

THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), April 2, 2013

Senate called to order at 11:47 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by Teji Malik.

Ik Ong Kaar means, "There is One Source of all."

Please help us pass the bills to make a difference in the lives of people, especially in the lives of the needy and the downtrodden. Oh Lord, give us the courage to reject the status quo which only makes a difference to the very few, the ones who do not need it and hence, are incapable of appreciating it.

Guru Granth, the Sikh scripture, says: "Where the fearless Lord is, there is no fear; where there is fear, the Lord is not there." So Lord, we plead You to dwell in us. Please make us fearless so the courage of doing the right thing may arise within us through You.

Lord, help us cross our political aisles for the well-being of all Nevadans. Make us embrace what is good for all despite our differences. Lord, You are the only giver; we only share what we may have. We beg You to motivate us to share the common ground that can help all Nevadans.

We may belong to different faiths and religions but our deeds should manifest our love towards all we are responsible for.

Allow me to end with what *Guru Granth* says: "Of all religions, this is the best: Not one of rituals, not one of words, but one of deeds serving the truly needy."

Thank you for the honor.

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 Government Affairs, to which was referred Senate Bill No. 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 97, 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JUSTIN C. JONES, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 393, Senate Joint Resolution No. 15 and Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAT SPEARMAN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblyman Carrillo and Assemblyman Oscarson were at the bar of the Senate. Assemblyman Carrillo invited the Senate to meet in Joint Session with the Assembly to hear Representative Steven Horsford.

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

Senate in recess at 11:52 a.m.

IN JOINT SESSION

At 12:02 p.m.

President Krolicki presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present, with one vacancy.

The President appointed a Committee on Escort consisting of Senator Denis and Assemblywoman Pierce to wait upon the Honorable Representative Steven Horsford and escort him to the Assembly Chamber.

Representative Horsford delivered his message as follows.

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SEVENTH SESSION, 2013

Good afternoon. It is indeed an honor to be back home and to be with all of you, my colleagues and my former colleagues today. Governor, thank you very much for being here today, we appreciate you. Lieutenant Governor, thank you as well. To Madame Speaker, Majority Leader Horne as well as Senate Majority Leader Denis and Minority Leaders Hickey and Roberson. To the Chief Justice and the Justices who are here. And, to all of you, the members of the Assembly and Senate, thank you for joining us and inviting me this afternoon to speak.

Thank you also to my wife for being here and for supporting me through this journey. I could not do this without your love and understanding and I appreciate you very much.

I'd also like to thank the many volunteers here, who are advocating for our children as part of Nevada's Children's Week at the Nevada Legislature.

And to the women of Alpha Kappa Alpha Sorority (AKA), I know it's AKA Day at the Capitol, so it's good to have you back as well.

Before I begin, I'd like to ask for a moment of silence to honor those who recently lost their lives or were injured in the live-fire training accident just a few hours away in Hawthorne.

The wounds of this accident are still very fresh for the close-knit community of Hawthorne, and the tragedy has affected the lives of everyone in town. I had the opportunity to tour the Hawthorne Army Depot in January and had the honor of meeting the fine men and women who work on-site. Two weeks ago, under very different circumstances, I visited five brave men in the hospital in Reno: four Marines and one Navy Corpsman.

The Corpsman suffered serious injuries from the explosion, but as the medic responsible for the health of his unit, he refused medical assistance for over an hour until his Marines were treated first. He is alive today because he was able to treat his own wounds while others received care. That is a true lesson in courage; and while his life has changed forever because of the accident, his bravery and loyalty will stand unchanged as an example for all of us.

When I visited this young man in Reno, he could not speak, but he wrote me a note. It is something I will carry with me as a reminder of the sacrifices of our men and women in the military. His story makes clear that, while we face challenges as public servants, they pale in comparison to those who really sacrifice and struggle.

As someone who grew up in poverty in West Las Vegas, I can honestly say that addressing the Nevada Legislature as a Congressman was never part of the plan. But a difficult past is something I never tried to shake; my experiences remind me why I serve—to help the hard-working and less fortunate.

It has been quite a journey from the Nevada Legislature to the United States Congress. I started in this building as an intern. I remember the first time I came to the Floor: I didn't even have a tie to wear and several members took me down to the old Woolworth's to pick one so I could be actually come on to the Floor.

Having served in the other Chamber for eight years and now to be here as a member of Congress is somewhat surreal. I know we joke about it, but the Assembly usually did have more fun than the Senate. I think the most fun I had was when I did a "Call of the House" at 4:00 in the morning that prevented then Senator Warren Hardy from using the restroom. It's that way in Congress, too. The People's House is a lot less stuffy than the upper body across the Capitol.

I now represent one of the most diverse districts in the United States, both geographically and demographically. Nevada's Fourth Congressional District is 52,000 square miles, roughly the size of Alabama, and includes Nevadans from all walks of life. No city or town in this District is the same. They all have different perspectives, different economies, and different needs. From the Walker River Paiute Tribe in Mineral County to the workers at the solar plant in Tonopah to the residents of North Las Vegas and every community in between, these diverse constituencies reflect the changing face of our State and our country. While our State continues to become more diverse, more unites us than divides us. Nevadans want to get back to work, they want their children to have a shot at the American Dream, and they want peace of mind in their golden years.

Although progress is slow, and I shake my head at some of the nonsense in Washington, I am optimistic about what can be accomplished. The 113th Congress has picked up the pace compared to the previous class, and I'm hopeful that we are going to get things done. I was glad to see congressional gridlock break on the first bill I co-sponsored, the Violence Against Women Act. This law ensures that victims and their families have access to the services they need to be safe and to rebuild their lives. The 2013 reauthorization of this law expands protections to LGBT victims, immigrants and Native Americans. While the previous Congress stonewalled reauthorization for over 500 days, we were able to pass this law in just two months. I'm proud to have voted for and pushed this important legislation from day one.

After one month into my term, I introduced my first bill, the Lyon County Economic Development and Conservation Act, which will create upwards of 800 jobs in Nevada. This jobs bill will help the people of Yerington and the Lyon County region grow their economy and create desperately-needed work for a county struggling with high unemployment. The legislation is a work of compromise: it encourages economic development and protects an important forest known as the Wovoka Wilderness, while promoting the rights of ranchers and miners who earn their living on the land. I'm proud to have bipartisan support from the entire Nevada delegation and a willingness to work across the aisle from both parties in Washington for the sake of preserving the environment for future generations and creating good-paying jobs for working families. I hope, moving forward, that we can find common ground and protect Gold Butte, Tule Springs and our other natural treasures as well.

When we return next week, Congress will move forward on immigration reform. I'm honored to serve as a Co-chair of the Congressional Black Caucus' Task Force on Immigration and contribute to the pursuit of a fair, just and humane immigration policy. Comprehensive immigration reform is the civil and human rights issue of our time that affects everyone from all communities, including our veterans.

Let me tell you a story about one of these families. James and Sharon Courtney are constituents of mine, and they recently traveled to Washington to share their story during a people's hearing in the House. James is a veteran. He served three tours in Iraq, he is disabled and he suffers from post-traumatic stress disorder. His wife does not have a green card. In 2003,

Sharon was detained and held for hours in El Paso by border patrol. She was denied a phone call and wasn't allowed to speak with anyone. Without explanation she was instructed to sign a document. If she did that, she would be free to go. So she signed the papers.

Now, Sharon stands accused of falsely claiming to be a U.S. citizen, and at age 35 a deferred action program cannot help her. James and Sharon's future together, their children's future, depends on the outcome of comprehensive immigration reform. James is a man who fought for our country, he survived seven IED explosions, he is a living profile of courage. While he was fighting abroad, he said he worried more about protecting his family from deportation than his own personal safety. James has a family. He has put his life on the line for his country, and it's time we repay him and pass comprehensive immigration reform. Surely, his request to keep his family together is not too great a burden for this country, given what he has done to honor and protect all of us.

So when an immigration bill is unveiled, I will fight for the Courtneys and the countless other families that are counting on Washington to show just a fraction of James' courage. I will fight for a pathway to citizenship. Immigrant families in Nevada and across the United States should not be forced to live in the shadows any longer.

While I am optimistic about the prospect of fixing our broken immigration system, I am not saying there is an abundance of courage in Congress, either. By now, you've heard the numbers. As the slow grind of the sequester continues, it will cost Nevada 10,000 jobs, it will result in the furlough of 20,000 FAA employees and the shuttering of nearly 150 air-traffic-control towers, and it will mean 300 kids in Nevada's Head Start program will be booted from the classroom. This battle typifies what is congressional ineptness; a legislative trigger that everyone deemed devastating when it was agreed to, is now being re-spun by those opposing a balanced approach to deficit reduction as "trimming the fat."

Look, I am not a defender of every federal government program or every federal agency. I am a defender of my constituents and the services they need to lead healthy and productive lives. Unfortunately many of those programs have been targeted for draconian cuts under the sequester and in the House Republican Budget, which I just voted against. When I travel my district, I see schools like Matt Kelly Elementary, a school standing to lose more than half of its allocation of Title I federal funding. That means fewer teacher aides and fewer meals for hungry kids. When I hear about efforts to reduce spending on nursing home care, I know that means services for 68,000 seniors in Nevada are on the chopping block. That's not trimming the fat, that's cutting to the bone.

The challenge of legislating, at its core, is balancing the courage to stand up for your beliefs with the courage to come together and find common ground and agreement. This Legislature has made serious bipartisan efforts to tackle tough issues. For that, I applaud your leadership and the members of the Assembly and Senate for working together. For the first time in Nevada's history, we have a strategic vision for the future of our State that is in the first stages of being implemented. We have a new economic development strategy under the direction of the Governor which is laying the groundwork for new companies to create new jobs in Nevada. We're moving in the right direction. Creating jobs and growing the economy must be the first priority of all public officials serving Nevada, at every level. But investing in economic development also means funding our schools. They are two sides of the same coin.

One thing I think we can all agree on is that Nevada does not receive its fair share of federal funding. We are not doing enough to leverage the federal dollars offered to states. According to the Brookings Institution, we are 50th in grants per capita and 49th in grant dollars per capita. For decades, we have received around seventy cents for every dollar we send to Washington. No matter which way you slice it, Nevadans are losing out. If Mississippi and Tennessee can get their fair share from the federal government, under arguably conservative Governors, then surely Nevada can do better.

There are two cyclical causes of this dilemma. First, we don't pursue the grants we need. Second, we don't invest enough in our schools and universities to qualify. That's why I urge you to work together to expand the grant-writing capacity of Nevada. Invest more in the Office of Grant Procurement, Coordination and Management that was created in 2011. Hire more experts. Identify more opportunities. Connect with our local leaders, non-profits and faith-based organizations. Help those seeking grants to apply.

These funds are already appropriated. Grants for research and development, early childhood education, training for workers at community colleges and health institute grants for medical education are on the table. If we don't go after the funding we need, another state will happily take it from us. We shouldn't chase grant money because it's there either; we should pursue federal funds because it is a critical missing piece of our economic development strategy and because the people of Nevada deserve it.

My office is here to help seek out these opportunities, which is why I have appointed a designated grants coordinator for this purpose. I look forward to working with State officials and grant writers at every level to finally leverage the funds that are due to Nevada.

But the bottom line is that Nevada is still a State that suffers from chronic shortages in funding for schools and social services. We must develop a long-term, stable budget that funds our schools not 20 years from today, but now.

So as you consider options to make Nevada a better place to live and tackle our perennial budget shortfall, I ask both parties to remember those who came before them and those who stepped up to the plate. The Nevada Legislature has a rich history of compromise and agreement when it seems unlikely. Former Assemblyman Marvel, a man inspired to serve by the Sagebrush Rebellion, a successful rancher and rural Legislator, knew what it meant to find agreement during divisive dispute. In 2003, he cast a decisive vote in favor of revenue to fund our schools. He knew he would take heat for it. Before casting his vote, he explained that the schools in his district simply didn't have the money to hire the teachers they needed. When asked if it was a tough vote, former Assemblyman Marvel responded that it was the right vote. "If you're going to be a statesman," he said, "be a good one. If I was going to do something, let's do it right. It turned around and got me in the end, but at the same time, it was for the right reason."

Former Assemblyman Marvel lost his bid for re-election, but that's the story we know of him in the Legislature. His story and his lesson to all of us, is that survival should not be the first instinct of politicians. People like former Assemblyman Marvel and former Senator Raggio are remembered for the tough decisions they made. In an era of term-limits, it is crucial to learn the lessons of those who came before us.

I wish I could have joined you last week when you commemorated the life's work of former Senator Raggio. I enjoyed weekly lunches Bill and I had. Sometimes we talked about legislative issues and moving the process along, but often times, we would just talk about our families. Or Bill would share a piece of Nevada legislative history with me. In many ways, Bill was a mentor to me and helped me learn the process and what it means to be a leader. He transcended politics and partisanship and that is what made him a true statesman. His commemoration is also a reminder that, sooner than you think, new Legislators will take your place or become your colleagues. Time carries on and the people's business carries on and the reality is that you have just a sliver of time every two years to get something done. My message to you is not to pass a specific bill or enact a certain law, but to remember that public service absent courage is nothing more than loitering in the People's House.

There are tough decisions ahead, and the public has placed trust in you—in us—to stand for those not capable of always standing for themselves, to remain true to our values, and to find common ground when first glance only reveals division. Courage takes different forms. For many Nevadans it means fighting to put food on the table and keeping their families together while tirelessly searching for work. For those confronting a broken immigration system, it means standing up and making their voices heard despite the possible consequences.

Many of you represent constituents who live hundreds of miles away. For me, I fight for Nevada in a building thousands of miles from home. But I carry with me, every day, the stories of those who struggle. I remember that the success or failure of a policy is not about egos or political points, but about people. I think of James and Sharon Courtney, I think of former Senator Raggio and former Assemblyman Marvel, I think of the Navy Corpsman in Hawthorne.

True public service means never letting this Chamber become a bubble. It means understanding the lives of others. It means seeing how the struggles our constituents face every day are affected by the choices or non-choices we make. And if we work together and remind ourselves who we are here for, I have confidence we can make the tough, but courageous decisions that Nevadans need us to make.

Thank you very much. God Bless Nevada and God Bless the United States of America.

Senator Atkinson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Horsford for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Representative Horsford from the bar of the Assembly.

Assemblywoman Neal moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 12:31 p.m.

SENATE IN SESSION

At 12:41 p.m.

President Krolicki presiding.

Quorum present.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 1, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 226, 230, 247, 253, 260, 267, 285, 288, 290, 297, 309, 311, 320, 324, 325, 328, 330, 335, 336, 338, 342, 344, 346, 354, 355, 359, 362, 364, 368, 371, 372, 373, 384, 399, 405, 406, 409, 410, 411, 419, 424, 427, 428, 435, 436, 447, 448, 449, 450, 451, 461, 463, 464, 465, 472, 473, 481, 482, 488, 491, 494, 497.

CINDY JONES

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that Senate Joint Resolution No. 15, just reported out of committee, be placed on the Second Reading File for this legislative day.

Motion carried.

Senator Smith moved that Assembly Joint Resolution No. 6, just reported out of committee, be placed on the Second Reading File for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 9.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary.

Amendment No. 3.

"SUMMARY—Makes various changes relating to the regulation of gaming. (BDR 41-328)"

"AN ACT relating to gaming; revising various definitions relating to gaming; revising provisions relating to the registration of persons who hold an ownership interest in certain business entities which hold a gaming license; revising provisions relating to the inspection of games, gaming

devices, associated equipment, cashless wagering systems, inter-casino linked systems, mobile gaming systems and interactive gaming systems; revising provisions relating to the regulation of independent testing laboratories; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Nevada Gaming Commission and the State Gaming Control Board are required to administer state gaming licenses and manufacturer's, seller's and distributor's licenses, and to perform various acts relating to the regulation and control of gaming. (NRS 463.140) Sections 1-4 of this bill revise the definitions of the terms "cashless wagering system," "gaming employee," "gross revenue" and "wagering credit" for the purposes of the statutory provisions governing the licensing and control of gaming.

Existing law requires audits of the financial statements of all nonrestricted licensees whose annual gross revenue is \$5,000,000 or more, and requires the amount of annual gross revenue to be increased or decreased annually in an amount determined by the Commission and corresponding to the Consumer Price Index. (NRS 463.159) Section 5 of this bill requires the Board to make such a determination.

Existing law also requires a limited partner holding a 5 percent or less ownership in a limited partnership or a member holding a 5 percent or less ownership in a limited-liability company, who holds or applies for a state gaming license, to register with the Board and submit to the Board's jurisdiction within 30 days after the person acquires a 5 percent or less ownership interest. (NRS 463.569, 463.5735) Sections 6 and 7 of this bill remove the requirement to register with the Board after acquiring such an ownership, and instead require a person to register upon seeking to hold a 5 percent or less ownership.

Finally, existing law requires the Commission to adopt regulations providing for the registration of independent testing laboratories, which may be utilized by the Board to inspect and certify gaming devices, equipment and systems, and any components thereof, and providing for the standards and procedures for the revocation of the registration of such independent testing laboratories. (NRS 463.670) Section 8 of this bill: (1) extends the requirement of registration to additional persons that own, operate or have significant involvement with an independent testing laboratory; (2) provides that a person who is registered pursuant to section 8 is subject to the same investigatory and disciplinary procedures as all other gaming licensees; and (3) authorizes the Commission to require a registered independent testing laboratory and certain persons associated with a registered independent testing laboratory to file an application for a finding of suitability.

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

Section 1. NRS 463.014 is hereby amended to read as follows:

463.014 "Cashless wagering system" means a method of wagering and accounting:

1. In which the validity and value of a wagering instrument or wagering credits are determined, monitored and retained by a computer operated and maintained by a licensee which maintains a record of each transaction involving the wagering instrument or wagering credits, exclusive of the game or gaming device on which wagers are being made. The term includes computerized systems which facilitate electronic transfers of money directly to or from a game or gaming device; or

2. Used in a race book or sports pool in which the validity and value of a wagering instrument *or wagering credits* are determined, monitored and retained on a computer that maintains a record of each transaction involving the wagering instrument *or wagering credits* and is operated and maintained by a licensee.

Sec. 2. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, cashless wagering systems, mobile gaming systems, equipment associated with mobile gaming systems, interactive gaming systems or equipment associated with interactive gaming;

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems, mobile gaming systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

(m) Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

(n) Floorpersons;

(o) Hosts or other persons empowered to extend credit or complimentary services;

(p) Keno runners;

(q) Keno writers;

(r) Machine mechanics;

(s) Odds makers and line setters;

(t) Security personnel;

(u) Shift or pit bosses;

(v) Shills;

(w) Supervisors or managers;

(x) Ticket writers;

(y) Employees of a person required by NRS 463.160 to be licensed to operate an information service; ~~and~~

(z) *Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; and*

(aa) Temporary or contract employees hired by a licensee to perform a function related to gaming.

2. "Gaming employee" does not include barbacks ~~[-]~~ or bartenders ~~[-]~~ whose duties do not involve gaming activities, cocktail servers or other persons engaged exclusively in preparing or serving food or beverages.

3. *As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.*

Sec. 3. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;

(b) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(c) Compensation received for conducting any game, or any contest or tournament in conjunction with interactive gaming, in which the licensee is not party to a wager,

↳ less the total of all cash paid out as losses to patrons, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715. For the purposes of this section, cash or the value of noncash prizes awarded to patrons in a contest or tournament are not losses, except

that losses in a contest or tournament conducted in conjunction with an intercasino linked system or interactive gaming may be deducted to the extent of the compensation received for the right to participate in that contest or tournament.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Cash received as entry fees for contests or tournaments in which patrons compete for prizes, except for a contest or tournament conducted in conjunction with an inter-casino linked system ~~[;]~~ or interactive gaming;

(f) Uncollected baccarat commissions; or

(g) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed.

3. As used in this section, "baccarat commission" means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Sec. 4. NRS 463.01963 is hereby amended to read as follows:

463.01963 "Wagering credit" means a representative of value, other than a chip, token or wagering instrument, that is used for wagering at a game , ~~for~~ gaming device , *race book or sports pool* and is obtained by the payment of cash or a cash equivalent, the use of a wagering instrument or the electronic transfer of money.

Sec. 5. NRS 463.159 is hereby amended to read as follows:

463.159 1. The Commission shall by regulation require audits of the financial statements of all nonrestricted licensees whose annual gross revenue is \$5,000,000 or more.

2. The Commission may require audits, compiled statements or reviews of the financial statements of nonrestricted licensees whose annual gross revenue is less than \$5,000,000.

3. The amounts of annual gross revenue provided for in subsections 1 and 2 must be increased or decreased annually in an amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding year. On or before December 15 of each year, the ~~[Commission]~~ *Board* shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts of annual

gross revenue in effect for the succeeding calendar year. The audits, compilations and reviews provided for in subsections 1 and 2 must be made by independent accountants holding permits to practice public accounting in the State of Nevada.

4. Except as otherwise provided in subsection 5, for every audit required pursuant to this section:

(a) The independent accountants shall submit an audit report which must express an unqualified or qualified opinion or, if appropriate, disclaim an opinion on the statements taken as a whole in accordance with standards for the accounting profession established by rules and regulations of the Nevada State Board of Accountancy, but the preparation of statements without audit does not constitute compliance.

(b) The examination and audit must disclose whether the accounts, records and control procedures maintained by the licensee are as required by the regulations published by the Commission pursuant to NRS 463.156 to 463.1592, inclusive.

5. If the license of a nonrestricted licensee is terminated within 3 months after the end of a period covered by an audit, the licensee may submit compiled statements in lieu of an additional audited statement for the licensee's final period of business.

Sec. 6. NRS 463.569 is hereby amended to read as follows:

463.569 1. Every general partner of, and every limited partner with more than a 5 percent ownership interest in, a limited partnership which holds a state gaming license must be licensed individually, according to the provisions of this chapter, and if, in the judgment of the Commission, the public interest will be served by requiring any other limited partners or any or all of the limited partnership's lenders, holders of evidence of indebtedness, underwriters, key executives, agents or employees to be licensed, the limited partnership shall require those persons to apply for a license in accordance with the laws and requirements in effect at the time the Commission requires the licensing. Publicly traded corporations which are limited partners of limited partnerships are not required to be licensed, but shall comply with NRS 463.635 to 463.645, inclusive. A person who is required to be licensed by this section as a general or limited partner shall not receive that position until the person secures the required approval of the Commission. A person who is required to be licensed pursuant to a decision of the Commission shall apply for a license within 30 days after the Commission requests the person to do so.

2. All limited partners ~~holding~~ *seeking to hold* a 5 percent or less ownership interest in a limited partnership, other than a publicly traded limited partnership, which hold or apply for a state gaming license, must register in that capacity with the Board and submit to the Board's jurisdiction. Such registration must be made on forms prescribed by the Chair of the Board. The Chair of the Board may require a registrant to apply for licensure at any time in the Chair's discretion. ~~[A person who is required to~~

~~be registered by this section shall apply for registration within 30 days after the person becomes a limited partner holding a 5 percent or less ownership interest in a limited partnership.]~~

3. The Commission may, with the advice and assistance of the Board, adopt such regulations as it deems necessary to carry out the provisions of subsection 2.

Sec. 7. NRS 463.5735 is hereby amended to read as follows:

463.5735 1. Every member and transferee of a member's interest with more than a 5 percent ownership interest in a limited-liability company, and every director and manager of a limited-liability company which holds or applies for a state gaming license, must be licensed individually according to the provisions of this chapter.

2. All members ~~[holding]~~ *seeking to hold* a 5 percent or less ownership interest in a limited-liability company, other than a publicly traded limited liability company, which hold or apply for a state gaming license, must register in that capacity with the Board and submit to the Board's jurisdiction. Such registration must be made on forms prescribed by the Chair of the Board. The Chair of the Board may require a registrant to apply for licensure at any time in the Chair's discretion. ~~[A person who is required to be registered by this section shall apply for registration within 30 days after the person becomes a member holding a 5 percent or less ownership interest in a limited liability company.]~~

3. If, in the judgment of the Commission, the public interest will be served by requiring any members with a 5 percent or less ownership interest in a limited-liability company, or any of the limited-liability company's lenders, holders of evidence of indebtedness, underwriters, key executives, agents or employees to be licensed:

(a) The limited-liability company shall require those persons to apply for a license in accordance with the laws and requirements in effect at the time the Commission requires the licensing; and

(b) Those persons shall apply for a license within 30 days after being requested to do so by the Commission.

4. A publicly traded corporation which is a member of a limited-liability company is not required to be licensed, but shall comply with NRS 463.635 to 463.645, inclusive.

5. No person may become a member or a transferee of a member's interest in a limited-liability company which holds a license until the person secures the required approval of the Commission.

6. A director or manager of a limited-liability company shall apply for a license within 30 days after assuming office.

7. The Commission may, with the advice and assistance of the Board, adopt such regulations as it deems necessary to carry out the provisions of subsection 2.

Sec. 8. NRS 463.670 is hereby amended to read as follows:

463.670 1. The Legislature finds and declares as facts:

(a) That the inspection of *games*, gaming devices, associated equipment, cashless wagering systems, *inter-casino linked systems*, mobile gaming systems and interactive gaming systems is essential to carry out the provisions of this chapter.

(b) That the inspection of *games*, gaming devices, associated equipment, cashless wagering systems, *inter-casino linked systems*, mobile gaming systems and interactive gaming systems is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

(c) That the interest of this State in the inspection of *games*, gaming devices, associated equipment, cashless wagering systems, *inter-casino linked systems*, mobile gaming systems and interactive gaming systems must be balanced with the interest of this State in maintaining a competitive gaming industry in which games can be efficiently and expeditiously brought to the market.

2. The Commission may, with the advice and assistance of the Board, adopt and implement procedures that preserve and enhance the necessary balance between the regulatory and economic interests of this State which are critical to the vitality of the gaming industry of this State.

3. The Board may inspect every *game or* gaming device which is manufactured, sold or distributed:

(a) For use in this State, before the *game or* gaming device is put into play.

(b) In this State for use outside this State, before the *game or* gaming device is shipped out of this State.

4. The Board may inspect every *game or* gaming device which is offered for play within this State by a state gaming licensee.

5. The Board may inspect all associated equipment, every cashless wagering system, *every inter-casino linked system*, every mobile gaming system and every interactive gaming system which is manufactured, sold or distributed for use in this State before the equipment or system is installed or used by a state gaming licensee and at any time while the state gaming licensee is using the equipment or system.

6. In addition to all other fees and charges imposed by this chapter, the Board may determine, charge and collect an inspection fee from each manufacturer, seller, distributor or independent testing laboratory which must not exceed the actual cost of inspection and investigation.

7. The Commission shall adopt regulations which:

(a) Provide for the registration of independent testing laboratories ~~and~~ *and of each person that owns, operates or has significant involvement with an independent testing laboratory*, specify the form of the application required for such registration, *set forth the qualifications required for such registration* and establish the fees required for the application, the investigation of the applicant and the registration of the applicant.

(b) Authorize the Board to utilize independent testing laboratories for the inspection and certification of any *game*, gaming device, associated equipment, cashless wagering system, *inter-casino linked system*, mobile gaming system or interactive gaming system, or any components thereof.

(c) Establish uniform protocols and procedures which the Board and independent testing laboratories must follow during an inspection performed pursuant to subsection 3 or 5, and which independent testing laboratories must follow during the certification of any *game*, gaming device, associated equipment, cashless wagering system, *inter-casino linked system*, mobile gaming system or interactive gaming system, or any components thereof, for use in this State or for shipment from this State.

(d) Allow an application for the registration of an independent testing laboratory to be granted upon the independent testing laboratory's completion of an inspection performed in compliance with the uniform protocols and procedures established pursuant to paragraph (c) and satisfaction of such other requirements that the Board may establish.

(e) Provide the standards and procedures for the revocation of the registration of an independent testing laboratory.

(f) Provide the standards and procedures relating to the filing of an application for a finding of suitability pursuant to this section and the remedies should a person be found unsuitable.

(g) Provide any additional provisions which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

8. *The Commission shall retain jurisdiction over any person registered pursuant to this section and any regulation adopted thereto, in all matters relating to a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, even if the person ceases to be registered.*

9. *A person registered pursuant to this section is subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.*

10. *The Commission may, upon recommendation of the Board, require the following persons to file an application for a finding of suitability:*

(a) A registered independent testing laboratory.

(b) An employee of a registered independent testing laboratory.

(c) An officer, director, partner, principal, manager, member, trustee or direct or beneficial owner of a registered independent testing laboratory or any person that owns or has significant involvement with the activities of a registered independent testing laboratory.

11. *If a person fails to submit an application for a finding of suitability within 30 days after a demand by the Commission pursuant to this section,*

the Commission may make a finding of unsuitability. Upon written request, such period may be extended by the Chair of the Commission, at the Chair's sole and absolute discretion.

12. As used in this section, unless the context otherwise requires, "independent testing laboratory" means a private laboratory that is registered by the ~~[Commission]~~ Board to inspect and certify *games*, gaming devices, associated equipment, cashless wagering systems, *inter-casino linked systems*, mobile gaming systems ~~[and]~~ *or* interactive gaming systems, and any components thereof ~~[,]~~ *and modifications thereto*, and to perform such other services as the Board and Commission may request.

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

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 3 to Senate Bill No. 9: revises the prohibitions of the bill relating to the definition of "gross revenue." Amendment No. 3 adds interactive gaming to what may be deducted to the extent that the compensation received for the right to participate in contest or tournament—for example, an online poker entry fee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Transportation.

Amendment No. 32.

"SUMMARY—Revises ~~[certain]~~ provisions governing highways under the jurisdiction of the Department of Transportation. (BDR 43-362)"

"AN ACT relating to transportation; authorizing the Director of the Department of Transportation to reduce the maximum weight limits on ~~[certain highways]~~ any highway under the jurisdiction of the Department for a specified period under certain circumstances; ~~[revising the provisions that require the Department to consider certain factors and to receive approval from]~~ requiring the Director to provide an informational report to the Board of Directors of the Department ~~[before reducing]~~ if the Director reduces the maximum weight limits on ~~[certain]~~ those highways; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Transportation to restrict the use of, or close, a highway under certain circumstances, including when the Director considers the closing or restriction of use necessary for the protection of the public. (NRS 408.210) Existing law also requires the Department to consider certain factors and receive approval from the Board of Directors of the Department before reducing the maximum weight limits for vehicles on a highway under its jurisdiction. (NRS 484D.655) This bill ~~[limits the scope of that requirement by making it~~

~~applicable only to a highway or a portion of a highway which is designated as a scenic route. Further, this bill~~; (1) authorizes the Director to reduce the maximum weight limits for vehicles on a highway under the jurisdiction of the Department, including a bridge located on the highway, without regard to the considerations and approval required under existing law if the Director considers that restriction of use necessary for the protection of the public. ~~The Director is also authorized, under certain circumstances, to reduce the maximum weight limits for vehicles on a bridge located on such a highway without regard to the considerations and approval required under existing law.~~; (2) limits a reduction in the maximum weight limits on such a highway to a period of not more than 180 days; and (3) requires the Director to provide, within a specified period, an informational report to the Board of Directors that describes a reduction made to the maximum weight limits on such a highway.

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

Section 1. NRS 484D.655 is hereby amended to read as follows:

484D.655 1. ~~The Director of the Department of Transportation may:~~
~~(a) May, pursuant to paragraph (a) of subsection 1 of NRS 408.210, reduce the maximum weight limits as prescribed in NRS 484D.635, 484D.640 and 484D.645 on a highway under the jurisdiction of the Department of Transportation, including, without limitation, a bridge located on the highway~~, for a period of not more than 180 days.

~~(b) Shall provide an informational report to the Board of Directors of the Department of Transportation that describes any reduction to the maximum weight limits made pursuant to paragraph (a) within 60 days after the Director of the Department of Transportation makes the reduction.~~

2. Except as otherwise provided in subsection 1 and NRS 484D.660, before the Department of Transportation reduces the maximum weight limits as prescribed in NRS 484D.635, 484D.640 and 484D.645 on a highway or a portion of a highway under its jurisdiction, ~~which is designated as a scenic route pursuant to NRS 408.213,~~ the Department of Transportation shall:

~~(1)~~ (a) Consider:

~~(a)~~ (1) The average number of vehicles traveling on the highway each day;

~~(b)~~ (2) The number of vehicles that have a declared gross weight in excess of 26,000 pounds that are included in the average number pursuant to ~~paragraph (a);~~

~~(c)~~ subparagraph (1):

(3) The availability of alternate routes to the highway;

~~(d)~~ (4) The impact on each alternate route of increased traffic consisting of vehicles that have a declared gross weight in excess of 26,000 pounds;

~~(e)~~ (5) The number of traffic accidents involving a vehicle that has a declared gross weight in excess of 26,000 pounds on the highway in the past 5 years;

~~{(6)}~~ (6) Any projected adverse economic or environmental impact resulting from reducing the maximum weight limits on the highway; and

~~{(7)}~~ (7) Any other factors the Department of Transportation deems appropriate; and

~~{2.}~~ (b) Present such considerations to the Board of Directors of the Department of Transportation to receive the Board's approval to reduce the maximum weight limits pursuant to this section.

Sec. 2. NRS 408.210 is hereby amended to read as follows:

408.210 1. ~~{The}~~ Except as otherwise provided in NRS 484D.655, the Director of the Department of Transportation may restrict the use of, or close, any highway whenever the Director considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Office of Economic Development or the Director of the Department of Tourism and Cultural Affairs.

2. The Director of the Department of Transportation may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles proceeding in opposite directions or from vehicular turning movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. The Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or the owner's agent. In lieu of personal service upon that person or agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of \$100 for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, the Director may

issue a license to the owner or the owner's agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or the owner's agent, the owner or agent may propose a time within which he or she will relocate or remove the encroachment as required. If the Director and the owner or the owner's agent agree upon such a time, the Director shall not himself or herself remove the encroachment unless the owner or the owner's agent has failed to do so within the time agreed. If the Director and the owner or the owner's agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original notice upon the owner or the owner's agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

~~[Sec. 2.]~~ Sec. 3. This act becomes effective upon passage and approval.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 32 to Senate Bill No. 14 allows the Department of Transportation to restrict weight limits on any State-owned bridge or highway for the purpose of public safety. The restriction is not to exceed a period of 180 days. Amendment No. 32 also requires the Director of the Department of Transportation to notify the Transportation Board of Directors within 60 days of any reductions in the weight limits on any roadway.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary.

Amendment No. 4.

"SUMMARY—Revises provisions governing the dissemination of records of criminal history by an agency of criminal justice. (BDR 14-400)"

"AN ACT relating to records of criminal history; requiring the dissemination of records of criminal history to a multidisciplinary team to review the death of a victim of a crime that constitutes domestic violence; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Central Repository for Nevada Records of Criminal History and an agency of criminal justice to provide records of criminal history, upon request, to certain persons or governmental entities. (NRS 179A.075, 179A.100) This bill adds a multidisciplinary team to review the death of a victim of a crime that constitutes domestic violence to those persons or governmental entities authorized to receive certain information and records.

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

Section 1. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) *Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.*

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183 and 449.123; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

↪ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

↪ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↪ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183, 449.122 or 449.123.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central

Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 2. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the

information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

- (a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;
- (b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and
- (c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

- (a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.
- (b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.
- (c) The State Gaming Control Board.
- (d) The State Board of Nursing.
- (e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 3. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

In carrying out its duties pursuant to NRS 228.495, a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018 may have access to:

1. The information that is contained in the Central Repository for Nevada Records of Criminal History pursuant to NRS 179A.075.

2. The records of criminal history maintained by an agency of criminal justice pursuant to NRS 179A.100.

Sec. 4. This act becomes effective on July 1, 2013.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 4 to Senate Bill No. 30 authorizes the release of criminal records to the Attorney General's Domestic Violence Fatality Review Team in either a paper or an electronic format.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 37.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary.

Amendment No. 28.

"SUMMARY—Revises provisions relating to the destruction or theft of certain property. (BDR 15-261)"

"AN ACT relating to crimes; requiring a person who unlawfully removes, damages or destroys certain property to obtain scrap metal to make restitution and to perform community service; requiring a person who intentionally steals, takes and carries away scrap metal or utility property to perform community service; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that a person who willfully or maliciously removes, damages or destroys any utility property, agricultural infrastructure, lights maintained by a State or local government, construction site or certain other property to obtain scrap metal is guilty of a crime. (NRS 202.582) Section 1 of this bill: (1) provides that a person who removes, damages or destroys any property maintained by the State or a local government to obtain scrap metal is guilty of a crime; and (2) requires a person convicted of such a

crime, in addition to any other penalty, to pay restitution and to perform 100 hours of community service for a first offense, 200 hours of community service for a second offense and up to 300 hours of community service for any third or subsequent offense. Section 1 also revises the definition of "utility property" to include 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 sewer service, ~~[-]~~ or storm water collection or disposal service.

Existing law also provides that a person who intentionally steals, takes and carries away scrap metal: (1) with a value of less than \$650 within a period of 90 days is guilty of a misdemeanor; or (2) with a value of \$650 or more within a period of 90 days is guilty of a category C or B felony with varying terms of imprisonment and fines, depending on the value of the scrap metal. (NRS 205.267) Section 2 of this bill: (1) similarly makes it a crime to intentionally steal, take or carry away utility property; and (2) requires a person convicted of intentionally stealing, taking or carrying away scrap metal or utility property to perform 100 hours of community service for a first offense, 200 hours of community service for a second offense and up to 300 hours of community service for any third or subsequent offense.

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

Section 1. 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~~ *property* 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~~ *shall* order a person who violates the provisions of subsection 1 to pay restitution ~~[-]~~ *and*:

(a) *For the first offense, to perform 100 hours of community service.*

(b) *For a second offense, to perform 200 hours of community service.*

(c) *For a third or subsequent offense, to perform up to 300 hours of community service for up to 1 year, as determined by the court.*

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, *sewer service*, *storm water collection or disposal service* or electric service, regardless of whether the facility, property or equipment is currently used to furnish such service.

Sec. 2. NRS 205.267 is hereby amended to read as follows:

205.267 1. A person who intentionally steals, takes and carries away scrap metal *or utility property* with a value of less than \$650 within a period of 90 days is guilty of a misdemeanor.

2. A person who intentionally steals, takes and carries away scrap metal *or utility property* with a value of \$650 or more within a period of 90 days is guilty of:

(a) If the value of the *scrap metal or utility* property taken is less than \$3,500, a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the *scrap metal or utility* property taken is \$3,500 or more, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

3. In addition to any other penalty, the court shall order a person who violates the provisions of subsection 1 or 2 to pay restitution ~~and~~:

(a) For a first offense, to perform 100 hours of community service.

(b) For a second offense, to perform 200 hours of community service.

(c) For a third or subsequent offense, to perform up to 300 hours of community service for up to 1 year, as determined by the court.

4. In determining the value of the *scrap metal or utility* property taken, the cost of repairing and, if necessary, replacing any property damaged by the theft of the *scrap metal or utility property* must be added to the value of the property.

5. As used in this section ~~["scrap"]~~:

(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

(b) "Utility property" has the meaning ascribed to it in NRS 202.582.

Sec. 3. This act becomes effective upon passage and approval.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 28 to Senate Bill No. 37 further expands the definition of "utility property" to include storm water collection or disposal service.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services.

Amendment No. 6.

"SUMMARY—Revises provisions governing the operation of certain vending stands by persons who are blind or visually impaired. (BDR 38-370)"

"AN ACT relating to persons with disabilities; ~~prohibiting any person or governmental entity from requiring the payment of rent for or certain fees or assessments related to the portion of the building or property where certain vending stands are located;~~ restricting the devices of certain agreements relating to vending stands established by the Bureau of Services to Persons Who are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; authorizing such agreements to provide for the recovery by certain persons and entities of increases in utility costs or other expenses resulting from the operation of such vending stands; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Bureau of Services to Persons Who are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation is required to establish, where suitable, vending stands in property owned, leased or occupied by the State or any of its political subdivisions, with certain exceptions, with the consent of the state or local governmental department or agency charged with maintaining the building or property. (NRS 277A.320, 426.640, 426.670) Similar agreements for the establishment of vending stands in a privately owned building are authorized between the Bureau and the private building owner. (NRS 426.685)

Sections 1 and 2 of this bill prohibit a private building owner or governmental agency that owns or controls a building or property in or on which a vending stand is established from requiring the Bureau or the operator of the vending stand to pay any rent, ~~for or a~~ fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. An example of such a prohibited fee or assessment is a fee for the maintenance of landscaping or a common area. Sections 1 and 2 authorize such a private building owner or governmental agency to enter into an agreement with the Bureau to recover the increases in

utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand. Any conflicting provision in any contract or other agreement relating to such a vending stand is declared to be void. Section 3 of this bill exempts any contract or other agreement relating to a vending stand in force on the effective date of this bill between the Bureau or a licensee and the owner of a private building in which the vending stand is established from the provisions of section 2 during the current term of the contract or other agreement.

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

Section 1. NRS 426.670 is hereby amended to read as follows:

426.670 1. The Bureau shall:

(a) Make surveys of public buildings or properties to determine their suitability as locations for vending stands to be operated by persons who are blind and advise the heads of departments or agencies charged with the maintenance of the buildings or properties of its findings.

(b) With the consent of the respective heads of departments or agencies charged with the maintenance of the buildings or properties, establish vending stands in those locations which the Bureau has determined to be suitable. ~~The~~ *Except as otherwise provided in subsection 4, the Bureau may enter into leases , ~~or~~ licensing agreements or other contracts or agreements therefor.*

(c) Select, train, license and assign qualified persons who are blind to manage or operate vending stands or do both.

(d) Except as otherwise provided in this paragraph, execute contracts or agreements with persons who are blind to manage or operate vending stands or do both. The agreements may concern finances, management, operation and other matters concerning the stands. The Bureau shall not execute a contract or agreement which obligates the Bureau, under any circumstances, to make payments on a loan to a person who is blind.

(e) When the Bureau deems such action appropriate, impose and collect license fees for the privilege of operating vending stands.

(f) Establish and effectuate such regulations as it may deem necessary to ensure the proper and satisfactory operation of vending stands. The regulations must provide a method for setting aside money from the revenues of vending stands and provide for the payment and collection thereof.

2. The Bureau may enter into contracts with vendors for the establishment and operation of vending stands. These contracts must include provisions for the payment of commissions to the Bureau based on revenues from the vending stands. The Bureau may assign the commissions to licensed operators for the maintenance of their incomes.

3. The Bureau may, by regulation, provide:

(a) Methods for recovering the cost of establishing vending stands.

(b) Penalties for failing to file reports or make payments required by NRS 426.630 to 426.720, inclusive, or a regulation adopted pursuant to those sections when they are due.

4. *A department or agency that has care, custody and control of a public building or property in or on which a vending stand is established ~~shall~~ :*

(a) ~~Shall~~ not require the Bureau or the operator of the vending stand to pay any rent, ~~for or a~~ fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.

(b) May enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.

↪ Any provision in a lease, licensing agreement, contract or other agreement relating to a vending stand established pursuant to this section that conflicts with this subsection is void.

Sec. 2. NRS 426.685 is hereby amended to read as follows:

426.685 1. The Bureau may establish vending stands in privately owned buildings, if the building owner in each instance consents and enters into ~~an~~ a contract or other agreement approved by the Bureau.

2. *The owner of a building in which a vending stand is established pursuant to subsection 1 ~~shall~~ :*

(a) ~~Shall~~ not require the Bureau or the operator of the vending stand to pay any rent, ~~for or a~~ fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.

(b) May enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.

↪ Any provision in a contract or other agreement relating to a vending stand established pursuant to subsection 1 that conflicts with this subsection is void.

Sec. 3. 1. The provisions of NRS 426.670, as amended by section 1 of this act, apply to any contract or other agreement relating to a vending stand entered into before, on or after the effective date of this act.

2. The provisions of NRS 426.685, as amended by section 2 of this act, do not apply to any contract or other agreement relating to a vending stand entered into before the effective date of this act during the current term of the contract or other agreement, but do apply to any extension or renewal of such a contract or other agreement and to any contract or other agreement entered into on or after the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 6 to Senate Bill No. 54 authorizes private building owners or governmental agencies that own or control a building or property in which a vending stand is established to enter into an agreement with the Bureau of Services to the Blind and Visually Impaired, Rehabilitation Division, Department of Employment, Training and Rehabilitation to recover the increases in utility costs or other expenses where there is a direct measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services.

Amendment No. 20.

"SUMMARY—Provides for the protection of children in the child welfare system from identity theft. (BDR 38-65)"

"AN ACT relating to child welfare; requiring an agency which provides child welfare services to obtain and examine the credit report for certain children in its custody; requiring the agency to report each potential instance of identity theft or other crime to the Attorney General and make a diligent effort to resolve any inaccuracy in the report; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires an agency which provides child welfare services to provide maintenance and special services to children who are placed in the custody of the agency. (NRS 432.020) This bill requires an agency which provides child welfare services to obtain and examine the credit report of certain children placed into its custody when each child reaches the age of 16 years or, if a child has reached the age of 16 years before being placed into the custody of the agency, upon placement of ~~the~~ the child, and at ~~certain times,~~ least once annually thereafter to identify any inaccuracies in the credit report. If the agency finds any inaccuracies, this bill requires the agency to report any information which indicates that a potential instance of identity theft or other crime may have occurred to the Attorney General and to continue to make a diligent effort to resolve each inaccuracy until all inaccuracies have been corrected. This bill authorizes the Attorney General to investigate any such reports and prosecute the persons responsible for any identity theft identified in the investigation.

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

Section 1. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. An agency which provides child welfare services [shall, for each child placed in the custody of the agency which provides child welfare services for 60 or more consecutive days, request and examine, within 90 days after placement of the child, a copy of any credit report that may exist for the child.~~

~~2. In addition to the requirements of subsection 1, an agency which provides child welfare services] shall request and examine a copy of any credit report that may exist for each child who remains in the custody of the agency which provides child welfare services for 60 or more consecutive days:~~

~~(a) [At least once every 3 years until] When the child reaches the age of 16 years, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I); or~~

~~(b) [At least 6 months, but not more than 1 year, before the child will leave the custody of the agency which provides child welfare services or, if less than 6 months remain before the child will leave the custody of the agency which provides child welfare services, as soon as practicable after the agency which provides child welfare services determines that the child will leave its custody; and~~

~~(c) Within 1 week after the child leaves the custody of the agency which provides child welfare services.~~

~~3. If the child has reached the age of 16 years before the child is placed in the custody of the agency which provides child welfare services, upon the placement of the child in the custody of the agency which provides child welfare services, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I).~~

2. An agency which provides child welfare services shall determine from the examination of a credit report pursuant to this section whether the credit report contains inaccurate information and whether the credit report indicates that identity theft or any other crime has been committed against the child.

~~4.]~~ 3. If the agency which provides child welfare services determines that an inaccuracy exists in the credit report of a child, the agency which provides child welfare services must:

(a) Report any information which may indicate identity theft or other crime to the Attorney General;

(b) Make a diligent effort to resolve the inaccuracy as soon as practicable; and

(c) Continue to make diligent efforts to resolve the inaccuracy if it remains unresolved after the child has left the custody of the agency which provides child welfare services until the inaccuracy is corrected.

~~5.]~~ 4. The Attorney General may investigate each potential instance of identity theft or crime reported pursuant to subsection ~~4.]~~ 3 and prosecute in accordance with law each person responsible for any identity theft identified in the investigation.

Sec. 2. This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 20 to Senate Bill No. 99 revises the frequency in which a child welfare agency must obtain and examine a credit report for certain children placed in their custody to once annually when the child reaches 16 years old, or upon placement if the child is already 16 years old and at least once annually thereafter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 154.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy.

Amendment No. 47.

"SUMMARY—Revises certain provisions governing manufactured home parks. (BDR 10-23)"

"AN ACT relating to manufactured home parks; revising the provisions requiring certain maintenance to be performed by the landlord of a manufactured home park; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the landlord of a manufactured home park to perform certain maintenance, including the maintenance of all common areas of the park in a clean and safe condition. (NRS 118B.090) This bill (1) provides that such maintenance of common areas includes maintaining, in good working order, any utility service apparatus located on each manufactured home lot ~~{1}~~; and (2) requires any maintenance to a utility service apparatus to be performed by a person who is properly licensed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 118B.090 is hereby amended to read as follows:

118B.090 *1.* The landlord shall:

~~{1}~~ (a) Maintain all common areas of the park in a clean and safe condition;

~~{2}~~ (b) Maintain in good working order all electrical, plumbing and sanitary facilities, appliances and recreational facilities which the landlord furnishes;

~~{3}~~ (c) Maintain in a safe and secure location individual mail boxes for the tenants if the mail is delivered to the landlord for distribution to the tenants;

~~{4}~~ (d) Maintain all driveways within the park and sidewalks adjacent to the street; and

~~{5}~~ (e) Remove snow from the sidewalks and streets within the park, and from sidewalks adjacent to the street.

2. *Except as otherwise provided in this subsection, the maintenance required by paragraph (a) of subsection 1 includes maintaining, in good working order, any aboveground or underground utility service apparatus located on each manufactured home lot, up to the disconnection point, which is not an appurtenance of the manufactured home. Maintenance is not required on any such apparatus that has been damaged by the tenant of the manufactured home lot.*

3. Any maintenance to a utility service apparatus, as described in subsection 2, may be performed legally only by a person who is qualified by licensure to perform such maintenance, and:

(a) A person shall not perform the maintenance unless the person has such qualifications; and

(b) The landlord, or his or her agent or employee, shall not employ a third party to perform the maintenance if he or she knows, or in light of all of the surrounding facts and circumstances reasonably should know, that the third party does not have such qualifications.

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

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 47 to Senate Bill No. 154 requires any maintenance to a utility service apparatus be performed by a person who is properly licensed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 191.

Bill read second time and ordered to third reading.

Senate Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary.

Amendment No. 67.

"SUMMARY—Makes it a felony to perform certain medical procedures without a license. (BDR 15-504)"

"AN ACT relating to crimes; making it a felony to perform certain health care procedures or surgical procedures without a license; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires various medical professionals to be licensed to practice in this State (Chapters 630-637, 639 and 640 of NRS) Sections 5 and 6 of this bill make it a felony to perform certain health care procedures or surgical procedures without a license and set forth specific penalties for engaging in such unlawful conduct.

Sections 7-18 of this bill amend various provisions of existing law which impose penalties for the practice of certain medical professions without a

license to specify that if the provisions of section 5 or 6 provide a greater penalty for engaging in the unlawful conduct, the greater penalty must apply.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Health care procedure" means any medical procedure, other than a surgical procedure, that requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS.*

Sec. 4. *"Surgical procedure" means any invasive medical procedure where a break in the skin is created and there is contact with the mucosa or any minimally invasive medical procedure where a break in the skin is created or which involves manipulation of the internal body cavity beyond a natural or artificial body orifice which requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS.*

Sec. 5. *A person who performs a health care procedure on another person without a license which results in:*

1. *Substantial bodily harm other than death to the person who received the procedure:*

(a) *For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

(b) *For any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 but not more than \$5,000.*

2. *The death of the person who received the procedure, unless a greater penalty is provided by statute, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 but not more than \$5,000. A sentence imposed pursuant to this subsection may not be suspended nor may probation be granted.*

Sec. 6. *A person who performs a surgical procedure on another person without a license which results in:*

1. *No substantial bodily harm to the person who received the procedure:*

(a) *For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

(b) *For a second or subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years*

and shall be further punished by a fine of not less than \$2,000 but not more than \$5,000.

2. Substantial bodily harm other than death to the person who received the procedure ~~is~~ is guilty of a category ~~C~~ B felony and shall be punished ~~as provided in NRS 193.130~~ by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 but not more than \$5,000.

3. The death of the person who received the procedure, unless a greater penalty is provided by statute, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 but not more than \$5,000. A sentence imposed pursuant to this subsection may not be suspended nor may probation be granted.

Sec. 7. NRS 630.400 is hereby amended to read as follows:

630.400 A person who:

1. Presents to the Board as his or her own the diploma, license or credentials of another;
2. Gives either false or forged evidence of any kind to the Board;
3. Practices medicine, perfusion or respiratory care under a false or assumed name or falsely personates another licensee;
4. Except as otherwise provided by a specific statute, practices medicine, perfusion or respiratory care without being licensed under this chapter;
5. Holds himself or herself out as a perfusionist or uses any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;
6. Holds himself or herself out as a physician assistant or uses any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or
7. Holds himself or herself out as a practitioner of respiratory care or uses any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board,

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~is~~, unless a greater penalty is provided pursuant to section 5 or 6 of this act.

Sec. 8. NRS 630A.590 is hereby amended to read as follows:

630A.590 A person who:

1. Presents to the Board as his or her own the diploma, license, certificate or credentials of another;
2. Gives either false or forged evidence of any kind to the Board;
3. Practices homeopathic medicine under a false or assumed name; or
4. Except as otherwise provided in NRS 629.091, or unless a greater penalty is provided pursuant to section 5 or 6 of this act, practices homeopathic medicine without being licensed or certified under this chapter,

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 9. NRS 630A.600 is hereby amended to read as follows:

630A.600 Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine without a license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~+~~ , *unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 10. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~+~~ , *unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

2. ~~+~~ *Unless a greater penalty is provided pursuant to section 5 or 6 of this act, a person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:*

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

Sec. 11. NRS 632.315 is hereby amended to read as follows:

632.315 1. For the purposes of safeguarding life and health and maintaining high professional standards among nurses in this State, any person who practices or offers to practice nursing in this State shall submit evidence that he or she is qualified to practice and must be licensed as provided in this chapter.

2. Any person who:

(a) Practices or offers to practice nursing in this State or uses any title, abbreviation, sign, card or device to indicate that he or she is practicing nursing in this State unless that person has been licensed pursuant to the provisions of this chapter; or

(b) Does not hold a valid and subsisting license to practice nursing issued pursuant to the provisions of this chapter who practices or offers to practice in this State as a registered nurse, licensed practical nurse, graduate nurse, trained nurse, certified nurse or under any other title or designation suggesting that the person possesses qualifications and skill in the field of nursing,

↪ is guilty of a misdemeanor [] , *unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

4. The Executive Director of the Board shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

Sec. 12. NRS 633.741 is hereby amended to read as follows:

633.741 A person who:

1. Except as otherwise provided in NRS 629.091, practices:

(a) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

(b) As a physician assistant without a valid license under this chapter; or

(c) Beyond the limitations ordered upon his or her practice by the Board or the court;

2. Presents as his or her own the diploma, license or credentials of another;

3. Gives either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

4. Files for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

5. Practices osteopathic medicine or practices as a physician assistant under a false or assumed name or falsely personates another licensee of a like or different name;

6. Holds himself or herself out as a physician assistant or who uses any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or

7. Supervises a person as a physician assistant before such person is licensed as provided in this chapter,

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130 [↪], *unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 13. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

↪ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130 [↪], *unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 14. NRS 634A.230 is hereby amended to read as follows:

634A.230 Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a valid license issued by the Board is guilty of a gross misdemeanor [↪], *unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 15. NRS 635.167 is hereby amended to read as follows:

635.167 Any person who:

1. Presents to the Board as his or her own the diploma, license or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices podiatry under a false or assumed name or falsely personates another licensee;

4. Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or

5. Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

↪ is guilty of a gross misdemeanor [↪], *unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 16. NRS 636.410 is hereby amended to read as follows:

636.410 A violation of this chapter shall constitute a gross misdemeanor and shall be punishable as such ~~[-]~~, *unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 17. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors ~~[-]~~, *unless a greater penalty is provided pursuant to section 5 or 6 of this act:*

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.

6. Violating any provision of this chapter.

Sec. 18. NRS 639.285 is hereby amended to read as follows:

639.285 Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to prescription only or by a registered pharmacist or under his or her direct and immediate supervision, is guilty of a misdemeanor ~~[-]~~, *unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 67 to Senate Bill No. 199 provides that a person who performs a surgical procedure without a license on another person that results in substantial bodily harm, other than death, is guilty of a category B felony, not a category C felony. In addition, the person would be punished by imprisonment for a term of two to twenty years and receive a fine ranging from \$2,000 to \$5,000.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 298.

Bill read second time and ordered to third reading.

Senate Bill No. 330.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 5.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections.

Amendment No. 23.

"SUMMARY—Urges Congress to ~~reintroduce and~~ pass the Marketplace Fairness Act. (BDR R-697)"

"SENATE JOINT RESOLUTION—Urging Congress to ~~reintroduce and~~ pass the Marketplace Fairness Act."

WHEREAS, In the case of *National Bellas Hess, Inc. v. Department of Revenue*, 386 U.S. 753 (1967), the United States Supreme Court held, in relevant part, that Congress alone has the power to regulate and control the taxation of commerce which is conducted between a business that is located within one state, and a customer who is located in another state and who communicates with and purchases from the business using only remote means; and

WHEREAS, The United States Supreme Court established in *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992), that a state government cannot, of its own accord, require out-of-state retailers to collect sales tax on sales within the state; and

WHEREAS, The United States Supreme Court also announced in *Quill* that Congress could exercise its authority under the Commerce Clause of the United States Constitution to decide whether, when and to what extent the states may require collection of sales tax on remote sales; and

WHEREAS, The State of Nevada and municipalities within this State receive significant operating revenue from sales taxes collected by brick-and-mortar businesses and online vendors with a nexus to the State and from use taxes on purchases made online through vendors without a brick-and-mortar location in the State; and

WHEREAS, Remittance of use taxes not collected by a vendor from online purchases puts an undue burden and widely unknown obligation on consumers; and

WHEREAS, The unequal taxation schemes as between online and traditional retailers create a disadvantage for Nevada-based retailers, who are rooted and invested in the Nevada community and employ residents of this State; and

WHEREAS, The tax collection loophole for online retailers deprives local governments of revenue that could be used to fund necessities such as schools, police and fire departments, and other important infrastructure; and

WHEREAS, The Marketplace Fairness Act, S. ~~1832, 112th~~ 336, 113th Cong. (~~2011~~), (2013), and H.R. 684, 113th Cong. (2013), proposes to provide states with the authority to require out-of-state retailers, such as online and catalog retailers, to collect and remit sales tax on purchases shipped into the state; and

WHEREAS, The State of Nevada has enacted the Simplified Sales and Use Tax Administration Act, chapter 360B of NRS, which is in compliance with the Marketplace Fairness Act, S. ~~1832, 112th~~ 336, 113th Cong. § ~~2~~ (~~2011~~), 2 (2013) and H.R. 684, 113th Cong. § 2 (2013); now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 77th Session of the Nevada

Legislature urge Congress to ~~[reintroduce and]~~ pass the Marketplace Fairness Act ~~[, or successor legislation substantially similar thereto,]~~ without delay; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the Executive Director of the Department of Taxation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Amendment No. 23 to Senate Joint Resolution No. 5 makes technical changes, only, throughout the resolution to recognize that the Marketplace Fairness Act has been reintroduced in the 113th Congress.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 15.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 6.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 118.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Senate Bill No. 118 changes the burden of proof in a civil asset forfeiture action from clear and convincing to a preponderance of the evidence. This mirrors the federal standard and the growing trend around the country. Please know Senate Bill No. 118 has the potential for increasing education funding in our State. I urge your support.

Roll call on Senate Bill No. 118:

YEAS—21.

NAYS—None.

Senate Bill No. 118 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 163.

Bill read third time.

Remarks by Senator Cegavske.

Thank you, Mr. President. Senate Bill No. 163 requires that civics be taught in public and private elementary and secondary schools in Nevada as part of the required instruction in American Government. The bill will be effective July 1, 2013.

Roll call on Senate Bill No. 163:

YEAS—21.

NAYS—None.

Senate Bill No. 163 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which were referred Senate Bills Nos. 20, 58, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Jones moved that Senate Bill No. 159, just reported out of committee, be placed on the Second Reading File for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 159.

Bill read second time.

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

Amendment No. 85.

"SUMMARY—~~[Revises provisions relating to the regulation of planning and zoning by local governments.]~~ Declares the Legislature's support for a land exchange near the Red Rock Canyon National Conservation Area. (BDR 22-552)"

"AN ACT relating to ~~[Hand use planning; restricting certain powers of local governments with regard to planning, subdivision regulation and zoning of lands located in national conservation areas, national recreation areas and adjacent lands.]~~ the Red Rock Canyon National Conservation Area; declaring the Legislature's support for a land exchange near the Red Rock Canyon National Conservation area; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~† Senate Bill No. 358 of the 2003 Legislative Session, known as the Red Rock Canyon Conservation Area and Adjacent Lands Act, restricts the authority of local governments to regulate planning, subdividing and zoning of certain lands located in and adjacent to Red Rock Canyon in Clark County. (Chapter 639, Statutes of Nevada 1993, p. 2673, as amended by chapter 105, Statutes of Nevada 2003, pp. 596-98.) The Nevada Supreme Court recently ruled that the Act violates Sections 20, 21 and 25 of Article 4 of the Nevada Constitution on the grounds that it: (1) is a "local or special law" that "regulates county . . . business"; and (2) establishes a "system of County . . . government" that is not "uniform throughout the State." (Attorney General v. Gypsum Resources, 129 Nev. Adv. Op. 4 (2013))~~

This bill ~~[revises]~~ declares the Legislature's support for efforts to achieve a land exchange of the Gypsum Mine, which is bounded in part by the Red

Rock Canyon National Conservation Area, property for federal land. This bill also urges the Nevada Congressional Delegation to support and facilitate efforts to achieve a land exchange. Finally, this bill declares the Legislature's support for the transfer of title for the Gypsum Mine property to the federal Bureau of Land Management to be managed as part of the Red Rock Canyon National Conservation Area. ~~and Adjacent Lands Act, the similarly worded Spring Mountains National Recreation Area Act (Chapter 198, Statutes of Nevada 2009, pp. 735-37) and the Nevada Revised Statutes in a manner consistent with the decision in the Gypsum Resources case. Sections 1-4 of this bill restrict generally the authority of any local government in this State to enact certain changes relating to planning, subdividing and zoning of certain lands located within any national conservation area, national recreation area or adjacent lands. Section 5 of this bill repeals certain provisions of the Act which the Court in Gypsum Resources held unconstitutional and also repeals similar provisions of the Spring Mountains National Recreation Area Act.]~~

WHEREAS, The Red Rock Canyon National Conservation Area is a natural wonder within the State of Nevada and an area of unique beauty, scenery and recreational interest; and

WHEREAS, The Gypsum Mine property on Blue Diamond Hill consists of over 3,000 acres of land that is bounded on the north, west, south and portions of the east by the Red Rock Canyon National Conservation Area; and

WHEREAS, The elevation within the Gypsum Mine property reaches approximately 4,950 feet above sea level at its highest point and generally slopes toward the Red Rock Canyon National Conservation Area; and

WHEREAS, Portions of the Gypsum Mine property are visible from locations within the Red Rock Canyon National Conservation Area; and

WHEREAS, The Blue Diamond Cholla is found on undisturbed portions of the Gypsum Mine property; and

WHEREAS, The Gypsum Mine property contains a uniquely high concentration of biological diversity representing the entire Mojave Desert with at least 15 documented species of cacti and succulents; and

WHEREAS, The unincorporated town of Blue Diamond is located approximately 1 mile from the southernmost portion of the Gypsum Mine property; and

WHEREAS, There is strong and vocal opposition to commercial and suburban residential development of the Gypsum Mine property and contentions that such development of the Gypsum Mine property may adversely impact the beauty and serenity of the adjacent Red Rock Canyon National Conservation Area and the quiet enjoyment of the nearby town of Blue Diamond; and

WHEREAS, Land exchanges are an essential tool to secure the objectives of resource management, enhancement and protection, to meet the needs of the communities and to fulfill other public needs; and

WHEREAS, The exploration of the full range of possibilities available to exchange the Gypsum Mine property for federal lands of equal value located away from the Red Rock Canyon National Conservation Area promotes the public interest; now, therefore,

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

Section 1. ~~[Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Notwithstanding any other provision of law to the contrary, the powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of this section.~~

~~2. With respect to any lands located in a national conservation area, national recreation area or adjacent lands, a local government:~~

~~(a) Shall not, in regulating the use of those lands:~~

~~(1) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act, unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area;~~

~~(2) Establish any new nonresidential zoning districts, other than for public facilities; or~~

~~(3) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities;~~

~~(b) May regulate other matters, including, without limitation, landscaping, buffering, screening, signage and lighting; and~~

~~(c) Retains all other authority regarding planning, zoning and regulation of uses of land otherwise conferred by this chapter.~~

~~3. The prohibitions set forth in paragraph (a) of subsection 2 do not restrict or limit:~~

~~(a) Any existing or future development or other rights held by any owner of real property that is not part of a national conservation area, national recreation area or adjacent lands, including, without limitation, all rights, consents and agreements established, enacted, granted or entered into by a governing body, whether reflected in codes, ordinances, permits, agreements or other documents;~~

~~(b) Any future use or development of real property that is not part of a national conservation area, national recreation area or adjacent lands; or~~

~~(c) The authority of any governing body to regulate real property that is not part of a national conservation area, national recreation area or adjacent lands.~~

~~4. As used in this section:~~

~~(a) "Adjacent lands" means any tract of land which is:~~

~~(1) Located not more than 5 miles from any national conservation area; and~~

~~(2) Not located in a Bureau of Land Management disposal area.~~

~~(b) "Bureau of Land Management disposal area" means public land which is managed by the Bureau of Land Management and which has been identified as potentially suitable for disposal in an approved land use plan or through an amendment to an existing plan.~~

~~(c) "National conservation area" means an area designated as a national conservation area by the Congress of the United States.~~

~~(d) "National recreation area" means an area designated as a national recreation area by the Congress of the United States.~~ (Deleted by amendment.)

Sec. 2. [Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Notwithstanding any other provision of law to the contrary, the powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of this section.~~

~~2. With respect to any lands located in a national conservation area, national recreation area or adjacent lands, a local government:~~

~~(a) Shall not, in regulating the use of those lands:~~

~~(1) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act, unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area;~~

~~(2) Establish any new nonresidential zoning districts, other than for public facilities; or~~

~~(3) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities;~~

~~(b) May regulate other matters, including, without limitation, landscaping, buffering, screening, signage and lighting; and~~

~~(c) Retains all other authority regarding planning, zoning and regulation of uses of land otherwise conferred by this chapter.~~

~~3. The prohibitions set forth in paragraph (a) of subsection 2 do not restrict or limit:~~

~~(a) Any existing or future development or other rights held by any owner of real property that is not part of a national conservation area, national recreation area or adjacent lands, including, without limitation, all rights, consents and agreements established, enacted, granted or entered into by a governing body, whether reflected in codes, ordinances, permits, agreements or other documents;~~

~~(b) Any future use or development of real property that is not part of a national conservation area, national recreation area or adjacent lands; or~~

~~(c) The authority of any governing body to regulate real property that is not part of a national conservation area, national recreation area or adjacent lands.~~

~~4. As used in this section:~~

~~(a) "Adjacent lands" has the meaning ascribed to it in paragraph (a) of subsection 1 of section 1 of this act.~~

~~(b) "Bureau of Land Management disposal area" has the meaning ascribed to it in paragraph (b) of subsection 1 of section 1 of this act.~~

~~(c) "National conservation area" has the meaning ascribed to it in paragraph (c) of subsection 1 of section 1 of this act.~~

~~(d) "National recreation area" has the meaning ascribed to it in paragraph (d) of subsection 1 of section 1 of this act.] (Deleted by amendment.)~~

Sec. 3. ~~[Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Notwithstanding any other provision of law to the contrary, the powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of this section.~~

~~2. With respect to any lands located in a national conservation area, national recreation area or adjacent lands, a local government:~~

~~(a) Shall not, in regulating the use of those lands:~~

~~(1) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act, unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area;~~

~~(2) Establish any new nonresidential zoning districts, other than for public facilities; or~~

~~(3) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities;~~

~~(b) May regulate other matters, including, without limitation, landscaping, buffering, screening, signage and lighting; and~~

~~(c) Retains all other authority regarding planning, zoning and regulation of uses of land otherwise conferred by this chapter.~~

~~3. The prohibitions set forth in paragraph (a) of subsection 2 do not restrict or limit:~~

~~(a) Any existing or future development or other rights held by any owner of real property that is not part of a national conservation area, national recreation area or adjacent lands, including, without limitation, all rights, consents and agreements established, enacted, granted or entered into by a governing body, whether reflected in codes, ordinances, permits, agreements or other documents;~~

~~(b) Any future use or development of real property that is not part of a national conservation area, national recreation area or adjacent lands; or~~

~~(c) The authority of any governing body to regulate real property that is not part of a national conservation area, national recreation area or adjacent lands.~~

~~4. As used in this section:~~

~~(a) "Adjacent lands" has the meaning ascribed to it in paragraph (a) of subsection 1 of section 1 of this act.~~

~~(b) "Bureau of Land Management disposal area" has the meaning ascribed to it in paragraph (b) of subsection 1 of section 1 of this act.~~

~~(c) "National conservation area" has the meaning ascribed to it in paragraph (c) of subsection 1 of section 1 of this act.~~

~~(d) "National recreation area" has the meaning ascribed to it in paragraph (d) of subsection 1 of section 1 of this act.~~ (Deleted by amendment.)

Sec. 4. [Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Notwithstanding any other provision of law to the contrary, the powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of this section.~~

~~2. With respect to any lands located in a national conservation area, national recreation area or adjacent lands, a local government:~~

~~(a) Shall not, in regulating the use of those lands:~~

~~(1) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act, unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area;~~

~~(2) Establish any new nonresidential zoning districts, other than for public facilities; or~~

~~(3) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities;~~

~~(b) May regulate other matters, including, without limitation, landscaping, buffering, screening, signage and lighting; and~~

~~(c) Retains all other authority regarding planning, zoning and regulation of uses of land otherwise conferred by this chapter.~~

~~3. The prohibitions set forth in paragraph (a) of subsection 2 do not restrict or limit:~~

~~(a) Any existing or future development or other rights held by any owner of real property that is not part of a national conservation area, national recreation area or adjacent lands, including, without limitation, all rights, consents and agreements established, enacted, granted or entered into by a~~

~~governing body, whether reflected in codes, ordinances, permits, agreements or other documents;~~

~~(b) Any future use or development of real property that is not part of a national conservation area, national recreation area or adjacent lands; or~~

~~(c) The authority of any governing body to regulate real property that is not part of a national conservation area, national recreation area or adjacent lands.~~

~~4. As used in this section:~~

~~(a) "Adjacent lands" has the meaning ascribed to it in paragraph (a) of subsection 4 of section 1 of this act.~~

~~(b) "Bureau of Land Management disposal area" has the meaning ascribed to it in paragraph (b) of subsection 4 of section 1 of this act.~~

~~(c) "National conservation area" has the meaning ascribed to it in paragraph (c) of subsection 4 of section 1 of this act.~~

~~(d) "National recreation area" has the meaning ascribed to it in paragraph (d) of subsection 4 of section 1 of this act.] (Deleted by amendment.)~~

~~Sec. 5. [1. NRS 244.154, 268.105, 269.617 and 278.0239 are hereby repealed.~~

~~2. Sections 6, 7, 8, 9 and 10 of chapter 105, Statutes of Nevada 2003, at pages 596, 597 and 598, and section 8 of chapter 198, Statutes of Nevada 2009, at page 736, are hereby repealed.] (Deleted by amendment.)~~

Sec. 5.3. The Legislature hereby finds and declares its support for efforts to evaluate and consider the full range of options available to achieve a land exchange of the Gypsum Mine property for federal land.

Sec. 5.6. The Legislature urges the Nevada Congressional Delegation to support and facilitate efforts to evaluate and achieve such a land exchange.

Sec. 5.9. If a land exchange is achieved, the Legislature supports the transfer of title for the Gypsum Mine property to the Bureau of Land Management to be managed as part of the Red Rock Canyon National Conservation Area.

Sec. 6. This act becomes effective upon passage and approval.

~~LEADLINES OF REPEALED SECTIONS OF NRS AND~~

~~EXT OF REPEALED SECTIONS OF STATUTES OF NEVADA]~~

~~[244.154 — Planning, subdivision regulation and zoning: County's powers subordinate to limits upon development established in certain geographical regions by certain state acts.~~

~~268.105 — City's powers subordinate in region for which Spring Mountains National Recreation Area Act and Red Rock Canyon Conservation Area and Adjacent Lands Act establish limits upon development.~~

~~269.617 — Powers relating to planning, subdivision regulation and zoning subordinate in region for which Spring Mountains National Recreation Area and Red Rock Canyon Conservation Area and Adjacent Lands Act establish limits upon development.~~

~~278.0239 — Supremacy of limits upon development established by certain special legislative acts:~~

~~Section 6 of chapter 105, Statutes of Nevada 2003:~~

~~Sec. 6. Chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended by adding thereto a new section to be designated as section 0.5, immediately preceding section 1, to read as follows:~~

~~This act shall be known as the Red Rock Canyon Conservation Area and Adjacent Lands Act.~~

~~Section 7 of chapter 105, Statutes of Nevada 2003:~~

~~Sec. 7. Chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended by adding thereto new sections to be designated as sections 1.3 and 1.7, immediately following section 1, to read as follows:~~

~~Sec. 1.3. As used in this act, unless the context otherwise requires, the words and terms defined in sections 1.7 and 2 of this act have the meanings ascribed to them in those sections:~~

~~Sec. 1.7. "Adjacent lands" means the following tracts of land:~~

~~1. All of sections 34, 35 and 36, Township 20 South, Range 58 East, MDM;~~

~~2. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 21 South, Range 58 East, MDM;~~

~~3. All of sections 1, 2, 3, 10, 11, 12, 13, 14 and 15, Township 22 South, Range 58 East, MDM;~~

~~4. All of sections 31 and 32, Township 20 South, Range 59 East, MDM, with the exception of any lands that are located within the corporate limits of the City of Las Vegas on the effective date of this act;~~

~~5. All of sections 3 and 4, Township 21 South, Range 59 East, MDM, with the exception of any lands that are located within the corporate limits of the City of Las Vegas on the effective date of this act;~~

~~6. All of sections 5, 6, 7, 8, 9, 10 and 11, Township 21 South, Range 59 East, MDM, with the exception of any lands that are located within the Summerlin South unincorporated area on the effective date of this act;~~

~~7. All of sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, Township 21 South, Range 59 East, MDM; and~~

~~8. All of sections 3, 4, 5, 6, 7, 8, 9, 10, 17 and 18, Township 22 South, Range 59 East, MDM.~~

~~Section 8 of chapter 105, Statutes of Nevada 2003:~~

~~Sec. 8. Chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended by adding thereto new sections to be designated as sections 4.3 and 4.7, immediately following section 4, to read as follows:~~

~~Sec. 4.3. With respect to adjacent lands, a local government:~~

~~1. Shall not, in regulating the use of those lands:~~

~~(a) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act, unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of~~

~~residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area;~~

~~(b) Establish any new nonresidential zoning districts, other than for public facilities; or~~

~~(c) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities.~~

~~2. Shall, at its discretion:~~

~~(a) Regulate matters to include, without limitation, landscaping, buffering, screening, signage and lighting; and~~

~~(b) Retain all other authority regarding planning, zoning and regulation of uses of land.~~

~~Sec. 4.7. The prohibitions set forth in section 4.3 of this act with respect to adjacent lands do not restrict or limit:~~

~~1. Any existing or future development or other rights held by any owner of real property that is not part of those adjacent lands, including, without limitation, all rights, consents and agreements established, enacted, granted or entered into by a governing body, whether reflected in codes, ordinances, permits, agreements or other documents;~~

~~2. Any future use or development of real property that is not part of those adjacent lands; or~~

~~3. The authority of any governing body to regulate real property that is not part of those adjacent lands.~~

~~Section 9 of chapter 105, Statutes of Nevada 2003:~~

~~Sec. 9. Section 1 of chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended to read as follows:~~

~~Section 1. The legislature hereby finds and declares that [this]:~~

~~1. This special act which regulates activity in the Red Rock Canyon National Conservation Area and on adjacent lands is necessary because of:~~

~~[1.] (a) The unusual beauty of the Red Rock Canyon National Conservation Area; [and~~

~~2.] (b) The rapidly increasing population and growth in the region around the Red Rock Canyon National Conservation Area [.]; and~~

~~(c) The need to harmonize:~~

~~(1) The retention of the scenic beauty, small town values, historic character, sense of community and recreational opportunities for visitors and residents of the Red Rock Canyon National Conservation Area and adjacent lands; and~~

~~(2) Residential and commercial development within the Red Rock Canyon National Conservation Area and adjacent lands.~~

~~2. The Legislature supports acquisition by the Federal Government of vacant private lands that are:~~

~~(a) Located within and adjacent to the Red Rock Canyon National Conservation Area;~~

~~(b) Located outside of the boundary described in the Clark County Conservation of Public Lands and Natural Resources Act of 2002, Public Law 107-282, November 6, 2002; and~~

~~(c) Essential to the character and value of the Red Rock Canyon National Conservation Area.~~

~~Section 10 of chapter 105, Statutes of Nevada 2003:~~

~~Sec. 10. Section 2 of chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended to read as follows:~~

~~Sec. 2. [As used in section 1 to 4, inclusive, of this act,] "Red Rock Canyon National Conservation Area" means the area in and around Red Rock Canyon which has been designated as a national conservation area by Congress pursuant to Title 16 of the United States Code.~~

~~Section 8 of chapter 198, Statutes of Nevada 2000:~~

~~Sec. 8. With respect to the Spring Mountains National Recreation Area, a local government:~~

~~1. Shall not, in regulating the use of those lands:~~

~~(a) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act;~~

~~(b) Establish any new nonresidential zoning districts, other than for public facilities; or~~

~~(c) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities.~~

~~2. May regulate matters to include, without limitation, landscaping, buffering, screening, signage and lighting.~~

~~3. Retains all other authority regarding planning, zoning and regulation of uses of land.~~

Senator Jones moved the adoption of the amendment.

Remarks by Senator Jones.

Thank you, Mr. President. Amendment No. 85 to Senate Bill No. 159 replaces the original contents of the bill with language voicing the Nevada Legislature's support for a land exchange of the gypsum mine property near Red Rock Canyon National Conservation Area. Amendment No. 85 also adds Senator Goicoechea as a bill sponsor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Atkinson, the privilege of the Floor of the Senate Chamber for this day was extended to Verlia Davis-Hoggard, Tanya Flanagan and Ida Gaines.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Utah State Senators Curt Bramble and Luz Robles.

On request of Senator Ford, the privilege of the Floor of the Senate Chamber for this day was extended to Jacqueline Brown and Dr. Sandra Mack.

On request of Senator Hutchison, the privilege of the Floor of the Senate Chamber for this day was extended to Steve Sanson.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to the students and chaperones from Dilworth STEM Academy: Dominique Abuan-Rodriguez, Sofya Aguero, Johnathon Alcaraz, Brooklyn Anthony, Eloisa Aquino, Jessenia Araiza, Anthony Arteaga-Brevick, Salvador Ayala Dimas, Alejandra Barajas, Ivan Barajas Covarrubias, Akilah Barajas-Richardson, Jose Barrera-Garcia, Morgan Bennett, Roberto Bibriezca Martinez, William Boston III, Joseph Buzick, Jennifer Cano-Ramirez, Martha Carranza, Jorge Carrillo, Chloe Carter, Yocelyn Castillo, Ethan Chao, Maria Chiu Martinez, Cameron Clendening, Leslye Cordoba, Ana Corral, Andres Corral Solorio, Jaime Cramer, Courtney Crowson, Eric Cureno, Ismael Diaz, Ronaldo Diaz, Kiara Druley, Jannesa Duran, Andrea Escobar Martinez, Esmeralda Espana Quinones, Diana Esquivel Cerda, Ricardo Figueroa, Tia Kristina Fredrickson, Ronald Frias, Angie Fuerte-Ramirez, Alan Garcia, Carissa Garcia, Destiny Garcia, Esmeralda Gomez Murillo, Marcos Gonzalez, Nicolas Gonzalez Jr., Sara Gonzales Calzada, Carlos Guerrero, Fay Guerrero-Bernardino, Krystal Hernandez Andrade, Angeles Hernandez Najera, Carla Hernandez-Vasquez, Diego Huezo Ceren, Roger Huizar, Angelica Hurtado, Alexandria Hutchison, Amanda Hutton, Hidy Ibarra-Duran, Juan Izquierdo Campuzano, Mylya Jackson, Amber Johnson, Cassidy Johnson, Isaiah Johnson, James Lafeldt, Aliya Lange, Kaige Lewis, Vanessa Linan Saldana, Brayan Lomeli, Marcos Lopez, Kendra Lopez Reyes, Cracilia Lusk, Jesus Magdaleno, David Marfil, Daniela Marquez, Jacob Martinez, Malachai Martindale, Cody McAbee, Damon McGrogan, Lesly Medina Ibanez, Julian Mejia, Jose Mejia Navarrete, Miguel Mejia Romero, Martin Mena Jr., Aleksander Misael Oregon, Autumn Montecino, Joshua Moyer, James Mullins, Jesus Muniz Toribio, Stephanie Murillo-Rodriguez, Dylan Neel, Rilee Nelson, Tiffany Nila Herrera, Gustavo Ortiz Aguilar, Polet Osuna Torres, Austin Parawan, Nathaniel Pascual, Robert Pascual Jr., Vashisth Patel, Zakariah Peppers, Dakota Perez, Leonardo Perez, Nathaniel Perez, Crystal Pichardo Uribe, Silia Po'oi, Maria Ramirez, Sarah Ramirez, Karla Ramos, Sandra Ramos Rodriguez, Rodrigo Reynoso, Da'Von Richards-Sankey, Yeisa Rios Ramirez, Claudia Rivera, Mariana Rizo-Lopez, Kaylee Robinson, Alejandro Rojas, Travis Rubio, Christopher Ruiz, Angela Russell, Maricarmen Salvador Ornelas, Luis Samaniego, Raul Sanchez Padilla, Joanna Sarmiento Aguirre, Cameryn Sather, Aaron Searight, Christopher Segura Oliva, Jamir Silis Estrada, Preetkaran Singh, Julianne Smith, Brenda Soto Lopez, Zachary Tequillo, Devein Thomas, Dylan Tuttle, Juan Valtierra, Nicole Vanderkelen, Miriam

Vargas-Cabral, Kely Alejandra Vazquez, Jody Vice, Jorge Vieyra Estrada and James Westin; chaperones Maleny Avila-Lopez, Dawn Baugh, Henry Fournier, Michelle Fournier, Hardeep Kaur, Keelie Killian, Alicia Johnson, Maria Murillo, Karen Pfennig, Shelia Po'oi, Laniece Primus, Vicki Rannow, Mayra Reyes and Annie Rubio.

On request of Senator Spearman, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Ellen Brown, Marian Burns and Sylvia Allen.

On request of Senator Woodhouse, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Esther Langston.

Senator Denis moved that the Senate adjourn until Wednesday, April 3, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:19 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate