

THE NINETY-THIRD DAY

CARSON CITY (Tuesday), May 5, 2015

Assembly called to order at 12:15 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

For You, Lord, are the most high over all the earth; You are exalted above all gods. Great are You Lord and worthy of praise! We give You thanks, and we will not forget all You have done for us. You are faithful and just! We will remember!

Father, we invite Your work in our hearts today. Direct us and lead us in the way we should go. Help us to do good and to represent the people of our great state the best that we can, and may we do today well!

Be with our families and loved ones, and may we be sensitive to the needs of others.

We continue to pray for those serving in harm's way—that they may be strengthened, encouraged, protected, and You would give them assurance of Your presence.

From Numbers 6:24-26, 'May the Lord bless you and keep you, the Lord make His face shine on you and be gracious to you; the Lord turn His face toward you and give you peace' today.

In Jesus' Name and for His glory we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 4, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 504.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 485 be taken from the General File and be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 66 and 85 be taken from the Chief Clerk's desk and be placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 504.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 14.

Bill read second time and ordered to third reading.

Senate Bill No. 31.

Bill read second time and ordered to third reading.

Senate Bill No. 86.

Bill read second time and ordered to third reading.

Senate Bill No. 151.

Bill read second time and ordered to third reading.

Senate Bill No. 158.

Bill read second time and ordered to third reading.

Senate Bill No. 196.

Bill read second time and ordered to third reading.

Senate Bill No. 281.

Bill read second time and ordered to third reading.

Senate Bill No. 476.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 656.

AN ACT relating to local districts; making legislative declarations; requiring the imposition of a fee on parcels in a conservation district upon ~~the~~ the approval of registered voters or electors; authorizing the increase, decrease or elimination of the fee upon ~~the~~ such approval; requiring that money collected from the fee be expended only for the purposes of the conservation district; authorizing the supervisors of a

conservation district to serve ex officio as directors of a weed control district upon agreement with a board of county commissioners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a conservation district may be organized as a political subdivision of the State, with various powers and duties regarding the conservation of natural resources within the district. (Chapter 548 of NRS)

In **section 2** of this bill, the Legislature declares that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes the districts suited to serve as ~~coordinating~~ **cooperating** agencies for the purposes of the federal National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.) and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976. (43 U.S.C. §§ 1701 et seq.)

Section 4 of this bill requires a board of county commissioners to impose an annual fee, not to exceed \$25, on each parcel in a conservation district, if the imposition of the fee is approved at an election. Under **section 5** of this bill, a board of county commissioners must submit to the voters the question of whether to impose the fee upon receipt of a petition signed by either a majority of the supervisors of the conservation district or at least 10 percent of the registered voters of the conservation district. **Section 5.5 of this bill provides that the required election may be conducted at a mass meeting of electors held in a public meeting place within the conservation district.** Under **section 6** of this bill, the fee may not be increased, decreased or eliminated except according to the same procedures for imposing the fee. Under **section 4**, money collected from the imposition of the fee may be used only for the purposes of a conservation district prescribed in chapter 548 of NRS.

Sections 8 and 9 of this bill add the Forest Service of the United States Department of Agriculture and the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior to the definitions of “United States” and “agencies of the United States” for the purposes of provisions regarding cooperation between conservation districts and those agencies of the United States.

In **section 10** of this bill, the Legislature recognizes the importance of locally led efforts for the conservation of natural resources and pledges to strive to provide appropriations to conservation districts at levels comparable to the appropriations provided to similar districts in other western states.

Existing law authorizes the creation of weed control districts, which are governed by a board of directors appointed by the applicable board of county commissioners. (NRS 555.203, 555.207) **Section 15** of this bill authorizes a board of county commissioners and the supervisors of a conservation district to enter into an agreement under which the supervisors of the conservation district serve, ex officio, as the directors of a weed control district that lies

entirely within the conservation district. The supervisors must ensure that the money of the weed control district is expended only for the purposes of the statutory provisions relating to weed control districts.

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

Section 1. Chapter 548 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *It is hereby declared, as a matter of legislative determination, that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes conservation districts uniquely suitable to serve as ~~coordinating~~ cooperating agencies for the purpose of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., and any other federal laws regarding land management, and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq., and any other federal laws regarding land management.*

Sec. 3. *As used in sections 3 to 7, inclusive, of this act, "parcel" has the meaning ascribed to it in NRS 361A.065.*

Sec. 4. 1. *Subject to the provisions of ~~section~~ sections 5 and 5.5 of this act, and only after receiving the approval of a majority of the registered voters of the conservation district voting on the question at a primary, general or special election held pursuant to section 5 of this act ~~for~~ or the approval of a majority of the electors of the conservation district voting on the question at an election conducted at a mass meeting of electors pursuant to section 5.5 of this act:*

(a) If a conservation district ~~embodies~~ includes land lying in only one county, the board of county commissioners of the county shall impose, on behalf of the conservation district, an annual fee of not more than \$25 on each parcel in the conservation district; and

(b) If a conservation district ~~embodies~~ includes land lying in more than one county, the boards of county commissioners of the respective counties shall impose, on behalf of the conservation district, an annual fee of not more than \$25 on each parcel in the conservation district.

2. *A fee imposed pursuant to subsection 1 must be collected as are other fees and taxes imposed by the board of county commissioners are collected. A board of county commissioners that imposes the fee shall establish a separate fund in the county treasury for the receipt and expenditure of and accounting for the proceeds of the fee.*

3. *Money collected pursuant to this section may be used only for the purposes of this chapter.*

Sec. 5. 1. *A board of county commissioners shall submit to the voters a question of whether to impose a fee described in section 4 of this act upon receipt of a petition requesting the election and prescribing the amount of*

the proposed fee. The petition must be signed by a majority of the supervisors of the conservation district or not less than 10 percent of the registered voters of the conservation district. The board of county commissioners shall direct the county clerk of the county or the county clerk's designee to conduct an election on the question.

2. If a conservation district includes land lying in more than one county, the petition described in ~~this~~ subsection 1 must be submitted to the board of county commissioners of each such county and each respective board of county commissioners shall submit the question to the registered voters of the conservation district who live in the county.

~~2.~~ Each respective board of county commissioners shall direct the county clerk of the county or the county clerk's designee to conduct an election on the question. The county clerks of the respective counties shall confer and delegate to the county clerk, or the county clerk's designee, of the county having the greatest number of qualified electors of the conservation district the duty of carrying out the provisions of this section and shall reimburse that county on a pro rata basis for their respective counties' shares of the expenses of conducting the election.

3. Notice of an election or elections on the question of whether to impose a fee described in section 4 of this act must be ~~published~~ :

(a) Published at least once each week for 4 weeks before the date of the election in a newspaper of general circulation in the county or counties in which the election or elections are to be held ~~1. The notice must be published at least once each week for~~ ; and

(b) Posted continuously on the Internet website of the county or counties beginning not less than 30 days before the date of the election.

~~3.~~ 4. At the election, the ballot must contain the words "Shall a fee of not more than \$ ____ per parcel be approved for the conservation district?" or words equivalent thereto.

~~4.~~ 5. If a majority of the registered voters of the conservation district voting on the question approve the imposition of the fee, the fee must be imposed beginning on July 1 of the year next following the election or elections.

Sec. 5.5. 1. In lieu of conducting the election required by section 4 of this act at a primary, general or special election pursuant to section 5 of this act, the board or boards of county commissioners, as applicable, may direct that the election be conducted at a mass meeting of electors held in a centrally located public meeting place within the conservation district. Except as otherwise provided in this section, the provisions of section 5 of this act govern the conduct of an election at a mass meeting.

2. If the election is conducted at a mass meeting:

(a) The chair of the district supervisors shall preside at the meeting and the secretary of the district shall keep a record of transactions at the meeting.

(b) Voting must be by secret ballot.

(c) At the close of polling, the sealed ballot boxes must be delivered unopened to the county clerk or the county clerk's designee, who shall appoint three electors to act, without pay, as judges and tellers to open the boxes and count the votes.

3. If a majority of the electors of the conservation district voting on the question at a mass meeting approve the imposition of the fee, the fee must be imposed beginning on July 1 of the year next following the election.

Sec. 6. A fee imposed pursuant to sections 4, ~~and~~ 5 and 5.5 of this act, as applicable, may not be increased, decreased or eliminated except according to the same procedures prescribed in sections 4, ~~and~~ 5 and 5.5 of this act, as applicable, for imposing the fee.

Sec. 7. A board of county commissioners may appropriate money from the county general fund to a conservation district for the purpose of providing programs for renewable natural resources regardless of whether a fee is imposed pursuant to sections 4, ~~and~~ 5 and 5.5 of this act ~~if~~, as applicable.

Sec. 8. NRS 548.020 is hereby amended to read as follows:

548.020 "Agencies of the United States" includes the United States of America, the ~~Soil~~ **Natural Resources Conservation Service and the Forest Service** of the United States Department of Agriculture, **the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior**, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 9. NRS 548.090 is hereby amended to read as follows:

548.090 "United States" includes the United States of America, the ~~Soil~~ **Natural Resources Conservation Service and the Forest Service** of the United States Department of Agriculture, **the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior**, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 10. NRS 548.105 is hereby amended to read as follows:

548.105 **1.** It is hereby declared, as a matter of legislative determination, that persons in local communities are best able to provide basic leadership and direction for the planning and accomplishment of the conservation and development of renewable natural resources through organization and operation of conservation districts.

2. Recognizing the importance of locally led efforts for the conservation of renewable natural resources, the Legislature will strive to provide appropriations to conservation districts at a level comparable to the appropriations provided to similar districts in other western states.

Sec. 11. NRS 548.195 is hereby amended to read as follows:

548.195 **1.** After such hearing, if the Commission determines, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the

public health, safety and welfare, for a conservation district to function in the territory considered at the hearing, the Commission shall make and record such determination, and shall determine the township or townships to be included in the district.

2. In making such determination, the Commission shall give due weight and consideration to:

- (a) The topography of the area considered and of the State.
- (b) The composition of soils therein.
- (c) The distribution of erosion.
- (d) The prevailing land use practices.
- (e) The desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries.
- (f) The relation of the proposed area to existing watersheds and agricultural regions, and to other conservation districts already organized or proposed for organization under the provisions of this chapter.

(g) Such other physical, geographical and economic factors as are relevant, having due regard to the legislative determinations set forth in NRS 548.095 to 548.110, inclusive ~~†~~, **and section 2 of this act.**

3. After consideration of the petition and of any other evidence of interest in the organization of a district, and of the relevant factors regarding the need for a district to function in the territory being considered, the Commission may make the determination of such need without holding a hearing.

Sec. 12. NRS 548.215 is hereby amended to read as follows:

548.215 1. The Commission shall publish the result of the referendum and shall thereafter consider and determine whether the operation of the district is administratively practicable and feasible.

2. If the Commission determines that the operation of such district is not administratively practicable and feasible, the Commission shall record such determination and deny the petition.

3. If the Commission determines that the operation of the district is administratively practicable and feasible, the Commission shall record such determination and shall proceed with the organization of the district in the manner provided in this chapter. The Commission shall not determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the creation of the district are cast in favor of the creation of such district.

4. In making such determination, the Commission shall give due regard and weight to:

- (a) The attitudes of the occupiers of lands lying within the defined boundaries.
- (b) The number of eligible registered voters who voted in the referendum.
- (c) The proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the proposed district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative determinations set forth in NRS 548.095 to 548.110, inclusive ~~†~~, **and section 2 of this act.**

Sec. 13. NRS 548.430 is hereby amended to read as follows:

548.430 The regulations to be adopted by the Commission under the provisions of NRS 548.410 to 548.435, inclusive, may include:

1. Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dikes, dams, ponds, ditches and other necessary structures.

2. Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and reforestation.

3. Specifications of cropping programs and tillage practices to be observed.

4. Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on.

5. Provisions for such other means, measures, operations, and programs as may assist conservation of renewable natural resources and prevent or control soil erosion and sedimentation in the conservation district, having due regard to the legislative findings set forth in NRS 548.095 to 548.110, inclusive ~~†~~, **and section 2 of this act.**

Sec. 14. NRS 548.535 is hereby amended to read as follows:

548.535 1. The Commission shall consider the information and facts presented in the petition and brought out in any public hearings that may be held and the result of the referendum if one is held, and shall thereafter determine whether the continued operation of the district is administratively practicable and feasible.

2. If the Commission determines that the continued operation of such district is administratively practicable and feasible, the Commission shall record such determination and deny the petition. The Commission shall not determine that the continued operation of the district is administratively practicable and feasible unless the number of petitioners comprises less than a majority of the registered voters in the district or unless at least a majority of the votes cast in the referendum were cast in favor of the continuance of such district.

3. If the Commission determines that the continued operation of the district is not administratively practicable and feasible, the Commission shall

record such determination and shall certify such determination to the supervisors of the district.

4. In making such determination the Commission shall give due regard and weight to:

(a) The attitudes of the occupiers of lands lying within the district.

(b) The number of eligible registered voters who voted in the referendum.

(c) The proportion of petitioners to the total number of land occupiers in the district, and the proportion of the votes cast in favor of the discontinuance of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings as set forth in NRS 548.095 to 548.110, inclusive ~~†~~, **and section 2 of this act.**

Sec. 15. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the area included in a weed control district is entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to chapter 548 of NRS, the board of county commissioners of the county and the supervisors of the conservation district may enter into an agreement for the supervisors of the conservation district to serve, ex officio, as the board of directors of the weed control district. If, as a result of a change in boundaries, the area included in a weed control district is no longer entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to chapter 548 of NRS, the supervisors of the conservation district may no longer serve, ex officio, as the board of directors of the weed control district, and the supervisors of the weed control district must be appointed pursuant to NRS 555.205.*

2. *An agreement entered into pursuant to subsection 1 may be terminated by mutual agreement of the board of county commissioners and the supervisors of the conservation district. If an agreement is terminated pursuant to this section, the board of directors of the weed control district must be appointed pursuant to NRS 555.205.*

3. *The supervisors of a conservation district serving ex officio as the board of directors of a weed control district pursuant to this section shall ensure that any money collected by the weed control district pursuant to an assessment levied pursuant to NRS 555.215, and any other money appropriated or granted to the weed control district from any source, is expended only for the purposes of this section and NRS 555.202 to 555.220, inclusive.*

Sec. 16. NRS 555.205 is hereby amended to read as follows:

555.205 ***Except as otherwise provided in section 15 of this act:***

1. The board of county commissioners of any county in which a weed control district has been created shall appoint a board of directors of the district composed of three or five persons who:

(a) Are landowners in the district, whether or not they signed the petition for its creation. For the purpose of this paragraph, if any corporation or partnership owns land in the district, a partner or a director, officer or beneficial owner of 10 percent or more of the stock of the corporation shall be deemed a landowner.

(b) Fairly represent the agricultural economy of the district.

2. If the district includes lands situated in more than one county, the board of county commissioners shall appoint at least one member of the board of directors from each county in which one-third or more of the lands are situated.

3. The initial appointments to the board of directors shall be for terms of 1, 2 and 3 years respectively. Each subsequent appointment shall be for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term.

4. In addition to other causes provided by law, a vacancy is created on the board if any director:

(a) Ceases to be a landowner in the district.

(b) Is absent, unless excused, from three meetings of the board.

5. If, as a result of a change in the boundaries of the district, a county becomes entitled to a new member of the board of directors pursuant to subsection 2, the board of county commissioners shall make the new appointment upon the first expiration of the term of a current member thereafter.

Sec. 17. NRS 555.220 is hereby amended to read as follows:

555.220 Any person violating any of the provisions of NRS 555.202 to 555.210, inclusive, *and section 15 of this act*, or failing, refusing or neglecting to perform or observe any conditions or regulations prescribed by the State Quarantine Officer, in accordance with the provisions of NRS 555.202 to 555.210, inclusive, *and section 15 of this act* is guilty of a misdemeanor.

Sec. 18. This act becomes effective on July 1, 2015.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Amendment 656 changes “coordinating” to “cooperating” to track federal terminology and adds the option of voting on a new parcel fee at a mass meeting of electors of a conservation district. The mass meeting of electors is currently used for the election of the conservation districts supervisors.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 229 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 2.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Senate Bill 2 increases the maximum speed limit at which a person may drive or operate a vehicle from 75 miles per hour to 80 miles per hour. This bill allows the Department of Transportation to establish speed limits up to 80 miles per hour for motor vehicles on highways and expands the imposition of a limited \$25 fine for speeding violations within certain incremental parameters up to 85 miles per hour. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 2:

YEAS—31.

NAYS—Araujo, Benitez-Thompson, Bustamante Adams, Diaz, Flores, Joiner, Kirkpatrick, Neal, Spiegel, Sprinkle, Swank—11.

Senate Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Remarks by Assemblymen O'Neill, Elliot Anderson, Ohrenschall, Carlton, and Hansen.

ASSEMBLYMAN O'NEILL:

Senate Bill 37 provides that an electronic monitoring system used by the Division of Parole and Probation to supervise a probationer or parolee may be capable of using the Global Positioning System to record or transmit the probationer's or parolee's location and produce, upon request, reports on the probationer's or parolee's presence at or near a crime scene or prohibited area or his or her departure from a specific geographic area. This bill is effective on July 1, 2015.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Senate Bill 37. I think we all share the goal of keeping more people out of jail. I am not sure, however, that this bill is the right way to do it. What we have here is a needle in a haystack problem. Los Angeles County in California has gone through the same issue where they have so much data from these GPS monitors, that they miss when there are true offenders who need to be brought back into jail. There was testimony that this was to be a pilot program. That is apparently what the Division of Parole and Probation has said, but there is nothing in the bill that says that. Los Angeles County is reeling; they are missing when offenders are committing crimes. When we take in too much data, we stop focusing on the real concerns. I respectfully ask this body to defeat this measure.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Senate Bill 37. When we have an offender out on community supervision, whether it is probation or parole, as a society we want that offender to try to

succeed under supervision. While they are on parole or probation, they constantly have the threat, if they mess up, of going to prison. What concerns me about the bill is the fact that if a probationer or a parolee is near a crime scene, there is the section of the bill that has to do with that fact being shared with police. Some people will say that the cards are already stacked against a person on probation or parole. It does not do us any good to further stack the deck against someone who we want to succeed. We are hopeful that this person will not end up back in the criminal justice system. If they are violating the terms of their probation or parole, if they are involved in a new crime, then certainly they should be prosecuted. But the fact that they are present near a crime does not mean they are a participant in that crime. That is my concern with S.B. 37. I, unfortunately, could not support it in your Committee on Judiciary, I am not able to support it on the floor, and I urge its defeat.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Senate Bill 37. I wholeheartedly agree with my colleagues from southern Nevada. I am going to come at it from a different tack. I put the fiscal hat on a few years ago, and I tend to read most bills that way now.

How many times have we been told as a state this is not going to cost us anything? We are going to be able to absorb this. We could come up with three or four phrases that if I had a buck for every time we heard it, we could put a real dent in our budget. With the amount of data they are going to collect, it is going to cost more to query that data and find out what is really going on. I will bet you dollars to doughnuts that if they are not back at the Interim Finance Committee (IFC) this interim, they will be back next session saying, Oh you know that pilot program; it is going to cost us more money. And then, unfortunately, those of us who are little more outspoken on the committee will have to say Wait a minute. You told us this was not going to cost any money. Then we will be criticized as we have in the recent past for bringing up the obvious truth that we were told this was not going to have a fiscal impact. I have serious concerns about that, and if we are going to have a good policy, let us have a good policy. But let us also talk about the dollars and cents and let us be honest about what we are going to be paying for in the future. Do not try to play hide the dollar on us. Let us just have the conversation.

ASSEMBLYMAN HANSEN:

I rise in support of Senate Bill 37. We heard this in our committee, obviously, and it is quite interesting to see all the directions it is taking. In reality, this is a pilot program; 250 people will be involved. If it does prove to be successful, then they can go forward. What happened in California is, in fact, a very good reason why they decided to use a pilot program here first.

The issue of being near a crime scene keeps coming up. The reality is, if you are on parole or probation and you are somewhere in the vicinity of a crime, you are automatically going to be considered a possible suspect. This will actually allow the probationer or parolee, through GPS, to show that they were not involved in the crime, that they were somewhere else. This is actually a way to make them have greater likelihood of being exonerated from being accused of a crime. Right now law enforcement automatically assumes if you live within a certain vicinity of a crime and you are on parole or probation, then you could be one of the perpetrators of it.

Our own staff gave no fiscal note to this. To our colleagues who are concerned about the fiscal things, I agree we should always be concerned about it. But the reality is, this is a pilot program, and if, in fact, it does cost more money, we may have to look at that. But I think it is going to have the opposite effect.

When you look at what GPS is able to do, you can probably reduce the number of staff that are currently required to go and visit with people on parole and probation. It should save money by using these modern technologies instead of using the old, traditional method of requiring probationers or parolees to come and report periodically to their parole or probation officer.

When you put all of these things together, yes, there is some possibility that it is not the greatest, perfect bill in the world. Very few of them are perfect around here. This is an excellent pilot program; it will actually help people who are being falsely accused of crimes. It will allow more people to be on house arrest instead of having them incarcerated, and it will provide high levels of safety for the public, because that is ultimately the reason we have concerns over parole and probation. This bill is a win-win all the way around, and I urge my colleagues to support Senate Bill 37 because, in fact, it does everything that everyone seems to be concerned about. It

is in the best interest of the people who are being placed on parole and probation as well as protecting the members of the public. With that, I urge the passage of Senate Bill 37.

ASSEMBLYMAN OHRENSCHALL:

Just to clarify one point, while there was testimony from Parole and Probation that they did want to establish a pilot program, that is not in the language of the bill. There is no limiting language in the bill. While I have great respect for the Chairman of the Committee on Judiciary, my colleague from Sparks, there is no limit in the bill. I am very concerned that law enforcement will be able to just pull a list of anybody who is in the neighborhood where the crime occurs and try to see if a person is involved when there is nothing connecting them to the crime. I urge the defeat of this bill.

Roll call on Senate Bill No. 37:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson—18.

Senate Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 55.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 55 adds to existing requirements concerning sentencing waivers that a waiver of all procedures related to extradition from another state must accompany a waiver to the right to be present at sentencing made by a defendant who is incarcerated in another state. A defendant who waives all of these procedures will be transferred to Nevada without a warrant to complete any remaining portion of his or her sentence after being released from incarceration in another state.

Roll call on Senate Bill No. 55:

YEAS—41.

NAYS—Neal.

Senate Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 121 allows a person to request personalized prestige license plates instead of special “classic rod” or “classic vehicle” license plates when registering a vehicle as a “classic rod” or “classic vehicle.”

This bill is effective upon passage and approval for the purposes of the adoption of regulations and other preparatory administrative tasks necessary to carry out the bill’s provisions. For all other purposes the bill is effective on the earlier of January 1, 2016, or the date on which the Director of the Department of Motor Vehicles (DMV) notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions.

Senate Bill 121 allows a person to register a qualifying vehicle as a “classic rod” or “classic vehicle” while still obtaining a seven-digit personalized prestige license plate and receiving the benefits of such registration, including exemption from emissions test requirements.

Roll call on Senate Bill No. 121:

YEAS—42.

NAYS—None.

Senate Bill No. 121 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 142.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 142 revises the definition of “trimobile” to mean every motor vehicle designed to travel with three wheels in contact with the ground, at least one of which is power driven. The term does not include a motorcycle with a sidecar. The bill also provides that money in the Account for the Program for the Education of Motorcycle Riders may only be used to pay the expenses of the Program and not for any other purpose. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 142:

YEAS—42.

NAYS—None.

Senate Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 244.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 244 provides that the Attorney General, or any other officer, agency, or employee of the Executive Department, may not enter into a contingent fee contract with a private attorney unless the Governor, in consultation with the Attorney General, determines that the Attorney General lacks the resources, skill, or expertise to provide the representation needed and that the proposed contingent fee representation is cost-effective and in the public interest.

The bill also sets forth the conditions under which funding for such a contract must be approved by the Interim Finance Committee, and if approved, the contract must be publicly advertised by the Purchasing Division within the Department of Administration. Additionally, the bill sets out the conditions under which contingent contracts will be managed, records kept, and reported on to the Legislature. The bill also sets forth attorney fees and other costs allowable under such a contract. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 244:

YEAS—42.

NAYS—None.

Senate Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 271.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Senate Bill 271 provides that the Virgin Valley Water District may issue a letter that commits the District to supply water service to a particular property subject to certain conditions precedent set forth in the letter, and such a letter must be renewed on an annual basis, subject to a reasonable fee, or the letter will expire. The District will not refund any fees paid by, return any water rights dedicated to, or pay any expenses of the holder associated with the construction and dedication of any infrastructure if the holder of such a letter fails to meet any condition precedent included in the letter or if the letter expires. The bill makes the requirement for the renewal of such letters apply retroactively to any letter issued before July 1, 2015. Further, the bill deletes a provision in current law prohibiting the District from requiring the holder of such a letter to pay an annual renewal fee or be subject to any other condition unless the fee or condition is expressly stated in the letter. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 271:

YEAS—42.

NAYS—None.

Senate Bill No. 271 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 418.

Bill read third time.

Remarks by Assemblymen Hickey and Edwards.

ASSEMBLYMAN HICKEY:

Senate Bill 418 revises refund provisions affecting private postsecondary educational institutions, to allow an institution to retain the lesser of \$150 or 10 percent of the agreed upon tuition from a student who cancels his or her enrollment before classes begin. It further authorizes such an institution that is accredited by a regional accrediting agency recognized by the United States Department of Education to additionally retain any funds deposited by the applicant to secure a position in a program that are clearly disclosed to the applicant as nonrefundable. This bill also increases from \$100 to \$150 the maximum amount that an institution may retain, in addition to the pro rata amount of tuition, when a student withdraws or is expelled by the institution after the start of the training program but before completing 60 percent of the program.

Out of concern by members of this body who have raised some important questions regarding this bill, I would like to add to the record that there are 13 schools with the accreditation recognized by the U.S. Department of Education that could potentially implement the nonrefundable deposit fee portion of this bill. Of those, only five schools are in the category that are medically related master's degree or doctoral-level schools with some sort of situation where there are a limited number of seats available for students. The remaining 8 of the 13 are either bachelor-level institutions or are like the University of Phoenix with rolling enrollments, mostly online, wherein the need to hold open a limited number of seats does not exist. Therefore, only five schools would currently be affected by the provision to allow a nonrefundable deposit fee as long as it is clearly disclosed.

The Commission on Postsecondary Education licenses post-secondary institutions unless another board or commission has provided industry specific licenses, i.e., truck driving, cosmetology, hypnotherapy, pilot training, flight schools, et cetera. This bill would not affect any cosmetology schools since they are not licensed by the Commission on Postsecondary Education. Thank you, Mr. Speaker, and members, for your indulgence. I urge your support of this bill.

ASSEMBLYMAN EDWARDS:

I rise in support of Senate Bill 418. This is a short bill with a simple purpose, but it is also an important bill. Senate Bill 418 strikes a necessary financial balance between families and private schools when a student chooses to cancel an enrollment before the school year. I would add that this bill has unanimous support in the Senate and it also had unanimous support in the Assembly Committee on Education. I am proud to support it, and I encourage you to do so as well.

Roll call on Senate Bill No. 418:

YEAS—40.

NAYS—Bustamante Adams, Moore—2.

Senate Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 448 authorizes a county treasurer to deposit county money in insured deposit accounts under certain circumstances. Similarly, the bill authorizes the State Treasurer, with the approval of the State Board of Finance; a city treasurer, with unanimous consent of his or her bondsmen; an incorporated city; or other local government to enter into an agreement with certain entities for the deposit or redeposit of certain public money. If the amount of public money deposited in such an account exceeds the limits of insurance provided by an instrumentality of the United States, the insured bank, insured credit union, or insured savings and loan association in which the county money is initially deposited is required to arrange for the redeposit of the amount of the county money that exceeds such limits of insurance in one or more other insured banks, insured credit unions, or insured savings and loan associations, and to ensure that the total amount of county money redeposited in an account is within the limits of such insurance. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 448:

YEAS—36.

NAYS—Benitez-Thompson, Bustamante Adams, Diaz, Flores, Neal, Sprinkle—6.

Senate Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 482 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 449.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 449 revises the membership of the Advisory Commission on the Administration of Justice by adding as a member a municipal judge or justice of the peace appointed by the governing body of the Nevada Judges of Limited Jurisdiction.

The bill also requires the Commission to conduct an interim study concerning parole and to report its findings and any recommendations for legislation to the full Commission by September 1, 2016.

Roll call on Senate Bill No. 449:

YEAS—42.

NAYS—None.

Senate Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 473.

Bill read third time.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

Senate Bill 473 requires state agencies to notify the Office of Grant Procurement, Coordination, and Management, Department of Administration, of the amount of any portion of a grant received by the state agency that it does not expect to expend fully within the time allowed by the grant. The Office is required to serve as a clearinghouse for disseminating information relating to unexpended grant money of state agencies by compiling and updating periodically a list of the grants and unexpended amounts thereof and making the list available on the Internet website maintained by the Department. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 473:

YEAS—42.

NAYS—None.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 66 revises provisions allowing for a local governing body to amend or terminate an agreement for land development. The bill requires a governing body that proposes unilaterally to amend or cancel an agreement for the development of land to hold a public hearing before taking such action and to provide notice no less than 60 days prior to the public hearing. The bill deletes outdated provisions allowing the extension of construction for a residential or commercial development agreement converted to a renewable energy generation project if applied for by July 1, 2013. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 66:

YEAS—41.

NAYS—Titus.

Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 85.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Senate Bill 85 revises the definition of a “policy of insurance” to include, for the purposes of investigating and prosecuting insurance fraud, an insurance policy issued by an authorized insurer in another state that relates to property located in Nevada at the time of the alleged fraudulent act or omission or the incident giving rise to the alleged fraudulent act or omission. The effective date would be July 1 of this year.

Roll call on Senate Bill No. 85:

YEAS—42.

NAYS—None.

Senate Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 8.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 8.

Resolution read.

Assemblywoman Kirkpatrick moved the adoption of the resolution.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Concurrent Resolution 8 commemorates 2015 as the thirtieth anniversary of the sister state relationship between Nevada and Taiwan. The resolution recognizes the longstanding ties that our state has had with the people of Taiwan. For over 30 years, Nevada has been a steadfast friend to Taiwan and in October of 1985, that friendship was officially recognized when the Legislature extended an invitation to Taiwan to become our sister state.

The purpose of a sister state concept has been to foster greater friendship and understanding between the people of the United States and other nations. Through this particular relationship, Nevada has shown its support, encouragement, and admiration for Taiwan, and they have also demonstrated their commitment and regard for Nevada as well. Tokens of esteem can be seen first-hand in the metal state seals which are displayed on the exterior walls of the Legislative Building and in several paintings which hang in our hallways, all of which were gifts from Taiwan.

I would encourage the body to support Senate Concurrent Resolution 8.

Resolution adopted unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Vannesa Gallegos and Kay Quong.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Jonnie McKaig and Kayla Ward.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Fuh and J. Chieh Wong.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Clark.

Assemblyman Paul Anderson moved that the Assembly adjourn until Wednesday, May 6, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:24 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly