

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 7, 2013

Senate called to order at 11:16 a.m.

President Krolicki presiding.

Roll called.

All present except Senator Brower, who was excused.

Prayer by William Stoddard.

Our Father Who Art in Heaven, Hallowed be Thy Name.

At the commencement of this Floor Session of the Nevada State Senate, we express our thanks for the liberties we have in this land to elect public officials, like these Senators, who are willing to meet together for the purpose of receiving input, deliberating and enacting legislation to keep the people of this great State safe, and to enable us to continue to enjoy peace and pursue happiness. We appreciate each and every one of these great men and women for their sacrifices to come to the Nevada State Legislature, to give of their time, talents and expertise in helping make this State a better place to live. We are also appreciative of their advisors, assistants and staff members and for all they do to further the legislative process.

As we begin this Floor Session, we ask that Thou would bless these State Senators, and all who work with them, to be able to listen with earnestness and patience to the opinions and views of others, to be kind and considerate of each other, to speak with clarity and wisdom regarding their own views, and to ultimately make decisions with wisdom so that the legislation approved by this Body will be for the best good of the people of this State.

Please bless our Senators with health, strength and stamina to be able to endure the long hours of this Legislative Session, so that fatigue will not impair their ability to make quality decisions and enact legislation that is wise and prudent. May our Senators have Thy guiding influence to be with them, and may they, and all who work with them, be kept safe from harm.

Lastly, may Thy choicest blessings be upon this Body, and upon all others who have come here holding the public's trust in their hands, such that their work product will be a blessing to the State of Nevada.

These blessings we ask of Thee, in the Name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAT SPEARMAN, *Chair*

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

March 6, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 1, 6, 24, 31, 39, 42, 46, 49, 58, 67, 79, 96, 101.

CINDY JONES
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Jones, Ford, Gustavson, Hutchison, Segerblom, Denis, Goicoechea, Hammond, Hardy, Kihuen, Manendo, Parks, Settlemeyer, Smith, Spearman, Woodhouse; Assemblymen Bobzien, Hardy, Wheeler, Healey, Oscarson, Daly, Duncan, Hansen, Livermore and Swank:

Senate Joint Resolution No. 9—Urging the Director of the Bureau of Land Management to expedite the process for approving special recreation permits for certain uses of federal public lands in Nevada.

Senator Jones moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Parks (by request):

Senate Bill No. 215—AN ACT relating to the taxation of property; revising the training requirements for certification as an appraiser; allowing a county assessor to waive the monetary penalty for a failure to report the purchase, repossession or entry into this State of a mobile or manufactured home; revising the provisions governing the transfer of certain veterans' exemptions from the governmental services tax; repealing the prospective expiration of certain provisions for the funding of accounts for the acquisition and improvement of technology in the offices of county assessors; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By Senator Parks (by request):

Senate Bill No. 216—AN ACT relating to property taxes; authorizing tax receivers to provide tax bills under certain circumstances electronically in lieu of by mail; revising the provisions governing the procedure for the collection of delinquent taxes; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By Senator Manendo (by request):

Senate Bill No. 217—AN ACT relating to county roads; revising provisions relating to the manner of performing work for the construction and repair of roads and bridges in smaller counties; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 218—AN ACT relating to inspectors of structures; requiring a certified inspector of a home or other residential structure to provide certain information relating to corrugated stainless steel tubing installed in the structure; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 219—AN ACT relating to professional licensing boards; revising provisions relating to the reporting of certain information by certain professional licensing boards to law enforcement agencies; requiring, to the extent feasible, certain professional licensing boards to communicate or cooperate with or provide documents or other information to another licensing board or agency, or a law enforcement agency, that is investigating a person; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 220—AN ACT relating to professional licensing boards; revising provisions relating to the reporting of certain information by certain professional licensing boards to law enforcement agencies; requiring, to the extent feasible, certain professional licensing boards to communicate or cooperate with or provide documents or other information to another licensing board or agency or a law enforcement agency that is investigating a person; providing for the filing of anonymous complaints with certain licensing boards; authorizing members and agents of certain licensing boards to enter certain premises to enforce provisions governing professions regulated by the respective boards; providing for the forfeiture of certain personal property used in the commission of the unlicensed practice of certain professions; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Jones, Ford, Kihuen, Segerblom and Spearman:

Senate Bill No. 221—AN ACT relating to persons with mental illness; requiring a court to transmit within 5 business days certain records of adjudication concerning a person's mental health to the Central Repository for Nevada Records of Criminal History for certain purposes relating to the purchase or possession of a firearm; requiring certain persons to request a background check before transferring a firearm to another person under certain circumstances; prohibiting certain persons from having possession, custody or control of a firearm; prohibiting certain persons from selling a firearm under certain circumstances; revising the functions of the Division of Mental Health and Developmental Services of the Department of Health and Human Services; providing penalties; and providing other matters properly relating thereto.

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

Motion carried

By Senator Hardy and Assemblywoman Fiore:

Senate Bill No. 222—AN ACT relating to common-interest communities; revising provisions governing meetings of the executive board of a homeowners' association; authorizing a private cause of action for certain violations of provisions governing meetings of an executive board; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Hardy, Gustavson, Cegavske, Goicoechea, Settlemeyer; Assemblymen Fiore, Paul Anderson, Wheeler, Hardy, Hickey, Ellison, Stewart and Woodbury:

Senate Bill No. 223—AN ACT relating to concealed firearms; authorizing employees of the Nevada System of Higher Education or a private or public school who hold permits to carry concealed firearms to carry concealed firearms on school property under certain circumstances; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Cegavske, Hardy, Manendo and Assemblywoman Dondero Loop:

Senate Bill No. 224—AN ACT relating to driving under the influence; providing for the imposition and collection of a fee for the provision of specialty court programs following a conviction for a misdemeanor offense of driving a vehicle under the influence or a lesser included offense; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 24.

Bill read second time and ordered to third reading.

Senate Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs.

Amendment No. 19.

"SUMMARY—Makes various changes relating to technological crimes. (BDR 18-220)"

"AN ACT relating to technological crimes; authorizing the Attorney General to take certain actions to prevent technological crimes; revising the provisions governing actions which constitute theft to include the theft of audio or visual services; revising the provisions governing the appointment of an Executive Director of Technological Crime within the Office of the Attorney General; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Attorney General to investigate and prosecute any alleged technological crime, pursue the forfeiture of property relating to a technological crime and bring an action to enjoin or obtain any equitable relief to prevent the occurrence or continuation of any technological crime.

Existing law describes certain actions which constitute theft. (NRS 205.0832) Section 2 of this bill revises those provisions to include the theft of audio or visual services.

Existing law creates the Technological Crime Advisory Board. (NRS 205A.040) Existing law also requires the appointment of an Executive Director of Technological Crime within the Office of the Attorney General upon approval by two-thirds of the members of the Board. (NRS 205A.070) Section ~~2~~ 3 of this bill requires the appointment to be made upon approval by a majority of the members of the board.

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

Section 1. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Attorney General may:*

(a) *Investigate and prosecute any alleged technological crime.*

(b) *Pursue the forfeiture of property relating to a technological crime in accordance with the provisions of NRS 179.1156 to 179.121, inclusive.*

(c) *Bring an action to enjoin or obtain any other equitable relief to prevent the occurrence or continuation of a technological crime.*

2. *As used in this section, "technological crime" has the meaning ascribed to it in NRS 205A.030.*

Sec. 2. NRS 205.0832 is hereby amended to read as follows:

205.0832 1. Except as otherwise provided in subsection 2, a person commits theft if, without lawful authority, the person knowingly:

(a) Controls any property of another person with the intent to deprive that person of the property.

(b) Converts, makes an unauthorized transfer of an interest in, or without authorization controls any property of another person, or uses the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use.

(c) Obtains real, personal or intangible property or the services of another person by a material misrepresentation with intent to deprive that person of the property or services. As used in this paragraph, "material misrepresentation" means the use of any pretense, or the making of any promise, representation or statement of present, past or future fact which is fraudulent and which, when used or made, is instrumental in causing the wrongful control or transfer of property or services. The pretense may be verbal or it may be a physical act.

(d) Comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his or her own use or that of another person without reasonable efforts to notify the true owner.

(e) Controls property of another person knowing or having reason to know that the property was stolen.

(f) Obtains services , including, without limitation, audio or visual services, or parts, products or other items related to such services which the person knows or, in the case of audio or visual services, should have known are available only for compensation without paying or agreeing to pay compensation or diverts the services of another person to his or her own benefit or that of another person without lawful authority to do so.

(g) Takes, destroys, conceals or disposes of property in which another person has a security interest, with intent to defraud that person.

(h) Commits any act that is declared to be theft by a specific statute.

(i) Draws or passes a check, and in exchange obtains property or services, if the person knows that the check will not be paid when presented.

(j) Obtains gasoline or other fuel or automotive products which are available only for compensation without paying or agreeing to pay compensation.

2. A person who commits an act that is prohibited by subsection 1 which involves the repair of a vehicle has not committed theft unless, before the repair was made, the person received a written estimate of the cost of the repair.

~~[Sec. 2.]~~ Sec. 3. NRS 205A.070 is hereby amended to read as follows:
205A.070 1. Upon approval by ~~[two-thirds]~~ a majority of the members of the Board, the Board shall appoint an Executive Director of Technological Crime within the Office of the Attorney General.

2. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Board.

3. The Board shall establish the qualifications, powers and duties of the Executive Director.

~~[Sec. 3.]~~ Sec. 4. This act becomes effective on July 1, 2013.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Mr. President, Amendment No. 19 revises the definition of theft to also include theft of audio and visual services.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 26 be taken from the Second Reading File and re-referred to the Committee on Finance.

Remarks by Senator Smith.

Thank you, Mr. President. My motion to re-refer this bill to the Committee on Finance is due to the fiscal note on the bill.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 46.

Bill read second time and ordered to third reading.

Senate Bill No. 114.

Bill read second time and ordered to third reading.

Senate Bill No. 178.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Goicoechea, the privilege of the Floor of the Senate Chamber for this day was extended to Jon Griggs, Rod Monk and Desiree Seal.

On request of Senator Hammond, the privilege of the Floor of the Senate Chamber for this day was extended to Cory Christensen.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to the following students and chaperones from Eagle Valley Middle School, students: Jordan Beck, Kara Berggren, Stella Carroll, Noah Doddridge, Chloe Dodge, Daniel Dudley, Adam Flaten, Roberto Gonzalez, Darby Griffin, Lauren Hudak, Juan Juarez, Christy Krahn, Wyatt Law, Christopher Lawrence, Kathryn Liemandt, Valerie Meyer, Stephen Rash, Ramon Rojas-Davalos, Nicholas Rosen, Arianna Schmidt, Bailey Servi, Josie Share, Cyrus Stokes, Skylar Swartz, Anya Woodbury and chaperones: Cherie Mathis, Brian Wallace and Chris Whitcome.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to students and chaperones from the Wildhorse Children's Theatre; students and chaperones from the Sage Ridge School.

On request of Senator Settlemeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Theresa Fletcher and David Stix, Jr.

Senator Denis moved that the Senate adjourn until Friday, March 8, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:39 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate