

THE NINETY-SIXTH DAY

CARSON CITY (Friday) May 8, 2015

Senate called to order at 12:20 p.m.

President Hutchison presiding.

Roll called.

All present except Senator Segerblom, who was excused.

Prayer by the Chaplain, Lieutenant Leslie Cyr.

Father God, we entreat You to be present in this place. We ask for Your blessings and for Your wisdom to rest on these leaders of our State. As decisions of consequence rise before them, I pray for Your hand of guidance and vision to rest on them and for Your favor to touch them and their families.

O' Lord, we pray for Your Spirit to bring peace and unity as decisions are being made and that You will give these Senators true wisdom to see clearly the needs of Nevada and its people. I thank You, Lord, for this privilege to pray to You for this government which I love, respect and am subject to by Your design.

In the Name of Jesus Christ, I pray.

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 Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 4, 246, 270, 292, 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES A. SETTELMAYER, *Chair*

Mr. President:

Your Committee on Education, to which were referred Assembly Bills Nos. 112, 150, 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 Finance, to which was re-referred Senate Bill No. 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

Also, your Committee on Finance, to which were referred Senate Bills Nos. 428, 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 16, 44, 46, 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass

GREG BROWER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PATRICIA FARLEY, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DONALD G. GUSTAVSON, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 101, 251, 422, 449, 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 Assembly Bill No. 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SCOTT HAMMOND, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 510.

Bill read second time and ordered to third reading.

Assembly Bill No. 24.

Bill read second time and ordered to third reading.

Assembly Bill No. 60.

Bill read second time and ordered to third reading.

Assembly Bill No. 156.

Bill read second time.

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

Amendment No. 664.

SUMMARY—Revises provisions governing family resource centers. (BDR 38-209)

AN ACT relating to public welfare; revising the manner in which the Director of the Department of Health and Human Services determines whether a community is at-risk for purposes of provisions relating to family resource centers; requiring a family resource center to obtain input from certain elected officials when creating an action plan; requiring a case manager at a family resource center to collect and analyze data to monitor the performance of certain responsibilities by members of families receiving services from the family resource center; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "family resource center" as a facility within an at-risk community where families may obtain: (1) an assessment of their eligibility for social services; (2) social services; and (3) referrals to obtain

social services from other service agencies or organizations. (NRS 430A.040) Section 1 of this bill ~~revises the definition of "at risk community" to require~~ requires the Director of the Department of Health and Human Services ~~to use data and demographic analyses to determine~~ when determining whether a community is ~~["at risk." In addition, section 1 requires the Director, when making such a determination,~~ "at-risk," to consider the number of families in the community who are at imminent risk of homelessness in addition to the number of families in the community who are transient. Section 2 of this bill clarifies that a family resource center is a facility where families may obtain social services directly from the center.

Before a family resource center may obtain a grant from the Director, existing law requires the family resource center to create an action plan which must be approved by the Director. Such an action plan must be developed with input from members of the family resource center council, an organization of community members who assist and advise the family resource center. (NRS 430A.045, 430A.120, 430A.140) Sections 3 and 4 of this bill require the family resource center also to develop the plan with input from local and state elected officials who represent the geographic area in which the family resource center is located when creating the action plan.

Existing law requires a case manager to develop a plan with each family that seeks services from a family resource center and requires that the plan specify the responsibilities the family members must fulfill to remain eligible for services. (NRS 430A.170) Section 5 of this bill requires the case manager to collect and analyze data to monitor the performance of these responsibilities by the family members.

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

Section 1. NRS 430A.020 is hereby amended to read as follows:

430A.020 "At-risk community" means a geographic area that the Director has declared ~~based on an analysis of demographics and data,~~ to be in need of social and economic assistance and social service programs because of the number of families who reside there who:

1. Have low incomes;
2. Are transient ~~and~~ or *at imminent risk of homelessness*; or
3. Have members whose ability to excel in academics, work and social situations is impaired by the educational, economic and social situation of the family as a unit.

Sec. 2. NRS 430A.040 is hereby amended to read as follows:

430A.040 "Family resource center" means a facility within an at-risk community where families may obtain:

1. An assessment of their eligibility for social services;
2. Social services ~~and~~ *directly from the family resource center*; and
3. Referrals to obtain social services from other social service agencies or organizations.

Sec. 3. NRS 430A.120 is hereby amended to read as follows:

430A.120 The Director shall adopt such regulations as are necessary to carry out the provisions of this chapter. The regulations must provide:

1. Criteria for evaluating and determining the geographic boundaries for at-risk communities.

2. A method for establishing family resource centers, which must include the option of designating existing organizations as family resource centers.

3. Criteria for evaluating and approving action plans. The criteria must provide that no action plan will be approved unless it is:

(a) Tailored to meet the specific needs of the community;

(b) Developed with input from members of the family resource center council ~~and~~ *and local and state elected officials who represent the geographic area in which the family resource center is located*; and

(c) Feasible in relation to the resources available to the family resource center to which the action plan applies.

4. Criteria for the establishment and composition of a family resource center council.

Sec. 4. NRS 430A.140 is hereby amended to read as follows:

430A.140 1. Before a family resource center may obtain a grant from the Director, the family resource center:

(a) Must submit to the Director an action plan created by the family resource center with input from the family resource center council ~~and~~ *and local and state elected officials who represent the geographic area in which the family resource center is located*; and

(b) Must obtain approval from the Director of that action plan.

2. An action plan must be resubmitted to the Director for approval:

(a) On or before July 1 of each year; and

(b) Any time the family resource center adopts a proposed amendment to the action plan.

Sec. 5. NRS 430A.170 is hereby amended to read as follows:

430A.170 1. Each family resource center must have a case manager and may have a coordinator to handle administrative matters. If a family resource center does not employ a separate person to act as coordinator, the case manager shall also act as coordinator.

2. The Director shall provide training for all case managers on how to assess the needs of families using the family resource center.

3. The case manager shall, for each family that seeks services from the center ~~develop~~ :

(a) *Develop* a plan with the family which specifies:

~~(a)~~ (1) The services for which the family is eligible;

~~(b)~~ (2) Whether the family will receive services from the family resource center or a social service agency, or both;

~~(c)~~ (3) The responsibilities the family members must fulfill to remain eligible for the services; and

~~(d)~~ (4) The manner in which the performance of responsibilities by the agency and the family members will be monitored ~~and~~ ; *and*

(b) Collect and analyze data to monitor the performance by the family members of the responsibilities prescribed in the plan.

Sec. 6. (Deleted by amendment.)

Sec. 7. This act becomes effective on July 1, 2015.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 664 to Assembly Bill No. 156 removes the requirement that the Director of the Department of Health and Human Services use data and demographic analyses, in addition to the criteria already listed in the measure, to determine whether a community is "at-risk."

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 200.

Bill read second time.

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

Amendment No. 665.

SUMMARY—Revises provisions relating to persons with impaired speech or hearing. (BDR 38-419)

AN ACT relating to persons with disabilities; making certain voting members of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities nonvoting members; requiring the Subcommittee to make certain recommendations; revising provisions relating to the program to provide devices for telecommunication to persons with impaired speech or hearing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities. The Subcommittee consists of nine voting members appointed by the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services. One member of the Subcommittee is required to be an employee of the Division, and another member is required to be the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, another representative of the telecommunications industry. (NRS 427A.750) Section 1 of this bill makes these two members nonvoting members.

The Aging and Disability Services Division is required to develop and administer a program to provide devices for telecommunication to persons with impaired speech or hearing and to fund centers for persons who are deaf or hard of hearing operated by this State. (NRS 427A.797) Section 2 of this bill requires the program to make interpreters available, when possible, to assist the departments of State Government in providing access to persons

who are deaf or hard of hearing. Section 2 also requires that this program include the provision of other assistive technology and the provision of certain services by such centers, including, without limitation: (1) facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing; (2) assisting persons with impaired speech or hearing in accessing assistive devices; (3) expanding service capacity for devices for telecommunication and other assistive technology in areas where there is a need and services are not available; (4) providing instruction in language acquisition; and (5) providing programs designed to increase access to education, employment and health and social services. ~~[-; and (6) providing for the hiring of or contracting with interpreters for use, if available, by the Executive, Judicial and Legislative Departments of the State Government to ensure that appropriate access to the State Government is provided for persons who are deaf or hard of hearing.]~~ Section 2 also removes the requirement in existing law that the Public Utilities Commission of Nevada approve the program.

Existing law requires that funding be provided for the program, the centers and certain administrative costs from the surcharge imposed on each telephone and wireless telephone line of each customer in this State. The amount of the surcharge is established by the Public Utilities Commission. (NRS 427A.797) Section 2 limits the amount of the surcharge to not more than eight cents per month. Section 1 requires the Subcommittee to make recommendations concerning the programs and activities funded by the surcharge.

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

Section 1. NRS 427A.750 is hereby amended to read as follows:

427A.750 1. The Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities is hereby created. The Subcommittee consists of nine members appointed by the Administrator. The Administrator shall consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and appoint to the Subcommittee:

(a) One *nonvoting* member who is employed by the Division and who participates in the administration of the program of this State that provides services to persons with communications disabilities which affect their ability to communicate;

(b) One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech-impaired;

(c) One member who has experience with or an interest in and knowledge of the problems of and services for the deaf, hard of hearing or speech-impaired;

(d) ~~[The]~~ *One nonvoting member who is the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, [a member] who represents the telecommunications industry;*

(e) Three members who are users of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of realtime captioning;

(f) One member who is a parent of a child who is deaf, hard of hearing or speech-impaired; and

(g) One member who represents educators in this State and has knowledge concerning the provision of communication services to persons with communications disabilities in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.

2. After the initial term, the term of each member is 3 years. A member may be reappointed.

3. If a vacancy occurs during the term of a member, the Administrator shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The Subcommittee shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its *voting* members; and

(b) Meet at the call of the Administrator, the Chair of the Nevada Commission on Services for Persons with Disabilities, the Chair of the Subcommittee or a majority of its *voting* members as is necessary to carry out its responsibilities.

5. A majority of the *voting* members of the Subcommittee constitutes a quorum for the transaction of business, and a majority of the *voting* members of a quorum present at any meeting is sufficient for any official action taken by the Subcommittee.

6. Members of the Subcommittee serve without compensation, except that each member is entitled, while engaged in the business of the Subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

7. A member of the Subcommittee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the person may prepare for and attend meetings of the Subcommittee and perform any work necessary to carry out the duties of the Subcommittee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Subcommittee to make up the time he or she is absent from work to carry out his or her duties as a member of the Subcommittee or use annual vacation or compensatory time for the absence.

8. The Subcommittee may:

(a) Make recommendations to the Nevada Commission on Services for Persons with Disabilities concerning the establishment and operation of

programs for persons with communications disabilities which affect their ability to communicate.

(b) Recommend to the Nevada Commission on Services for Persons with Disabilities any proposed legislation concerning persons with communications disabilities which affect their ability to communicate.

(c) Collect information concerning persons with communications disabilities which affect their ability to communicate.

(d) Create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. In creating and reviewing any such plan, the Subcommittee must solicit input from various persons, including, without limitation, persons with communications disabilities.

(e) Review the goals, programs and services of the Division for persons with communications disabilities and advise the Division regarding such goals, programs and services, including, without limitation, the outcomes of services provided to persons with communications disabilities and the requirements imposed on providers.

(f) Based on information collected by the Department of Education, advise the Department of Education on research and methods to ensure the availability of language and communication services for children who are deaf, hard of hearing or speech-impaired.

9. The Subcommittee shall make recommendations to ~~the~~ :

(a) *The Nevada Commission on Services for Persons with Disabilities* concerning the practice of interpreting and the practice of realtime captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS.

(b) *The Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.*

10. As used in this section:

(a) "Nevada Commission on Services for Persons with Disabilities" means the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211.

(b) "Practice of interpreting" has the meaning ascribed to it in NRS 656A.060.

(c) "Practice of realtime captioning" has the meaning ascribed to it in NRS 656A.062.

(d) "Telecommunications relay services" has the meaning ascribed to it in 47 C.F.R. § 64.601.

Sec. 2. NRS 427A.797 is hereby amended to read as follows:

427A.797 1. The Division shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange or a customer of a company that provides wireless phone service and who is certified by the Division to be deaf or to have severely impaired speech or hearing may obtain a device for

telecommunication *or other assistive technology* capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service; ~~and~~

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone, including, without limitation, a wireless phone, *or other means* with other persons through a dual-party relay system ~~;~~

~~The program must be approved by the Public Utilities Commission of Nevada.~~ *or other assistive technology.* ~~;~~ *and*

(c) Interpreters are made available, when possible, to the Executive, Judicial and Legislative Departments of State Government to assist those departments in providing access to persons who are deaf or hard of hearing.

2. The program developed pursuant to subsection 1 must include the establishment of centers for persons who are deaf or hard of hearing that provide services which must include, without limitation:

(a) Facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing;

(b) Assisting persons who are deaf or have severely impaired speech or hearing in accessing assistive devices, including, without limitation, hearing aids, electrolarynxes and devices for telecommunication and other assistive technology;

(c) Expanding the capacity for service using devices for telecommunication and other assistive technology in areas where there is a need for such devices and technology and services for persons with impaired speech or hearing are not available;

(d) Providing instruction in language acquisition to persons determined by the center to be eligible for services; and

(e) Providing programs designed to increase access to education, employment and health and social services. ~~;~~ ~~and~~

~~(f) Providing for the hiring of or contracting with interpreters for use, if available, by the Executive, Judicial and Legislative Departments of State Government to ensure that appropriate access to the State Government is provided for persons who are deaf or hard of hearing.~~

3. A surcharge of not more than 8 cents per month is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State. ~~[which is sufficient]~~ The surcharge must be used to:

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or hard of hearing ~~[operated by this State.]~~ established pursuant to subsection 2; and

(c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

↪ The *Public Utilities Commission of Nevada* shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

~~{3-}~~ 4. The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Division. Any money collected from the surcharge imposed pursuant to subsection ~~{2}~~ 3 must be deposited in the State Treasury for credit to the Account. The money in the Account may be used only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication ~~{-}~~ and *other assistive technology*, including the distribution of *such devices and technology* to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies and companies that provide wireless phone services for the expenses incurred in collecting and transferring to the *Public Utilities Commission of Nevada* the surcharge imposed by the Commission;

(d) For the general administration of the program developed and administered pursuant to subsection 1;

(e) To train persons in the use of the devices ~~{-}~~ for telecommunication and *other assistive technology*;

(f) To fund the centers for persons who are deaf or hard of hearing ~~{operated by this State;}~~ established pursuant to subsection 2; and

(g) To cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

~~{4-}~~ 5. For the purposes of this section:

(a) "Device for telecommunication" means a device which is used to send messages through the telephone system, including, without limitation, the wireless phone system, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

(b) "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

Sec. 3. 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2015, for all other purposes.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 665 to Assembly Bill No. 200 is a technical amendment to clarify that the "program to provide devices for telecommunication to persons with impaired speech or hearing," not the "centers for persons who are deaf or hard of hearing," is required to make interpreters available, when possible, to assist the departments of State government in providing access to persons who are deaf or hard of hearing.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 667.

SUMMARY—Revises provisions relating to drivers' licenses. (BDR 43-743)

AN ACT relating to drivers' licenses; authorizing reciprocal agreements with certain other countries concerning the licensing of drivers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to issue a Nevada driver's license to an applicant who has a valid driver's license from a state which has requirements for the issuance of drivers' licenses which are comparable to those of this State. Existing law also authorizes the Director of the Department, acting as the Administrator, to enter into reciprocal agreements with the appropriate officials of other states concerning the licensing of drivers of motor vehicles. (NRS 483.245) Section 1 of this bill authorizes the Department to issue a Nevada driver's license to an applicant who has a valid driver's license from a country which has requirements for the issuance of drivers' licenses which are comparable to those of this State, and authorizes the Director to enter into reciprocal agreements with the appropriate officials of other countries. Section 3 of this bill requires the Director, in recognition of the 30th anniversary of the sister-state relationship between this State and ~~the Republic of China (Taiwan),~~ Taiwan, to begin negotiations as soon as practicable with the Director General of the Taipei Economic and Cultural Office in San Francisco for reciprocity in issuing drivers' licenses to: (1) residents of this State who reside in ~~the Republic of China (Taiwan),~~ Taiwan; and (2) Taiwanese citizens who reside in this State.

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

Section 1. NRS 483.245 is hereby amended to read as follows:

483.245 1. When a person becomes a resident of Nevada as defined in this chapter and chapter 482 of NRS, the person must, within 30 days, obtain a Nevada driver's license as a prerequisite to driving any motor vehicle in the State of Nevada.

2. Where a person who applies for a license has a valid driver's license from a state *or country* which has requirements for issuance of drivers' licenses comparable to those of the State of Nevada, the Department may issue a Nevada license under the same terms and conditions applicable to a renewal of a license in this State.

3. In carrying out the provisions of this chapter, the Administrator is authorized to enter into reciprocal agreements with appropriate officials of other states *or countries* concerning the licensing of drivers of motor vehicles.

Sec. 2. (Deleted by amendment.)

Sec. 3. The Director of the Department of Motor Vehicles, in recognition of the 30th anniversary of the sister-state relationship between this State and ~~[the Republic of China (Taiwan)]~~ Taiwan, shall, as soon as practicable, begin negotiations pursuant to the authority granted in section 1 of this act toward a reciprocal agreement between the Department of Motor Vehicles and ~~[the Republic of China (Taiwan)]~~ Taiwan, through the Ministry of Transportation and Communications represented by the Director General of the Taipei Economic and Cultural Office in San Francisco, California, for reciprocity in issuing drivers' licenses to residents of this State who reside in ~~[the Republic of China (Taiwan)]~~ Taiwan and to Taiwanese citizens who reside in this State. Any agreement negotiated pursuant to this section must be in writing and signed by the Director of the Department of Motor Vehicles and the Director General of the Taipei Economic and Cultural Office in San Francisco, California.

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

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 667 to Assembly Bill No. 383 removes reference to the "Republic of China, Taiwan," and instead refers just to Taiwan.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 384.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 79.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 79 deletes obsolete provisions related to State grazing boards and revises the procedures for determining the compensation of owners of animals destroyed due to infection or exposure to dangerous diseases. The bill also provides for the deposit of administrative fines for violation of statutes relating to the control of diseases in animals into a loan program for persons 21 years of age or younger who are engaged in agriculture and the Account for the Control of Weeds. The measure also revises the exclusions from the definition of "food establishment." With respect to statutes affecting agricultural products and seeds, the

bill adds civil penalty provisions for the violation of such statutes and repeals the criminal penalties.

Finally, Assembly Bill No. 79 repeals criminal penalties applicable to the regulation of garlic and onions and to the regulation of commercial livestock feed. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 79:

YEAS—20.

NAYS—None.

EXCUSED—Segerblom.

Assembly Bill No. 79 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 144.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 144 sets forth the legislative intent that members of the Executive Council of the State Land Use Planning Advisory Council (SLUPAC) should be representative of the geographic areas of the State. The bill also transfers responsibility for making recommendations and adopting proposed regulations for land use planning involving areas of critical environmental concern from the Executive Council to the SLUPAC.

The bill was a recommendation of the Sunset Subcommittee of the Legislative Commission from the 2013–2014 Interim. The Sunset Subcommittee concluded that the SLUPAC, with a membership of 18 persons representing each county and the Nevada Association of Counties, was a more appropriate entity for making recommendations on areas of critical environmental concern than the Executive Council, which is composed of only the Administrator of the State Lands Division and four members from the SLUPAC. It is a good bill. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 144:

YEAS—20.

NAYS—None.

EXCUSED—Segerblom.

Assembly Bill No. 144 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 175.

Bill read third time.

Remarks by Senators Settelmeyer, Smith, Roberson, Ford and Manendo.

SENATOR SETTELMEYER:

Assembly Bill No. 175 provides for the permitting and regulation by the Public Utilities Commission of Nevada (PUCN) of transportation network companies (TNCs), which are entities that use a digital network or software application service to connect passengers to drivers who can provide transportation services to those passengers. This measure establishes the minimum requirements for TNC drivers; requires a TNC to perform a background check of each driver; requires a TNC to provide certain notices and disclosures relating to insurance coverage before a person may become a driver; establishes insurance requirements for the operation and maintenance of motor vehicles operated by TNC drivers; and requires a TNC to report certain information about accidents involving its drivers.

The measure requires the PUCN to collect certain information related to the sufficiency of insurance coverage limits and background check requirements and report that information to the Legislature.

The measure does not exempt any person from the requirement to obtain a State business license. In addition, the bill does not prohibit an airport from requiring that a TNC or driver obtain a permit or certification to operate at the airport, pay a fee to operate at the airport, or comply with any other requirement to operate at the airport. A TNC or a driver who provides transportation services within the scope of a permit issued by the PUCN is not subject to the provisions of existing law governing motor carriers or public utilities.

Assembly Bill No. 175 also creates an excise tax of 3 percent of the total fare charged when a TNC connects a passenger and driver and on the connection of a passenger and a common motor carrier or taxicab. The first \$5 million of revenue raised each biennium is directed to the State Highway Fund; the remainder is directed to the State General Fund.

The bill allows a TNC to begin operating in Nevada immediately upon receipt of a permit from the PUCN and, until July 1, 2017, has 30 days after the adoption of regulations to meet those requirements.

Finally, the bill expressly allows a violation of the existing requirement to wear a safety belt while riding in a taxicab to be considered: 1) as negligence or as causation in any civil action or as negligent or reckless driving; and 2) as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product. Provisions concerning the failure of a passenger to wear a safety belt in a taxicab are effective on October 1, 2015. Provisions imposing the excise tax on common motor carriers and taxicabs are effective on the 90th day after passage and approval of this bill. All other provisions are effective upon passage and approval of this bill. I would like to thank my colleague from Senate District 4 for working with me on this issue in a bipartisan way in order to find resolution and make this a much better bill.

SENATOR SMITH:

I have a question for the Chair. I voted for the amendment yesterday but I should have asked this question then; have these fiscal numbers been vetted by our staff?

SENATOR SETTELMAYER:

Fiscal has indicated it is difficult to determine how much money this will potentially bring in due to the simple fact we do not know the overall assets or individuals that will be coming in. There was some discussion about creation of other taxes earlier this year. There was trepidation to giving a final number that this would generate because we have not done something of this nature. That is why, in this bill, we have only allocated \$5 million to the State General Fund. We feel completely safe to assume it will raise that \$5 million. As far as spending other funds, we have estimations of what it could potentially bring in, but it would be remiss of us to say exactly, a we do not know the numbers. We do know, that within this bill, we will be creating at least upwards of 10,000 jobs, and it is also indicated everywhere a TNC exists, there is a drop in the DUI rate by 10 percent. The saving of those lives alone is enough reason for me to vote for this bill.

SENATOR SMITH:

Thank you for the second opportunity. Yesterday we voted on this based on the job creation and bringing on line for the UNLV Medical School. I do not now feel I can be assured that money is going to be there so I will change my vote.

SENATOR ROBERSON:

With regards to the comments by the Senator from District 13, while of course fiscal cannot precisely predict how much money this bill will raise, I think we can all conservatively estimate it will raise in excess of \$19 million through the biennium. This would certainly be the money needed to fund the UNLV Medical School. What I previously said to my colleagues I will say again today, we have to pass a lot of legislation in the next 24 days and counting. We have to pass the sunset bill. We have to pass either Senate Bill No. 252 out of this House or some version to fund the Governor's recommended budget. If we are able to fund the Governor's

recommended budget and pass Assembly Bill No. 175, the revenue, that we know will be generated from this bill, will enable us to fund the UNLV Medical School. If we do not pass this bill, I am not sure where that money is going to come from.

SENATOR SMITH:

Where did the projections come from?

SENATOR ROBERSON:

I am not the sponsor of this amendment. I know there have been many parties, including Legislative Staff that have been looking at these numbers which are based on ride data from throughout the State. We can discuss this offline, or you can talk to the sponsors of the amendment: Senators Atkinson or Settelmeyer. There have been many parties involved and a lot of research has been done. Our best estimate is this will raise between \$90 to \$100 million over the biennium. I do not think there is anyone in this Body who has looked at it, that does not think it will raise less than the \$19 million, which is what we are talking about for funding the UNLV Medical School.

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

Senate in recess at 12:42 p.m.

SENATE IN SESSION

At 12:49 p.m.

President Hutchison presiding.

Quorum present.

SENATOR SETTELMEYER:

I was looking up information from the LCB Website, and in 2014, the fees to the taxicab industry were over \$800 million. That is over \$48 million, by the 3 percent, for the biennium. Once you calculate the extra fees that could occur from the TNC, \$200 million should easily put us within the projections being estimated. That does not include anything from other entities such as Sidecar or Lyft if they decide to come to town as well. I feel these estimations are reasonable. I know it is uncomfortable, and I share your concerns and trepidations. However, I believe this revenue is beneficial to the purposes we are trying to work for in this Session.

SENATOR FORD:

To the extent there are questions about whether this bill can raise the revenue, I think we need to spend the time to figure it out. If the LCB has not been able to calculate this, we should give them an opportunity to do so. I suggest we table this discussion, and if that suggestion is taken, we can continue this discussion. Otherwise, we will need to see what happens with a vote.

SENATOR MANENDO:

I, too, had concerns about the number. We heard it was going to be \$100 million or maybe it is going to be \$5 million or \$19 million. We certainly want to make sure we fund southern Nevada's number one priority: the Medical School. With the amount of tax increases we are discussing this Legislative Session, I think there is a way to find that money. I have some concerns with the statements made about the 10 percent reduction in DUIs. When people came to my office to discuss this with me, because they know I have been involved with public safety for a long time, there were various, different numbers. I heard 10, 15, 12 and other percentages. I asked if I could get some statistics to find out how these numbers were determined. I did not get these.

I also question that 10,000 jobs will be created by this bill. I do not know if it will be 10,000 jobs. This could be a person who works an hour a week, certainly not full time employment, and I do not think benefits will be included.

I have some concerns with the public safety aspects of this bill. We know our teachers and the folks in our gaming industry and the taxi industry have background checks with fingerprints required. I think that is something we should have in this piece of legislation. We might have this continued debate a little longer, another time. I have quite a few things I would like to talk about, and I think we will maybe do that another time. I am not comfortable, and I ask the Majority Leader to roll this bill to Monday to be able to have some answers to questions, with all due respect to my friend.

Roll call on Assembly Bill No. 175:

YEAS—13.

NAYS—Denis, Ford, Kihuen, Manendo, Parks, Smith, Spearman—7.

EXCUSED—Segerblom.

Assembly Bill No. 175 having failed to receive a two-thirds majority, Mr. President declared it lost.

Assembly Joint Resolution No. 2.

Resolution read third time.

Remarks by Senator Gustavson.

Assembly Joint Resolution No. 2 urges the United States Congress to amend the Migratory Bird Treaty Act to remove the common raven from the list of protected species or take other action to accomplish that goal. The resolution also urges the U.S. Fish and Wildlife Service to adopt regulations and work with Nevada's Department of Wildlife to manage the population of common ravens and reduce their numbers in Nevada.

As background, the findings of the resolution address the recognized threat that common ravens pose to sage grouse and Mojave Desert tortoises due to egg depredation. The resolution is effective upon passage.

Roll call on Assembly Joint Resolution No. 2:

YEAS—20.

NAYS—None.

EXCUSED—Segerblom.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 14, 31, 86, 151, 158, 196, 281; Assembly Bills Nos. 14, 19, 25, 58, 90, 180, 194, 202, 415.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the floor of the Senate Chamber for this day was extended to Maple Star of Nevada: Sarah Dittman, Toni Duncan, Hannah Fletcher, Jorge Ruiz Guerrero, Rafael Hernandez, Gimy Hicks, Cordell Hunt, Ta'Jae Jones, Tamara Pierce, Corey Poafpybitty, Tori Ramirez, Hope Roach, Garrett Smith, Richelle Snodgrass, Thomas Teeman, Cheyenne Thomas, Bradley Thompson, Tristian Torres, Miranda Townsend and Shae Williams.

Senator Roberson moved that the Senate adjourn until Monday, May 11, 2015, at 12:00 p.m.

Motion carried.

Senate adjourned at 12:55 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate