;

(b) Affect, mandate or prohibit ~~the assessment of~~ :

(1) The assessment of taxes, ~~for other~~ fees or surcharges which are of general applicability ~~or~~ or which are otherwise authorized by statute; or

(2) The levy and collection of the assessment required by NRS 704.033 from a provider of voice over Internet Protocol service that has a certificate of public convenience and necessity;

(c) Affect or modify:

(1) Any right or obligation of any telecommunication provider, or the authority granted to the Commission pursuant to 47 U.S.C. §§ 251 and 252 ~~or~~, including, without limitation, any authority granted to the Commission to address or affect the resolution of disputes regarding reciprocal compensation and interconnection;

(2) Any obligation relating to the provision of video service by any person ~~or~~ pursuant to chapter 711 of NRS;

(3) Any applicable wholesale tariff; or

(4) ~~The authority of the Commission to address or affect the resolution of disputes regarding intercarrier compensation.~~ Any authority granted to the Commission pursuant to 47 U.S.C. §§ 214(e) and 254(f).

3. As used in this section:

(a) “Internet Protocol-enabled service” means any service, functionality or application which uses Internet Protocol or a successor protocol that enables an end-user to send or receive voice, data or video

communications. The term does not include Voice over Internet Protocol service.

(b) "Voice over Internet Protocol service" means any service that:

(1) Enables real-time, two-way voice communication originating from or terminating at the user's location in Internet Protocol or a successor protocol;

(2) Uses a broadband connection from the user's location; and

(3) Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.

Sec. 4. ~~[1. A provider of Voice over Internet Protocol service is subject to:~~

~~(a) Assessments levied and collected pursuant to subsection 5 of NRS 704.040;~~

~~(b) Surcharges imposed pursuant to NRS 244A.7643 and 266.344; and~~

~~(c) Surcharges imposed pursuant to NRS 427A.797.~~

~~2. As used in this section, "Voice over Internet Protocol service" has the meaning ascribed to it in subsection 3 of section 3 of this act.] (Deleted by amendment.)~~

Sec. 4.5. NRS 704.006 is hereby amended to read as follows:

704.006 "Basic network service" means the provision of stand-alone telephone service furnished to a residential customer ~~[through the customer's primary residential line as the only service]~~ that:

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

(c) Purchased pursuant to a contract; or

(d) Otherwise offered at a discounted price; and

2. Provides to the customer:

(a) Voice-grade access to the public switched telephone network; ~~[with a minimum bandwidth of 300 to 3,000 hertz;]~~

~~(b) Dual tone multifrequency signaling and single party service;~~

~~(c)~~ Access to:

(1) ~~[Operator services;~~

~~(2)] Telephone relay services;~~

~~[(3) Local directory assistance;~~

~~(4)] (2) Interexchange service; and~~

~~[(5)] (3) Emergency 911 service;]~~

~~(d)] (c) The first single-line directory listing; and~~

~~[(e)] (d) Universal lifeline service for those eligible for such service.~~

Sec. 5. NRS 704.011 is hereby amended to read as follows:

704.011 1. “Competitive supplier” means a telecommunication provider that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[-]~~, **and section 2 of this act.**

2. The term does not include a small-scale provider of last resort unless the provider is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 6. NRS 704.280 is hereby amended to read as follows:

704.280 The Commission may:

1. Regulate the manner in which power ~~[-]~~ **and** telephone ~~[and telegraph]~~ lines, pipelines and the tracks of any street, steam or electric railroad or other common carrier cross or connect with any other such lines or common carriers.

2. Prescribe such regulations and safety devices, respectively, as may be necessary for the purpose of securing adequate service and for the protection of the public.

Sec. 7. NRS 704.638 is hereby amended to read as follows:

704.638 It is unlawful for any person to post any advertising sign, display or device, including a temporary political sign, on any pole, support or other device of a public utility which is used to support a ~~[telegraph,]~~ telephone or electric transmission line.

Sec. 8. NRS 704.6878 is hereby amended to read as follows:

704.6878 ~~[-]~~ The Commission shall adopt regulations that establish ~~[-]~~ ~~(a) The~~ **the** obligations of incumbent local exchange carriers as providers of last resort giving due consideration to the status of the incumbent local exchange carriers as either competitive suppliers or small-scale providers of last resort.

~~[(b) The terms, conditions and procedures under which:~~

~~—(1) An incumbent local exchange carrier may be excused from the obligations of the provider of last resort; and~~

~~—(2) The Commission may request an incumbent local exchange carrier to reinstate the obligations of the provider of last resort.~~

~~—(c) The manner of giving prior written notice of not less than 180 days before another provider of basic network service or business line service may terminate or discontinue such services and the terms of any bond necessary to protect consumers and ensure continuity of such services.~~

~~—2. The regulations adopted by the Commission may not allow an incumbent local exchange carrier to be excused from the obligations of the provider of last resort in situations where the incumbent local exchange carrier, before May 31, 2007, made an agreement to or was specifically ordered to act as the provider of last resort.]~~

Sec. 9. NRS 704.68861 is hereby amended to read as follows:

704.68861 1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[-]~~, **and section 2 of this act.**

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive, **and section 2 of this act**, unless the small-scale provider of last resort is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 10. NRS 704.68863 is hereby amended to read as follows:

704.68863 The provisions of NRS 704.68861 to 704.68887, inclusive, **and section 2 of this act** do not:

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

Sec. 11. NRS 704.68865 is hereby amended to read as follows:

704.68865 The Commission may adopt any regulations that are necessary to carry out the provisions of NRS 704.68861 to 704.68887, inclusive ~~[-]~~, **and section 2 of this act.**

Sec. 12. NRS 704.68869 is hereby amended to read as follows:

704.68869 1. A small-scale provider of last resort may apply to the Commission to be regulated as a competitive supplier pursuant to NRS 704.68861 to 704.68887, inclusive ~~[-]~~, **and section 2 of this act.**

2. The Commission may grant the application if it finds that the public interest will be served by allowing the small-scale provider of last resort to be regulated as a competitive supplier.

3. If the Commission denies the application, the small-scale provider of last resort:

(a) May not be regulated as a competitive supplier but remains subject to regulation pursuant to this chapter as a telecommunication provider; and

(b) May not submit another application to be regulated as a competitive supplier sooner than 1 year after the date the most recent application was denied, unless the Commission, upon a showing of good cause or changed circumstances, allows the provider to submit another application sooner.

Sec. 13. NRS 704.68871 is hereby amended to read as follows:

704.68871 1. A competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of NRS 704.68861 to 704.68887, inclusive ~~§~~, **and section 2 of this act.**

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 14. NRS 704.68873 is hereby amended to read as follows:

704.68873 1. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive, **and section 2 of this act**, a competitive supplier:

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such access service to intrastate interexchange traffic are subject to regulation by the Commission, which must be consistent with federal law, unless the Commission deregulates intrastate switched or special access service pursuant to NRS 704.68879.

3. A competitive supplier that is an incumbent local exchange carrier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate switched or special access service, universal lifeline service or access to emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.

Sec. 15. NRS 704.68875 is hereby amended to read as follows:

704.68875 1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.

2. ~~Each~~ ***For any area in which a competitive supplier [that] is [an incumbent local exchange carrier:] a provider of last resort, the competitive supplier:***

(a) Shall publish the rates, pricing, terms and conditions of basic network service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

Sec. 16. NRS 704.68877 is hereby amended to read as follows:

704.68877 1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier, unless the competitive supplier files a general rate application pursuant to paragraph (b) of subsection 2 and the Commission orders a decrease in the rates or pricing of such service in a general rate case proceeding conducted pursuant thereto.

2. Except as otherwise provided in this section, a competitive supplier that is an incumbent local exchange carrier shall not:

(a) Without the approval of the Commission, discontinue basic network service or change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

(b) Before January 1, 2012, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect

on January 1, 2007, except that notwithstanding any other provision of this chapter:

(1) On or after January 1, 2011, and before January 1, 2012, the competitive supplier may, without the approval of the Commission, increase the rates or pricing of basic network service provided by the competitive supplier but the total of all increases during that period may not result in rates or pricing of basic network service that is more than \$1 above the rates or pricing set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007; and

(2) The Commission may allow the competitive supplier to increase the rates or pricing of basic network service above the amounts authorized by this subsection only if the competitive supplier files a general rate application and proves in a general rate case proceeding conducted pursuant to NRS 704.110 and 704.120 that the increase is absolutely necessary to avoid rates or prices that are confiscatory under the Constitution of the United States or the Constitution of this State. In such a general rate case proceeding, the Commission:

(I) May allow an increase in the rates or pricing of basic network service provided by the competitive supplier only in an amount that the competitive supplier proves in the general rate case proceeding is absolutely necessary to avoid an unconstitutional result and shall not authorize in the general rate case proceeding any rate, price or other relief for the competitive supplier that is not proven by the competitive supplier to be absolutely necessary to avoid an unconstitutional result; and

(II) May order a decrease in the rates or pricing of basic network service provided by the competitive supplier if the Commission determines in the general rate case proceeding that the decrease is necessary to provide customers with just and reasonable rates.

3. On or after January 1, 2012:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic network service in the same manner permitted for other telecommunication service pursuant to NRS 704.68873; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

4. ~~[A]~~ **For any area in which a competitive supplier is a provider of last resort, the** competitive supplier ~~[that is an incumbent local exchange carrier]~~ must provide reasonably detailed information concerning the rates, pricing,

terms and conditions of basic network service in the manner required by NRS 704.68875.

Sec. 17. NRS 704.68881 is hereby amended to read as follows:

704.68881 1. ~~[A] For any area in which a competitive supplier is a provider of last resort, the competitive supplier [that is a provider of last resort may use an alternative technology to satisfy the] may satisfy its obligation [to provide basic network service or business line service in a service territory.] as a provider of last resort through an alternative voice service .~~ ~~[provided by the competitive supplier or an affiliate of the competitive supplier.]~~

2. ~~[Except as otherwise provided in this section, the] The Commission may not exercise jurisdiction over an alternative [technology] voice service used by a competitive supplier [that is a provider of last resort] or its affiliate to satisfy the [obligation to provide basic network service or business line service in a service territory.] competitive supplier's obligation as a provider of last resort, including, without limitation, determining the rates, pricing, [service quality,] terms, conditions or availability of an alternative [technology.] voice service.~~

3. ~~[If a competitive supplier that is a provider of last resort uses an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory, the Commission may investigate whether basic network service or business line service provided through the alternative technology by the competitive supplier is functionally comparable with circuit switched wireline telephony.~~

~~4. If, after notice and hearing, the Commission finds any material deficiency in the competitive supplier's use of the alternative technology to satisfy the obligation to provide basic network service or business line service, the Commission may order the competitive supplier to implement corrective action, within a technically reasonable period, to cure the material deficiency in the use of the alternative technology.~~

~~5. As used in this section, "alternative technology" means any technology, facility or equipment, other than circuit-switched wireline telephony, that has the capability to provide customers with service functionally comparable to basic network service or business line service. The term includes, without limitation, wireless or Internet technology, facilities or equipment.] The use of an alternative voice service provided by a competitive supplier or an affiliate of the competitive supplier to satisfy the competitive supplier's obligation as a provider of last resort does not affect any obligation of the competitive~~ ~~supplier's obligations as~~ ~~supplier:~~

~~(a) As an incumbent local exchange carrier pursuant to federal law.~~

~~(b) Pursuant to NRS 704.033.~~

4. As used in this section, “alternative voice service” ~~has the meaning ascribed to it in section 2 of this act.~~ means a retail voice service made available through any technology or service arrangement that provides:

(a) Voice-grade access to the public switched telephone network; and

(b) Access to emergency 911 service.

Sec. 18. NRS 707.230 is hereby amended to read as follows:

707.230 Any person or persons, company, association or corporation, desiring to do so, may construct and maintain, or, if already constructed, may maintain, or, if partially constructed, may complete and maintain, within this state, a ~~telegraph~~ **telephone** line or lines by complying with NRS 707.240.

Sec. 19. NRS 707.250 is hereby amended to read as follows:

707.250 The person or persons, company, association or corporation named in the certificate (provided for in NRS 707.240), and their assigns ~~;~~

~~1. May~~ **may** construct, or if constructed, maintain, or if partially constructed, complete and maintain, their **telephone** line ~~[of telegraph,~~ described in their certificate, filed as provided in NRS 707.240, over and through any public or private lands, and along or across any streets, alleys, roads, highways or streams within this state, provided they do not obstruct the same. ~~;~~

~~2. May operate the telegraph line between the termini of the same, and have and maintain offices and stations at any city, town, place or point along the line; and~~

~~3. Shall be entitled to demand, receive and collect for dispatches and messages transmitted over such line such sum or sums as such person or persons or the officers of the company, association or corporation (as the case may be) may deem proper.]~~

Sec. 19.5. NRS 707.280 is hereby amended to read as follows:

707.280 1. Any person or the person’s assigns, who are constructing, or who have already constructed, or who may propose to construct, a **telephone** line ~~[of telegraph,~~ as provided in NRS 707.230 to ~~[707.290,~~ **707.280**, inclusive, ~~has]~~ **have** the right-of-way for the line and so much land as may be necessary to construct and maintain the line, and for this purpose may enter upon private lands along the line described in the certificate for the purpose of examining and surveying them.

2. Where the lands cannot be obtained by the consent of the owner or possessor thereof, so much of the land as may be necessary for the construction of the line may be appropriated by the person or the person’s assigns (as the case may be), after making compensation therefor, as follows. The person or the person’s agent shall select one appraiser, and the owner or possessor shall select one, and the two so selected shall select a third. The three shall appraise the lands sought to be appropriated, after having been first sworn, before a person authorized by law to administer oaths, to make a

true appraisal thereof, according to the best of their knowledge and belief.

3. If the person or the person's agent tenders to the owner or possessor the appraised value of the lands, appraised as provided in subsection 2, the person or agent may proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain the line over and upon the land, and at all times enter upon the land and pass over all adjoining lands for the purpose of constructing, maintaining and repairing the ~~telegraph~~ telephone line, notwithstanding the tender may be refused. The tender must always be kept good by the person or the person's agent.

4. An appeal may be taken by either party, from the finding of the appraisers, to the district court of the county within which the land so appraised is situated at any time within 3 months after the appraisalment.

Sec. 20. NRS 707.300 is hereby amended to read as follows:

707.300 All persons or corporations owning and operating telephone lines in this state are entitled to all the rights and privileges and are subject to all the restrictions and responsibilities provided in NRS 707.230 ~~to 707.290, inclusive, so far as those rights, privileges, restrictions and responsibilities are applicable to telephone companies.] [707.240 and 707.250.] 707.280, inclusive.~~

Sec. 21. NRS 707.910 is hereby amended to read as follows:

707.910 Any person who:

1. By the attachment of a ground wire, or by any other contrivance, willfully destroys the insulation of a ~~telegraph or~~ telephone line, or interrupts the transmission of the electric current through the line;

2. Willfully interferes with the use of any ~~telegraph or~~ telephone line, or obstructs or postpones the transmission of any message over the line; or

3. Procures or advises any such injury, interference or obstruction,
 ↪ is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

Sec. 22. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone ~~and telegraph~~ lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone ~~for telegraph~~ lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone ~~for telegraph~~ lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) “Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.

(b) “Street railway” means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

↪ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) “Telecommunication service” has the meaning ascribed to it in NRS 704.028.

4. As used in this section, “monorail” has the meaning ascribed to it in NRS 705.650.

Sec. 23. NRS 709.060 is hereby amended to read as follows:

709.060 Any person, company, corporation or association desiring a franchise, right or privilege for any purpose specified in NRS 709.050 must file with the board of county commissioners of the county wherein the franchise, right or privilege is to be exercised an application in writing, which contains:

1. The name of the applicant and the time for which the franchise, right or privilege is desired, not exceeding 25 years.

2. The places where the franchise, right or privilege is to be exercised and, if in any unincorporated town, the streets, avenues, alleys and other places through, over, under or along which the franchise, right or privilege is sought.

3. If the application is for a street railway, it must designate the route of the proposed line in the county, and specify the width of ground desired to be included in its right-of-way.

4. A map or plat correctly showing and delineating, so far as practicable, the proposed route or right-of-way of any street railway, light, heat, ~~or~~

power [~~telegraph~~] or telephone lines, and the places where gas or water mains are to be laid or installed.

Sec. 24. NRS 709.100 is hereby amended to read as follows:

709.100 The board of the county commissioners, at the time of granting any such authority, franchise and right-of-way, shall require the applicant to enter into an undertaking to the county in a sum to be determined by the board of county commissioners, with surety or sureties approved by the board, conditioned that the applicant shall commence active construction of such telephone, [~~telegraph~~], light, heat or power lines, the laying of gas or water mains, or such streetcar system, for which such franchise, right or privilege is granted, within 60 days from the date of the granting of the franchise, right or privilege, and prosecute the construction thereof to completion with due diligence; and, failing to comply with the conditions of such undertaking, shall pay into the treasury of the county to which such undertaking is given the sum of money mentioned therein and forfeit all rights to such franchise, right or privilege.

Sec. 25. NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of the franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which the franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the interest or convenience of the public requires. The board shall not require a company that provides telecommunication service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and

over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, ~~telegraph or~~ electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 26. NRS 709.150 is hereby amended to read as follows:

709.150 1. All persons, companies, associations or corporations in the business of conducting street railways, telephone, ~~telegraph,~~ electric light and power lines, gas or water mains in any of the cities, towns or places mentioned in NRS 709.050 to 709.170, inclusive, under the provisions of any other law providing for the granting of such franchises, and who or which has not fully complied with the provisions of the law under which the franchise was obtained, may, nevertheless, have and enjoy all the privileges and benefits of NRS 709.050 to 709.170, inclusive, if such person, company, association or corporation shall, within 6 months after March 23, 1909, file in the Office of the Secretary of State, and in the office of the county recorder of the county in which such person, company, corporation or association maintains its principal office or place of business, a duly executed and acknowledged acceptance of the terms, conditions and provisions of NRS 709.050 to 709.170, inclusive, which acceptance, in case of a corporation, shall be evidenced by a duly attested or certified copy of a resolution of its board of directors.

2. Nothing contained in this section shall be construed to relieve any such person, company, association or corporation of any duty or obligation provided in any law or contained in any franchise under which any person, company, association or corporation is operating on March 23, 1909.

Sec. 27. NRS 710.035 is hereby amended to read as follows:

710.035 Notwithstanding the provisions of NRS 710.030, the board of county commissioners of any county controlling and managing a telephone system, for the extension, betterment, alteration, reconstruction or other major improvement, or any combination thereof, of the system, including without limitation the purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, ~~telegraphic~~

~~equipment,~~ other equipment, furnishings, transmission and distribution lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property, and appurtenances, may, at any time or from time to time, in the name and on the behalf of the county, issue:

1. General obligation bonds, payable from taxes;
2. General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system; and
3. Revenue bonds constituting special obligations and payable from such net revenues.

Sec. 28. NRS 710.310 is hereby amended to read as follows:

710.310 Subject to the provisions of NRS 710.310 to 710.390, inclusive, the governing body of the county or city, for the lease, purchase, construction, other acquisition, extension, betterment, alteration, reconstruction or other major improvement, financial assistance for operation, or any combination thereof, of a railroad system, including without limitation the lease, purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, engines, cars, tracks, ~~telegraphic equipment,~~ signal equipment, traffic control equipment, maintenance equipment, other equipment, furnishings, electric transmission lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property and appurtenances, may at any time, in the name and on the behalf of the county or the city, issue:

1. In the manner provided in NRS 350.011 to 350.070, inclusive:
 - (a) General obligation bonds, payable from taxes; and
 - (b) General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system.
2. Revenue bonds constituting special obligations and payable from net revenues, without the necessity of the revenue bonds being authorized at any election.

Sec. 29. NRS 37.010 is hereby amended to read as follows:

37.010 1. Subject to the provisions of this chapter and the limitations in subsections 2 and 3, the right of eminent domain may be exercised in behalf of the following public uses:

- (a) Federal activities. All public purposes authorized by the Government of the United States.
- (b) State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.
- (c) County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school

district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

(d) Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

(e) Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

(f) Byroads. Byroads leading from highways to residences and farms.

(g) Public utilities. Lines for ~~telegraph,~~ telephone, electric light and electric power and sites for plants for electric light and power.

(h) Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

(i) Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

(j) Cemeteries, public parks. Cemeteries or public parks.

(k) Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

(l) Aviation. Airports, facilities for air navigation and aerial rights-of-way.

(m) Monorails. Monorails and any other overhead or underground system used for public transportation.

(n) Video service providers. Video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(1) It creates no substantial detriment to the service provided by the utility;

(2) It causes no irreparable injury to the utility; and

(3) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

(o) Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. Notwithstanding any other provision of law and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or entity. Property taken by the exercise of eminent domain may be transferred to another private person or entity in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on any such lease.

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property exchanges it for other property acquired or being acquired by eminent domain or under the threat of eminent domain for roadway or highway purposes, to relocate public or private structures or to avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

Sec. 30. NRS 179.425 is hereby amended to read as follows:

179.425 “Electronic, mechanical or other device” means any device or apparatus which can be used to intercept a wire or oral communication other than:

1. Any telephone ~~for telegraph~~ instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or

(b) Being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

Sec. 31. NRS 202.582 is hereby amended to read as follows:

202.582 1. A person who willfully and maliciously removes, damages or destroys any utility property, agricultural infrastructure or other agricultural property, lights maintained by the State or a local government, construction site or existing structure to obtain scrap metal shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property removed, damaged or destroyed as described in subsection 1 is:

(a) Less than \$500, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) Five hundred dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any utility property, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any other penalty, the court may order a person who violates the provisions of subsection 1 to pay restitution.

5. In determining the value of the property removed, damaged or destroyed as described in subsection 1, the cost of replacing or repairing the property or repairing the utility property, agricultural infrastructure, agricultural property, lights, construction site or existing structure, if necessary, must be added to the value of the property.

6. As used in this section:

(a) “Scrap metal” has the meaning ascribed to it in NRS 647.017.

(b) “Utility property” means any facility, equipment or other property owned, maintained or used by a company or a city, county or other political

subdivision of this State to furnish cable television or other video service, broadband service, telecommunication service, telephone service, ~~telegraph service,~~ natural gas service, water service or electric service, regardless of whether the facility, property or equipment is currently used to furnish such service.

Sec. 32. NRS 408.407 is hereby amended to read as follows:

408.407 1. For the purposes of this section:

(a) "Cost of relocation" means the entire amount paid by a utility properly attributable to the relocation of its facilities, including removal, reconstruction and replacement after deducting therefrom any increase in value of the new facility and any salvage value derived from the old facility, and includes the costs of all rights and interests necessary in land and the costs of any other rights required to accomplish such relocation.

(b) "Utility" means any privately, publicly or cooperatively owned systems for supplying ~~telegraph,~~ telephone, electric power and light, gas, water, sewer and like service to the public or a segment of the public.

2. Whenever the Director, after consulting with the utility concerned, determines that any utility facility which now is, or hereafter may be, located in, over, along or under any highway in the federal-aid primary or secondary systems or in the interstate system, including extensions thereof within urban areas, as such systems are defined in the Federal-Aid Highway Acts and are accepted by and assented to by the State of Nevada, should be relocated, the utility owning or operating such utility facility shall relocate the same in accordance with the order of the Director. The cost of any such relocation shall be ascertained and paid by the State as part of the cost of such federally aided project, provided the proportionate part of such cost is reimbursable from federal funds under a Federal-Aid Highway Act or any other Act of Congress under which the State is entitled to reimbursement for all or part of such cost.

3. This section does not apply where a payment of relocation or removal costs by the State would be inconsistent with the terms of a permit issued by the Director pursuant to NRS 408.423.

Sec. 33. NRS 496.020 is hereby amended to read as follows:

496.020 As used in this chapter, unless the context otherwise requires:

1. "Air navigation facility" means any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in, aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

2. “Airport” means any area of land or water which is used for the landing and takeoff of aircraft, and any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

3. “Airport hazard” means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

4. “Municipal” means pertaining to a municipality as defined in this section.

5. “Municipality” means any county, city or town of this state.

6. “Person” includes a government, a governmental agency and a political subdivision of a government.

7. “Public utility” means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone ~~[, telegraph]~~ or water business in this state and who conducts such a business for a public use.

Sec. 34. NRS 497.020 is hereby amended to read as follows:

497.020 As used in this chapter, unless the context otherwise requires:

1. “Airport” means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized in the interest of the public for such purposes.

2. “Airport hazard” means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at any airport, or is otherwise hazardous to the landing or taking off of aircraft.

3. “Airport hazard area” means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

4. “Person” includes a government, a governmental agency and a political subdivision of a government.

5. “Political subdivision” means any county, incorporated city, unincorporated town or airport authority created by special legislative act as a quasi-municipal corporation.

6. “Public utility” means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone ~~[, telegraph]~~ or water business in this State and who conducts such a business for a public use.

7. “Structure” means any object constructed or installed by a person, including, but without limitation, buildings, towers, smokestacks and overhead wires and other lines.

8. “Tree” means any object of natural growth.

Sec. 35. NRS 707.270, ~~707.280~~ and 707.290 are hereby repealed.

Sec. 36. The amendatory provisions of this act must not be construed to impair the vested franchise of any telephone company based upon state law in existence before October 1, 2013.

TEXT OF REPEALED SECTIONS

707.270 Lines governed by general laws; transmission of certain messages in order; penalty and civil liability; State may send messages free of charge.

1. Such line or lines of telegraph as may avail themselves of the provisions of NRS 707.230 to 707.290, inclusive, shall also be governed, in all respects, by the general laws of the State regulating telegraph lines, and shall do the business of side lines, and transmit all dispatches in the order in which they are received, under the penalty of \$100. All damages sustained thereby shall be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order; provided:

(a) That arrangements may be made with publishers of newspapers for the transmission of intelligence of general and public interest out of its order; and

(b) That preference may be given to official dispatches for the detection and capture of criminals.

2. Messages on public business may be sent by the State of Nevada over such lines free of charge.

~~707.280 Right of way for line: Procedure for appraisal and compensation for private land; appeal.~~

~~1. Any person or the person's assigns, who are constructing, or who have already constructed, or who may propose to construct, a line of telegraph, as provided in NRS 707.230 to 707.290, inclusive, has the right of way for the line and so much land as may be necessary to construct and maintain the line, and for this purpose may enter upon private lands along the line described in the certificate for the purpose of examining and surveying them.~~

~~2. Where the lands cannot be obtained by the consent of the owner or possessor thereof, so much of the land as may be necessary for the construction of the line may be appropriated by the person or the person's assigns (as the case may be), after making compensation therefor, as follows. The person or the person's agent shall select one appraiser, and the owner or possessor shall select one, and the two so selected shall select a third. The three shall appraise the lands sought to be appropriated, after having been first sworn, before a person authorized by law to administer oaths, to make a true appraisal thereof, according to the best of their knowledge and belief.~~

~~3. If the person or the person's agent tenders to the owner or possessor the appraised value of the lands, appraised as provided in subsection 2, the~~

~~person or agent may proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain the line over and upon the land, and at all times enter upon the land and pass over all adjoining lands for the purpose of constructing, maintaining and repairing the telegraph line, notwithstanding the tender may be refused. The tender must always be kept good by the person or the person's agent.~~

~~4. An appeal may be taken by either party, from the finding of the appraisers, to the district court of the county within which the land so appraised is situated at any time within 3 months after the appraisalment.]~~

707.290 Forfeiture of rights, privileges and franchise for failure to maintain line; quo warranto. The owner or owners of any line or lines constructed and maintained pursuant to the provisions of NRS 707.230 to 707.290, inclusive, shall at all times keep the same in as good condition and repair as may be practicable. If such owner or owners shall fail to keep the same in such condition and repair, such failure shall work a forfeiture of all rights, privileges and franchise belonging to such owner or owners, or any person having any interest therein. Such franchise may be also declared forfeited on information in the nature of a quo warranto, in the manner provided by law.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

The following amendment was proposed by Assemblymen Diaz and Hansen:

Amendment No. 578.

AN ACT relating to telecommunication providers; authorizing certain telecommunication providers to ~~[elect to be relieved of]~~ **apply to the Public Utilities Commission of Nevada for relief from** the obligations and status of a provider of last resort; revising certain provisions relating to the regulation of Internet Protocol-enabled service or Voice over Internet Protocol service; ~~[providing that certain assessments and surcharges are applicable to providers of Voice over Internet Protocol services;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain telecommunication providers to provide basic network service and business line service to any person requesting such service. (NRS 704.6878) **Section 2** of this bill authorizes such a provider to ~~[elect]~~ **apply to the Public Utilities Commission of Nevada to** be relieved of its duty to provide such service when certain alternative services are available. ~~[by filing notice with the Public Utilities Commission of Nevada and providing certain other information to the Commission.]~~ **Section 2 additionally sets forth certain requirements for notice, hearings and**

consumer sessions related to an application. Section 2 authorizes the Commission to require a telecommunication provider to provide service to a customer under certain circumstances.

Under existing law, the Commission is prohibited from regulating any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service. (NRS 704.684) **Section 3** of this bill, with exceptions, prohibits any state agency or political subdivision of the State from regulating any Internet Protocol-enabled service or Voice over Internet Protocol service. ~~[Section 4 of this bill provides that certain assessments and surcharges may be assessed against or imposed on providers of Voice over Internet Protocol services.]~~ **Section 3 preserves certain authority of the Commission to regulate telecommunication providers under provisions of federal and state law.**

Sections 6, 7 and 18-34 of this bill remove obsolete references to telegraph lines and telegraph equipment.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. ~~A competitive supplier that is a provider of last resort may elect to be relieved of its obligations and status as a provider of last resort in any or all areas where an alternative voice service is available from any other provider and via any technology.~~

~~2. A competitive supplier that is a provider of last resort that elects to be relieved of its obligations as a provider of last resort shall file notice with the Commission of its election to be relieved of its obligations and status as a provider of last resort in any or all areas where an alternative voice service is available from any provider and via any technology. The notice must include a map of the area or areas and a listing of the alternative voice services available in each area.~~

~~3. An election notice which is filed pursuant to subsection 2 shall be deemed approved 30 days after the date on which the notice of the election is received by the Commission unless the Regulatory Operations Staff of the Commission or the Consumer's Advocate files a written objection with the Commission within that period. Such an objection must only address whether an alternative voice service is available to existing customers in the area or areas subject to the election. In making an objection pursuant to this subsection, the Regulatory Operations Staff of the Commission or the Consumer's Advocate has the burden to show that an alternative voice service is not available in the area or areas subject to the election.~~

~~4. If an objection is made pursuant to subsection 3, the Commission shall rule on the objection and approve or disapprove the election within 90 days after receiving the notice of the election.~~

~~5. Any provider of last resort who has been granted full or partial relief from its obligations as a provider of last resort by the Commission before October 1, 2013, shall be deemed to be fully released of its obligations and status as a provider of last resort for the area covered by the Commission's order.~~

~~6. The relief described in subsections 2 to 5, inclusive, does not affect an incumbent local exchange carrier's obligations under federal law.~~

~~7. Except as otherwise provided in this chapter, the Commission shall not exercise jurisdiction over an alternative voice service, including, without limitation, determining the rates, pricing, service quality, terms, conditions or availability of an alternative voice service.~~

~~8. For the purposes of this section, "alternative voice service" means a retail service made available through any technology or service arrangement, other than satellite voice service, that provides:~~

~~(a) Voice grade access to the public switched telephone network; and~~

~~(b) Access to emergency 911 service.} file an application with the Commission to be relieved, in whole or in part, of its obligations and status as a provider of last resort in an area where alternative voice service is provided by:~~

~~(a) At least:~~

~~(1) One provider that utilizes a wireline technology, is not an affiliate of the provider of last resort and is capable of providing alternative voice service to the entire area for which relief is sought; and~~

~~(2) One provider that utilizes any other technology and is capable of providing alternative voice service to the entire area for which relief is sought;~~

~~(b) On or after June 1, 2015, two or more providers that utilize a wireless technology and that are capable of providing alternative voice service to the entire area for which relief is sought; or~~

~~(c) On or after June 1, 2015, three or more providers that utilize any technology and that are capable of providing alternative voice service to the entire area for which relief is sought.~~

~~2. An application filed pursuant to subsection 1 must include:~~

~~(a) A map of the entire area for which relief is sought that identifies separately each provider of alternative voice service which is intended to satisfy the requirements of subsection 1. The map must be of sufficient detail to identify the exact boundary by street of the entire area for which relief is sought.~~

(b) A draft of the notice which the applicant intends to provide pursuant to subsection 4.

3. The Commission shall approve or deny an application filed pursuant to subsection 1 not later than 180 days after the application is filed with the Commission. The Commission shall not approve an application unless the Commission determines that the applicant has satisfied the requirements of this section. The Commission may hold a hearing to determine whether sufficient alternative voice service exists in an area for which relief is sought by an applicant.

4. An applicant shall, not later than 30 days after filing an application pursuant to subsection 1, provide written notice:

(a) To each current customer of the applicant located within the area for which relief is sought. The notice may be included in a bill from the applicant to the customer or included in a special mailing, other than a promotional mailing, which states that important information is enclosed. If a customer has elected to receive his or her bill in an electronic form, such notice must be provided to the customer electronically in the same manner in which he or she receives a bill from the applicant.

(b) To each public safety answering point which is located within the area for which relief is sought.

5. The written notice provided to each customer pursuant to paragraph (a) of subsection 4 must include, in clear and comprehensive language that is understandable to an ordinary layperson:

(a) A statement that the applicant has applied to the Commission for relief of its obligations as a provider of last resort in the area in which the customer resides.

(b) A statement that a consumer session will be conducted by the Commission in accordance with subsection 7 at which the customer may make inquiries or comments concerning the application.

(c) A statement that the Commission will issue a public notice identifying the time, date and location of the consumer session.

(d) Any additional information required by the Commission.

6. A competitive supplier who files an application for relief pursuant to subsection 1 shall conduct at least one meeting concerning the application, which must include the following parties:

(a) The Commission;

(b) The Consumer's Advocate;

(c) Representatives from each public safety answering point that is located within the area for which relief is sought; and

(d) Each local law enforcement agency whose jurisdiction includes, in whole or in part, the area for which relief is sought.

7. Not later than 120 days after receiving an application filed pursuant to subsection 1, the Commission shall, in collaboration with the applicant, schedule and conduct at least one consumer session in each county in which is located, in whole or in part, any area for which relief is sought under the application. The Commission shall provide notice of the consumer session in accordance with regulations adopted pursuant to NRS 703.320.

8. A competitive supplier that is relieved of its obligation and status as a provider of last resort pursuant to this section shall not apply for, and is not entitled to receive, any money from the fund to maintain the availability of telephone service for any area for which relief has been granted pursuant to this section.

9. If the Commission issues an order approving an application for relief pursuant to this section, the relief granted by such approval does not affect or modify any obligation of an incumbent local exchange carrier pursuant to any applicable federal law or regulation.

10. A competitive supplier that is an incumbent local exchange carrier and receives, on or before the effective date of this act, full or partial relief from its obligations as a provider of last resort pursuant to NRS 704.6878 shall be deemed to be fully released from any obligation as a provider of last resort for the area for which relief was granted on or before the effective date of this act.

11. Except as otherwise provided in this section, any relief granted pursuant to this section does not impose any obligation upon a provider of alternative voice service in the area for which relief was granted.

12. The Commission may declare that an emergency exists in any area in which alternative voice service is not available and where a competitive supplier has been granted relief from its obligations as a provider of last resort pursuant to this section. If the Commission declares an emergency pursuant to this subsection, the Commission may:

(a) Take any steps necessary to protect the health, safety and welfare of the affected residents or businesses and may expedite the availability of alternative voice service to the affected residents or businesses.

(b) Utilize the fund to maintain the availability of telephone service to ensure that any affected resident or business has access to alternative voice service.

13. If, as a result of the approval by the Commission of an application filed pursuant to subsection 1, a residential customer does not have access to telephone service, including alternative voice service, the customer may, on or before May 31, 2016, file a request for service with the Commission. Upon receipt of a request, the Commission shall investigate whether such service is available to the customer. If the Commission determines that

service is not available, the Commission may order the competitive supplier that received relief pursuant to this section to provide service to the residential customer for a period specified by the Commission. If a competitive supplier is ordered to provide service to a residential customer pursuant to this subsection, the competitive supplier may satisfy its obligation pursuant to this subsection by providing an alternative voice service as provided in NRS 704.68881.

14. Except as otherwise provided in this subsection and subsections 12 and 13, a provider of alternative voice service that is not a provider of last resort, or a competitive supplier that has been relieved of its obligations as a provider of last resort, is not required to assume the obligations of a provider of last resort. The Commission may, through the issuance of an order, impose obligations upon a provider of alternative voice service that receives money from the fund to maintain the availability of telephone service relating to the provision of service, including, without limitation, the obligation to maintain adequate and reliable service for a specified period of time.

15. As used in this section:

(a) "Alternative voice service" means a retail voice service made available through any technology or service arrangement other than satellite service that provides:

(1) Voice-grade access to the public switched telephone network; and

(2) Access to emergency 911 service.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 3. 1. Except as otherwise provided in subsection 2, ~~and section 4 of this act,~~ a state agency or political subdivision of the State may not, directly or indirectly, regulate the rates charged for, service or contract terms for, conditions for, or requirements for entry for Internet Protocol-enabled service or Voice over Internet Protocol service.

2. The provisions of subsection 1 must not be construed to:

(a) Affect or limit the enforcement of criminal or civil laws, including, without limitation, laws concerning consumer protection and unfair or deceptive trade practices, that apply generally to the conduct of business;

(b) Affect, mandate or prohibit ~~the assessment of~~ :

(1) The assessment of taxes, ~~for other~~ fees or surcharges which are of general applicability ~~for~~ or which are otherwise authorized by statute; or

(2) The levy and collection of the assessment required by NRS 704.033 from a provider of voice over Internet Protocol service that has a certificate of public convenience and necessity;

(c) *Affect or modify:*

(1) *Any right or obligation of any telecommunication provider, or the authority granted to the Commission pursuant to 47 U.S.C. §§ 251 and 252 ~~and~~, including, without limitation, any authority granted to the Commission to address or affect the resolution of disputes regarding reciprocal compensation and interconnection;*

(2) *Any obligation relating to the provision of video service by any person ~~and~~ pursuant to chapter 711 of NRS;*

(3) *Any applicable wholesale tariff; or*

(4) ~~*The authority of the Commission to address or affect the resolution of disputes regarding intercarrier compensation.*~~ *Any authority granted to the Commission pursuant to 47 U.S.C. §§ 214(e) and 254(f).*

3. *As used in this section:*

(a) *“Internet Protocol-enabled service” means any service, functionality or application which uses Internet Protocol or a successor protocol that enables an end-user to send or receive voice, data or video communications. The term does not include Voice over Internet Protocol service.*

(b) *“Voice over Internet Protocol service” means any service that:*

(1) *Enables real-time, two-way voice communication originating from or terminating at the user’s location in Internet Protocol or a successor protocol;*

(2) *Uses a broadband connection from the user’s location; and*

(3) *Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.*

~~Sec. 4. *I. A provider of Voice over Internet Protocol service is subject to:*~~

~~*(a) Assessments levied and collected pursuant to subsection 5 of NRS 704.040;*~~

~~*(b) Surcharges imposed pursuant to NRS 244A.7643 and 266.344; and*~~

~~*(c) Surcharges imposed pursuant to NRS 427A.797.*~~

~~2. *As used in this section, “Voice over Internet Protocol service” has the meaning ascribed to it in subsection 3 of section 3 of this act.* (Deleted by amendment.)~~

Sec. 4.5. NRS 704.006 is hereby amended to read as follows:

704.006 “Basic network service” means the provision of stand-alone telephone service furnished to a residential customer ~~[through the customer’s primary residential line as the only service]~~ that:

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

- (c) Purchased pursuant to a contract; or
- (d) Otherwise offered at a discounted price; and

2. Provides to the customer:

- (a) Voice-grade access to the public switched telephone network; ~~with a minimum bandwidth of 300 to 3,000 hertz;~~
- ~~(b) Dual tone multifrequency signaling and single party service;~~
- ~~(c)~~ Access to:
 - (1) ~~Operator services;~~
 - ~~(2)~~ Telephone relay services;
 - ~~(3) Local directory assistance;~~
 - ~~(4)~~ (2) Interexchange service; and
 - ~~(5)~~ (3) Emergency 911 service; ~~;~~
- ~~(d)~~ (c) The first single-line directory listing; and
- ~~(e)~~ (d) Universal lifeline service for those eligible for such service.

Sec. 5. NRS 704.011 is hereby amended to read as follows:

704.011 1. "Competitive supplier" means a telecommunication provider that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~;~~, **and section 2 of this act.**

2. The term does not include a small-scale provider of last resort unless the provider is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 6. NRS 704.280 is hereby amended to read as follows:

704.280 The Commission may:

1. Regulate the manner in which power ~~;~~ **and** telephone ~~and telegraph~~ lines, pipelines and the tracks of any street, steam or electric railroad or other common carrier cross or connect with any other such lines or common carriers.

2. Prescribe such regulations and safety devices, respectively, as may be necessary for the purpose of securing adequate service and for the protection of the public.

Sec. 7. NRS 704.638 is hereby amended to read as follows:

704.638 It is unlawful for any person to post any advertising sign, display or device, including a temporary political sign, on any pole, support or other device of a public utility which is used to support a ~~telegraph;~~ telephone or electric transmission line.

Sec. 8. NRS 704.6878 is hereby amended to read as follows:

704.6878 ~~;~~ The Commission shall adopt regulations that establish ~~;~~ ~~(a) The~~ **the** obligations of incumbent local exchange carriers as providers of last resort giving due consideration to the status of the incumbent local exchange carriers as either competitive suppliers or small-scale providers of last resort.

~~[(b) The terms, conditions and procedures under which:~~

~~— (1) An incumbent local exchange carrier may be excused from the obligations of the provider of last resort; and~~

~~— (2) The Commission may request an incumbent local exchange carrier to reinstate the obligations of the provider of last resort.~~

~~— (c) The manner of giving prior written notice of not less than 180 days before another provider of basic network service or business line service may terminate or discontinue such services and the terms of any bond necessary to protect consumers and ensure continuity of such services.~~

~~— 2. The regulations adopted by the Commission may not allow an incumbent local exchange carrier to be excused from the obligations of the provider of last resort in situations where the incumbent local exchange carrier, before May 31, 2007, made an agreement to or was specifically ordered to act as the provider of last resort.]~~

Sec. 9. NRS 704.68861 is hereby amended to read as follows:

704.68861 1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[-]~~, **and section 2 of this act.**

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive, **and section 2 of this act**, unless the small-scale provider of last resort is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 10. NRS 704.68863 is hereby amended to read as follows:

704.68863 The provisions of NRS 704.68861 to 704.68887, inclusive, **and section 2 of this act** do not:

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

Sec. 11. NRS 704.68865 is hereby amended to read as follows:

704.68865 The Commission may adopt any regulations that are necessary to carry out the provisions of NRS 704.68861 to 704.68887, inclusive ~~[-]~~, **and section 2 of this act.**

Sec. 12. NRS 704.68869 is hereby amended to read as follows:

704.68869 1. A small-scale provider of last resort may apply to the Commission to be regulated as a competitive supplier pursuant to NRS 704.68861 to 704.68887, inclusive ~~{ }~~, **and section 2 of this act.**

2. The Commission may grant the application if it finds that the public interest will be served by allowing the small-scale provider of last resort to be regulated as a competitive supplier.

3. If the Commission denies the application, the small-scale provider of last resort:

(a) May not be regulated as a competitive supplier but remains subject to regulation pursuant to this chapter as a telecommunication provider; and

(b) May not submit another application to be regulated as a competitive supplier sooner than 1 year after the date the most recent application was denied, unless the Commission, upon a showing of good cause or changed circumstances, allows the provider to submit another application sooner.

Sec. 13. NRS 704.68871 is hereby amended to read as follows:

704.68871 1. A competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of NRS 704.68861 to 704.68887, inclusive ~~{ }~~, **and section 2 of this act.**

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 14. NRS 704.68873 is hereby amended to read as follows:

704.68873 1. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive, **and section 2 of this act**, a competitive supplier:

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such access service to intrastate interexchange traffic are subject to regulation by the Commission, which must be consistent with federal law, unless the Commission deregulates intrastate switched or special access service pursuant to NRS 704.68879.

3. A competitive supplier that is an incumbent local exchange carrier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate switched or special access service, universal lifeline service or access to emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.

Sec. 15. NRS 704.68875 is hereby amended to read as follows:

704.68875 1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.

2. ~~Each~~ **For any area in which a** competitive supplier ~~that~~ is ~~an incumbent local exchange carrier~~ **a provider of last resort, the competitive supplier:**

(a) Shall publish the rates, pricing, terms and conditions of basic network service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

Sec. 16. NRS 704.68877 is hereby amended to read as follows:

704.68877 1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier, unless the competitive supplier files a general rate application pursuant to paragraph (b) of subsection 2 and the Commission orders a decrease in the rates or pricing of such service in a general rate case proceeding conducted pursuant thereto.

2. Except as otherwise provided in this section, a competitive supplier that is an incumbent local exchange carrier shall not:

(a) Without the approval of the Commission, discontinue basic network service or change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

(b) Before January 1, 2012, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007, except that notwithstanding any other provision of this chapter:

(1) On or after January 1, 2011, and before January 1, 2012, the competitive supplier may, without the approval of the Commission, increase the rates or pricing of basic network service provided by the competitive supplier but the total of all increases during that period may not result in rates or pricing of basic network service that is more than \$1 above the rates or pricing set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007; and

(2) The Commission may allow the competitive supplier to increase the rates or pricing of basic network service above the amounts authorized by this subsection only if the competitive supplier files a general rate application and proves in a general rate case proceeding conducted pursuant to NRS 704.110 and 704.120 that the increase is absolutely necessary to avoid rates or prices that are confiscatory under the Constitution of the United States or the Constitution of this State. In such a general rate case proceeding, the Commission:

(I) May allow an increase in the rates or pricing of basic network service provided by the competitive supplier only in an amount that the competitive supplier proves in the general rate case proceeding is absolutely necessary to avoid an unconstitutional result and shall not authorize in the general rate case proceeding any rate, price or other relief for the competitive supplier that is not proven by the competitive supplier to be absolutely necessary to avoid an unconstitutional result; and

(II) May order a decrease in the rates or pricing of basic network service provided by the competitive supplier if the Commission determines in the general rate case proceeding that the decrease is necessary to provide customers with just and reasonable rates.

3. On or after January 1, 2012:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic network service in the same manner permitted for other telecommunication service pursuant to NRS 704.68873; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

4. ~~{A} For any area in which a competitive supplier is a provider of last resort, the~~ competitive supplier ~~{that is an incumbent local exchange carrier}~~ must provide reasonably detailed information concerning the rates, pricing, terms and conditions of basic network service in the manner required by NRS 704.68875.

Sec. 17. NRS 704.68881 is hereby amended to read as follows:

704.68881 1. ~~{A} For any area in which a competitive supplier is a provider of last resort, the~~ competitive supplier ~~{that is a provider of last resort may use an alternative technology to satisfy the}~~ *may satisfy its* obligation ~~{to provide basic network service or business line service in a service territory.}~~ *as a provider of last resort through an alternative voice service.* ~~{provided by the competitive supplier or an affiliate of the competitive supplier.}~~

2. ~~{Except as otherwise provided in this section, the}~~ *The* Commission may not exercise jurisdiction over an alternative ~~{technology}~~ *voice service* used by a competitive supplier ~~{that is a provider of last resort}~~ *or its affiliate* to satisfy the ~~{obligation to provide basic network service or business line service in a service territory.}~~ *competitive supplier's obligation as a provider of last resort*, including, without limitation, determining the rates, pricing, ~~{service quality.}~~ terms, conditions or availability of an alternative ~~{technology.}~~ *voice service.*

3. ~~{If a competitive supplier that is a provider of last resort uses an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory, the Commission may investigate whether basic network service or business line service provided through the alternative technology by the competitive supplier is functionally comparable with circuit switched wireline telephony.}~~

4. ~~If, after notice and hearing, the Commission finds any material deficiency in the competitive supplier's use of the alternative technology to satisfy the obligation to provide basic network service or business line service, the Commission may order the competitive supplier to implement~~

corrective action, within a technically reasonable period, to cure the material deficiency in the use of the alternative technology.

~~5. As used in this section, "alternative technology" means any technology, facility or equipment, other than circuit switched wireline telephony, that has the capability to provide customers with service functionally comparable to basic network service or business line service. The term includes, without limitation, wireless or Internet technology, facilities or equipment.] *The use of an alternative voice service provided by a competitive supplier or an affiliate of the competitive supplier to satisfy the competitive supplier's obligation as a provider of last resort does not affect any obligation of the competitive* ~~supplier's obligations as~~ *supplier:*~~

~~(a) As an incumbent local exchange carrier pursuant to federal law.~~

~~(b) Pursuant to NRS 704.033.~~

~~4. As used in this section, "alternative voice service" ~~has the meaning ascribed to it in section 2 of this act.~~ means a retail voice service made available through any technology or service arrangement that provides:~~

~~(a) Voice-grade access to the public switched telephone network; and~~

~~(b) Access to emergency 911 service.~~

Sec. 18. NRS 707.230 is hereby amended to read as follows:

707.230 Any person or persons, company, association or corporation, desiring to do so, may construct and maintain, or, if already constructed, may maintain, or, if partially constructed, may complete and maintain, within this state, a ~~telegraph~~ **telephone** line or lines by complying with NRS 707.240.

Sec. 19. NRS 707.250 is hereby amended to read as follows:

707.250 The person or persons, company, association or corporation named in the certificate (provided for in NRS 707.240), and their assigns ~~;~~

~~1. May] may~~ **may** construct, or if constructed, maintain, or if partially constructed, complete and maintain, their **telephone** line ~~[of telegraph,]~~ described in their certificate, filed as provided in NRS 707.240, over and through any public or private lands, and along or across any streets, alleys, roads, highways or streams within this state, provided they do not obstruct the same. ~~;~~

~~2. May operate the telegraph line between the termini of the same, and have and maintain offices and stations at any city, town, place or point along the line; and~~

~~3. Shall be entitled to demand, receive and collect for dispatches and messages transmitted over such line such sum or sums as such person or persons or the officers of the company, association or corporation (as the case may be) may deem proper.]~~

Sec. 19.5. NRS 707.280 is hereby amended to read as follows:

707.280 1. Any person or the person's assigns, who are constructing, or who have already constructed, or who may propose to construct, a

telephone line ~~[of telegraph,]~~ as provided in NRS 707.230 to ~~[707.290,]~~ 707.280, inclusive, ~~has~~ have the right-of-way for the line and so much land as may be necessary to construct and maintain the line, and for this purpose may enter upon private lands along the line described in the certificate for the purpose of examining and surveying them.

2. Where the lands cannot be obtained by the consent of the owner or possessor thereof, so much of the land as may be necessary for the construction of the line may be appropriated by the person or the person's assigns (as the case may be), after making compensation therefor, as follows. The person or the person's agent shall select one appraiser, and the owner or possessor shall select one, and the two so selected shall select a third. The three shall appraise the lands sought to be appropriated, after having been first sworn, before a person authorized by law to administer oaths, to make a true appraisalment thereof, according to the best of their knowledge and belief.

3. If the person or the person's agent tenders to the owner or possessor the appraised value of the lands, appraised as provided in subsection 2, the person or agent may proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain the line over and upon the land, and at all times enter upon the land and pass over all adjoining lands for the purpose of constructing, maintaining and repairing the ~~[telegraph]~~ telephone line, notwithstanding the tender may be refused. The tender must always be kept good by the person or the person's agent.

4. An appeal may be taken by either party, from the finding of the appraisers, to the district court of the county within which the land so appraised is situated at any time within 3 months after the appraisalment.

Sec. 20. NRS 707.300 is hereby amended to read as follows:

707.300 All persons or corporations owning and operating telephone lines in this state are entitled to all the rights and privileges and are subject to all the restrictions and responsibilities provided in NRS 707.230 to ~~[707.290,~~ inclusive, so far as those rights, privileges, restrictions and responsibilities are applicable to telephone companies.] ~~[707.240 and 707.250.]~~ 707.280, inclusive.

Sec. 21. NRS 707.910 is hereby amended to read as follows:

707.910 Any person who:

1. By the attachment of a ground wire, or by any other contrivance, willfully destroys the insulation of a ~~[telegraph or]~~ telephone line, or interrupts the transmission of the electric current through the line;

2. Willfully interferes with the use of any ~~[telegraph or]~~ telephone line, or obstructs or postpones the transmission of any message over the line; or

3. Procures or advises any such injury, interference or obstruction,

↪ is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

Sec. 22. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone ~~and telegraph~~ lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone ~~for telegraph~~ lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone ~~for telegraph~~ lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) “Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.

(b) “Street railway” means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

↪ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) “Telecommunication service” has the meaning ascribed to it in NRS 704.028.

4. As used in this section, “monorail” has the meaning ascribed to it in NRS 705.650.

Sec. 23. NRS 709.060 is hereby amended to read as follows:

709.060 Any person, company, corporation or association desiring a franchise, right or privilege for any purpose specified in NRS 709.050 must file with the board of county commissioners of the county wherein the

franchise, right or privilege is to be exercised an application in writing, which contains:

1. The name of the applicant and the time for which the franchise, right or privilege is desired, not exceeding 25 years.

2. The places where the franchise, right or privilege is to be exercised and, if in any unincorporated town, the streets, avenues, alleys and other places through, over, under or along which the franchise, right or privilege is sought.

3. If the application is for a street railway, it must designate the route of the proposed line in the county, and specify the width of ground desired to be included in its right-of-way.

4. A map or plat correctly showing and delineating, so far as practicable, the proposed route or right-of-way of any street railway, light, heat, ~~for~~ power ~~[telegraph]~~ or telephone lines, and the places where gas or water mains are to be laid or installed.

Sec. 24. NRS 709.100 is hereby amended to read as follows:

709.100 The board of the county commissioners, at the time of granting any such authority, franchise and right-of-way, shall require the applicant to enter into an undertaking to the county in a sum to be determined by the board of county commissioners, with surety or sureties approved by the board, conditioned that the applicant shall commence active construction of such telephone, ~~telegraph,~~ light, heat or power lines, the laying of gas or water mains, or such streetcar system, for which such franchise, right or privilege is granted, within 60 days from the date of the granting of the franchise, right or privilege, and prosecute the construction thereof to completion with due diligence; and, failing to comply with the conditions of such undertaking, shall pay into the treasury of the county to which such undertaking is given the sum of money mentioned therein and forfeit all rights to such franchise, right or privilege.

Sec. 25. NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of the franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which the franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the interest or convenience of the public requires. The board shall not require a company that provides telecommunication service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, ~~telegraph or~~ electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 26. NRS 709.150 is hereby amended to read as follows:

709.150 1. All persons, companies, associations or corporations in the business of conducting street railways, telephone, ~~telegraph,~~ electric light and power lines, gas or water mains in any of the cities, towns or places mentioned in NRS 709.050 to 709.170, inclusive, under the provisions of any other law providing for the granting of such franchises, and who or which has not fully complied with the provisions of the law under which the franchise was obtained, may, nevertheless, have and enjoy all the privileges and benefits of NRS 709.050 to 709.170, inclusive, if such person, company, association or corporation shall, within 6 months after March 23, 1909, file in the Office of the Secretary of State, and in the office of the county recorder of the county in which such person, company, corporation or association maintains its principal office or place of business, a duly executed and acknowledged acceptance of the terms, conditions and provisions of NRS 709.050 to 709.170, inclusive, which acceptance, in case of a

corporation, shall be evidenced by a duly attested or certified copy of a resolution of its board of directors.

2. Nothing contained in this section shall be construed to relieve any such person, company, association or corporation of any duty or obligation provided in any law or contained in any franchise under which any person, company, association or corporation is operating on March 23, 1909.

Sec. 27. NRS 710.035 is hereby amended to read as follows:

710.035 Notwithstanding the provisions of NRS 710.030, the board of county commissioners of any county controlling and managing a telephone system, for the extension, betterment, alteration, reconstruction or other major improvement, or any combination thereof, of the system, including without limitation the purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, ~~telegraphic equipment,~~ other equipment, furnishings, transmission and distribution lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property, and appurtenances, may, at any time or from time to time, in the name and on the behalf of the county, issue:

1. General obligation bonds, payable from taxes;
2. General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system; and
3. Revenue bonds constituting special obligations and payable from such net revenues.

Sec. 28. NRS 710.310 is hereby amended to read as follows:

710.310 Subject to the provisions of NRS 710.310 to 710.390, inclusive, the governing body of the county or city, for the lease, purchase, construction, other acquisition, extension, betterment, alteration, reconstruction or other major improvement, financial assistance for operation, or any combination thereof, of a railroad system, including without limitation the lease, purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, engines, cars, tracks, ~~telegraphic equipment,~~ signal equipment, traffic control equipment, maintenance equipment, other equipment, furnishings, electric transmission lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property and appurtenances, may at any time, in the name and on the behalf of the county or the city, issue:

1. In the manner provided in NRS 350.011 to 350.070, inclusive:
 - (a) General obligation bonds, payable from taxes; and
 - (b) General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system.

2. Revenue bonds constituting special obligations and payable from net revenues, without the necessity of the revenue bonds being authorized at any election.

Sec. 29. NRS 37.010 is hereby amended to read as follows:

37.010 1. Subject to the provisions of this chapter and the limitations in subsections 2 and 3, the right of eminent domain may be exercised in behalf of the following public uses:

(a) Federal activities. All public purposes authorized by the Government of the United States.

(b) State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

(c) County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

(d) Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

(e) Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

(f) Byroads. Byroads leading from highways to residences and farms.

(g) Public utilities. Lines for ~~telegraph,~~ telephone, electric light and electric power and sites for plants for electric light and power.

(h) Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

(i) Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

(j) Cemeteries, public parks. Cemeteries or public parks.

(k) Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

(l) Aviation. Airports, facilities for air navigation and aerial rights-of-way.

(m) Monorails. Monorails and any other overhead or underground system used for public transportation.

(n) Video service providers. Video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(1) It creates no substantial detriment to the service provided by the utility;

(2) It causes no irreparable injury to the utility; and

(3) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

(o) Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. Notwithstanding any other provision of law and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or entity. Property taken by the exercise of eminent domain may be transferred to another private person or entity in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on any such lease.

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property exchanges it for other property acquired or being acquired by eminent domain or under the threat of eminent domain for roadway or highway purposes, to relocate public or private structures or to avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

Sec. 30. NRS 179.425 is hereby amended to read as follows:

179.425 “Electronic, mechanical or other device” means any device or apparatus which can be used to intercept a wire or oral communication other than:

1. Any telephone ~~for telegraph~~ instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or

(b) Being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

Sec. 31. NRS 202.582 is hereby amended to read as follows:

202.582 1. A person who willfully and maliciously removes, damages or destroys any utility property, agricultural infrastructure or other agricultural property, lights maintained by the State or a local government, construction site or existing structure to obtain scrap metal shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property removed, damaged or destroyed as described in subsection 1 is:

(a) Less than \$500, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) Five hundred dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any utility property, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any other penalty, the court may order a person who violates the provisions of subsection 1 to pay restitution.

5. In determining the value of the property removed, damaged or destroyed as described in subsection 1, the cost of replacing or repairing the property or repairing the utility property, agricultural infrastructure, agricultural property, lights, construction site or existing structure, if necessary, must be added to the value of the property.

6. As used in this section:

(a) “Scrap metal” has the meaning ascribed to it in NRS 647.017.

(b) “Utility property” means any facility, equipment or other property owned, maintained or used by a company or a city, county or other political subdivision of this State to furnish cable television or other video service, broadband service, telecommunication service, telephone service, ~~telegraph service,~~ natural gas service, water service or electric service, regardless of whether the facility, property or equipment is currently used to furnish such service.

Sec. 32. NRS 408.407 is hereby amended to read as follows:

408.407 1. For the purposes of this section:

(a) “Cost of relocation” means the entire amount paid by a utility properly attributable to the relocation of its facilities, including removal, reconstruction and replacement after deducting therefrom any increase in value of the new facility and any salvage value derived from the old facility, and includes the costs of all rights and interests necessary in land and the costs of any other rights required to accomplish such relocation.

(b) “Utility” means any privately, publicly or cooperatively owned systems for supplying ~~telegraph,~~ telephone, electric power and light, gas, water, sewer and like service to the public or a segment of the public.

2. Whenever the Director, after consulting with the utility concerned, determines that any utility facility which now is, or hereafter may be, located in, over, along or under any highway in the federal-aid primary or secondary systems or in the interstate system, including extensions thereof within urban areas, as such systems are defined in the Federal-Aid Highway Acts and are accepted by and assented to by the State of Nevada, should be relocated, the utility owning or operating such utility facility shall relocate the same in accordance with the order of the Director. The cost of any such relocation shall be ascertained and paid by the State as part of the cost of such federally aided project, provided the proportionate part of such cost is reimbursable from federal funds under a Federal-Aid Highway Act or any other Act of

Congress under which the State is entitled to reimbursement for all or part of such cost.

3. This section does not apply where a payment of relocation or removal costs by the State would be inconsistent with the terms of a permit issued by the Director pursuant to NRS 408.423.

Sec. 33. NRS 496.020 is hereby amended to read as follows:

496.020 As used in this chapter, unless the context otherwise requires:

1. "Air navigation facility" means any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in, aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

2. "Airport" means any area of land or water which is used for the landing and takeoff of aircraft, and any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

3. "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

4. "Municipal" means pertaining to a municipality as defined in this section.

5. "Municipality" means any county, city or town of this state.

6. "Person" includes a government, a governmental agency and a political subdivision of a government.

7. "Public utility" means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone [~~telegraph~~] or water business in this state and who conducts such a business for a public use.

Sec. 34. NRS 497.020 is hereby amended to read as follows:

497.020 As used in this chapter, unless the context otherwise requires:

1. "Airport" means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized in the interest of the public for such purposes.

2. "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at any airport, or is otherwise hazardous to the landing or taking off of aircraft.

3. “Airport hazard area” means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

4. “Person” includes a government, a governmental agency and a political subdivision of a government.

5. “Political subdivision” means any county, incorporated city, unincorporated town or airport authority created by special legislative act as a quasi-municipal corporation.

6. “Public utility” means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone ~~[, telegraph]~~ or water business in this State and who conducts such a business for a public use.

7. “Structure” means any object constructed or installed by a person, including, but without limitation, buildings, towers, smokestacks and overhead wires and other lines.

8. “Tree” means any object of natural growth.

Sec. 35. NRS 707.270 ~~[, 707.280]~~ and 707.290 are hereby repealed.

Sec. 36. The amendatory provisions of this act must not be construed to impair the vested franchise of any telephone company based upon state law in existence before the effective date of this act.

Sec. 36.5. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

707.270 Lines governed by general laws; transmission of certain messages in order; penalty and civil liability; State may send messages free of charge.

1. Such line or lines of telegraph as may avail themselves of the provisions of NRS 707.230 to 707.290, inclusive, shall also be governed, in all respects, by the general laws of the State regulating telegraph lines, and shall do the business of side lines, and transmit all dispatches in the order in which they are received, under the penalty of \$100. All damages sustained thereby shall be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order; provided:

(a) That arrangements may be made with publishers of newspapers for the transmission of intelligence of general and public interest out of its order; and

(b) That preference may be given to official dispatches for the detection and capture of criminals.

2. Messages on public business may be sent by the State of Nevada over such lines free of charge.

~~707.280 Right of way for line: Procedure for appraisal and compensation for private land; appeal.~~

~~1. Any person or the person's assigns, who are constructing, or who have already constructed, or who may propose to construct, a line of telegraph, as provided in NRS 707.230 to 707.290, inclusive, has the right of way for the line and so much land as may be necessary to construct and maintain the line, and for this purpose may enter upon private lands along the line described in the certificate for the purpose of examining and surveying them.~~

~~2. Where the lands cannot be obtained by the consent of the owner or possessor thereof, so much of the land as may be necessary for the construction of the line may be appropriated by the person or the person's assigns (as the case may be), after making compensation therefor, as follows. The person or the person's agent shall select one appraiser, and the owner or possessor shall select one, and the two so selected shall select a third. The three shall appraise the lands sought to be appropriated, after having been first sworn, before a person authorized by law to administer oaths, to make a true appraisement thereof, according to the best of their knowledge and belief.~~

~~3. If the person or the person's agent tenders to the owner or possessor the appraised value of the lands, appraised as provided in subsection 2, the person or agent may proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain the line over and upon the land, and at all times enter upon the land and pass over all adjoining lands for the purpose of constructing, maintaining and repairing the telegraph line, notwithstanding the tender may be refused. The tender must always be kept good by the person or the person's agent.~~

~~4. An appeal may be taken by either party, from the finding of the appraisers, to the district court of the county within which the land so appraised is situated at any time within 3 months after the appraisement.]~~

707.290 Forfeiture of rights, privileges and franchise for failure to maintain line; quo warranto. The owner or owners of any line or lines constructed and maintained pursuant to the provisions of NRS 707.230 to 707.290, inclusive, shall at all times keep the same in as good condition and repair as may be practicable. If such owner or owners shall fail to keep the same in such condition and repair, such failure shall work a forfeiture of all rights, privileges and franchise belonging to such owner or owners, or any person having any interest therein. Such franchise may be also declared forfeited on information in the nature of a quo warranto, in the manner provided by law.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Bill ordered to third reading.

Assemblyman Horne moved that the Assembly recess until 3 p.m.
Motion carried.

Assembly in recess at 2:03 p.m.

ASSEMBLY IN SESSION

At 3:30 p.m.
Madam Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 230.
Bill read third time.
Remarks by Assemblymen Bobzien, Hickey, Flores, Duncan, and Eisen.

ASSEMBLYMAN BOBZIEN:

I would like to make a statement regarding the update schedule for the Academic Standards Council, for the record, with regards to this bill. The expectation upon enactment would be that the Council would make the necessary revisions to the standards in the course of their normal update schedule.

Madam Speaker, I rise in support of this bill. I would like to share with the body some facts. Number one, teen pregnancy rates are dropping nationally and in Nevada. The decline is attributed to a delay in initiating sexual activity and increased use of birth control for those who are sexually active. This is encouraging news but is not nearly enough. Nevada has the fourth highest teen pregnancy rate in the country and alarming rates of sexually transmitted infections. Teen pregnancy costs over \$86 million a year in Nevada. Testing and treatment for STIs cost \$40 million a year. Imagine what Nevada could do if we could invest that \$120 million a year into education or economic development.

The current sex education law was passed over 30 years ago. It is outdated and inadequate to the needs of our students today. In a 2003 Legislative Counsel Bureau survey of sex education programs throughout the state, one-third of Nevada counties were only offering sex education in their school districts in one grade. The school district either focused on the changes students could expect as they went through puberty or they focused on more advanced topics and offered the instruction only in the freshman year of high school. In the same survey, over one-third of school districts did not or could not share what they are currently teaching in their required sex education class despite the fact that this class is required and despite current law requiring school districts to make the curriculum available to parents upon request.

Madam Speaker, when this bill was heard in your Education Committee, the testimony was compelling. We heard from a sexual violence survivor who shared her story and asked us to pass this legislation by saying, "I believe having better sexual health education would have helped protect me from experiencing sexual violence or would have helped me to recognize a situation sooner so that I could get to safety."

One young man who could not attend the hearing shared his story. He is a 23-year-old student at UNLV, born and raised in Las Vegas. He went to the public schools in Clark County. He has been openly gay since high school. When he was 22, he got HIV from a partner who also went through the same Clark County schools. They did not get comprehensive sex education, and specifically, they did not get any information on LGBT sexual health. He decided to share his story because he doesn't want any other students to have this experience.

Finally, our colleague, Senator Spearman, shared the story of a young girl who was infected with HIV during her first sexual experience. The Senator recounted how on the night of her high

school prom, instead of helping this young lady get ready for her prom, she was helping her pick out the dress she would be buried in.

Madam Speaker, colleagues, make no mistake, giving our students the facts, giving them the medically accurate information they need, can and will save lives. I urge passage.

ASSEMBLYMAN HICKEY:

I rise in opposition to Assembly Bill 230. As a parent, I consider the topic of human sexuality instruction a most sensitive issue and it should, of course, be approached with the utmost care. But this bill mandates that sex education standards be set by the statewide Council on Academic Standards. This takes away, in part, from local input and disregards the specific and unique needs of individual school districts and the families within them. The language in this bill is both broad and ambiguous and would lead to misinterpretation and confusion. Specifically, it adds that a provider of health care would be able to teach sexual education courses, which gives a preference to one particular advocate organization. Lastly, the bill heavily limits choice by changing existing law to have families and children opt out rather than opt in. This is a choice that should be initially granted to a parent rather than the state, a council, or the school. Simply stated, Assembly Bill 230 goes too far by constricting parental options. I think it would be wrong for this body to conclude that the state knows better than Nevada's parents as to what is best for their children.

My colleague rightly identified that teenage pregnancy has been going down in Nevada and throughout the country. He didn't acknowledge one of the elements of that is, of course, abstinence-based teaching, which is included in many of the curriculums in Washoe County, where I am from, which is touted as a model for what those proponents of having statewide standards do. I think it is fine for Washoe County, but again, I remind us that I think parents' input is most appreciated and most necessary when it comes to this particular sensitive issue, and I think it remains best with local communities. I urge your vote in opposition to this measure.

ASSEMBLYMAN FLORES:

I rise in support of Assembly Bill 230 and strongly urge this body to support this bill. In a perfect world, we probably would not need this bill, but clearly, we do not live in a perfect world and we are far from perfect in Nevada, based on the statistics that we have that my colleague has talked about. I can tell you that in my district and in my own personal experience, I come from a single parent household. My dad worked day and night. There was no one in my home. I did not have the appropriate role models to make good decisions.

Unfortunately, in this nonperfect world, we have an obligation to step up. We have an obligation to provide the information and the education that is going to arm our students, our young people, with the information to be able to make good decisions for themselves. Because if we do not, then they figure out how to make their own decisions with wrong and medically inaccurate information and things, unfortunately, they hear from their friends or from the Internet or who knows where else. Instead, we end up being fourth in the entire country with the highest teen pregnancy rates, with some of the highest levels of STDs. It is up to us to make a difference for those kids. I strongly urge you to support this bill. It is necessary and our kids truly deserve a better environment in which to learn.

ASSEMBLYMAN DUNCAN:

I rise in opposition to Assembly Bill 230. Madam Speaker and esteemed colleagues, one of the things I think that has been lost in this debate, as I heard in committee and also as we are talking about this now on the floor, is this idea of local control in the sense that what's good for Washoe County may not be good for Esmeralda County or may not be as good for Lyon County but might be good for Clark County. We respect our elected school boards and our officials to be able to work in concert with parents and local officials in those areas, to be able to come up with curriculum.

When I am listening to the debate on this, there are a lot of assumptions that are being thrown out there. It is almost as if we are acting as if sex education does not even appear in our schools, which frankly, Madam Speaker, is not true. The schools actually get to tailor their education to the needs of their local communities. One of the things I asked, in looking at this bill, is whether other states in the Union have had sex education like ours, that was left at the local school level, and then implemented comprehensive sex education and whether there was some sort of precipitous drop from where we are now and implementation of that to lower teen pregnancy and lower STI rates. I could never get an answer from anyone. I could only assume that the answer was no.

One of the things, too, is that from 2005 until 2008—and this was just in a *Las Vegas Sun* story—Nevada had the second largest decline in teen pregnancy from 2005 to 2008. So that tells me and signals to me that we still have places that we want to go but the way the education is going is working. And so I am just curious. When I listen to this debate, where are the facts that actually tell us that this comprehensive sex education that is being pushed by a special interest group—and again, I do not want to get into that—but could you imagine if other special interest groups were pushing a certain comprehensive sex education or an abstinence-only education, what the clamor would be in this building? I leave that for another day. But again, I can tell you, just being the voice of my constituents in Assembly District 37, overwhelmingly parents, teachers, educators, and medical personnel are against this bill in my district, and I want to voice their concerns. Again, sex education is important, it's something that is being done. Again, I don't want this to go out over the airwaves that somehow Nevada is not teaching sex education in our classes, because that is absolutely not true. But the choice and the ability to leave that at the local level is something that should be respected, and so I would ask the members to think about that as they are voting today.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 230. This is an important issue for me because I represent a special interest group, and that special interest group is the youth of Nevada, all of them. The insinuation or the overt statement that what is happening in sex education in the state of Nevada is working is simply wrong. Things are not as bad as they used to be, but being less bad is not the same as being better. While the rates of teen pregnancy have dropped in Nevada, we are still ranked amongst the worst in terms of teen pregnancy, adolescent sexually transmitted infections, and out-of-wedlock birth—all of these indicators, year after year after year. We have to do better. This bill is an effort to do better.

There are a couple of points I want to make sure I address directly in response to some concerns raised by my colleagues and friends from Districts 25 and 37. One point is that this bill takes away local control. I think that is a valid concern, but this bill does not do that. If this bill did, I would be concerned. But it does not. I would direct my colleagues to section 1, subsection 3, which retains the current language of statute that empowers local school boards to appoint advisory committees. Subsection 4 clearly states, with respect to who teaches the program and what materials and to students of what ages, that “the final decisions on these matters must be that of each local board of trustees.”

The concern about protecting parental choice, I think, is also an important point. This bill does maintain the ability for parents to opt their student out of these programs should they wish to do that. That is a flexibility we do not offer parents on any other subject matter. We do not allow parents to opt their student out of math or out of history. We do not allow parents to come to a school and say, “We do not speak English in our home. We want our child to opt out of English.” But we do still empower parents, in this circumstance, if they do not wish their child to have access to this information, if they wish to take care of this themselves, they still have that ability under this bill.

It is important to me that every student in Nevada—not just the students in Washoe where this is being done better—but that every student in Nevada has the opportunity to access quality, comprehensive. Education and information that empowers them to make choices that are in

their best interests in terms of their long-term health. I strongly urge my colleagues—on the basis of the facts of what we know is going on in Nevada and on the basis of the facts of what is actually in this bill—I urge you to support Assembly Bill 230.

Roll call on Assembly Bill No. 230:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—15.

VACANT—1.

Assembly Bill No. 230 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 251.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 251 requires, with certain exceptions, a public body to make available to the general public a telephone number, mailing address, or electronic mail address at which each member of the public body may be personally contacted that is not monitored by the public body or accessible by any other member of the public body.

Roll call on Assembly Bill No. 251:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 251 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288.

Bill read third time.

Remarks by Assemblymen Flores and Kirner.

ASSEMBLYWOMAN FLORES:

Essentially this bill replaces the high school proficiency exam with end-of-course exams. The primary reason for that is because the high school proficiency exam currently is not in line with our Common Core standards that the state of Nevada adopted. Essentially what we are doing with the high school proficiency exam right now is testing students on things that they haven't actually been taught, so clearly that is creating a problem. We're also not testing them until their junior or sometimes senior year, and so we are replacing it with an end-of-course exam where they can actually take their exam after they have taken their course. The College and Career Readiness Assessment is just another tool for school districts to be able to assess and provide remediation, if necessary, that does not affect whether or not they will be able to graduate. Lastly, it removes the certificate of attendance because what we had been doing is rather than helping our kids, we were just handing them a certificate that says "Thanks for coming." This makes that unavailable to them. I urge support.

ASSEMBLYMAN KIRNER:

I rise in support of this bill. I had a similar bill, and it didn't make sense to me to present two bills. I greatly appreciate the fact I was able to work across the aisle and to come up with a bill that made sense for all of us. I worked during the interim and visited with several of the superintendents, school boards, and some of the associations of school boards, et cetera. I believe my colleague from Assembly District 28 has covered it very well. I think this is a good bill, and I would appreciate your support.

Roll call on Assembly Bill No. 288:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 288 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Remarks by Assemblyman Paul Anderson:

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 321 requires each state agency to provide its employees with information relating to the Merit Award Program.

It adds two sections into the bill that discuss when and where it is appropriate to talk to the agency employees and give them information on how to participate in the Merit Award Program as well as its merits.

Roll call on Assembly Bill No. 321:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 321 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 326.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 326 requires that if an agreement includes a provision requiring a person to submit to arbitration any dispute arising between the parties to the agreement, then the agreement must include specific authorization of that provision by the person. Further, if an agreement fails to include the specific authorization as required by this bill, the provision is void and unenforceable. Collective bargaining agreements are excluded from the provisions of the bill.

I think more and more, we are being asked to accept—especially on computer software and credit cards and everything else—we are expected to accept conditions that we mostly don't read. While that is our own fault, more for not reading, by the fact that they are there, we have an expectation that what we are agreeing to is relevant to the service that we will be receiving. They are slipping in more and more things to agree to that you don't know about. I think, in this

case, if you are giving up a civil right to a jury or a court, or to go to court, or to have a class action lawsuit, you should know that that is what is happening to you. So I would urge that we do this, approve the bill, even though it won't prevent this from happening. It will make people more aware of what's going on.

Roll call on Assembly Bill No. 326:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 326 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 332 defines the term “abandoned residential property” and authorizes the beneficiary of a deed of trust to elect to follow certain procedures at any time after a notice of default and election to sell is recorded if the beneficiary determines the property is abandoned.

Under the bill, the beneficiary may elect to record, in the county where the property is located, an affidavit documenting that the property is abandoned; post a notice on the property; and mail a notice to the last known address of the borrower. The bill authorizes the borrower to record an affidavit stating that the property is not abandoned at any time before the foreclosure sale, in which case the beneficiary's affidavit is deemed withdrawn. If the borrower does not record an affidavit, the foreclosure sale vests title in the purchaser or the purchaser's successor in interest without equity or the right of redemption if the purchaser occupies the property as an owner-occupant, sells the property to an owner-occupant, or sells the property to a land bank for resale only to an owner-occupant.

We all have abandoned properties in our districts, and this bill will help to get those properties turned around and get people living in them who are going to put equity into our communities to help rebuild Nevada. I would appreciate your support.

Roll call on Assembly Bill No. 332:

YEAS—40.

NAYS—Ohrenschall.

VACANT—1.

Assembly Bill No. 332 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 333 requires the Office of Economic Development and the Office of Energy to conduct a cost/benefit analysis of economic development incentives previously approved by each respective office and in effect during the immediately preceding two fiscal years. The result

of the agency's analysis must be reported to the Chief and included as part of the proposed state budget for each biennium. Any such report created is a public record.

This is a great bill that we have worked on very diligently with the Governor's Office of Economic Development in order to create benchmarks to ensure that the incentives that are necessary in order to strengthen economic development in our state are put into place to ensure that Nevada and taxpayers are getting the most benefit for these new industries or businesses for either relocating to Nevada, starting up in Nevada, or expanding here in Nevada. I urge support of this bill as we continuously work to better the Governor's Office of Economic Development, in turn bettering the state of Nevada.

Roll call on Assembly Bill No. 333:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 333 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 339.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

I stand in support of Assembly Bill 339. Assembly Bill 339 addresses the situation in which an employee is scheduled to work 10 hours per day, four days per week, and is unable to work all 40 hours. The measure allows an employer to pay the employee only for the hours actually worked if the employee is not able to work 40 hours in a particular week for a reason outside of the employer's control. If the employee is not able to work 40 hours for a reason outside of the employer's control, then the employer is required to pay the employee overtime for any hours worked over eight hours during a workday.

Finally, A.B. 339 provides that an employee who is regularly scheduled to work ten hours per day, four days per week, is entitled to overtime compensation whenever he or she works more than ten hours in any workday.

Under current law, any day during which the employee works 8 hours but did not work 40 hours in that week, the employer is required to pay overtime. I urge your support for Assembly Bill 339.

Roll call on Assembly Bill No. 339:

YEAS—39.

NAYS—Carlton, Pierce—2.

VACANT—1.

Assembly Bill No. 339 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 341.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 341. Assembly Bill 341 makes various changes to the requirements for licensure by the Board of Homeopathic Medical Examiners and provides for licensure of graduates of a medical school located in the United Kingdom. It also makes many of the existing provisions related to homeopathic physicians applicable to advanced practitioners of homeopathy and homeopathic assistants. Additionally, A.B. 341 revises the educational program requirements for an advanced practitioner of homeopathy and a homeopathic assistant and revises the number of homeopathic assistants who may be employed or supervised by a homeopathic physician. This act becomes effective on October 1, 2013.

Roll call on Assembly Bill No. 341:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 341 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 4:04 p.m.

ASSEMBLY IN SESSION

At 4:09 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bobzien moved that the Assembly reconsider the action whereby Amendment No. 467 to Assembly Bill No. 486 was adopted.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 33, 408, 410, 413, and 425 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 345.

Bill read third time.

Remarks by Assemblymen Bobzien and Hansen.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 345 provides that wildlife in Nevada must be managed according to the best science available. For money generated by a \$3 fee on game-tag applications, the bill allows such money to be used for research relating to injurious predatory wildlife and for management activities relating to the protection of game-animal species that are at risk of or historically

subject to excessive predation. The bill further requires the Board of Wildlife Commissioners to establish certain policies for programs, activities, and research related to predatory wildlife.

This bill provides what I believe to be needed transparency for how the money that sportsmen pay into the predator control fund is used. Predator control is certainly an important part of wildlife management, and this bill recognizes that. In fact, the existing statute does provide that the money should be used for research. This bill, though, makes that explicitly clear and urges the Wildlife Commission to set up policies whereby they can provide better reporting of those activities. In addition, I want to recognize that there was a lot of email that happened over the last 24 hours concerning section 1. Section 1 has been amended previously to make it explicitly clear that the wildlife in the state of Nevada must be managed according to the best science available. I urge passage.

ASSEMBLYMAN HANSEN:

I rise in opposition to this measure, A.B. 345. This goes back to A.B. 291 in the year 2001. I actually was very involved in this back then. What we did was we got a voluntary predator management fee on the deer tag application. For the last 12 years, people have been voluntarily averaging between \$200,000 and \$300,000 that have been given to this fund with the clear intent of managing predators, including much higher levels of actual removal of predators, and that's where the real sticking point has come in. What has happened is the Department of Wildlife has used all these funds mainly to do studies rather than do on-the-ground predator management. At this point, this bill doesn't harm that per se. However, what does change is the fact that all of these people for 12 years, including all of these people who just now put in their applications, thought those monies were being specifically earmarked for predator control efforts, not for another series of studies, and that's why I rise in opposition to it.

If they want to create a new fund, then fine and dandy, but what we are basically doing is we are going back and taking hundreds of thousands of dollars that had been earmarked specifically for predator control, and we are going to use those monies almost entirely for studies. That has been a huge fight for ten years between the Wildlife Commission and the Department of Wildlife and the Department of Agriculture and the federal wildlife management people. I would say that while the overall concept in the bill is fine, especially section 1, the use of scientific requirements—I'm fine with that—but the idea that we are going to take those fees that people have paid, clearly earmarked for predator control, and instead use them for studies is exactly what we've been fighting about forever. Mainly on the basis of good faith to all the people who thought that they have been using this for this purpose, I would urge us to say no. If we want to have a new fund, then fine and dandy. In the meantime, the funds should be used and allocated as the sportsmen had intended that paid this money voluntarily.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker, for recognizing me for a second time. As someone who just recently put in my tag application, the fund is not voluntary. It is a \$3 application fee on all applications. Additional monies can be voluntarily provided at the time of application, but it is not a voluntary fee.

Roll call on Assembly Bill No. 345:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—15.

VACANT—1.

Assembly Bill No. 345 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348.

Bill read third time.

Remarks by Assemblymen Dondero Loop and Frierson.

ASSEMBLYWOMAN DONDERO LOOP:

Assembly Bill 348 establishes certain requirements for the governance of a foster care agency as well as certain requirements for the owners, members, volunteers, and vendors. A foster care agency must report certain information, execute contracts with a foster care provider with whom children are placed, and implement certain provisions for independent living foster homes, among other requirements. The bill also prescribes that foster care agencies can charge and collect certain fees and prohibits placement of certain children under certain circumstances.

ASSEMBLYMAN FRIERSON:

Madam Speaker, I worked with the Department of Child Protective Services, CPS and DCFS, over the interim preparing for this session to deal with the reality that we have children going into homes. We're not adequately providing the training and background checks and making sure that the facilities are appropriate for children. The worst thing that we can do to children in our foster care system is take them out of a bad situation and put them in a worse situation. Meeting with stakeholders to come up with some measures that would normalize the criteria for all of these facilities resulted in Assembly Bill 348. I would urge your support.

Roll call on Assembly Bill No. 348:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 348 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 363.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 363 adds abandoned, inoperable, or junk vehicles to the list of debris and rubbish that constitutes a public nuisance for the purposes of an ordinance adopted by a board of county commissioners or a governing body of a city in a county whose population is 700,000 or more. Such an ordinance may authorize the city or county to request the operator of a tow car to abate a public nuisance by towing an abandoned, inoperable, or junk vehicle if certain requirements relating to notice and the opportunity for a hearing are satisfied. The operator of a tow car who is requested by a city or county to tow a vehicle to abate a public nuisance or condition must comply with state laws regulating tow cars and the operators of tow cars. The owner of the vehicle towed pursuant to a request by a city or county to abate a public nuisance is responsible for the cost of removal and storage of the vehicle unless the vehicle is reported stolen.

Roll call on Assembly Bill No. 363:

YEAS—34.

NAYS—Bustamante Adams, Diaz, Flores, Horne, Kirkpatrick, Neal, Swank—7.

VACANT—1.

Assembly Bill No. 363 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 374.

Bill read third time.

Remarks by Assemblymen Bobzien, Hansen, Ellison, and Elliot Anderson.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 374 prohibits, with certain exceptions, a board of county commissioners from regulating or licensing or requiring any type of permit or fee for organizing, managing, or attending any assembly, event, or activity occurring on certain federal land if a federal agency has issued a license or permit for the activity or has otherwise authorized the activity. A board of county commissioners is authorized to enter an agreement to provide reasonable and necessary law enforcement services for certain activities licensed or permitted by a federal agency on federal land and to receive compensation for such services. Additionally, the county licensing requirement for certain assemblies and the prohibition on certain conduct and activities relating to assemblies does not apply to any assembly, event, or activity occurring on certain federal land that has been licensed, permitted, or otherwise authorized by a federal agency.

Madam Speaker, this makes very clear in statute what many counties have always recognized, including my home county, Washoe County. Festival ordinances enacted by a local government are not applicable to federal lands under the Supremacy Clause of the United States Constitution. What is appropriate for large events, such as the Burning Man festival held in Pershing County every year, is that local governments providing such services, particularly law enforcement services, should be a part of the event planning and should be properly reimbursed for their costs. In fact, in this particular situation, that has been the case for many, many years. What is not appropriate is a local government enacting an ordinance and merely handing someone a bill when the organizers already have to go through a federal permitting process. I urge passage.

ASSEMBLYMAN HANSEN:

I urge a no vote on Assembly Bill 374. What this really boils down to—let's start with the Washoe County ordinance, first of all. That has been thrown out quite a bit. I actually asked our own legal staff whether or not what Washoe County was doing was, in fact, legal. Here it is from LCB: "You have asked for an opinion concerning whether Washoe County is in compliance with statutory provisions regarding the regulation and licensing of outdoor assemblies. It is the opinion of this office that Washoe County is not in compliance with statutory provisions." So the use of Washoe County in this—in fact, Washoe County has not been following the law.

This involved Burning Man and this involves big, big dollars. They have to, by BLM requirements, give them a gross estimate—a 3 percent gross estimate—of the amount of money they are going to generate. In 2010, they paid \$1.2 million; in 2011 they paid \$1.6 million; and in 2012 they paid \$1.9 million. That adds up if you assume that it is 3 percent of the gross. They grossed in 2010 \$41 million. In 2011, they grossed \$52 million; in 2012, \$62 million. Now, how much do they actually pay in taxes to the state? Their total tax bill—the total amount they paid in 2010 on their own "After Burn" report—was \$423,000. In 2011, that amount was \$461,000. In 2012, with estimated gross revenue of over \$60 million, they paid \$155,000. Now, if you go back to 2003 when Burning Man had 31,000 participants, they paid, in payroll, just a hair over \$1 million. In 2012 when they had 58,000 participants, they paid \$8 million to themselves. In the meantime, little, tiny Pershing County, which is required under our own statutes—*Nevada Revised Statutes* 244.354 through 244.3548, which requires them to do certain things for outdoor events—and what did they bill? They billed a whopping total of \$375,000. And what this really boils down to is that we have a very big, powerful corporation grossing

somewhere—they say up to \$30 million. Let's use \$30 million. They gross up to \$30 million, then use their corporate power to basically intimidate a little, tiny county of 6,000 people with an entire county budget of only \$8 million to provide all the enforcement, including court costs and everything else. On an itemized bill, Pershing County only charged them \$375,000. Keep in mind, that same week they paid their own people \$8 million. Yet they are accusing Pershing County of being the greedy ones in all of this.

I know there are some bills coming up where we are dealing with these kinds of organizations that come to our state and basically contribute nothing. I totally support that idea. And that is really what we are looking at right here. They have a federal lawsuit. It is going to cost little, tiny Pershing County \$200,000, at least, just to defend what they did, what we required them to do, in a federal court hearing. They are in court as we speak. Somehow, Pershing County is the bad guy in all of this. Now I am going to tell you, it is not Pershing County that is the problem here. It is a big, powerful corporation making millions of dollars, and these guys try, very legitimately, to bill them for the services which are required under state law.

In the bill itself, in the digest in sections 3 and 4, it says “the prohibition on certain conduct and activities relating to assemblies do not apply to any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit . . .”. What are we talking about right there? Well, if you go into the bill and you look at what we are actually saying that we can't do anymore, here is one of the provisions that do not apply anymore: “Knowingly allow any person at the licensed assembly to use, sell or be in possession of any controlled substance while in, around or near a place of the assembly.” We basically took away the ability for our own law enforcement people to enforce the drug laws. That is in this bill that we are agreeing to do. Why in the world would we remove that?

Now, another issue. When we agree to say that the federal government is supreme in all these sorts of things, we are shooting ourselves in the foot because the federal government is supposed to work with us in a concurrent fashion. This bill allows Pershing County, and the language in the bill itself clearly says it will allow county government to enter into an agreement. In other words, there is no authority for the government anymore. If in this agreement Burning Man does not agree, the county has no authority anymore to force them to comply with the statutes that we put into place that the county is trying to obey. As we look at this whole thing and step back for a second, somehow the little tiny county government that is trying to stand up and obey the laws that we told them to do is the bad guy in this scenario.

There is a federal court hearing. Why are we getting involved in the middle of a court hearing that hasn't even been adjudicated? There are so many issues with this that it's hard to know where to start. But the bottom line should be this: When we have these big outdoor events that come into the state of Nevada and generate \$50 million or more, it is not at all unreasonable to pay a very tiny slice of that for the law enforcement and the legal provisions that we require a county to provide. Three hundred and seventy-five thousand dollars out of somewhere between \$30 million and \$50 million is a drop in the bucket. I hope we step back and try to protect our own people in this.

We've got to look out for the little guy in this. The big corporation in this case is not the victim of some sort of greedy little county. They have enough money to pay their own people \$8 million when only six years earlier they'd been paying only \$1 million. There's a lot of money being made in this. It's not unreasonable at all to expect the county to at least cover their costs in these sorts of scenarios. Having said that, Madam Speaker, I again urge that we defeat A.B. 374, that we stand up for the rights and protections of our little counties—little tiny Pershing County, 6,000 people—and we allow the court process to go forward. Then maybe if we've got to clean something up in the future, we can do so. But for right now, this bill should be defeated and we should allow the courts to handle this and allow it to be adjudicated before we start making decisions determining whether Pershing County is the good guy or Burning Man is the good guy.

ASSEMBLYMAN ELLISON:

I stand in opposition to Assembly Bill 374. I think my colleague from District 32 has done a great job describing the impact on just one small county. I believe this bill negatively impacts local counties and municipalities by heavily restricting their authority. I also believe Assembly Bill 374 sets a negative precedent that could have serious, unintended consequences in the future. I urge members to vote against A.B. 374.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of this measure. I guess where I am coming down on this issue is I want to avoid litigation costs in the future. I think when we are talking about activities that are happening on federal land that are big and important to the economy like Burning Man is, we ought to provide some certainty. I think this bill provides some certainty. It makes clear when people can regulate an event on federal land if they enter into an agreement, and I think that is important because, like my colleague from District 32 said, Pershing County is now dealing with huge legal fees. It is better to wrap this up here with clarity in statute so that people going forward know exactly what they can and can't do. This bill does that.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker, for acknowledging me for a second time. There was enough said that I wasn't planning on speaking for a second time, but I do believe it deserves a response. Assembly Bill 374 does not take away existing rights; it merely clarifies that when the federal government has issued a permit for an outdoor assembly on federal land, the county cannot impose its own duplicative and potentially conflicting permits. There is no hypothetical concurrent jurisdiction that is at risk, as that issue is a settled matter of county and state jurisdiction regarding federal lands under the Supremacy Clause of the U.S. Constitution.

This is not a de facto bill of attainder. This does not adjudicate guilt in any pending litigation. The bill has no impact on the county's ability to enforce state and local laws on federal land or to be compensated for reasonable and necessary law enforcement services it provides in connection with a federally permitted event.

Pershing County's decision to more than triple the amount it has charged Burning Man for law enforcement from \$120,000 in 2011 to \$375,000 in 2012, and then to increase the amount again in 2013 to \$600,000, is not the subject of this bill. Whether these amounts are reasonable or excessive is the subject of the pending litigation. Burning Man is not a \$50 million corporation that pays no direct taxes in Nevada. Black Rock City, LLC—the company—is a \$23 million production company that is a Nevada limited liability company, and as such pays all the taxes that all other Nevada companies do.

Burning Man provides substantial economic benefits to Nevada—and particularly northern Nevada—across the region. Participants attending the event spend over \$30 million per year in Nevada, and the company spends over \$5 million a year in production and planning. I also want to point out that the implication that BRC is a wealthy organization that paid their administrators \$8 million for a one week event is simply not true. BRC employs hundreds of people, with many year-round employees; its entire payroll is about \$7 million. BRC's expenses for the event and its year-round activities are in excess of \$22 million. Rather than making substantial profits, it has donated large sums to municipalities and charities in Nevada, including over \$400,000 to Pershing County.

Madam Speaker, this is not about picking on a little county; this is about providing certainty, presenting a business friendly face forward for the tourism endeavors that we have in this state, and providing an opportunity for a fantastic event for all of Nevada.

Assemblymen Horne, Frierson, and Carlton moved the previous question.
Motion carried.

The question being the passage of Assembly Bill No. 374.

Roll call on Assembly Bill No. 374:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Kirner, Livermore, Munford, Oscarson, Stewart, Wheeler, Woodbury—15.

VACANT—1.

Assembly Bill No. 374 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 382.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Assembly Bill 382 allows the governing body of a city, within a county whose population is 700,000 or more and which is home to an endangered or threatened species, to impose a fee, by ordinance, on the construction of a structure or the grading of land in the unincorporated areas of the county if the county has created an enterprise fund as specified. The enterprise fund must be established pursuant to current state law, and the money in the fund may be used only to pay the actual direct costs of the program or programs established to encourage the preservation of those species or subspecies in the county likely to have a significant impact upon the economy and lifestyles of the residents of the county if listed as endangered or threatened. The fee, collected at the same time and in the same manner as the fee for the issuance of a building permit, may be no more than \$550 per acre.

This bill authorizes the areas of North Las Vegas, Las Vegas, Henderson, Boulder City, and Mesquite to validate and impose those fees they have already been doing and get them into legal compliance.

Roll call on Assembly Bill No. 382:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 382 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblymen Woodbury and Ohrenschall.

ASSEMBLYWOMAN WOODBURY:

Assembly Bill 386 establishes a pilot program in the Clark and Washoe County School Districts for the administration of mental health screenings to students enrolled in at least one secondary school in each school district. It also requires a parent to affirmatively give his or her written consent to the proposed screening or the child will be exempt.

This measure requires the school districts to report program outcomes to the Legislative Committee on Education and Nevada's Department of Education, and the Department must subsequently compile the results and submit them to the 78th Session of the Nevada Legislature.

Assembly Bill 386 also ensures engagement and coordination with community stakeholders throughout the process of implementing the pilot program, specifies that a school district does

not have financial or referral responsibilities related to follow-up treatment that might be needed by a student who is screened, and provides for aggregated data collection to inform the possible development of future programs, resources, or interventions.

The Wall Street Journal reported that, according to the National Institute of Mental Health, half of all cases of mental illness start by age 14. About 11 percent of adolescents have a depressive disorder by age 18. Left untreated, such issues can lead to high dropout rates, substance abuse, violence, and suicide—the third leading cause of death in adolescents. I believe that early identification and intervention is the key for best outcomes. If treatment can begin at the earliest stages—before illness begins to manifest in both self-destructive and outwardly destructive behaviors—the individual has a much higher chance of recovery, and both the social and financial costs to society are greatly reduced. I urge your support of this pilot program that seeks to address mental illness at its outset by voting yes on A.B. 386.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of A.B. 386. I think this could be one of the most important bills we process this session. This bill has such a potential to help our children. My colleague from District 3 has crafted this carefully, in that it is optional. A school, the principal, will have to agree to participate in this pilot program, and a parent will have to opt in to administer the screenings to their child.

In my private life, I've been working in the juvenile justice arena, and I see so many children who end up getting arrested because there's an undiagnosed mental health issue. Oftentimes these children turn to drugs to self-medicate because of the problems and because of the help they're not getting at home. One story, I recall, was a parent who said in open court that she hoped her child would get arrested because then maybe she'd get the treatment that she needed. This bill has the potential to try to get kids the help they need before they end up in the system and before they've made choices that may prejudice their future.

Roll call on Assembly Bill No. 386:

YEAS—34.

NAYS—Duncan, Ellison, Fiore, Grady, Hambrick, Kirner, Wheeler—7.

VACANT—1.

Assembly Bill No. 386 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 395.

Bill read third time.

Remarks by Assemblymen Fiore, Carlton, and Frierson.

ASSEMBLYWOMAN FIORE:

Assembly Bill 395 prohibits a person associated with a common-interest community from willfully and without legal authority harassing, threatening, or engaging in a course of conduct against other persons associated with their community, if that conduct causes harm or serious emotional distress or the reasonable apprehension thereof, or creates a hostile environment for the other person. The prohibition applies to a community manager; an agent or employee of a community manager; a member of the executive board; an agent, employee, or offices of a homeowners' association; a unit's owner; and a guest or tenant of a unit owner.

The bill provides that a person who violates this prohibition commits a public nuisance and is guilty of a misdemeanor.

I just want to thank my colleagues from Districts 8, 24, and 34 for amending this bill to greatness. I also want to double thank my colleagues from Districts 8 and 18 for working diligently with me in collaboration on this bill.

ASSEMBLYWOMAN CARLTON:

I believe I'm in opposition to this bill, but I do have a question since I did not get to sit in on the testimony on this bill. It's my understanding that this sets up separate actions and accountabilities and punishments if a behavior happens in a common-interest community, but for those of us who don't live in a common-interest community, if our neighbors treat us this way, we have no recourse. Is that correct?

ASSEMBLYWOMAN FIORE:

No, that is not correct. The law is the law. It just helps our homeowners and all of the associations out.

ASSEMBLYWOMAN CARLTON:

Madam Speaker, I believe I'm confused, then, because as I read this bill, to me, it applies just to residents of common-interest communities.

ASSEMBLYWOMAN FIORE:

Madam Speaker, may I ask my colleague from District 8 to help me out on this bill?

ASSEMBLYMAN FRIERSON:

Thank you, Madam Speaker. I believe that the bill refers specifically to HOAs and also property management companies. I think if there was a situation where there was a home that was not in a HOA or a property management association, they would not be covered under this bill. I believe it expressly refers to homeowners' association harassment by members of the HOA and by the property management company.

ASSEMBLYWOMAN CARLTON:

Thank you very much, Madam Speaker. I am now opposed to this bill. I don't believe we should treat different groups of people, depending upon where they live and the homeowners association dues that they pay, any differently than we do any of our other constituents in this state.

Roll call on Assembly Bill No. 395:

YEAS—31.

NAYS—Bobzien, Carlton, Daly, Diaz, Eisen, Flores, Martin, Pierce, Sprinkle, Swank—10.

VACANT—1.

Assembly Bill No. 395 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

I rise in support of Assembly Bill 418, which revises the formula for distributing the proceeds from a property tax that county commissioners in a county with a population of 700,000 or more may levy at a rate not to exceed 5 cents per \$100 of the assessed valuation of the county. The proceeds are distributed among the county and the cities and towns in the county.

Clark County and the various cities in Clark County have worked very diligently over the past few weeks to arrive at this bill, and it's an equitable solution that divides the money up in a very equitable manner. I urge your support, thank you.

Roll call on Assembly Bill No. 418:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 418 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 440. Assembly Bill 440 extends the deadline for online and in-person voter registration to 5 p.m. on the Friday immediately preceding election day. The bill clarifies that persons who register during early voting are eligible to vote during the early voting period.

Madam Speaker, in the Committee on Legislative Operations and Elections, there was much testimony from the office of the Secretary of State as to the security of the current system and as to the almost nonexistent amount of fraud in the current system. However, there was also testimony as to thousands of people who registered during the early voting period, qualified electors, but who were not able to vote because they missed a deadline. Nevada's deadlines are some of the most onerous in the country in terms of being able to register to vote.

One issue that gets me is the fact that a qualified elector in a state that allows later registration would be able to vote, but here in Nevada, would not. This would simply push up the deadline for online registration and in-office registration—two very secure forms of registration, not mail-in registration, but the two very safe forms of registration—to the last day of early voting, and it would allow those new registrants to participate in early voting if they choose to.

Roll call on Assembly Bill No. 440:

YEAS—25.

NAYS—Paul Anderson, Carlton, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—16.

VACANT—1.

Assembly Bill No. 440 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 441.

Bill read third time.

Remarks by Assemblymen Flores, Hickey, Ohrenschall, and Carlton.

ASSEMBLYWOMAN FLORES:

I rise in support of Assembly Bill 441. Assembly Bill 441 authorizes county and city clerks to create one or more polling places on election day at which any registered voter may vote in person, without regard to his or her precinct.

This bill, first of all, is permissive. It is not mandatory. It allows the clerks to set up, essentially, a voting center, and I think probably everyone here has experienced a time where we have had to help our constituents in finding their polling location. If they are already a registered voter, they can go to this voting center—if their county registrar has elected to set it

up—and they can vote without having to go to their actual polling location. This is obviously very important, because any way in which we can help our community vote is always something that's worth doing on our end as a legislative body. I urge this body to support this. It is only going to help our community, and again, this is permissive, not mandatory, and it helps those who are already registered to vote to actually be able to cast their vote if they're confused about where their polling location is on election day.

ASSEMBLYMAN HICKEY:

I rise in opposition to A.B. 441. We heard extensive testimony on this bill about the fact that Nevada has one of the most permissive and liberal, if you will, early voting periods. There is ample opportunity, and I think the evidence of that is the very high percentage of voters that participated this past November. There are plenty of opportunities for people to vote, and the communication of voter guides and things from the county registrars are extensive; they tell voters plainly where their polling places are. Finally—with regards to having the county set up, somewhat arbitrarily, polling places on election days—it has been shown in some studies that there could be an advantage to one party or another depending on where those locations were settled. I think what we have now is a system that's working well. We have high voter turnout. People, I think, have an opportunity, and certainly if they're paying attention, they know where to vote currently.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of A.B. 441. There is not one election I can remember where I have not received a call from a voter. Usually it's about 6:40 on election day; they go to where they've always voted for years, and they're told they don't vote there—they need to head a couple of miles away to the new polling place. They're not going to make it, or they're going to be frustrated and they're just going to give up. That's always heartbreaking to me. In Clark and Washoe Counties we've had, as the Minority Leader said, very successful early voting, and early voting in Clark County does not discriminate in terms of where someone lives. You can show up to any of the early voting sites all around the county and you can vote; it doesn't matter what part of the city you live in. I think that leads to a problem on election day because we've taught people that during this two-week period of early voting, you can show up at any of the sites and vote, but on election day, it's back to the old fashioned way things work, and you have to go vote at the polling place in your neighborhood.

This will increase participation. One statistic that the Minority Leader cited—the 90 percent turnout in the last election—that's great, but our Committee also received data during our hearings that we have over 60,000 eligible but not registered. When you factor that into it, Madam Speaker, that means that less than half of the people eligible to vote—qualified electors—are participating, and anything that could increase participation, I think this body has a duty to support. I urge your passage.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 441. I'd like to share a story with you. Years ago, I wanted to vote on election day and showed up at my polling place. I was working the 7-3 shift at one of the hotel casinos, and by the time I got there, I stood in line for a couple hours—and it was one of the years where we had a very, very high turnout—and had to ask my husband to stay at home and wait for the Girl Scouts to show up because I couldn't get through the polling place in time.

Having polling places where people could go anywhere on election day and that was close by—especially when you're a Strip worker and you work the day shift, you have to be there at 7 a.m. or 8 a.m., you need to be in the parking garage at least a half an hour to 40 minutes earlier, and it takes you that half an hour to 40 minutes later to get out of it—it would be so much easier. Transportation can be a huge issue, getting on and off of our major tourist quarter when you're an employee down there, so I think this would be a definite advantage to the thousands of folks that we have working on the Strip every election day.

Roll call on Assembly Bill No. 441:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—15.

VACANT—1.

Assembly Bill No. 441 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 459.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 459 allows a school facility's panel to remain dormant in effect, unless they have duties required by the statute.

As we all know, there's not always a lot of construction going on, and so this bill was a compromise between the school districts and some folks who were concerned about this panel remaining active to still stay around and to still be there for when construction does start. This does provide for some leeway to the school districts so they don't have to provide administrative support when there's no construction going on.

Roll call on Assembly Bill No. 459:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 459 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 494 makes several changes to the structure and responsibilities of the Nevada State Funeral Board including the name change of the Board to the Nevada Funeral and Cemetery Services Board. The number of Board members is increased from five to seven and several other requirements.

I had the privilege of being the chair of the Sunset Subcommittee—privilege or maybe a curse. It was a committee that was enacted last legislative session by a bipartisan effort, both from the Assembly and the Senate, both from Rs and Ds, and we were tasked with reviewing boards and commissions to make sure that they served the purpose of Nevada. This was one of the boards that, after several attempts for several years for us to be able to get them to do their job, failed repeatedly, but I guess this board believes in resurrections. They have come together with some help from former Governor Bob List and others to try to get it right for Nevada, so it does make some very strict changes. It also gives them a probationary notice to come back to the Subcommittee and report back to us every six months. I'm just the messenger, but I've learned a lot about boards and commissions in Nevada, and this is a way for us to put them on notice to make sure that they still serve our state.

Roll call on Assembly Bill No. 494:

YEAS—31.

NAYS—Carlton, Duncan, Fiore, Hambrick, Healey, Horne, Kirkpatrick, Ohrenschall, Oscarson, Wheeler—10.

VACANT—1.

Assembly Bill No. 494 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496.

Bill read third time.

Remarks by Assemblymen Bustamante Adams, Stewart, Healey and Madam Speaker.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 496 makes various changes to the Clark County Sales and Use Tax Act of 2005. These changes include temporarily suspending the provisions which prohibit these tax revenues from supplanting or replacing existing funding for police departments until July 1, 2016; requiring additional reports to be filed relating to the expenditure of revenues during the period which these provisions are suspended; resetting the base year for determining when the use of these sales tax revenues supplant or replace existing revenues; and authorizing the imposition of an additional sales and use tax rate of up to 0.15 percent in Clark County, which may become effective no earlier than October 1, 2013. In order to become effective, this rate must be approved by a two-thirds majority of the Clark County Commission.

ASSEMBLYMAN STEWART:

I rise in support of A.B. 496. Our police force is being depleted in southern Nevada. We're 400 officers short of what we were back in the last decade. Crime is increasing by approximately 13 percent. They are stretching themselves throughout the county, and I'm very much in support of this bill. I'm in support of it because our neighborhoods need protection. My grandchildren, your grandchildren, all of our grandchildren need protection, and our tourists on the Strip need protection. I urge you to support this very important bill.

ASSEMBLYMAN HEALEY:

I rise in support of this bill as well. My district is in the far southwest part of the valley, which falls under the Enterprise command. Enterprise is one of the largest in our state and certainly under resourced; we oftentimes have long waits for 911 calls, which I was unfortunate enough to witness myself. I have worked very closely with our area command, and it comes down to resources. It comes down for the ability to have black and white vehicles on our streets and in our community, and it would be wonderful to get back to a part where our police force could actually be community policing versus response policing. It would be wonderful to get back to a part where our officers could get to know our business owners and our residents in the areas and commands they protect and serve every day. Unfortunately, they don't have the ability to do that because they don't have enough resources to keep up with the rising crime that our valley has seen.

Switching gears a little bit to my professional career, being on the Strip, our number one industry continues to be tourism. Unfortunately, we saw a terrible disaster just a week ago here in our country and what it takes in order to take control of a situation and handle a situation appropriately, which Boston and the surrounding jurisdictions did beautifully. Being on the Strip and being in charge of one of those buildings, it scares me every day to think that we could potentially have disaster hit our tourist district. And do we have enough resources to respond to that? No, we don't. It will take one incident—like what we saw in Boston—on our Strip to

tragically impact our state and put people back out of work and to shut down businesses, and we can't afford that. Are there concerns operationally about money? Yes, absolutely, but just as with the school bill—the measure on the bill that just failed and now we don't have enough money to build schools—it's a similar situation with our police force. If we don't invest in our police force and give them resources, our sheriff will have no choice but to reduce forces even more. We cannot allow that. We must stop the bleeding, and we must get back to a part where our police force can be there to be part of the community and not just respond at a time of need. I urge all of us to support this measure. Thank you.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Assemblywoman Bustamante Adams, I just have a clarification that I want to make sure gets addressed on the other side. I believe the Committee talked about some accountability measures—how many officers would actually be put in place, some amendments that were talked about in Committee on the body cameras, how many officers across Clark County would be accounted for so that we could hold the police department accountable for the dollars that were spent—so could you refresh my memory? Those were part of the discussion in the Committee, and they were going to look forward on the other side to putting those in place?

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Yes, Madam Speaker, those issues were answered by the sheriff, and in addition to the amendment from the NAACP, that has been provided so that we can address it on the Senate side.

Roll call on Assembly Bill No. 496:

YEAS—32.

NAYS—Paul Anderson, Carlton, Carrillo, Duncan, Ellison, Hogan, Pierce, Spiegel, Wheeler—9.

VACANT—1.

Assembly Bill No. 496 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 139 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 187.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 187 specifies that the single document rule does not apply to the sale of a motor vehicle in which, by agreement of the parties, a device has been installed that can disable the vehicle remotely. The bill also provides for regulation of the use of such devices in relation to the financing or leasing of a motor vehicle. It prohibits a party financing or leasing a motor vehicle from requiring a buyer or lessor to agree to the installation of such a device as a condition of a retail installment contract or lease agreement. The measure requires certain

disclosures and notice requirements and specifies that a violation by a secured party or lessor is a deceptive trade practice.

Roll call on Assembly Bill No. 187:

YEAS—25.

NAYS—Carlton, Carrillo, Ellison, Fiore, Grady, Hambrick, Hansen, Horne, Kirner, Livermore, Neal, Pierce, Stewart, Swank, Wheeler, Woodbury—16.

VACANT—1.

Assembly Bill No. 187 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblymen Cohen, Hansen, and Frierson.

ASSEMBLYWOMAN COHEN:

Assembly Bill 421 modernizes Nevada's laws on assisted reproduction. The bill provides definitions of appropriate terms; identifies the circumstances in which a parent-child relationship is established and in which a person is and is not the parent of a child; and addresses the effect of a divorce or termination of a domestic partnership.

Assembly Bill 421 also provides that court hearings related to assisted reproduction are confidential, addresses the effect of noncompliance with a gestational agreement, provides that a gestational carrier or donor may receive reimbursement for expenses and economic losses, and requires consideration, if any, to be negotiated in good faith between the parties. The bill also repeals obsolete statutes.

ASSEMBLYMAN HANSEN:

I voted against this bill in committee, although, honestly, the bill is an excellent bill for what it does. The reason I did is because of what they are deleting from the language. What is deleted says that two persons whose marriage is valid under Chapter 122 of NRS may enter into a contract with a surrogate for assisted conception. Since these are very, very well planned pregnancies, I believe that any kid coming into this world has the right to have a legally and lawfully wedded mother and father. I realize that is out-of-date, and the attorney who presented the bill said that no longer applies. But I have been watching now for 40 years as our society has changed to where now we have over half of our children born in illegitimate situations, and we have this huge rise in poverty in our state. We have this incredible number of young women who are living in poverty trying to raise children.

Just to close this out real quick, I have been doing a lot of homework on the education situation in Nevada, and I went back and read all of the State of the State speeches. Here's what Governor Bryan said—he was the first one who actually came up with this—where this change started to occur. He said our schools, particularly our teachers, are facing new heretofore unknown challenges. By 1991 one-half of our students, at some time during their schooling, will come from single parent families and one in four will live in poverty. Students will come from more diverse backgrounds with less support from home. I only want to bring that up because we have a whole lot of marriage things coming up and if we really, truly were worried about helping children stay out of poverty and helping women, in particular, avoid being single parents, these so-called traditional values that most of us are actually old enough to have grown up with—I don't think we should be so quick to throw those things out. When you are dealing with marriage, you're talking about an institution that has been going on for at least four or five thousand years. Just a little food for thought.

ASSEMBLYMAN FRIERSON:

Assembly Bill 421 ironically, attempts to, in some way, address our single parent situation by adopting measures that adapt to modern times. Assembly Bill 421 seeks to acknowledge those individuals that come together to serve as a stable parenting source for these children, and I think it is ironic that the concern about this is single parent homes when Assembly Bill 421 simply attempts to address that by allowing parents who have parented children in a nontraditional way to provide that source. Having experience in family court and seeing the foster care system firsthand, anything we can do in a modern world to make sure these children have a stable parent situation that is stable for their entire childhood is a positive step forward and a way for Nevada to move forward and catch up with the rest of the country.

Roll call on Assembly Bill No. 421:

YEAS—39.

NAYS—Hansen, Hardy—2.

VACANT—1.

Assembly Bill No. 421 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 486 allows certain telecommunication providers to apply to the Public Utilities Commission of Nevada for relief from the duty to provide basic network and business line service when certain alternative services are available. The measure prescribes the procedures to be followed by the PUCN in reviewing such an application and allows the PUCN to require providers to continue service under certain circumstances. The bill also gives the PUCN the authority to regulate certain telecommunication providers under provisions of federal and state law. Finally, A.B. 486 removes obsolete references to telegraph lines and equipment throughout the *Nevada Revised Statutes*.

Madam Speaker, you know that you, my colleague from District 32, and I held many work sessions on this bill, and we did meet with all of the parties to compromise on how the state of Nevada would move provider of last resort relief for the telecommunication industry in a direction without leaving the consumers in the state in a state of uncertainty. My colleagues and I feel very confident that we have scaffolded the process in a way to ensure that we educate our constituents about what this change means for them, ensured that we have the necessary protections in place, and we also feel that we have created sound telecommunication policy, moving our state into this next frontier of telecommunication modernization.

Roll call on Assembly Bill No. 486:

YEAS—39.

NAYS—Fiore, Ohrenschall—2.

VACANT—1.

Assembly Bill No. 486 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered reprinted, engrossed, as amended, and to the Senate.

Assemblyman Horne moved that the Assembly recess until 5:30 p.m.
Motion carried.

Assembly in recess at 5:23 p.m.

ASSEMBLY IN SESSION

At 5:36 p.m.
Madam Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Pulley and Eileen Moynihan.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Brookfield School: Spencer Abts, Adithya Ayanam, Chase Buchholz, Maya Conkey, Arabella Cullen, Kyle Dixson, Nathaniel Evans, Vivian Fyda, Arvind Gill, Gavin Glass, Jordan Goecker, Cameron Hackenberry, Olivia Hackenberry, Katarina Hallerbach, Jonah Henry, Grishen Hestiyas, Michael Howard, Sarah Liley, Neil Macartney, Akshay Mediwala, Daria Prewitt, Dane Quackenbush, Sarah Ross, William Ross, Erin Schmidt, Elissa Simons, Jordan Tayler, Melissa Venzon, Joshua Zebrack, Annette Friedlander, John Trevino, Lynne Simons, Julia Abts, and Peta Ross.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Knight.

The Assembly observed a moment of silence for Wilburta Marvel, who passed away today, April 23, 2013.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, April 24, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:38 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly