

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday) April 9, 2015

Senate called to order at 12:27 p.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God, we come before You humbly this day asking for Your presence and Your guidance. Without You we would not be able to fulfill our duty and responsibility to the State of Nevada and its citizens. Keep our pride in check that we may clearly see the things before us to benefit all.

We thank You for allowing us to be back at full strength as a Chamber ready to work together on the issues before us. We ask that You would continue to send Your healing hand upon Senator Smith and Senator Spearman, that they may know You are always with them lifting them up. Be with any other Chamber members and their families that are in need and calm their hearts.

Be with the people in the Midwest who are struggling with severe weather and bless us with the weather and moisture we need. Be with us that we may do the very best we can for the people we serve.

All these things we bring to You trusting in Your love, grace and mercy. In Jesus' Name,
AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BECKY HARRIS, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 311, 318, 471, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, 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.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 265, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

PETE GOICOECHEA, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 359, 402, 458, 500, 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. 284, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

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: Be adopted.

JOSEPH P. HARDY, *Chair*

Mr. President:

Your Committee on Transportation, to which was referred Senate Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

SCOTT HAMMOND, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 8, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 145.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 7, 13, 94, 101, 108, 248.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 9, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 111, 439.

MARK KRMPOTIC

Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Roberson.

For: Senate Bill No. 291.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Wednesday, April 08, 2015.

MICHAEL ROBERSON

Senate Majority Leader

JOHN HAMBRICK

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 300.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Wednesday, April 08, 2015.

MICHAEL ROBERSON
Senate Majority Leader

JOHN HAMBRICK
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Goicoechea moved that Senate Bill No. 265, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Hardy moved that Senate Bill No. 284, just reported out of Committee, be re-referred to the Committee on Finance.

Remarks by Senator Hardy.

Senate Bill No. 284 requires a state plan for Medicaid to provide for certain nonmedical transportation.

Motion carried.

Senator Hammond moved that Senate Bill No. 492, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:33 p.m.

SENATE IN SESSION

At 12:34 p.m.

President Hutchison presiding.

Quorum present.

Senator Ford moved that Senate Bill No. 181 be taken from the Secretary's desk and placed at the bottom of the General File.

Motion carried.

Senator Harris moved that Senate Bill No. 177 be taken from the General File and placed on the Secretary's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 7.

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

Motion carried.

Assembly Bill No. 13.

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

Motion carried.

Assembly Bill No. 94.

Senator Kieckhefer moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 101.

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

Motion carried.

Assembly Bill No. 108.

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

Motion carried.

Assembly Bill No. 248.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 75.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 53.

SUMMARY—Revises provisions governing the administration of certain examinations. (BDR 34-472)

AN ACT relating to education; revising provisions governing the manner in which certain examinations are administered; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires examinations to be administered to pupils enrolled in grades 3 through 8 based upon the State's academic standards. Existing law also requires the board of trustees of each school district and the governing body of each charter school to administer such examinations to pupils at the same time during the spring semester, as prescribed by the State Board of Education. (NRS 389.550) This bill removes this requirement and instead requires the ~~board of trustees of each school district and the governing body of each charter school to administer such examinations during a certain period after~~ State Board to prescribe the minimum number of school days [of instruction prescribed by the State Board have been provided.] that must take place before the examinations may be administered and the period during which they are to be administered.

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

Section 1. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

↪ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8.

3. *The State Board shall prescribe:*

(a) *The minimum number of school days ~~of instruction~~ that must ~~be provided to pupils~~ take place before the examinations prescribed by the State Board pursuant to subsection 1 may be administered to ~~them~~ pupils; and*

(b) *The period during which the examinations prescribed by the State Board pursuant to subsection 1 must be administered.*

4. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board ~~at such times as prescribed by the State Board pursuant to subsection 3.~~ The examinations must be:

(a) ~~Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.~~

~~(b)~~ Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

~~(c)~~ (b) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

The amendment changes the term "days of instruction" to "school days."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 219.

SUMMARY—Exempts certain persons from the modified business tax on financial institutions. (BDR 32-42)

AN ACT relating to taxation; exempting certain persons who sell, solicit or negotiate insurance from the modified business tax applicable to financial institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an excise tax, commonly known as the modified business tax, on employers who are financial institutions. (NRS 363A.130) Other employers are taxed at a lower rate. (NRS 363B.110) Section 1 of this bill exempts from the definition of "financial institution" any person who is primarily engaged in the sale, solicitation or negotiation of ~~motor vehicle insurance or homeowner's~~ insurance, making such a person subject to the modified business tax applicable to employers generally. For such a person, section 2 of this bill provides that the general modified business tax is first applicable for the calendar quarter beginning after the effective date of this bill.

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

Section 1. NRS 363A.050 is hereby amended to read as follows:

363A.050 1. Except as otherwise provided in subsection 2, "financial institution" means:

(a) An institution licensed, registered or otherwise authorized to do business in this State pursuant to the provisions of title 55 or 56 of NRS or chapter 604A, 645B or 645E of NRS, or a similar institution chartered or licensed pursuant to federal law;

(b) A person licensed or registered or required to be licensed or registered pursuant to NRS 90.310, 90.330, 90.453, 686A.340 or 688C.190;

(c) A person holding or required to hold a solicitation permit or license pursuant to NRS 692B.040, 692B.190 or 692B.260;

(d) A person designated or registered or required to be designated or registered pursuant to the Commodity Exchange Act, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Investment Company Act of 1940 or the Investment Advisers Act of 1940, as amended;

(e) A person licensed pursuant to 7 U.S.C. 2009cc-3 to operate as a rural business investment company;

(f) A person registered or required to be registered as a savings and loan holding company pursuant to 12 U.S.C. 1467a;

(g) A person registered or required to be registered as a bank holding company pursuant to 12 U.S.C. 1844;

(h) An investment bank holding company supervised pursuant to 15 U.S.C. 78q;

(i) A person electing to be treated as a business development company pursuant to 15 U.S.C. 80a-53;

(j) A person licensed pursuant to 15 U.S.C. 681 to operate as a small business investment company;

(k) A person granted final approval pursuant to 15 U.S.C. 689c to operate as a new markets venture capital company;

(l) A person qualifying as and electing to be considered a real estate investment trust pursuant to 26 U.S.C. 856;

(m) A bank, as defined in 12 U.S.C. 1813(a);

(n) A savings association, as defined in 12 U.S.C. 1813(b);

(o) A savings bank, as defined in 12 U.S.C. 1813(g);

(p) A thrift institution, as defined in 12 U.S.C. 1841(i);

(q) A national banking association organized under the National Bank Act;

(r) An entity that is related to any of the entities described in paragraphs (a), (b), (d) to (k), inclusive, and (m) to (q), inclusive, regardless of whether the entity described in any of those paragraphs is doing business in this State; and

(s) An issuer or a service provider,

↳ who is conducting a business activity in this State.

2. The term does not include:

(a) A credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act;

(b) A federal land credit association, farm credit bank, agricultural credit association or similar institution organized under the provisions of the Farm Credit Act; ~~and~~

(c) *A person who sells, solicits or negotiates insurance and whose business primarily consists of the sale, solicitation or negotiation of ~~motor vehicle insurance or homeowner's~~ insurance; and*

(d) Any person or other entity that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

3. For the purposes of this section:

(a) "Credit card" has the meaning ascribed to it in NRS 97A.050.

(b) "Entity" includes, without limitation, any corporation, limited-liability company, association, organization, company, firm, partnership, joint venture, trust, business trust, receiver, trustee, syndicate, cooperative or assignee, or any other group or combination acting as a unit.

(c) "Issuer" has the meaning ascribed to it in NRS 97A.100, except that the term does not include a seller of goods or provider of services who issues a credit card for the purpose of providing or extending credit only in connection with the goods he or she sells or the services he or she provides.

(d) *A business "primarily consists of the sale, solicitation or negotiation of ~~motor vehicle insurance or homeowner's~~ insurance" if more than 50 percent of the annual income of the business from commissions is derived from the sale, solicitation or negotiation of ~~such~~ insurance.*

(e) Entities are "related" if at least 50 percent of the interest, either by vote or value, in each entity is owned, either directly or indirectly, by the same entity, including either of those entities.

~~(e)~~ (f) "Service provider" has the meaning ascribed to it in NRS 97A.130, except that the term does not include a service provider who acts in that capacity solely on behalf of a seller of goods or provider of services who issues a credit card for the purpose of providing or extending credit only in connection with the goods he or she sells or the services he or she provides.

Sec. 2. For any person described in paragraph (c) of subsection 2 of NRS 363A.050, as amended by section 1 of this act:

1. The provisions of NRS 363A.130 apply to the person until the beginning of the calendar quarter described in subsection 2.

2. The provisions of NRS 363B.110 first apply to the person for the calendar quarter next succeeding the effective date of this act.

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

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 219 to Senate Bill No. 103 strikes the references to motor vehicle insurance or homeowner's insurance from the bill to clarify that the exemption from the definition of "financial institution" provided pursuant to the bill, applies to any person who is primarily engaged in the sale, solicitation or negotiation of all types of insurance, rather than just motor vehicle or homeowners insurance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 108.

Bill read second time.

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

Amendment No. 280.

SUMMARY—Revises provisions relating to public works projects. (BDR 28-598)

AN ACT relating to public works; raising the estimated cost thresholds at or above which ~~certain~~ prevailing wage requirements apply to public works projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~sets forth general provisions applicable to public works for which the cost is in excess of \$100,000, including provisions requiring: (1) reports by the public body undertaking the public work to the Labor Commissioner; (2) enforcement of certain provisions regarding public works contracts by the Labor Commissioner, with prosecution of any violations by~~

~~the Attorney General; (3) requires the payment of prevailing wages to employees on [the] a public work [; and (4) the advertisement in certain publications for bids on the public work.] under certain circumstances, including the threshold of the estimated cost of the public work. (NRS [338.013, 338.015,] 338.080) [; 338.1385, 338.143) The prevailing wage requirements and certain reporting requirements also apply to a redevelopment project if a redevelopment agency provides financial incentives to the developer with a value of more than \$100,000. (NRS 279.500, 279.6098) Existing law also sets forth certain provisions applicable to public works for which the cost is less than \$100,000, including a provision requiring a preference in bidding for certain businesses owned by a veteran with a service-connected disability, and provisions authorizing a state or local government to: (1) perform the work itself; or (2) solicit bids from three licensed contractors if the estimated cost of the public work is more than \$25,000 but not more than \$100,000, or solicit bids from at least one licensed contractor if the estimated cost of the public work is \$25,000 or less. (NRS 338.1384, 338.1386, 338.13862, 338.13864, 338.1442, 338.1444, 338.1446) This] Section 3 of this bill changes the \$100,000 threshold to [\$1,000,000, and in several sections, a technical correction is made clarifying that if the relevant work will cost exactly \$1,000,000, the requirements for those public works estimated to cost in excess of \$1,000,000 will apply.] \$500,000. Existing law requires the Office of Economic Development to establish goals for the submission of bids or proposals by local emerging small businesses for contracts for public works of this State for which the estimated cost is less than \$100,000 and for the awarding of those contracts to emerging small businesses. (NRS 231.1407) Section 18 of this bill raises that threshold from \$100,000 to \$500,000.~~

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

Section 1. ~~NRS 338.018 is hereby amended to read as follows:~~

~~338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost [exceeds \$100,000] is \$1,000,000 or more even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.] (Deleted by amendment.)~~

Sec. 2. ~~NRS 338.075 is hereby amended to read as follows:~~

~~338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost [exceeds \$100,000] is \$1,000,000 or more even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.] (Deleted by amendment.)~~

Sec. 3. NRS 338.080 is hereby amended to read as follows:

338.080 None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose cost is less than ~~[\$100,000-\$1,000,000.]~~ \$500,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below ~~[\$100,000-\$1,000,000.]~~ \$500,000.

Sec. 4. ~~[NRS 338.13844 is hereby amended to read as follows:~~

~~— 338.13844 1. For the purpose of awarding a contract for a public work of this State for which the estimated cost is [\$100,000 or] less [,] than \$1,000,000, as governed by NRS 338.13862, if a local business owned by a veteran with a service connected disability submits a bid, the bid shall be deemed to be 5 percent lower than the bid actually submitted.~~

~~— 2. The preference described in subsection 1 may not be combined with any other preference.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 338.1385 is hereby amended to read as follows:~~

~~— 338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:~~

~~— (a) Commence a public work for which the estimated cost [exceeds \$100,000] is \$1,000,000 or more unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.~~

~~— (b) Commence a public work for which the estimated cost is [\$100,000 or] less than \$1,000,000 unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.~~

~~— (c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).~~

~~— 2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.~~

~~— 3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.~~

~~4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.~~

~~5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.~~

~~6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:~~

~~(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;~~

~~(b) The bidder is not responsive or responsible;~~

~~(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or~~

~~(d) The public interest would be served by such a rejection.~~

~~7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:~~

~~(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;~~

~~(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);~~

~~(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and~~

~~(d) The contract is awarded to the lowest responsive and responsible bidder.~~

~~8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:~~

~~(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;~~

~~(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;~~

~~(c) An estimate of the cost of administrative support for the persons assigned to the public work;~~

~~(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and~~

~~(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.~~

- ~~9. This section does not apply to:~~
- ~~(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;~~
 - ~~(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;~~
 - ~~(c) Normal maintenance of the property of a school district;~~
 - ~~(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;~~
 - ~~(e) The design and construction of a public work for which a public body contracts with a design build team pursuant to NRS 338.1711 to 338.1727, inclusive;~~
 - ~~(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or~~
 - ~~(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.1685 to 338.1695, inclusive.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 338.1386 is hereby amended to read as follows:~~

~~338.1386 If the estimated cost of a public work is [\$100,000 or] less [,] than \$1,000,000, this State or a local government shall:~~

- ~~1. Award a contract for the completion of the public work to a properly licensed contractor in accordance with NRS 338.13862; or~~
- ~~2. Perform the public work itself in accordance with NRS 338.13864.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 338.13862 is hereby amended to read as follows:~~

~~338.13862 1. Before this State or a local government awards a contract for the completion of a public work in accordance with subsection 1 of NRS 338.1386, the State or the local government must:~~

- ~~(a) If the estimated cost of the public work is more than \$25,000 but [not more] less than [\$100,000,] \$1,000,000, solicit bids from at least three properly licensed contractors; and~~
- ~~(b) If the estimated cost of the public work is \$25,000 or less, solicit a bid from at least one properly licensed contractor.~~
- ~~2. Any bids received in response to a solicitation for bids made pursuant to this section may be rejected if the State or the local government determines that:~~
 - ~~(a) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications;~~
 - ~~(b) The bidder is not responsive or responsible; or~~
 - ~~(c) The public interest would be served by such a rejection.~~
- ~~3. At least once each quarter, the State and each local government shall prepare a report detailing, for each public work over \$25,000 for which a~~

~~contract for its completion is awarded pursuant to paragraph (a) of subsection 1, if any:~~

- ~~— (a) The name of the contractor to whom the contract was awarded;~~
- ~~— (b) The amount of the contract awarded;~~
- ~~— (c) A brief description of the public work; and~~
- ~~— (d) The names of all contractors from whom bids were solicited.~~

~~4. A report prepared pursuant to subsection 3 is a public record and must be maintained on file at the administrative offices of the applicable public body.~~

~~5. The provisions of this section do not relieve this State from the duty to award the contract for the public work to a bidder who is:~~

- ~~— (a) Qualified pursuant to the applicable provisions of NRS 338.1375 to 338.1382, inclusive; and~~
- ~~— (b) The lowest responsive and responsible bidder, if bids are required to be solicited from more than one properly licensed contractor pursuant to subsection 1. For the purposes of this paragraph, the lowest responsive and responsible bidder must be determined in consideration of any applicable bidder's preference granted pursuant to NRS 338.13844.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 338.13864 is hereby amended to read as follows:~~

~~338.13864 1. If the State or a local government proposes to perform a public work itself in accordance with subsection 2 of NRS 338.1386, the public officer responsible for the management of the public works of the State or the local government, as applicable, must, if the estimated cost of the public work is more than \$25,000 but [not more] less than [\$100,000] \$1,000,000 and before work on the public work is commenced, prepare a signed attestation regarding the decision of the State or the local government to perform the public work itself.~~

~~2. An attestation prepared pursuant to subsection 1:~~

- ~~— (a) Must set forth:~~
 - ~~— (1) The estimated cost of the public work;~~
 - ~~— (2) A general statement as to why the State or the local government has decided to perform the public work itself; and~~
 - ~~— (3) A general statement that the public work will adhere to the same quality and standards as would be required of a properly licensed contractor if the public work had been awarded to a properly licensed contractor; and~~
- ~~— (b) Is a public record and must be maintained on file at the administrative offices of the applicable public body.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 338.1389 is hereby amended to read as follows:~~

~~338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost [exceeds \$250,000] is \$1,150,000 or more to the contractor who submits the best bid.~~

~~2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~(a) Submitted by a responsive and responsible contractor who:~~

~~(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;~~

~~(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and~~

~~(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:~~

~~(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract;~~

~~and shall be deemed to be the best bid for the purposes of this section.~~

~~3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~— (b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~— (1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~— (2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~— 4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:~~

~~— (a) Paid directly, on his or her own behalf:~~

~~— (1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12 month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~— (2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12 month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~— (3) Any combination of such sales and use taxes and governmental services tax; or~~

~~— (b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~— (1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~— (2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~— 5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:~~

~~— (a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~— (b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted~~

~~a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

- ~~— (a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~
- ~~— (b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.~~

~~14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.} (Deleted by amendment.)~~

Sec. 10. ~~[NRS 338.143 is hereby amended to read as follows:~~

~~338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:~~

~~— (a) Commence a public work for which the estimated cost [exceeds \$100,000] is \$1,000,000 or more unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.~~

~~— (b) Commence a public work for which the estimated cost is [\$100,000 or] less than \$1,000,000 unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.~~

~~— (c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).~~

~~2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.~~

~~3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.~~

~~4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.~~

~~5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:~~

~~(a) The bidder is not responsive or responsible;~~

~~(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or~~

~~(c) The public interest would be served by such a rejection.~~

~~6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:~~

~~(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;~~

~~(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);~~

~~(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and~~

~~(d) The contract is awarded to the lowest responsive and responsible bidder.~~

~~7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:~~

~~(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;~~

~~(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;~~

~~(c) An estimate of the cost of administrative support for the persons assigned to the public work;~~

~~(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and~~

~~(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.~~

~~8. This section does not apply to:~~

~~(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;~~

~~(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;~~

~~(c) Normal maintenance of the property of a school district;~~

~~—(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;~~

~~—(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;~~

~~—(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or~~

~~—(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.1685 to 338.16995, inclusive.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 338.1442 is hereby amended to read as follows:~~

~~338.1442 If the estimated cost of a public work is [\$100,000 or] less [,] than \$1,000,000, a local government shall:~~

~~1. Award a contract for the completion of the public work to a properly licensed contractor in accordance with NRS 338.1444; or~~

~~2. Perform the public work itself in accordance with NRS 338.1446.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 338.1444 is hereby amended to read as follows:~~

~~338.1444 1. Before a local government awards a contract for the completion of a public work in accordance with subsection 1 of NRS 338.1442, the local government must:~~

~~(a) If the estimated cost of the public work is more than \$25,000 but [not more] less than [\$100,000,] \$1,000,000, solicit bids from at least three properly licensed contractors; and~~

~~(b) If the estimated cost of the public work is \$25,000 or less, solicit a bid from at least one properly licensed contractor.~~

~~2. Any bids received in response to a solicitation for bids made pursuant to this section may be rejected if the local government determines that:~~

~~(a) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications;~~

~~(b) The bidder is not responsive or responsible; or~~

~~(c) The public interest would be served by such a rejection.~~

~~3. At least once each quarter, a local government shall prepare a report detailing, for each public work over \$25,000 for which a contract for its completion is awarded pursuant to paragraph (a) of subsection 1, if any:~~

~~(a) The name of the contractor to whom the contract was awarded;~~

~~(b) The amount of the contract awarded;~~

~~(c) A brief description of the public work; and~~

~~(d) The names of all contractors from whom bids were solicited.~~

~~4. A report prepared pursuant to subsection 3 is a public record and must be maintained on file at the administrative offices of the applicable public body.~~

~~5. The provisions of this section do not relieve a local government from the duty to award the contract for the public work to a bidder who is the lowest responsive and responsible bidder if bids are required to be solicited from more than one properly licensed contractor pursuant to subsection 1.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 338.1446 is hereby amended to read as follows:~~

~~338.1446 1. If a local government proposes to perform a public work itself in accordance with subsection 2 of NRS 338.1442, the public officer responsible for the management of the public works of the local government must, if the estimated cost of the public work is more than \$25,000 but [not more] less than [\$100,000] \$1,000,000 and before work on the public work is commenced, prepare a signed attestation regarding the decision of the local government to perform the public work itself.~~

~~2. An attestation prepared pursuant to subsection 1:~~

~~(a) Must set forth:~~

~~(1) The estimated cost of the public work;~~

~~(2) A general statement as to why the local government has decided to perform the public work itself; and~~

~~(3) A general statement that the public work will adhere to the same quality and standards as would be required of a properly licensed contractor if the public work had been awarded to a properly licensed contractor; and~~

~~(b) Is a public record and must be maintained on file at the administrative offices of the local government.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 338.147 is hereby amended to read as follows:~~

~~338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost [exceeds \$250,000] is more than \$1,150,000 to the contractor who submits the best bid.~~

~~2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~(a) Submitted by a contractor who:~~

~~(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;~~

~~(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and~~

~~—(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:~~

~~—(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~—(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract;~~

~~— shall be deemed to be the best bid for the purposes of this section.~~

~~—3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~—(a) Paid directly, on his or her own behalf:~~

~~—(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~—(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~—(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~—(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~—(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~—(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~—4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:~~

~~—(a) Paid directly, on his or her own behalf:~~

~~—(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12 month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~—(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12 month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~—(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~—(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~—(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~—(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~—5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:~~

~~—(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~—(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~—6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~—7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

~~(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~

~~(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.~~

~~14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the~~

~~objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.~~ (Deleted by amendment.)

Sec. 15. ~~[NRS 338.1711 is hereby amended to read as follows:~~

~~338.1711 1. Except as otherwise provided in this section and NRS 338.161 to 338.16995, inclusive, a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost [exceeds \$100,000.] is \$1,000,000 or more.~~

~~2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds \$5,000,000.] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 339.025 is hereby amended to read as follows:~~

~~339.025 1. Before any contract, except one subject to the provisions of chapter 408 of NRS, [exceeding \$100,000] for any project for the new construction, repair or reconstruction of any public building or other public work or public improvement of any contracting body for which the estimated cost is \$1,000,000 or more is awarded to any contractor, the contractor shall furnish to the contracting body the following bonds which become binding upon the award of the contract to the contractor:~~

~~(a) A performance bond in an amount to be fixed by the contracting body, but not less than 50 percent of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. The bond must be solely for the protection of the contracting body which awarded the contract.~~

~~(b) A payment bond in an amount to be fixed by the contracting body, but not less than 50 percent of the contract amount. The bond must be solely for the protection of claimants supplying labor or materials to the contractor to whom the contract was awarded, or to any of his or her subcontractors, in the prosecution of the work provided for in such contract.~~

~~2. If a general contractor has been awarded a contract, except one subject to the provisions of chapter 408 of NRS, by the State Public Works Division of the Department of Administration for any project for new construction, repair or reconstruction of any public building or other public work or public improvement, each of the subcontractors of the general contractor who will perform work on the contract that exceeds \$50,000 or 1 percent of the proposed project, whichever amount is greater, shall furnish a bond to the Division in an amount to be fixed by the Division.~~

~~3. Each of the bonds required pursuant to this section must be executed by one or more surety companies authorized to do business in the State of Nevada. If the contracting body is the State of Nevada or any officer, employee, board, bureau, commission, department, agency or institution thereof, the bonds must be payable to the State of Nevada. If the contracting body is other than one of those enumerated in this subsection, the bonds must be payable to the other contracting body.~~

~~4. Each of the bonds must be filed in the office of the contracting body which awarded the contract for which the bonds were given.~~

~~5. This section does not prohibit a contracting body from requiring bonds.~~ (Deleted by amendment.)

Sec. 17. [NRS 341.148 is hereby amended to read as follows:

~~341.148 The Division shall advertise in a newspaper of general circulation in the State of Nevada for separate sealed bids for each construction project whose estimated cost is [more than \$100,000.] \$1,000,000 or more. Approved plans and specifications for the construction must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. The Division may accept bids on either the whole or a part of the construction, equipment and furnishings of a construction project and may let separate contracts for different and separate portions of any project, or a combination contract for structural, mechanical and electrical construction if savings will result to this State.] (Deleted by amendment.)~~

Sec. 18. NRS 231.1407 is hereby amended to read as follows:

231.1407 1. The Office shall establish goals for:

(a) The submission of bids or proposals by local emerging small businesses for state purchasing contracts and for the awarding of those contracts to local emerging small businesses; and

(b) The submission of bids or proposals by local emerging small businesses for contracts for public works of this State for which the estimated cost is less than ~~[\$100,000 \$1,000,000]~~ \$500,000 and for the awarding of those contracts to local emerging small businesses.

2. The Office shall encourage:

(a) Local governments to award local purchasing contracts and contracts for public works of the local government to local emerging small businesses;

(b) Local governments to establish goals for the awarding of local purchasing contracts and contracts for public works of the local government to local emerging small businesses; and

(c) Each local government in a county whose population is less than 100,000 to submit reports to the Office that are similar in nature and frequency to the reports required pursuant to NRS 332.201.

3. The Office, in cooperation with the Office of the Governor, shall establish an annual recognition program for the state agencies that meet the goals established pursuant to subsection 1.

Sec. 19. [NRS 279.500 is hereby amended to read as follows:

~~279.500 1. The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.~~

~~2. If an agency:~~

~~(a) Provides property for development at less than the fair market value of the property;~~

~~(b) Provides a loan to a small business pursuant to NRS 279.700 to 279.740, inclusive; or~~

~~(c) Provides financial incentives to a developer with a value of [more than \$100,000,] \$1,000,000 or more,~~

~~regardless of whether the project is publicly or privately owned, the agency must provide in the loan agreement with the small business or the agreement with the developer, as applicable, that the development project is subject to the provisions of NRS 338.010 to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. This subsection applies only to the project covered by the loan agreement between the agency and the small business or the agreement between the agency and the developer, as applicable. This subsection does not apply to future development of the property unless an additional loan, or additional financial incentives with a value of [more than \$100,000,] \$1,000,000 or more, are provided to the small business or developer, as applicable. (Deleted by amendment.)~~

Sec. 20. [NRS 279.6098 is hereby amended to read as follows:

~~279.6098 1. Except as otherwise provided in subsection 2, a developer that receives incentives from an agency for a redevelopment project shall, upon completion of the project and upon request of the agency, report, in a form prescribed by the agency, information relating to:~~

~~(a) Outreach efforts that the developer has utilized, including, without limitation, information relating to job fairs, advertisements in publications that reach residents of the areas described in NRS 279.6096 and utilization of employment referral agencies;~~

~~(b) Training conducted for persons hired by the developer and contractors, subcontractors, vendors and suppliers of the developer and the employers within the redevelopment project; and~~

~~(c) The execution of the redevelopment project, including, without limitation, plans and the scope of services.~~

~~2. If a developer receives incentives from an agency for a redevelopment project with a value of [\$100,000 or] less [,] than \$1,000,000, the developer shall use its best efforts to satisfy the reporting requirements described in subsection 1.~~

~~3. If the developer fails to comply with the requirements of this section:~~

~~(a) The agency may refuse to pay all or any portion of an incentive; and~~

~~(b) The agency may require the developer to repay any incentive already paid to the developer. (Deleted by amendment.)~~

Sec. 21. 1. The amendatory provisions of this act do not apply to a contract for a public work ~~[for other project of construction, reconstruction or redevelopment]~~ that is awarded before July 1, 2015.

2. As used in this section, "public work" has the meaning ascribed to it in NRS 338.010.

Sec. 22. This act becomes effective on July 1, 2015.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

The amendment reduces, from the bill, the limitation on prevailing wage from \$1 million down to \$500,000.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 111.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 357.

SUMMARY—~~[Providing]~~ Provides for the use of portable event recording devices by ~~local law enforcement agencies in certain counties;~~ peace officers. (BDR 23-618)

AN ACT relating to peace officers; requiring certain peace officers ~~in certain counties~~ to wear a portable event recording device ~~[while on duty;]~~ under certain circumstances; requiring ~~local~~ local certain law enforcement agencies ~~in certain counties~~ to adopt policies and procedures governing the use of portable event recording devices; providing that records made by portable event recording devices are public records and may be requested under certain circumstances; exempting the use of portable event recording devices from provisions governing the interception of certain communications; exempting the use of portable event recording devices upon certain property; requiring the Advisory Commission on the Administration of Justice to review any policies and procedures adopted by a law enforcement agency governing the use of portable event recording devices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires ~~[in a county whose population is 100,000 or more (currently Clark and Washoe Counties)]~~; (1) certain peace officers to wear a portable event recording device while on duty; and (2) certain ~~local~~ law enforcement agencies to adopt policies and procedures governing the use of portable event recording devices. Section 1 also establishes that any record made by a portable event recording device is a public record which may only be requested: (1) on a per incident basis; and (2) viewed at the location where the record is held if the record contains confidential information.

Existing law authorizes investigative or law enforcement officers to intercept wire or oral communications, subject to certain requirements. (NRS 179.410-179.515) Section 2 of this bill exempts a portable event

recording device worn by a peace officer from the definition of an "electronic, mechanical or other device" used to intercept wire or oral communication.

Existing law also prohibits surreptitious electronic surveillance on: (1) the grounds of any facility owned or leased by the State of Nevada; (2) the property of a public school; or (3) a campus of the Nevada System of Higher Education. (NRS 331.200, 393.400, 396.970) Sections 3-5 of this bill create an exception for peace officers wearing a portable event recording device in accordance with section 1 from certain provisions relating to unlawful surreptitious electronic surveillance.

Section 6.5 of this bill requires each law enforcement agency to adopt initial policies and procedures governing the use of portable event recording devices by July 1, 2016. Section 6.5 further requires the Advisory Commission on the Administration of Justice to review such initial policies and procedures at a meeting on or after July 1, 2016.

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~In a county whose population is 100,000 or more, each local~~ Each law enforcement agency or chief of school police shall:

(a) Require each *uniformed* peace officer it employs *who routinely interacts with the public* to wear a portable event recording device while on duty.

(b) Adopt policies and procedures governing the use of portable event recording devices ~~+~~, including, without limitation:

(1) Requiring activation of a portable event recording device whenever a peace officer is:

(I) Responding to a call for service; or

(II) Initiating a law enforcement or investigative encounter with a member of the public;

(2) Prohibiting deactivation of a portable event recording device until the conclusion of the event described in subparagraph (1);

(3) Protecting the privacy of persons:

(I) In private residences;

(II) Seeking to report a crime or provide information regarding a crime or ongoing investigation anonymously; and

(III) Claiming to be a victim of a crime;

(4) Requiring that any record made by a portable event recording device be retained by the law enforcement agency for not less than 15 days; and

(5) Establishing disciplinary rules for peace officers who:

(I) Fail to operate a portable event recording device in accordance with any policy or procedure adopted pursuant to this section;

(II) Intentionally manipulate any record made by a portable event recording device in violation of any policy or procedure adopted pursuant to this section; or

(III) Prematurely erase or destroy any record made by a portable event recording device.

2. Any record made by a portable event recording device pursuant to this section is a public record which may only be:

(a) Requested on a per incident basis; and

(b) Available for inspection at the location where the record is held if the record contains confidential information that may not otherwise be redacted.

3. As used in this section:

(a) ~~["Local law"]~~ "Law enforcement agency" ~~has the meaning ascribed to it in NRS 179D.050,~~ means:

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city;

(4) The Department of Public Safety; or

(5) The Police Department of the Nevada System of Higher Education.

(b) "Portable event recording device" means a device issued to a peace officer by a ~~local~~ law enforcement agency or chief of school police to be worn on his or her body and which records both audio and visual events during an encounter with a member of the public while performing his or her duties as a peace officer.

Sec. 2. NRS 179.425 is hereby amended to read as follows:

179.425 "Electronic, mechanical or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than:

1. Any telephone instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or

(b) Being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

3. *A portable event recording device, as defined in section 1 of this act.*

Sec. 2.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265,

119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,

679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, *and section 1 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 3. NRS 331.220 is hereby amended to read as follows:

331.220 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on the grounds of any facility owned or leased by the State of Nevada without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

(a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property under surveillance;

- (b) By a law enforcement agency pursuant to a criminal investigation; ~~(or)~~
- (c) *By a peace officer pursuant to section 1 of this act; or*
- (d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the grounds of the facility.

Sec. 4. NRS 393.400 is hereby amended to read as follows:

393.400 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on any property of a public school without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

- (a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property of the public school under surveillance;
- (b) By a law enforcement agency pursuant to a criminal investigation;
- (c) *By a peace officer pursuant to section 1 of this act;*
- (d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the property of the public school; or
- ~~((d))~~ (e) Of a class or laboratory when authorized by the teacher of the class or laboratory.

Sec. 5. NRS 396.970 is hereby amended to read as follows:

396.970 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on a campus of the System without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

- (a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property under surveillance;
- (b) By a law enforcement agency pursuant to a criminal investigation;
- (c) *By a peace officer pursuant to section 1 of this act;*
- (d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the campus; or
- ~~((d))~~ (e) Of a class or laboratory when authorized by the teacher of the class or laboratory.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6.5. 1. Each law enforcement agency and chief of school police in this State shall adopt, at a minimum, initial policies and procedures as required by section 1 of this act, on or before July 1, 2016.

2. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall, at a meeting held by the Commission, include as an item on the agenda a discussion of the progress of law enforcement agencies and chiefs of school police in this State in adopting initial policies and procedures as required by section 1 of this act. The meeting must be held on or after July 1, 2016.

3. A representative of each law enforcement agency and chief of school police shall attend the meeting required by subsection 2 to provide a report concerning the progress of his or her agency in adopting such policies and procedures.

4. As used in this section, "law enforcement agency" has the meaning ascribed to it in section 1 of this act.

Sec. 7. 1. This ~~act becomes~~ section and section 6.5 of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective upon passage and approval for the purpose of adopting policies and procedures governing the use of portable event recording devices and on ~~{October 1, 2015,}~~ January 1, 2017, for all other purposes.

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

This amendment revises the original bill to require police officers to wear portable recording devices under certain circumstances. It requires Police Stations to adopt regulations for that purpose as well.

Amendment adopted.

Senator Kieckhefer moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Motion carried.

Senate Bill No. 164.

Bill read second time and ordered to third reading.

Senate Bill No. 244

Bill read second time and ordered to third reading.

Senate Bill No. 461

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:

Amendment No. 255.

SUMMARY—Amends provisions relating to certain local districts. (BDR 49-826)

AN ACT relating to local districts; making legislative declarations; requiring the imposition of a fee on parcels in a conservation district upon voter approval; authorizing the increase, decrease or elimination of the fee upon voter 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 ~~the expertise of~~ 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 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. 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 ~~the expertise of~~ 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 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 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:*

(a) If a conservation district embodies 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 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. If a conservation district includes land lying in more than one county, the petition described in this subsection 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. *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 in a newspaper of*

general circulation in the county or counties in which the election or elections are to be held. The notice must be published at least once each week for 30 days before the date of the election.

3. *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. *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. 6. *A fee imposed pursuant to sections 4 and 5 of this act may not be increased, decreased or eliminated except according to the same procedures prescribed in sections 4 and 5 of this act 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 of this act.*

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.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

This declares that conservation districts may be recognized as having special expertise regarding local conditions and conservation of renewable natural resources and are suited to provide local government coordination for the purposes of the Federal Land Policy and Management Act (FLPMA). I do not want anyone to get concerned and think this is about the public land transfer. This is only FLPMA, which is the Federal Act. So, thank you. We want to recognize the conservation districts that do have expertise.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 78.

Bill read second time.

The following amendment was proposed by Senator Gustavson:

Amendment No. 261.

SUMMARY—Makes various changes relating to wildlife. (BDR 45-362)

AN ACT relating to wildlife; revising the process by which the Board of Wildlife Commissioners establishes certain policies and adopts certain regulations; revising provisions governing programs for the management and control of predatory wildlife; revising provisions relating to the fees charged to an applicant for an elk tag; revising certain provisions governing county advisory boards to manage wildlife; revising the membership of the State Predatory Animal and Rodent Committee; making various other changes relating to wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies for the management of wildlife in this State and to establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. (NRS 501.105, 501.181) Sections 1 and 1.2 of this bill require the Commission, in establishing such policies and adopting such regulations, to first consider the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Existing law establishes a county advisory board to manage wildlife in each of the counties of this State. (NRS 501.260) Sections 1.4-1.6 of this bill make various changes relating to those boards.

Existing law sets forth the fees to be charged by the Department of Wildlife to a hunter who applies for an elk tag. In addition to a fee for the tag itself, the Department is required to charge a fee for processing the application of not more than \$15, of which \$5 must be used for the prevention and mitigation of damage caused by elk or game mammals not native to this State. (NRS 502.250) Section 3 of this bill revises those provisions so that the fee for processing the application is fixed at \$10 and the fee to cover costs of prevention and mitigation is increased to not more than \$10, as provided by regulation of the Board of Wildlife Commissioners. Sections ~~1.1~~ 1.2 and 2 of this bill make conforming changes.

Existing law also provides that in addition to any fee charged and collected for a game tag, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to certain programs, management activities and research relating to wildlife. (NRS 502.253) Section 4 of this bill revises the provisions governing the use of this money. Section 4 also requires the Commission to consider the recommendations of the State Predatory Animal and Rodent Committee, the county advisory

boards to manage wildlife and other persons who present their views at an open meeting before approving certain programs, activities and research.

Existing law creates and governs the State Predatory Animal and Rodent Committee. (NRS 567.010-567.090) Section 5 of this bill adds two new members to the Committee and establishes their qualifications. Section 8 of this bill requires the Chair to designate the two additional members described in section 5 of this bill as soon as practicable after the effective date of this bill. Sections 6 and 7 of this bill make various changes relating to the meetings of the Committee.

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

Section 1. NRS 501.105 is hereby amended to read as follows:

501.105 The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. *In establishing such policies and adopting such regulations, the Commission must first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.*

Sec. 1.2. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:
 - (a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.
 - (b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.
 - (c) The promotion of uniformity of laws relating to policy matters.
2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.
3. Establish policies for areas of interest including:
 - (a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.
 - (b) The management and control of predatory wildlife. ~~[depredations.]~~
 - (c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.
 - (d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.
 - (e) The control of nonresident hunters.
 - (f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. ~~[(The) If, in establishing any regulations must be established after first considering] pursuant to this subsection, the Commission rejects the recommendations of [the Department, the] a county advisory [boards] board to manage wildlife [and others who wish to present their views at an open meeting.] with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife a written explanation of the Commission's decision to reject the recommendations.~~ Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 1.4. NRS 501.290 is hereby amended to read as follows:

501.290 The board shall meet before ~~[those meetings]~~ each meeting of the Commission ~~[at which seasons, bag limits or hours are to be established]~~ and at such other times as the chair may call or the Commission may request.

Sec. 1.5. NRS 501.297 is hereby amended to read as follows:

501.297 The boards shall solicit and evaluate local opinion and advise the Commission on matters relating to the management of wildlife ~~[within their respective counties.]~~

Sec. 1.6. NRS 501.303 is hereby amended to read as follows:

501.303 1. The boards shall submit recommendations for the management of wildlife and setting seasons for fishing, hunting and trapping, which must be considered by the Commission in its deliberation on and establishment of regulations ~~[covering open or closed seasons, bag limits, hours and other regulations or policies.]~~

2. The chair or vice chair, or members of the board appointed by them:

(a) Shall attend the meetings of the Commission ~~;~~ ~~[at which seasons are set or bag limits, hours or other regulations and policies are established.]~~ and

(b) Are entitled to receive such travel and per diem expenses as are allowed by law.

~~[Section 1.]~~ Sec. 1.8. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

↪ must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Fund Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Fund Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Fund Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

- (a) Only for the management of wildlife; and
- (b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 ~~for 6~~, 7 or 8 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 2. NRS 502.142 is hereby amended to read as follows:

502.142 1. The Commission shall adopt regulations to establish a program pursuant to which the Department will issue special incentive elk tags. The regulations must:

- (a) Set forth the application and annual review processes for the issuance of special incentive elk tags.

- (b) Require that an application for a special incentive elk tag must be accompanied by:

- (1) The fee charged for an elk tag pursuant to *subsection 1 of NRS 502.250*; and

- (2) Any administrative fee charged in connection with the issuance of an elk tag pursuant to this chapter ~~+~~, *including, without limitation, the fees charged pursuant to subsections 4 and 6 of NRS 502.250.*

- (c) Provide for the issuance of a special incentive elk tag only to a person who:

- (1) Lawfully owns, leases or manages private land within an actual elk use area; and

- (2) If that private land blocks reasonable access to adjacent public land, provides reasonable access through the private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.

- (d) Establish criteria for the issuance of special incentive elk tags based upon:

- (1) The number of elk using private land controlled by the applicant;
- (2) The number of days the elk use private lands of the applicant in a calendar year;

- (3) The total number of elk; and

- (4) Limiting the number of special incentive elk tags issued in each calendar year to not more than one-half of the bull elk tags issued in that calendar year,

↳ within the actual elk use area in the unit or units of the management area or areas in which the private land is located.

(e) Provide that special incentive elk tags are valid for both sexes of elk.

(f) Prohibit a person who has, within a particular calendar year, applied for or received compensation pursuant to NRS 504.165 as reimbursement for damage caused by elk to private land from applying, within the same calendar year, for a special incentive elk tag for the same private land.

(g) Allow a group of owners, lessees and managers of private land to qualify for a special incentive elk tag for their combined lands.

(h) Ensure that the issuance of special incentive elk tags will not result in the number of bull elk tags issued in any year being reduced to a number below the quota for bull elk tags established by the Commission for 1997.

(i) Provide that a person to whom a special incentive elk tag is issued by the Commission pursuant to this section may:

(1) If the person holds a valid hunting license issued by this State, use the special incentive elk tag himself or herself; or

(2) Sell the special incentive elk tag to another person who holds a valid hunting license issued by this State at any price upon which the parties mutually agree.

(j) Require that a person who is issued a special incentive elk tag must hunt:

(1) During the open season for elk.

(2) In the unit or units within the management area or areas in which the private land is located.

(k) Provide for the appointment of an arbitration panel to resolve disputes between persons who apply for special incentive elk tags and the Department regarding the issuance of such tags.

2. As used in this section, "actual elk use area" means an area in which elk live, as identified and designated by the Department.

Sec. 3. NRS 502.250 is hereby amended to read as follows:

502.250 1. The amount of the fee that must be charged for the following tags is:

Resident deer tag.....	\$30
Resident antelope tag	60
Resident elk tag.....	120
Resident bighorn sheep tag	120
Resident mountain goat tag.....	120
Resident mountain lion tag	25
Nonresident deer tag	240
Nonresident antelope tag.....	300
Nonresident antlered elk tag.....	1,200
Nonresident antlerless elk tag	500
Nonresident bighorn sheep tag.....	1,200
Nonresident mountain goat tag	1,200
Nonresident mountain lion tag.....	100

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.

3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed \$10 may be charged for processing an application for a game species or permit other than an application for ~~an elk. A fee of not less than \$5 but not more than \$15 must be charged for processing an application for an elk, \$5 of which~~ a Silver State Tag. Any fee collected pursuant to this subsection must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund. ~~and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State.~~

5. A fee of not less than \$15 and not more than \$50 must be charged for processing an application for a Silver State Tag.

~~5.~~ Any fee collected pursuant to this subsection must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund.

6. If an application is for an elk, in addition to the fee for the elk tag required by subsection 1 and the fee for processing an application required by subsection 4 or 5, a fee of not less than \$5 and not more than \$10, as provided by regulation of the Commission, must be charged. Any fee collected pursuant to this subsection must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used pursuant to NRS 504.155 for the prevention and mitigation of damage caused by elk or game mammals not native to this State.

7. The Commission may accept sealed bids for, or award through an auction or a Silver State Tag Drawing, or any combination thereof, not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid, auction or Silver State Tag Drawing, not more than 18 percent of the total amount of money received from the bid, auction or Silver State Tag Drawing may be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund. Any amount of money received from the bid, auction or Silver State Tag Drawing that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.

~~6.~~ 8. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the

State Treasurer for credit to the Wildlife Fund Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection ~~{7,}~~ 9, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.

~~{7,}~~ 9. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.

Sec. 4. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to:

(a) ~~{Programs}~~ Developing and implementing an annual program for the management and control of ~~{injurious}~~ predatory wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals ~~{,}~~ and sensitive wildlife species ~~;~~ and ~~{related wildlife habitat,}~~

(c) Conducting research ~~{, as needed,}~~ necessary to determine successful techniques for managing and controlling predatory ~~{wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and~~

~~{(d) Programs for the education of the general public concerning the management and control of predatory} wildlife.~~

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section ~~{must be developed or conducted under the guidance of}~~ may be implemented or conducted only if the program, activity or research is approved by the Commission pursuant to subsection 4 and is in accordance with the policies adopted by the Commission pursuant to ~~{subsection 2 of}~~ NRS 501.181.

4. The Commission:

(a) In approving any program developed or wildlife management activity or research conducted pursuant to this section, shall first consider the recommendations of the State Predatory Animal and Rodent Committee created by NRS 567.020, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

(b) Shall not approve any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected

pursuant to subsection 1 in the immediately preceding fiscal year for the purposes of lethal management and control of predatory wildlife.

5. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 5. NRS 567.030 is hereby amended to read as follows:

567.030 The Committee consists of ~~five~~ the following seven members ~~[-]~~:

1. Two members ~~[-]~~ designated by the State Board of Agriculture from among its members, one of which must be the appointee for range or semirange sheep production.

2. One member ~~[-]~~ designated by the Board of Wildlife Commissioners from among its members.

3. One member ~~[-]~~ designated by the State Board of Health from among its members.

4. One member ~~[-]~~ designated by the Nevada Farm Bureau Federation from among its members.

5. One member designated by the Chair of the Committee from among the persons who make application to the Committee who:

(a) Must have been issued a license to hunt, trap or fish in this State in at least 3 of the 5 years immediately preceding the date on which he or she is designated as a member; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the 5 years immediately preceding the date on which he or she is designated as a member.

6. One member designated by the Chair of the Committee from among the persons who make application to the Committee who:

(a) Must hold a license as a master guide issued pursuant to NRS 504.390; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the 5 years immediately preceding the date on which he or she is designated as a member.

Sec. 6. NRS 567.040 is hereby amended to read as follows:

567.040 1. ~~[-]~~ At the first meeting of each year, the Committee shall select its own Chair [-] and Vice Chair from among its members. A member may not serve as the Chair or Vice Chair for more than two consecutive terms.

2. Upon the selection of the Chair at the first meeting of each year, the Chair shall designate the members described in subsections 5 and 6 of NRS 567.030.

3. The Secretary of the State Board of Agriculture shall serve as Secretary of the Committee.

Sec. 7. NRS 567.070 is hereby amended to read as follows:

567.070 The Committee's Secretary shall call the first meeting of the Committee each year following the designation of ~~its~~ the members ~~as provided~~ described in subsections 1 to 4, inclusive, of NRS 567.030.

Sec. 8. Notwithstanding the amendatory provisions of subsection 2 of section 6 of this act, the Chair of the State Predatory Animal and Rodent Committee shall, as soon as practicable after the effective date of this act, designate the members of the Committee described in subsections 5 and 6 of NRS 567.030, as amended by section 5 of this act, each to serve a term that expires on the date of the first meeting of the Committee that occurs on or after January 1, 2017.

~~{Sec. 4.}~~ *Sec. 9.* This act becomes effective upon passage and approval.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senators Goicoechea and Manendo.

SENATOR GOICOECHEA:

This amendment came through a long process. We had a Senate bill heard in Natural Resources. After we got done amending it, it was determined not to be germane. We have incorporated that language into Assembly Bill No. 78.

Generally, the amendment revises the process that the Wildlife Commission will go through when it establishes policies and adopts regulations. The amendment requires the Commission consider the recommendations of the Nevada Department of Wildlife, the county advisory boards to manage wildlife and other persons who present their views at an open meeting.

When the Commission is considering establishing any regulations regarding the length of seasons for fishing, hunting and trapping or the bag or possession limits, we are hopeful the county advisory boards will participate at a higher level.

Section 1.6 expands the areas in which the county advisory boards may make recommendations to the Commission to include the management of wildlife, generally, not just the seasons and bag limits within the county.

Section 4 revises provisions relating to the use by the Nevada Department of Wildlife of the money collected from the \$3 predator-control fee. The Commission can approve such a program only if the program provides for the expenditure of not less than 80 percent of the amount of money collected from the \$3 fee in the immediately preceding fiscal year for the purposes of lethal management and control of predatory wildlife. That is a key piece of this.

We want to see some lethal control on the ground out of that \$3 fee. A number of us were here in this Body when our colleague, Jerry Claiborne, brought this language forward.

Section 5 increases the membership of the State Predatory Animal and Rodent Control Committee from five to seven members. This is a state predatory animal committee and that would include a sportsman as well as a licensed guide or master guide. The Chair of the Committee will appoint these two new members from among persons who submit applications to the Committee.

SENATOR MANENDO:

I cannot wait to hear the floor statement when the bill is on General File. I am looking forward to that.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bills Nos. 103, 461 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

Senator Roberson moved that Senate Bill No. 59 be taken from the Secretary's desk and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 7.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 7 adds physician assistants to the list of persons who are authorized to file an application for the emergency admission of a person alleged to be a person with a mental illness. In addition, a physician assistant is authorized to file a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community-based or outpatient services.

The measure expands the list of health professionals authorized to complete a certificate stating that a person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if not admitted to certain facilities or programs, to include a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services. The State Board of Nursing and the Board of Examiners for Social Workers are required to adopt regulations prescribing the psychiatric training and experience necessary for the professionals they license to meet the qualifications to complete the certificate.

The measure prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing an application for emergency admission; a certificate stating that a person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others; or a certificate stating that a person is not a person with a mental illness. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 7:

YEAS—21.

NAYS—None.

Senate Bill No. 7 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 15.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 15 provides that if a patient communicates a threat of imminent serious physical harm or death to a mental health professional and the mental health professional believes that the patient has the intent and ability to carry out the threat, the mental health professional must: 1) apply for the emergency admission of the patient to a mental health facility; or 2) make a reasonable effort to notify the person who was threatened and the closest law enforcement agency.

The measure provides that a mental health professional who exercises reasonable care in determining whether to apply for the emergency admission of such a patient or communicate such a threat is not subject to civil or criminal liability or disciplinary action by a professional

licensing board for disclosing confidential or privileged information or for any damages caused by the actions of a patient. The bill is effective on October 1, 2015.

Roll call on Senate Bill No. 15:

YEAS—21.

NAYS—None.

Senate Bill No. 15 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 196.

Bill read third time.

Remarks by Senator Lipparelli.

Senate Bill No. 196 requires the Division of Public and Behavioral Health of the Department of Health and Human Services to establish and maintain the Stroke Registry to compile information and statistics concerning the treatment of patients who suffer from strokes. The measure requires the Division to: 1) adopt and carry out procedures for using the Registry to improve the quality of care provided to patients who suffer from strokes in this State; and 2) compile an annual report concerning the Registry. The Division must, on or before June 1 of each year, post the report on its Internet website and submit the report to the Governor and the Legislative Committee on Health Care. The list established by the Division of hospitals that are certified by the Joint Commission as primary stroke centers is required to also include hospitals that are certified by the Joint Commission as comprehensive stroke centers. Each hospital included on this list is required to report to the Registry certain data concerning treatment of patients who suffer from strokes.

With certain exceptions, the measure authorizes a provider of health care to use credit earned for continuing education relating to Alzheimer's disease in place of certain other continuing education requirements.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks necessary to carry out the provisions of this bill. Provisions related to analyzing data and compiling an annual report regarding the Registry are effective on January 1, 2021. The remaining provisions of the bill are effective on January 1, 2016.

Roll call on Senate Bill No. 196:

YEAS—21.

NAYS—None.

Senate Bill No. 196 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 307.

Bill read third time.

Remarks by Senators Brower, Atkinson, Denis, Smith, Roberson and Hardy.

SENATOR BROWER:

Senate Bill No. 307 makes consistent, in language and form, certain provisions in the Nevada Lobbying Disclosure Act and Nevada's Financial Disclosure Act. The bill clarifies the definitions of "expenditure" and "gifts" in both Acts as they relate to the reporting of expenditures and gifts by lobbyists and public officers. The measure clarifies in the Lobbying Disclosure Act that lobbyists must disclose expenditures made for educational or informational meetings, events or trips provided to State Legislators. The bill also removes the \$100 threshold

on the prohibition of lobbyists giving or receiving gifts and instead provides that a lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch. Moreover, a member of the Legislative Branch shall not accept any gift from a lobbyist. This prohibition applies whether or not the Legislature is in a regular or special session. With regard to the filing of financial disclosure statements, Senate Bill No. 307 requires the Secretary of State to provide access through a secure Internet website for the purpose of filing these statements electronically. A financial disclosure statement is deemed to be filed on the date filed if such filing occurs no later than 11:59 p.m. on that date.

Finally, Senate Bill No. 307 makes changes to provisions relating to the timing of filing campaign contribution and expenses reports, both during an election year and during nonelection years. The measure provides that the required nonelection year contribution and expenses reports, as well as the disposition of unspent contributions report, must be filed 15 days after the end of that nonelection year. For election year reporting, the measure removes language that requires four reporting times during the election year and, instead, requires monthly reporting of contributions and expenses throughout the election year.

SENATOR ATKINSON:

While the bill did pass out of Committee unanimously, there were a few members that asked for consideration to change their vote. I am not saying I am doing that at this point but I do want to clarify a couple of things. One relates to education. Does that include people who are on or in certain organizations that may pay for them to attend events such as CSG, CSG-West or NCSL? Does this cover them, or is that type of education excluded?

SENATOR BROWER:

My understanding of the bill's intent and language is that that would no longer be an educational trip of the type the Senator contemplates to be categorized as a gift. It is not and never was a gift. There is, by virtue of this bill, the creation of a new category for educational trips that would be reported as such and not as a gift.

SENATOR ATKINSON:

Thank you for the clarification. I thought it should be on the record for everyone so we are clear on where this piece of legislation is going. I thought as a Committee we would work on the monthly component of this bill, which is done monthly during the campaign season. I still have a few concerns about it and making sure there is proper notification. As I said during Committee, I am not concerned about anyone here; I think we will be well-versed, but I still did not get the answers as to what this would do the Secretary of State's Office in terms of staffing and reporting. Some folks are going to be fined. I believe there is a cost to this bill that has not been satisfied with me. I am going to vote for the measure, and I hope I can work with some of my colleagues on the other side to get some of these things resolved.

SENATOR BROWER:

I am not aware of any fiscal note attached to this bill, and I am not aware of any objections whatsoever by the Secretary of State's Office. I think the Secretary of State's Office supported the bill. It is really aimed at, among other things, transparency, predominantly, with respect to the monthly reporting requirement in the bill. It is all about making sure candidates are reporting their contributions and expenses in as close to real time as is practical, so our constituents, the media and other interested parties can understand, exactly who is funding our campaigns and how the money we are raising is being spent. It is really about transparency, and I urge the body to take this step forward in terms of real campaign finance reform.

SENATOR DENIS:

I would like to follow along in that. My concern is whether the Secretary of State will have sufficient staff to handle the customer service requests. If this reporting will happen on a more frequent basis, are they going to have people there to answer questions so people can get their reports turned in timely?

SENATOR BROWER:

That is an excellent question. We have no doubt the Secretary of State's Office can handle this. We have heard nothing from the Secretary of State's Office expressing any reservations about being able to make this work.

SENATOR SMITH:

I have to comment on the fiscal note or lack thereof. I think it is laughable we are going to entertain the idea that no extra staff is going to be needed, no extra customer service is going to be needed or that we need no reprogramming. We are going to be doing something several times a year more than we used to. If I see this at IFC, I am going to be furious. How many times do we have to go down this path? While I support the measure, I think the fiscal note side of it is laughable.

SENATOR ROBERSON:

I respect the comments from my colleagues, but this is an electronic process. We all know the process. It is not difficult. I think there should be a basic, minimal competency level for someone to run for office and represent the people of Nevada. This is real simple. You go online; you put in your contributions and your expenses for the month, and you have two weeks after the end of that month to hit the "send" button. It is not complicated. I understand that for years members of this Legislature have been uncomfortable changing the status quo because we might have to work a little bit harder; we might have to do things a little more often than we are comfortable with. This is good government policy. This is something, that to the extent the people of this State care about it, they would want us to do. I respectfully ask your support for Senate Bill No. 307.

SENATOR HARDY:

From a personal standpoint, when you are bringing money in and getting donations, you have to keep track of that. Right now, when I have a report that is due, I have my accountant do it and I pay my accountant. If there is a fiscal note, obviously, it is going to be on me, the candidate. I do not know if we are as worried about that as we are worried about the transparency of what we are doing so people can see. As I understand it, with this being an electronic submission, it goes there anyway and comes up anyway wherever it is. Please clarify for me: when I press send, does it go to the Secretary of State's Office and then within two microseconds after that can it be seen by my constituents or whoever is interested?

SENATOR SMITH:

I think I was clear on the record that I do not disapprove of the idea, and I certainly do not disapprove of more transparency. I think we have seen too many occasions where a government agency or a State agency comes back to us and says: "Oh, we were just kidding. We need ten programmers now. We need ten people on the customer service desk." It is not about the cost to me, as far as the fiscal note goes, it is about the cost for government to do its job.

SENATOR ATKINSON:

I want to echo what my colleague from District No. 13 just said. I do not want anyone trying to make the record about the Democrats not being for transparency. I think we are. But, when we have committee hearings, those concerns that come out of the hearings should be respected and dealt with and they were not. We will move on, but I do want to correct my good friend from Senate District 15 one more time. You are right, but we are mixing up offices. The AG's Office did testify in favor of this. The Secretary of State's Office did not. I just wanted to make sure that was correct.

SENATOR HARDY:

I am still waiting for the answer on how long it takes for the report to be seen by my constituents. That was not a rhetorical question.

SENATOR BROWER:

The answer is yes.

Roll call on Senate Bill No. 307:

YEAS—21.

NAYS—None.

Senate Bill No. 307 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 485.

Bill read third time

Remarks by Senator Goicoechea.

Senate Bill No. 485 requires any claimant of a prestatutory water right to submit proof of the claim to the State Engineer on or before December 31, 2025, regardless of whether an adjudication has been ordered for a water source. If a claimant fails to submit such proof, the claim is deemed to be extinguished. The State Engineer must provide notice of this requirement by: 1) publishing annually for four consecutive weeks in four or more newspapers of general circulation throughout the State; and 2) posting on the Internet website maintained by the State Engineer during the ten-year period before the deadline. The procedure of the State Engineer taking proofs in an adjudication is eliminated as of January 1, 2026.

Again, this measure is effective on July 1, 2015, for the purpose of providing notice of the 2025 deadline, and January 1, 2026, to repeal the provisions relevant to the State Engineer taking proofs in an adjudication. Clearly, if we are going to get a handle on our water inventory in this State we have got to address domestic water rights which is prestatutory, whether it be 1905, 1913 or for ground water in 1939. We have to know what is on the books if we are ever going to do a water inventory, and I believe with the drought that is facing us we better get one. Thank you and I urge your support.

Roll call on Senate Bill No. 485:

YEAS—21.

NAYS—None.

Senate Bill No. 485 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 20.

Resolution read third time.

Remarks by Senator Hammond.

Senate Joint Resolution No. 20 urges the United States President and Congress to support the participation of the Republic of China on Taiwan in the Trans-Pacific Partnership. The resolution is effective upon passage.

Roll call on Senate Joint Resolution No. 20:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 20 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 181.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No.181 provides for the licensure of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine. An anesthesiologist assistant must work under the medically direct supervision of a supervisory anesthesiologist and may perform certain anesthesia services. The measure provides that an anesthesiologist assistant may only administer controlled substances to a patient with the patient's written consent.

The respective Boards must adopt regulations establishing licensure requirements. The measure establishes the maximum fees for the issuance, renewal, or registration of a license to practice as an anesthesiologist assistant. The bill also provides for the filing and investigation of complaints and disciplinary action taken by the respective Boards against an anesthesiologist assistant.

Finally, anesthesiologists are immune from civil liability for rendering medical care in certain emergency situations and must report instances of suspected neglect or abuse of older and vulnerable persons.

This bill becomes effective upon passage and approval for the purposes of adopting regulations and performing any preliminary administrative tasks, and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 181:

YEAS—21.

NAYS—None.

Senate Bill No. 181 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 59.

Bill read third time.

Remarks by Senator Brower.

This is simply a clean-up bill relating to the Secretary of State's State Business Portal, another unanimous bill out of the Committee, and I would urge our colleagues' support.

Roll call on Senate Bill No. 59:

YEAS—21.

NAYS—None.

Senate Bill No. 59 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bills Nos. 82, 165.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Felicia Archer, Peter Barton, Jerrie Clark and Sherry Hayes-Zorn.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Garrett Barmore.

On request of Senator Kihuen, the privilege of the floor of the Senate Chamber for this day was extended to Emily McIlveene.

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to Samantha Szesciorka.

On request of Senator Settlemeyer, the privilege of the floor of the Senate Chamber for this day was extended to Sabrina Settlemeyer.

Senator Roberson moved that the Senate adjourn until Friday, April 10, 2015, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:26 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate