

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 13, 2015

Assembly called to order at 11:43 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Nick Emery.

To all those gathered here, we ask of You, Lord, for strength and wisdom as they conduct the business of our great state, Nevada.

The word of God reminds us that “whatever is true, whatever is honorable, whatever is right, whatever is pure, whatever is lovely, whatever is of good repute, if there is any excellence and if anything worthy of praise, dwell on these things.” (Philippians 4:8) Give us clarity today God. Give us focus today, we pray. And Lord, may we be focused on praising You this day, in every aspect of our lives, we pray, in the mighty name of Jesus Christ.

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 Commerce and Labor, to which were referred Senate Bills Nos. 87, 246, 251, 256, 373, 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 13, 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 157, 249, 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 248; Senate Joint Resolutions Nos. 1, 5, 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 261, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBIN L. TITUS, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 127, 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 4, 5.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 175, Amendment No. 678, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 471, 510.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 472.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 653 to Senate Bill No. 271.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 12, 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 Bills Nos. 421, 428, 429.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 75 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Standing Rules Nos. 110 and 113 be suspended, reading so far had considered second reading, and Senate Bill No. 504 be declared an emergency measure under the constitution and be placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 421.

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

Motion carried.

Senate Bill No. 428.

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

Motion carried.

Senate Bill No. 429.

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

Motion carried.

Senate Bill No. 471.

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

Motion carried.

Senate Bill No. 472.

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

Motion carried.

Senate Bill No. 510.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 694.

AN ACT making a supplemental appropriation to the Office of the Lieutenant Governor for projected payroll and other costs associated with the 2015 Legislative Session; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Office of the Lieutenant Governor the sum of ~~(\$25,887)~~ \$7,150 for payroll and other costs associated with the 2015 Legislative Session. This appropriation is supplemental to that made in section 3 of chapter 446, Statutes of Nevada 2013, at page 2593.

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

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

The amendment on this bill appropriates \$7,150 from the State General Fund to the Office of the Lieutenant Governor to fund leave payouts as a result of the retirement in the Lieutenant Governor's office and the travel costs associated with the 2015 Legislative Session.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 695.

AN ACT making a supplemental appropriation to the Department of Corrections for a shortfall resulting from a reduction in certain transfers for prison medical care; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of ~~(\$1,224,571)~~ \$1,193,577 for an unanticipated shortfall in transfers from the Inmate Welfare Account for prison medical care for Fiscal Year 2014-2015. This appropriation is supplemental to that made in section 22 of chapter 446, Statutes of Nevada 2013, at page 2598.

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

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

As amended, this bill appropriates \$1,193,577 from the General Fund to the Department of Corrections for an unanticipated shortfall in transfers from the Inmate Welfare Account for prison medical care in Fiscal Year 2015. This act becomes effective upon passage and approval.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 468.
Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 696.

AN ACT making supplemental appropriations to the Department of Corrections for shortfalls in projected personnel costs; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of ~~(\$2,451,233)~~ \$2,395,367 for shortfalls in projected personnel costs allocated as follows:

1. Office of the Director	(\$1,279,543) <u>\$1,265,718</u>
2. Correctional Programs	(\$80,811) <u>\$39,255</u>
3. Northern Nevada Correctional Center	(\$779,874) <u>\$540,338</u>
4. Ely State Prison	(\$89,772) <u>\$121,981</u>
5. Tonopah Conservation Camp	\$20,617
6. High Desert State Prison	(\$731,922) <u>\$428,075</u>

Sec. 2. The appropriation made in section 1 of this act is supplemental to that made in section 22 of chapter 446, Statutes of Nevada 2013, at pages 2598 and 2599.

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

Assemblyman Edwards moved the adoption of the amendment.
Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 468 as amended will appropriate just under \$2.4 million from the General Fund to the Department of Corrections for an unanticipated shortfall projected in personnel allocated for several budgets. The act will become effective upon passage and approval.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 9.
Bill read second time and ordered to third reading.

Senate Bill No. 52.

Bill read second time and ordered to third reading.

Senate Bill No. 96.

Bill read second time and ordered to third reading.

Senate Bill No. 124.

Bill read second time and ordered to third reading.

Senate Bill No. 131.

Bill read second time and ordered to third reading.

Senate Bill No. 135.

Bill read second time and ordered to third reading.

Senate Bill No. 186.

Bill read second time and ordered to third reading.

Senate Bill No. 191.

Bill read second time and ordered to third reading.

Senate Bill No. 303.

Bill read second time and ordered to third reading.

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

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:05 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Amendment No. 673 be placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 312.

Bill read second time.

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

Amendment No. 681.

AN ACT relating to taxing districts; ~~requiring~~ **imposing, in** a city that has created a taxing district to improve and maintain publicly owned facilities for tourism and entertainment, ~~to impose,~~ in addition to any other surcharge, a surcharge on the per night charge for the rental of a room in a

hotel in the district other than a hotel that holds a nonrestricted gaming license; ~~requiring~~ **imposing, in** a city that has created such a taxing district, ~~to impose,~~ in addition to any other surcharge, ~~for an additional~~ surcharge on the per night charge for the rental of a room in a hotel in the district ~~that holds a nonrestricted gaming license;~~ **that holds a nonrestricted gaming license;** providing that the ~~money collected from the~~ surcharges must be **collected and** used by ~~the city or~~ the county fair and recreation board ~~if applicable,~~ only for specified purposes; creating in a county in which is located a city that has created a taxing district to improve and maintain publicly owned facilities for tourism and entertainment a district for the promotion of tourism comprised of certain property within the county, including property located within any city in the county, other than property located in the district created by the city; requiring the board of county commissioners of the county to prescribe the boundaries of the district ~~and impose~~ ; **imposing** a surcharge on the per night charge for the rental of a room in a hotel in the district; providing that the money collected from the surcharge must be **collected and** used by ~~the county or~~ the county fair and recreation board ~~if applicable,~~ only for specified purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of a city whose population is 220,000 or more in a county whose population is 100,000 or more but less than 700,000 (currently only the City of Reno) by ordinance to create a district to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment. Existing law requires that such an ordinance be approved by a two-thirds majority of the members of the governing body. Existing law also requires that the ordinance impose a surcharge of \$2 on the per night charge for the rental of a room in a hotel in the district that holds a nonrestricted gaming license and provides that the proceeds of the surcharge must be used by the city solely to pay the cost of improving and maintaining publicly owned facilities for tourism and entertainment in the district or within 1 mile outside the boundaries of the district, except for a minor league baseball stadium. (NRS 268.798)

Section 1.3 of this bill ~~requires the governing body of~~ **imposes, in** a city that has created a district to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment, ~~to impose,~~ a surcharge of \$2 on the per night charge for the rental of a room in a hotel in the district, other than a hotel that holds a nonrestricted gaming license. **Section 1.5** of this bill ~~requires the governing body of~~ **imposes, in** a city that has created such a district, ~~to impose,~~ an additional surcharge of \$1 on the per night charge for the rental of a room in a hotel in the district. ~~If the city is located in a county in which a county fair and recreation board has been created, sections 1.3 and 1.5 require the city to transfer to the county fair and recreation board any money collected from the surcharges imposed pursuant to those sections. If a county fair and recreation board has not been created, sections~~ **that holds a nonrestricted gaming license.**

Sections 1.3 and 1.5 require the ~~{city to keep the money collected from}~~ **county fair and recreation board to collect** the surcharges and expend the money only for ~~{certain purposes relating to the promotion of tourism.}~~ **the purposes authorized by section 4.5 of this bill.**

In any county in which is located a city that has created a district to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment, **section 4** of this bill creates a district for the promotion of tourism in the region. **Section 4** also requires the board of county commissioners to adopt an ordinance prescribing the boundaries of the district, which must include within its boundaries all property: (1) which is located in the county and located in any city in the county other than property that is located within a district created by a city to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment; and (2) which is located not more than 20 miles from the boundaries of any such district created by a city. **Section 4** imposes a ~~{\$3}~~ **\$2** surcharge on the per night charge for the rental of a room in a hotel in the district and requires ~~{the board of county commissioners to transfer the money collected from the surcharge to}~~ the county fair and recreation board ~~{, if a county fair and recreation board has been created in the county. If a county fair and recreation board has not been created, section 4 requires the board of county commissioners to keep the money and prescribes the purposes for which the board of county commissioners may}~~ **to collect the surcharge and** expend the money ~~{}~~ **only for the purposes authorized by section 4.5.**

Section 4.5 ~~{of this bill}~~ requires a county fair and recreation board that ~~{receives}~~ **collects** any money from the surcharge imposed ~~{pursuant to}~~ **by section 1.3, 1.5 or 4** to create an account into which all such money must be deposited. **Section 4.5** authorizes the board to expend the money to implement a strategic plan for the promotion of tourism in the region. **Section 4.5** also requires the board, every 5 years, to prepare and submit to the Legislature a report concerning the expenditure by the board of any money received from the surcharge imposed ~~{pursuant to}~~ **by sections 1.3, 1.5 and 4.**

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

Section 1. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. 1. *In a city in which a district is created and a surcharge is imposed pursuant to NRS 268.798, ~~{the governing body shall, in addition to the surcharge imposed pursuant to that section and section 1.5 of this act, impose}~~ there is hereby imposed a surcharge of \$2 on the per night charge for the rental of a room in a hotel in the district other than a hotel that holds a nonrestricted gaming license. The surcharge must not be applied for any time during which the room is provided to a guest free of charge.*

2. ~~The proceeds of the surcharge imposed pursuant to~~ by this section must be collected by the city and:

~~(a) If the city is located in a county in which a county fair and recreation board has been created pursuant to NRS 244A.597 to 244A.655, inclusive, the city shall transfer to the county fair and recreation board all money collected from the surcharge imposed pursuant to this section.~~ created by NRS 244A.601 in accordance with the provisions of section 4.5 of this act. The money must be deposited in the account created pursuant to section 4.5 of this act and used only for the purposes set forth in that section.

~~(b) If the city is located in a county in which a county fair and recreation board has not been created, the money collected must be retained by the city, accounted for separately and, except as otherwise provided in subsection 3, used solely to pay the costs for:~~

~~(1) The acquisition, construction and maintenance of public recreational facilities located in the district;~~

~~(2) Advertising, publicizing and promoting the public recreational facilities located in the district; and~~

~~(3) Projects designed to encourage tourism or to improve access by tourists to airports located in the county in which the district is located.]~~

3. The proceeds of the surcharge and any interest or income earned on such money may not be used for the purposes of promoting or marketing professional bowling.

4. ~~Except as otherwise provided in paragraph (a) of subsection 2, the proceeds of the surcharge must not be transferred to any other fund or account or used for any other purpose.]~~ As used in this section, "hotel" has the meaning ascribed to it in section 3.75 of this act.

Sec. 1.5. 1. In a city in which a district is created and a surcharge is imposed pursuant to NRS 268.798, ~~the governing body shall,~~ in addition to the surcharge imposed pursuant to that section ~~and section 1.3 of this act, impose,~~ there is hereby imposed a surcharge of \$1 on the per night charge for the rental of a room in a hotel in the district.] that holds a nonrestricted gaming license. The surcharge must not be applied for any time during which the room is provided to a guest free of charge.

2. The proceeds of the surcharge imposed pursuant to this section must be collected by the city and:

~~(a) If the city is located in a county in which a county fair and recreation board has been created pursuant to NRS 244A.597 to 244A.655, inclusive, the city shall transfer to the county fair and recreation board all money collected from the surcharge imposed pursuant to this section.]~~ created by NRS 244A.601 in accordance with the provisions of section 4.5 of this act. The money must be deposited in the account created pursuant to section 4.5 of this act and used only for the purposes set forth in that section.

~~[(b) If the city is located in a county in which a county fair and recreation board has not been created, the money collected must be retained by the city, accounted for separately and, except as otherwise provided in subsection 3, used solely to pay the costs for:~~

~~—(1) The acquisition, construction and maintenance of public recreational facilities located in the district;~~

~~—(2) Advertising, publicizing and promoting the public recreational facilities located in the district; and~~

~~—(3) Projects designed to encourage tourism or to improve access by tourists to airports located in the county in which the district is located.]~~

3. The proceeds of the surcharge and any interest or income earned on such money may not be used for the purposes of promoting or marketing professional bowling.

4. ~~[Except as otherwise provided in paragraph (a) of subsection 2, the proceeds of the surcharge must not be transferred to any other fund or account or used for any other purpose.]~~ As used in this section, “hotel” has the meaning ascribed to it in section 3.75 of this act.

Sec. 2. ~~[NRS 268.798 is hereby amended to read as follows:~~

~~—268.798 1. The governing body of a city whose population is 220,000 or more in a county whose population is 100,000 or more but less than 700,000 may by ordinance create a district to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment. Such an ordinance must be approved by a two-thirds majority of the members of the governing body.~~

~~—2. The boundaries of a district created pursuant to subsection 1 must be as prescribed by the governing body in the ordinance creating the district, except that the boundaries must include only property that is located in or within 4 city blocks, as determined by the governing body, of a district described in NRS 268.780 to 268.785, inclusive.~~

~~—3. An ordinance enacted pursuant to subsection 1 must impose a surcharge of \$2 on the per night charge for the rental of a room in a hotel in the district that holds a nonrestricted gaming license. The surcharge must not be applied for any time during which the room is provided to a guest free of charge.~~

~~—4. The proceeds of the surcharge imposed pursuant to this section must be retained by the city and must be used by the city solely to pay the cost of improving and maintaining publicly owned facilities for tourism and entertainment in the district or within 1 mile outside the boundaries of the district, except for a minor league baseball stadium project as defined in NRS 244A.0344. The proceeds of the surcharge must not be transferred to any other fund or account or used for any other purpose.~~

~~—5. On or before January 15, 2030, the governing body of a city that has created a district pursuant to this section shall submit a report concerning the district to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must:~~

~~(a) Address, without limitation [, the] :~~

~~(1) The total amount collected from the surcharge imposed pursuant to this section and all the projects undertaken to improve and maintain the publicly owned facilities for tourism and entertainment in the district.~~

~~(2) The total amount collected from the surcharges imposed by sections 1.3 and 1.5 of this act and, if applicable, expended by the city for the purposes authorized by those sections.~~

~~(b) Cover the period between the creation of the district until the end of the calendar year immediately preceding the submission of the report.~~

(Deleted by amendment.)

Sec. 3. NRS 244.3359 is hereby amended to read as follows:

244.3359 1. A county whose population is 700,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.3351, 244.3352 and 244.33561.

2. A county whose population is 100,000 or more but less than 700,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.33561 ~~†~~ **and section 4 of this act.**

3. Except as otherwise provided in subsection 2 and NRS 387.191, the Legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except to allow the imposition of an increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority.

Sec. 3.5. Chapter 244A of NRS is hereby amended by adding thereto the provisions set forth in sections 3.75, 4 and 4.5 of this act.

Sec. 3.75. As used in this section and sections 4 and 4.5 of this act, unless the context otherwise requires, "hotel" means a building occupied or intended to be occupied for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere. A hotel has an interior hall and lobby with access to each room from the interior hall or lobby.

Sec. 4. 1. In a county in which is located a city that has created a district and imposed a surcharge pursuant to NRS 268.798, there is hereby:

(a) Created a district for the promotion of tourism; and

(b) Imposed a surcharge of ~~†\$3†~~ \$2 on the per night charge for the rental of a room in a hotel in the district. The surcharge must not be applied for any time during which the room is provided to a guest free of charge.

2. As soon as practicable on or after July 1, 2015, but on or before October 1, 2015, the board of county commissioners shall adopt an ordinance ~~†~~

~~(a) Prescribing† prescribing the boundaries of the district created by paragraph (a) of subsection 1, which:~~

~~1. (a)~~ *Must include within it all property within the county and within each city in the county that is:*

~~1. (1)~~ *Not located within a district created pursuant to NRS 268.798; and*

~~1. (2)~~ *Located not more than 20 miles from the boundaries of a district created pursuant to NRS 268.798; and*

~~2. (b)~~ *Must not include within it any property located within a district created pursuant to NRS 268.798. ~~†~~ and*

~~(b) Prescribing a schedule for the collection of the surcharge imposed by paragraph (b) of subsection 1.†~~

3. *The surcharge imposed by this section is in addition to any other license fee, tax or surcharge imposed on the revenues from the rental of transient lodging. The surcharge must be collected by the ~~county in~~ accordance with the schedule prescribed by the ordinance adopted pursuant to subsection 2 and:*

~~(a) If the board of county commissioners has created a county fair and recreation board [pursuant to NRS 244A.597 to 244A.655, inclusive, the county shall transfer to the county fair and recreation board all money collected from the surcharge imposed pursuant to this section.] in accordance with the provisions of section 4.5 of this act. The money must be deposited in the account created pursuant to section 4.5 of this act and used only for the purposes set forth in that section.~~

~~(b) If the board of county commissioners has not created a county fair and recreation board, the money collected from the surcharge imposed pursuant to this section must be retained by the county, accounted for separately and, except as otherwise provided in this paragraph, used solely to pay the costs for:~~

~~(1) The acquisition, construction and maintenance of public recreational facilities located in the district;~~

~~(2) Advertising, publicizing and promoting the public recreational facilities located in the district; and~~

~~(3) Projects designed to encourage tourism or to improve access by tourists to airports located in the county in which the district is located.~~

~~†~~

4. *The proceeds of the surcharge and any interest or income earned on such money may not be used for the purposes of promoting or marketing professional bowling.*

~~4. Except as otherwise provided in paragraph (a) of subsection 3, the proceeds of the surcharge imposed by this section must not be transferred to any other fund or account or used for any other purpose other than the purposes specified in subsection 3.~~

~~5. The ordinance adopted by the board of county commissioners must provide that if the surcharge imposed by this section is not paid within the time set forth in the schedule for payment, the county shall charge and collect in addition to the surcharge:~~

~~(a) A penalty of not more than 10 percent of the amount due, exclusive of interest, or an administrative fee established by the board of county commissioners, whichever is greater; and~~

~~(b) Interest on the amount due at the rate of not more than 1.5 percent per month or fraction thereof from the date on which the surcharge became due until the date of payment.~~

Sec. 4.5. 1. A county fair and recreation board that ~~receives~~ collects any proceeds of the surcharges imposed ~~pursuant to~~ by section 1.3, 1.5 or 4 of this act ~~shall~~ :

(a) Shall create an account administered by the board and deposit into such account all proceeds ~~received~~ collected by the board from the surcharges imposed ~~pursuant to~~ by sections 1.3, 1.5 and 4 of this act. The money in the account, including any interest and income earned on such money, must not be transferred to any other fund or account or used for any purpose other than the purposes set forth in subsection 2.

(b) Shall prescribe a procedure for the collection of the surcharges imposed by sections 1.3, 1.5 and 4 of this act, which may include, without limitation, procedures for the enforcement of the collection of any delinquent surcharges and the provision of penalties in connection therewith, including, without limitation, the suspension of the business license issued by a county, city or town to a hotel and the closure of a hotel for failure to pay any surcharge imposed by section 1.3, 1.5 or 4 of this act.

(c) May adopt rules and regulations concerning the collection and administration of the surcharges imposed by sections 1.3, 1.5 and 4 of this act and provide penalties for the failure to comply therewith.

2. All money ~~received~~ collected by a county fair and recreation board from the proceeds of the surcharges imposed ~~pursuant to~~ by sections 1.3, 1.5 and 4 of this act must be used to implement a strategic plan for the promotion of tourism in the region. The strategic plan:

(a) Except as otherwise provided in paragraph (b), may provide for the expenditure of any money received from the proceeds of the surcharges imposed ~~pursuant to~~ by sections 1.3, 1.5 and 4 of this act:

(1) For the purposes set forth in NRS 244A.597.

(2) For the maintenance of public recreational facilities located in the county which are owned by the county or an incorporated city in the county or under the control of the county fair and recreation board.

(3) To carry out projects designed to encourage tourism or to improve access by tourists to airports located in the county.

(4) To solicit and promote tourism, gaming and the use of public recreational facilities of the community or area, which may include advertising the facilities under the control of the county fair and recreation board and the resources of the community or area, including tourist accommodations, transportation, entertainment, gaming and climate. Such advertising may be done jointly with a private enterprise. The county fair and recreation board may enter into contracts for advertising pursuant to

this subparagraph and pay the cost of the advertising, including a reasonable commission.

(5) For any other purpose identified in the strategic plan.

(b) May not provide for the expenditure of any money received from the proceeds of the surcharges imposed ~~pursuant to~~ by sections 1.3, 1.5 and 4 of this act for the operational expenses of the county fair and recreation board or for the purposes of promoting or marketing professional bowling.

3. On or before January 15, 2021, and on or before January 15 of each fifth year thereafter, a county fair and recreation board that ~~receives~~ collects any money from the surcharge imposed and collected pursuant to section 1.3, 1.5 or 4 of this act shall prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature a written report which must:

(a) Address, without limitation, the total amount ~~received~~ collected from the surcharges imposed ~~pursuant to~~ by sections 1.3, 1.5 and 4 of this act;

(b) Address, without limitation, the total amount expended by the board to carry out the purposes set forth in this section; and

(c) Cover the 5-year period immediately preceding the submission of the report.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies that a proposed \$1 per room night surcharge is for hotels that hold a nonrestricted gaming license, reduces a separate surcharge on all hotels from \$3 to \$2 per room-night, and directs a county fair and recreation board to prescribe a procedure for the collection and enforcement of surcharges.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 354.

Bill read second time and ordered to third reading.

Senate Bill No. 389.

Bill read second time and ordered to third reading.

Senate Bill No. 419.

Bill read second time.

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

Amendment No. 674.

AN ACT relating to persons with disabilities; creating the Nevada ABLE Savings Program as a qualified ABLE program under the federal Achieving a Better Life Experience Act of 2014; authorizing the creation of a program within the Aging and Disability Services Division of the Department of Health and Human Services to provide services of independent living and assistive technology for persons with disabilities who need independent living services; revising the terms of members of the Nevada Commission on Services for Persons with Disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Recently enacted federal law allows for the creation of tax-advantaged savings accounts for persons who have certain qualifying disabilities. Under the program, any person, including family members, may make a contribution to the account of a person with a qualified disability. Any interest or other growth in the value of the account and distributions taken from the account are tax free. The maximum amount that can be contributed tax free to the account of a qualified person is \$14,000 per year. Distributions from the account may only be used to pay expenses related to living a life with a disability and may include such things as education, housing, transportation and employment training and support. Money in the account or distributions from the account do not affect the eligibility of a person for certain public benefits such as Social Security disability payments, Supplemental Nutrition Assistance Program benefits and Medicaid. To qualify for these benefits, the savings account into which contributions are made on behalf of a qualified person must be established and maintained by the qualified person's state of residence. If a state chooses not to establish its own program, it may contract with another state that has adopted a qualified program. (Achieving a Better Life Experience Act of 2014, 26 U.S.C. § 529A) **Sections 2-15** of this bill require the Aging and Disability Services Division of the Department of Health and Human Services, in cooperation with the State Treasurer, to establish the Nevada ABLE Savings Program as a qualified program pursuant to 26 U.S.C. § 529A.

Existing law creates the Aging and Disability Services Division within the Department of Health and Human Services and requires the Division to work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies to develop and improve policies of this State concerning programs and services for persons with disabilities. (NRS 427A.040) **Sections 18 and 19** of this bill authorize the Division to establish a program to provide services of independent living and assistive technology for a person with a disability who needs independent living services.

Existing law creates the Nevada Commission on Services for Persons with Disabilities, which consists of 11 members appointed by the Director of the Department of Health and Human Services. (NRS 427A.1211) **Sections 21**

and 22 of this bill make revisions to the terms of the members of the Commission to ensure that the terms of the members of the Commission are staggered.

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

Section 1. Title 38 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *As used in sections 2 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Department” means the Department of Health and Human Services.*

Sec. 4. *“Division” means the Aging and Disability Services Division of the Department.*

Sec. 5. *“Nevada ABLE Savings Program” means the program established by the State Treasurer pursuant to section 8 of this act.*

Sec. 6. *“Qualified ABLE program” has the meaning ascribed to it in the Achieving a Better Life Experience Act of 2014, 26 U.S.C. § 529A, as amended.*

Sec. 7. *“Trust Fund” means the Nevada ABLE Savings Program Trust Fund created by section 11 of this act.*

Sec. 8. 1. *The State Treasurer ~~shall~~ may adopt regulations to establish and carry out the Nevada ABLE Savings Program ~~which must~~ to comply with the requirements of a qualified ABLE program pursuant to 26 U.S.C. § 529A, as amended.*

2. *The regulations must be consistent with the provisions of the Internal Revenue Code set forth in Title 26 of the United States Code, and any regulations adopted pursuant thereto, to ensure that the Nevada ABLE Savings Program meets all criteria for federal tax-deferred or tax-exempt benefits, or both.*

3. *The regulations must provide for the use of savings trust agreements and savings trust accounts to apply distributions toward qualified disability expenses in accordance with 26 U.S.C. § 529A, as amended.*

4. *The regulations may include any other provisions not inconsistent with federal law that the State Treasurer determines are necessary for the efficient and effective administration of the Nevada ABLE Savings Program and the Trust Fund ~~+~~, including, without limitation:*

(a) Provisions for the charging and collection of administrative fees and charges in connection with any transaction relating to the Nevada ABLE Savings Program, including, without limitation, fees or charges related to continued participation in the Program;

(b) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified

withdrawal taken therefrom, is not subject to attachment, levy or execution by any creditor of a contributor, account owner or designated beneficiary and may not be used as security for a loan;

(c) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, must not be used to calculate the personal assets of a designated beneficiary or account owner to determine eligibility for any disability, medical or other health benefits administered by this State; and

(d) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, must not be used to calculate the personal assets of a designated beneficiary or account owner to determine eligibility or need for any student loan program, student grant program or any other student aid program administered by this State, except as otherwise provided for in federal law.

Sec. 9. 1. The ~~Division~~ State Treasurer may delegate any of its administrative powers and duties specified in sections 2 to 15, inclusive, of this act if the ~~Division~~ State Treasurer determines that such delegation is necessary for the efficient and effective administration of the Nevada ABLE Savings Program and the Trust Fund.

2. In carrying out the provisions of sections 2 to 15, inclusive, of this act, the State Treasurer may contract with one or more other states to:

(a) Provide for the administration of all or part of the Nevada ABLE Savings Program by another state;

(b) Authorize the State Treasurer to administer all or part of a qualified ABLE program of another state; or

(c) Jointly administer the Nevada ABLE Savings Program with a qualified ABLE program of one or more other states.

Sec. 10. Savings trust accounts used and savings trust agreements entered into pursuant to sections 2 to 15, inclusive, of this act are not guaranteed by the full faith and credit of the State of Nevada.

Sec. 11. 1. The Nevada ABLE Savings Program Trust Fund is hereby created.

2. The Trust Fund is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.

3. The Trust Fund consists of:

(a) All money deposited in accordance with savings ~~and~~ trust agreements; ~~and~~

(b) All earnings on the money in the Trust Fund ~~and~~;

(c) Any fees or charges charged to an account owner to cover expenses incurred in administering the Nevada ABLE Savings Program; and

(d) Any other money from any public or private source appropriated or made available to this State for the benefit of the Nevada ABLE Savings Program.

4. Money in the Trust Fund:

(a) Is not the property of this State, and this State has no claim to or interest in such money; and

(b) Must not be commingled with money of this State.

5. A savings trust agreement or any other contract entered into by or on behalf of the Trust Fund does not constitute a debt or obligation of this State, and no account owner is entitled to any money in the Trust Fund except for that money on deposit in or accrued to his or her account.

6. The money in the Trust Fund must be preserved, invested and expended solely pursuant to and for the purposes authorized by sections 2 to 15, inclusive, of this act and must not be loaned or otherwise transferred or used by this State for any other purpose.

Sec. 12. 1. The Trust Fund and any account established by the State Treasurer pursuant to this section must be administered by the State Treasurer.

2. In carrying out the provisions of sections 2 to 15, inclusive, of this act, the State Treasurer may use any administrative or investment agreements or arrangements used for the Nevada College Savings Program created pursuant to NRS 353B.300 to 353B.370, inclusive, without soliciting separate proposals for assistance with the management of all or part of the Nevada ABLE Savings Program.

3. The State Treasurer shall establish such accounts as he or she determines necessary to carry out his or her duties pursuant to sections 2 to 15, inclusive, of this act, including, without limitation:

(a) A Program Account in the Trust Fund; and

(b) An Administrative Account and an Endowment Account in the State General Fund.

~~§ 4.~~ 4. The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.

~~§ 5.~~ 5. The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada ABLE Savings Program.

~~§ 6.~~ 6. The Endowment Account must be used for the deposit of any money received by the Nevada ABLE Savings Program that is not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, is not necessary for the use of the Administrative Account. The money in the Endowment Account may be expended for any purpose related to the Nevada ABLE Savings Program or in any other manner which assists residents of this State who are eligible individuals as defined in 26 U.S.C. § 529A, as amended.

Sec. 13. *The State Treasurer may accept and expend on behalf of the Trust Fund money provided by ~~private entities~~ any entity for direct expenses or marketing. Such money is not a part of the Trust Fund.*

Sec. 14. *The ~~Division~~ State Treasurer may endorse insurance coverage written exclusively to protect the Trust Fund, and account owners and beneficiaries of the Trust Fund, which may be issued in the form of a group life policy. The provisions of title 57 of NRS are not applicable to the ~~Division~~ State Treasurer in carrying out the provisions of this section.*

Sec. 15. 1. *The ~~Division~~ State Treasurer shall establish a comprehensive investment plan for the money in the Trust Fund.*

2. *Notwithstanding the provisions of any specific statute to the contrary, the ~~Division~~ State Treasurer may invest or cause to be invested any money in the Trust Fund, including, without limitation, the money in the Program Account described in paragraph (a) of subsection ~~2~~ 3 of section 12 of this act, in any manner reasonable and appropriate to achieve the objectives of the Nevada ABLE Savings Program, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The ~~Division~~ State Treasurer shall consider the risk, expected rate of return, term or maturity, diversification of total investments, liquidity and anticipated investments in and withdrawals from the Trust Fund.*

3. *The ~~Division~~ State Treasurer may establish criteria and select investment managers, mutual funds or other such entities to act as investment managers for the Nevada ABLE Savings Program.*

4. *The ~~Division~~ State Treasurer may employ or contract with investment managers, evaluation services or other services as determined by the ~~Division~~ State Treasurer to be necessary for the effective and efficient operation of the Nevada ABLE Savings Program.*

5. *The Division and the State Treasurer may employ personnel and contract for goods and services necessary for the effective and efficient operation of the Nevada ABLE Savings Program.*

6. *The Division shall implement an outreach and educational program designed to create awareness of, and increase participation in, the Nevada ABLE Savings Program. Any marketing plan and materials for the Nevada ABLE Savings Program must be approved by the Division.*

7. *The ~~Division~~ State Treasurer may prescribe terms and conditions of savings trust agreements.*

8. *The Division or State Treasurer may contract with one or more qualified entities for ~~the~~ :*

(a) The day-to-day operation of the Nevada ABLE Savings Program, and any associated educational and outreach activities of the Program, as the program administrator for the management of the marketing of the Nevada ABLE Savings Program ~~for the~~ ;

(b) The administration of the comprehensive investment plan established pursuant to subsection 1 and the Trust Fund ~~for the~~ ;

(c) The selection of investment managers for the Nevada ABLE Savings Program ; and ~~the~~

(d) The performance of similar activities.

Sec. 16. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 17 to 20, inclusive, of this act.

Sec. 17. *As used in sections 17 to 20, inclusive, of this act, unless the context otherwise requires, “person with a disability who needs independent living services” means a person with a physical disability, as that term is defined in NRS 427A.791, including, without limitation, a person who is blind, as that term is defined in NRS 426.082, who is in need of independent living services and who does not have a vocational goal.*

Sec. 18. 1. *The Division may, pursuant to this section and section 19 of this act, establish a program to provide services of independent living and assistive technology for persons with disabilities who need independent living services.*

2. *If the Division establishes a program pursuant to subsection 1, the Division shall adopt regulations:*

(a) Establishing the procedures for a person to apply for services of independent living and assistive technology;

(b) Prescribing the criteria for determining the eligibility of such an applicant;

(c) Prescribing the nature of the services of independent living and assistive technology which may be provided and the conditions imposed on the provision of such services; and

(d) Setting forth such other provisions as the Division considers necessary to administer the program.

3. *The decision of the Division regarding the eligibility of an applicant to participate in the program is a final decision for the purpose of judicial review.*

Sec. 19. 1. *The services of independent living that the Division may, pursuant to this section and section 18 of this act, provide to a person with a disability who needs independent living services may include, without limitation, assistance and training as to how to perform skills of daily living, including, without limitation:*

(a) The preparation and eating of meals;

(b) Home management, including, without limitation, paying bills;

(c) Communication, including, without limitation, the use of services of assistive technology;

(d) Orientation and mobility; and

(e) Any other skills that will allow a person who has recently become disabled to function and live in a more independent manner.

2. *The services of assistive technology that the Division may, pursuant to this section and section 18 of this act, provide to a person with a disability who needs independent living services may include, without limitation:*

- (a) Large-print signs and reading materials;*
- (b) Voice recognition or Braille technology installed on a computer or handheld device;*
- (c) Global positioning satellite technology with voice output;*
- (d) Mechanical lifts or similar mobility enhancing devices;*
- (e) Telecommunications devices specially designed for persons with impaired vision, speech or hearing; and*
- (f) Any other technology that provides significant assistance in performing daily tasks to a person with a disability who needs independent living services.*

Sec. 20. *The Division may:*

- 1. Periodically research and determine the cost of providing services in this State for people who are blind or visually impaired and who do not have a vocational goal; and*
- 2. Present a report of the findings of the research to the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211.*

Sec. 21. NRS 427A.1211 is hereby amended to read as follows:

427A.1211 1. The Nevada Commission on Services for Persons with Disabilities, consisting of 11 voting members and 2 or more nonvoting members, is hereby created within the Division.

2. The Director shall appoint as voting members of the Commission 11 persons who have experience with or an interest in and knowledge of the problems of and services for persons with disabilities. The majority of the voting members of the Commission must be persons with disabilities or the parents or family members of persons with disabilities.

3. The Director and the Administrator shall serve as nonvoting, ex officio members of the Commission and each may designate an alternate within his or her office to attend any meeting of the Commission in his or her place.

4. The Director may appoint as nonvoting members of the Commission such other representatives of State Government as the Director deems appropriate.

5. After the initial term of an appointed member, the term of an appointed member is 3 years. An appointed member may be reappointed for an additional term of 3 years. An appointed member may not serve more than two terms ~~†~~ **or 6 years, whichever is greater.** A vacancy on the Commission must be filled in the same manner as the original appointment. An appointed member who serves for more than 1 year of a term to which another person was appointed may be appointed to serve only one additional full term as an appointed member. ***However, at the completion of the additional full-term, the member may be appointed to the remaining term of another member who has resigned or otherwise left the Commission before completing his or her term if the total combined service of the member being appointed, after serving the remaining term of the member who resigned or otherwise left the Commission, will not exceed 6 years.***

6. The Director may remove an appointed member of the Commission for malfeasance in office or neglect of duty. Absence from two consecutive meetings of the Commission constitutes good and sufficient cause for removal of an appointed member by the Director.

Sec. 22. 1. Notwithstanding any provision of subsection 5 of NRS 427A.1211, as amended by section 21 of this act, to the contrary, the existing terms of the voting members of the Nevada Commission on Services for Persons with Disabilities whose terms have not expired before July 1, 2015, must expire as follows:

(a) The terms of four voting members of the Commission must expire on June 30, 2016;

(b) The terms of four voting members of the Commission must expire on June 30, 2017; and

(c) The terms of three voting members of the Commission must expire on June 30, 2018.

2. The Director shall, at his or her sole discretion, determine the allocation of existing members of the Commission to the particular groupings established for the expiration of terms in subsection 1.

3. The terms of members of the Commission appointed after the expiration of the terms of the existing members of the Commission pursuant to subsection 1 must begin on July 1 of the year in which the member was appointed.

Sec. 23. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment allows instead of requires the State Treasurer to adopt regulations to establish the Nevada ABLE Program. It moves duties of the program from the Aging and Disability Services Division to the State Treasurer and instead requires the Division to conduct an outreach program to increase participation in the program.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 504.

Bill read third time.

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

Assembly in recess at 12:11 p.m.

ASSEMBLY IN SESSION

At 12:54 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Paul Anderson, Spiegel, Hansen, Fiore, Elliot Anderson, Gardner, Hickey, Ellison, Nelson, and Kirkpatrick.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 504, as amended, makes various changes to Nevada law concerning bullying and cyber-bullying in public schools. Specifically, it provides for disciplinary and licensure proceedings if someone knowingly and willfully fails to comply with applicable provisions of law. It requires that the parents of a student be allowed to petition a court to compel performance by a school official of any duty imposed. It creates the Office for a Safe and Respectful Learning Environment within the Department of Education and establishes and maintains a 24-hour toll-free hotline and website for public information and incident reporting. It changes the requirements regarding the reporting and investigation of an incident of bullying or cyber-bullying; requires a good faith effort to notify, within one school day, the parents of all students involved in an incident; requires an investigation, including an interview with students and parents, within two school days; requires a principal to meet with any victims within ten days; and allows a parent or guardian to submit a complaint to the Department of Education within 30 days in response to a decision made by a principal or his or her designee related to the incident.

I imagine that most of us experienced or witnessed bullying in our youth. But just because bullying has been a part of our past does not mean it has to be part of our future. I am proud of this bill; I am proud of what we are doing today. I think we are taking a big step forward in helping Nevada's children. I will be voting yes, and I encourage all others to do so as well.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 504 arose out of some incidents that happened in my Assembly district. Too many kids in my district and throughout our state have been bullied, have been damaged; some have even committed suicide. Senate Bill 504 goes a long way in helping to turn things around so our children will feel safe at school, will be in a position where they will be able to learn, and most importantly, will be in a position where they will be able to live.

Senator David Parks and I have been working with the Governor's staff on this bill for nearly a year. It is a great bill, and I urge everyone to support it.

ASSEMBLYMAN HANSEN:

I rise in opposition to Senate Bill 504. The primary reason I have objections to it is because I have not had a chance to read it. This is not an emergency, and I resent the fact that I am being forced into a vote today when most of the people in our caucus have not even had a chance to read the bill. I am certainly no proponent of bullying, but I am also not a proponent of phony emergency measures that are not emergencies.

On the issue of bullying, I have a teacher who teaches in Clark County, and they have endless lectures, classes, and rules on bullying right now. So the idea that this is some new thing, that they do not already have programs in place to deal with these kind of things, is just not the case.

This is another one of those deals where there certainly should be an element of local control. There was a bill that we tried dealing with on bathrooms, and that ended up being defeated because at least a few members of our caucus felt it was something the local people should control. In the whopping five minutes I have had a chance to read this thing, local control is something we should consider.

My objection today and the reason I am voting no is not because of bullying. It is this phony emergency rush to try and get this thing done before we have an opportunity to fully vet it. That is why I am in strong opposition. One or two days would make no difference in the big scheme of things, yet somehow it has to be done in such short order without reasonable opportunities for all of us to thoroughly go through it and see what we like and do not like and have opportunities to perhaps amend sections of it.

I am not a proponent of bullying, but I am a proponent of thoroughly vetting things before we pass laws that affect 400,000 kids in the public schools, every teacher in the public schools, and all the parents in the public schools, without proper vetting of these issues. I would urge a no vote simply on that basis.

ASSEMBLYWOMAN FIORE:

I am a proponent of not bullying, but I have stood here before and said I would not vote on something I did not read, because I do not think this body is full of Pelosis who vote on something and then find out what is in the bill. I am standing in opposition because I do not want to vote no on this bill. I want a chance to read the bill. This emergency measure—what do we do? I do not want to vote on this bill today because I have not read it. I do not want to vote no and I do not want to vote yes. I do not want to vote on this bill today. I need an answer.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of Senate Bill 504. I want to explain to the body more about what we heard during the interim, what was happening with these bullying incidents. A lot of times what is happening is parents are not getting notification about what is happening with their children at school. This bill is intended to ensure that those parents get notification, so they can get engaged and so they can fix these problems before they turn into kids committing suicide.

I respect my colleague from District 32. There has been an issue with getting that notification from the school district, and so this bill sets up an office to ensure that there is a place where kids can go if they are feeling under pressure. The hope is to ensure that we get them some help, whether it is through parental notification measures or that 1-800 number for those kids to call when they are in trouble. I urge this body to support S.B. 504.

ASSEMBLYMAN GARDNER:

I have a question for the Majority Leader regarding the intent of the bill. This is in section 6, part 2, subsection f. I just read this and want to get the intent of the bill in this section. It says “(f) Blocking access to any property or facility of a school” I am just wondering what is the intent behind that in considering that bullying.

ASSEMBLYMAN PAUL ANDERSON:

I can happily defer to the Chair if they have further clarification. I think intent for the record is good, and this is an important part of it. When I picture that phrase in my mind, it is somebody blocking me from exiting a door or going on to campus. I believe the intent is pure and is to protect those who are being bullied. I do not think there is any other intent with that particular section.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 504. This bill was vetted and heard in a five-hour joint hearing of Education Committee members between ourselves and the Senate. It was passed unanimously by our Assembly Education Committee, and it has been deeply discussed. With respect to my colleague’s concerns about this being an emergency measure, folks, we are 20 days away from trying to close this building down successfully. We are going to be pressured to make decisions. I speak for myself, but I rely upon the members of other committees who have discussed, vetted, debated, and brought their conclusions to us.

Having served on the committee, and in conjunction with my colleagues who were in support, I urge us to go forward with this bill. It sets the stage for dealing with problems that parents democratically brought to this process, and we are acting upon it with our vote and support today.

ASSEMBLYMAN ELLISON:

I would like to ask a question of the Majority Leader if I may. I think everyone in this body wants to understand and vote in favor of this bill. I do, too. There were questions that were brought up in caucus a few minutes ago. The savings are a great deal to this body. I think how much money we will save. One question I have is can we take a recess until about five o’clock and then come back and vote as a whole? I think you will get 100 percent or 90 percent of this body to vote this out. That is all I ask for is a recess to come back tonight and vote on this measure.

ASSEMBLYMAN PAUL ANDERSON:

Mr. Speaker, certainly it is at your pleasure that we recess or not. My recommendation would be that we do not at this time. With the committee passage deadline and other events we have

going on, I think we all recognize the importance of this particular bill along with the companion legislation and budget items that accompany it. I would recommend that we move forward at your discretion.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Fiore moved that Senate Bill No. 504 be taken from the General File and placed at the top of the General File for the next legislative day.

Having previously announced that all members would have an opportunity to speak on Senate Bill No. 504, Mr. Speaker deferred acceptance of the motion.

GENERAL FILE AND THIRD READING

ASSEMBLYMAN NELSON:

My position is this: I have the deepest respect for our Majority Leader. He is a very good friend of mine and I trust him, but I agree with what my colleague from Elko said. I do not think we need to kick it a full day, but I would like to have half an hour to read it again and to talk with the committee chairman and other members of the committee. I would echo what my colleague from Elko says; I think we need a little more time to read it. The Majority Leader says we need to vote on it today. Fine, we can vote on it today, but let us have a couple of hours.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 504, but more importantly, let us have a real discussion here. This is 19 days from closing down. This is going to happen in so many different ways—last session, the session before that, the session before that. Quite frankly, many folks in this body who trusted me voted on concur/not concurs on the very last day within five minutes of their bills being heard. The members of this body have a responsibility every single day to look at the Daily File, every single day to look at the Second Reading, because we are out of time folks. We have no more time to do this. We have to move bills this quickly or you and I and everybody in this body will lose bills that we care about as a whole. Whether or not you like this bill, that is your choice. But this is a legislative process; we are down to the wire. We have work sessions that we have gotten posted hours before we were asked to vote on them. But I voted on it.

We just spent 40 minutes in a caucus meeting. Honestly, folks could have gone through that bill section by section in that time. That is how long we spent going through it yesterday. My Girl Scouts and I watched the joint hearing in the Senate. Each and every one of us has that responsibility every single day as well.

You can participate in the meetings by watching online, you can participate in your caucus room, you can participate in your office, or you can participate at home for heaven's sake. We have a responsibility to the folks who are outside of this little vacuum to actually process legislation every single day. There is no down time anymore. Folks think we are going home this weekend to hang out. We are not. There are budgets to be closed, there is staff that is working 23 hours a day to make this all come together. I do not buy the argument that no one got a chance to read it. Everyone has a responsibility. That is the legislative thing you were elected to do—to read every single bill. Everything that is on Second Reading for tomorrow, I have already read it. That is my responsibility to take that vote.

Mr. Speaker, I would ask that we just call for the question and let folks vote how they want. If we start this trend, I am telling you, having been in your spot before, we will not get out of here, there will be a lot of bills that die, and oh by the way, we do not get to make that decision later.

Assemblywoman Kirkpatrick, Araujo, and Woodbury moved the previous question.

The question being the passage of Senate Bill No. 504.

Roll call on Senate Bill No. 504:

YEAS—36.

NAYS—Ellison, Fiore, Hansen, Moore, Neal, Nelson—6.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 3 requires the Department of Motor Vehicles [DMV] to establish and maintain an Internet-based registry of emergency contact information to be known as the Next-of-Kin Registry. Anyone who has a Nevada driver's license, driver authorization card, or identification card may establish a record within the Registry. In the case of a motor vehicle accident, a law enforcement officer or other authorized employee of a law enforcement agency must search the Registry when practicable and make a reasonable attempt to notify the emergency contact person. In the event of the death of a driver or passenger, law enforcement personnel must coordinate the next-of-kin notification with the coroner or medical examiner and ensure that notification is made only after positive victim identification is confirmed. In the case of an accident or emergency situation other than a motor vehicle accident, the bill allows, but does not require, law enforcement personnel to search the Registry for an emergency contact person.

The bill also contains various privacy provisions, including prohibiting information from the Registry from being released for the purposes of determining legal presence; limiting the circumstances under which the DMV may grant access to the Registry information of a registrant; requiring the DMV to disclose to registrants who will have access to information contained in the Registry, as well as who will be notified in the case of an emergency; and providing that those who have access to the Registry are not exempt from criminal or civil liability for willful misuse of the Registry.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks, and on the date on which the Director of the 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 of this measure.

Roll call on Senate Bill No. 3:

YEAS—42.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 40.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 40 makes it unlawful for any person who is not properly licensed to receive, directly or indirectly, any compensation, reward, or percentage or share of money or property played for accepting a bet or wager upon an event held at a track involving a horse or other animal, a sporting event, or other event. A person who violates these provisions is guilty of a category B felony.

Roll call on Senate Bill No. 40:

YEAS—39.

NAYS—Neal, Ohrenschall, Shelton—3.

Senate Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 104.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 104 provides an exception to the requirement that political advertisements disclose the name of the person or entity who paid for such advertising and include a statement indicating that the advertisement was approved by a candidate. This exception applies to any statement or communication appearing on any article of clothing, regardless of its cost, and certain other forms of advertising including buttons, pens, candy, jar openers, and balloons having a retail value of less than \$5 each. The bill is effective on October 1, 2015.

Roll call on Senate Bill No. 104:

YEAS—42.

NAYS—None.

Senate Bill No. 104 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 Bills Nos. 147, 172, 212, 229, 268, 310, 313, 322, 390, 476; Senate Joint Resolutions Nos. 2 and 4 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

April 3, 2015

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Assembly Bills Nos. 198 and 242.

RICHARD S. COMBS
Director

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 28, 39, 41, 42, 52, 61, 63, 79, 99, 137, 144, 222, 424, 456; Assembly Joint Resolution No. 2; Assembly Resolutions Nos. 8, 9; Senate Bills Nos. 271, 427, 469.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Uriel Garcia-Escudero and Sylvia Lazos.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Heryet and Richard Bunce.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Nate Mack Elementary School: Nola Ashley, Amador Guerrero, Isabelle Avalos, Sydney Cline, Marissa Lopez, Carson Banks, Christopher Osborne, Chase Tunney, Lily Meyers, Lauren Briggs, Sidney Johnson, Jack Raspopovich, Adam Hutchinson, Angel Robles, Haley Maramaldi, Aleasha Matew, George Gomez, Makaylah Miller, Amber Knox, Madison Kochersperger, John Austin, Rachel Burda, Mercaediez Craft, Sade Ware, Asia Evans, Samantha Abate, Ashley Labeledz, Alexa McAfee, Gracesyn Gradyan, Jacob Henderson, Cruz Barron-Renteria, Donovan Ellis, Mackenzie Mangum, Bella Demelo, Jake Juliano, West Baxter, Baughnan Dawson, Hunter Navage, Miranda Alvarez, Lillian Galvin, Justyn Delzeit, Eddie Tarango, William Sakmar, Joseph Taack, Dylan Mitro, Kekoa Lave, Scott Dalton, Joseph Burns, Earl Wheeler, Bronte Denué, and Magdalena Rodriguez.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones and teachers from Lincoln Park Elementary School: Dawn Miller, Deeann Roberts, Citlali Avalos, Elizabeth Barajas, Daniel Esquivel, Emily Lopez, Ana Magana, Mckayla McBride, and Alayah Raygoza.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, May 14, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:23 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly