

THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), April 4, 2017

Senate called to order at 11:56 a.m.

President pro Tempore Denis presiding.

Roll called.

All present except for Senator Spearman, who was excused.

Prayer by the Chaplain, Reverend Jedidiah Maschke.

Almighty God, may we remember Your generosity and constantly do Your will. Bless our land with honest industry, truthful education and an honorable way of life. Save us from violence, discord and confusion; from pride, arrogance, and from every evil course of action. Grant that we, who came from many nations with many different languages, may be a united people.

Support us in defending our liberties, and give those to whom we have entrusted the authority of government Your spirit of wisdom, that they may be wise in counsel, firm in good resolution and unwavering in duty. May there be peace in our land. When times are prosperous, may our hearts be thankful, and in troubled times, do not let our trust in You fail.

Through Jesus Christ, our Lord,

AMEN.

Pledge of allegiance to the Flag.

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

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that the General File be considered next.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 117.

Bill read third time.

Remarks by Senator Settlemeyer.

Senate Bill No. 117 requires each polling place to have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this line must be permitted to vote before any voter who is not disabled and is physically able to wait in line. The bill sets forth an alternative to these provisions by requiring an election board officer at each polling place to allow voters with disabilities or who are not physically able to wait in line to move to the front of the line in order to vote.

Roll call on Senate Bill No. 117:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 117 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Parks moved that Senate Bill No. 175 be taken from the General File and placed on the Secretary's desk.

Motion carried.

REMARKS FROM THE FLOOR

Senator Roberson requested the following remarks be entered in the Journal.

SENATOR ROBEBERSON:

I would like to thank everyone who is here for Nevada Equality Coalition Lobby Day. I believe it is also Equal Pay Day. I was proud to be the primary sponsor of the first equal pay bill to pass out of this Body, Senate Bill No. 176 of the 78th Session. There are two important bills up for a vote today, both of which positively affect the LGBTQ community. They are S.B. No. 201 and A.B. No. 99. I will be voting in favor of both of these bills today. In 2015, I voted in favor of S.B. 353, which was the previous iteration of S.B. No. 201 being presented this Session. I was also proud to co-sponsor S.B. 209 in the 2013 session. That bill designated as a hate crime, crimes motivated by a victim's gender identity.

A New York Times article from June 16, 2016, in the wake of the shooting at a gay nightclub in Orlando, Florida, documented that gay, bisexual and transgender people are the most likely targets of hate crimes in America. This article stated the LGBTQ community is: "...twice as likely to be targeted as African-Americans and the rate of hate crimes against them has surpassed that of crimes against Jews." It continued by stating: "Nearly a fifth of the 5,462 so-called single-bias hate crimes reported to the Federal Bureau of Investigation in 2014 were because of the target's sexual orientation, or, in some cases, their perceived orientation." It also stated: "Finding accurate statistics about hate crimes targeting LGBT people is challenging, in part, because victims—fearful of outing themselves to family members or employers—might choose not to report an attack." The actual numbers are likely higher.

This is also National Crime Victims' Rights Week and Sexual Assault Awareness Month. Considering that members of vulnerable populations such as the LGBTQ community are disproportionately victimized, it would seem appropriate that we would consider Senate Joint Resolution No. 17, also known as Marsy's Law, today. Marsy's Law provides an expanded list of much-needed and long-overdue, enforceable, constitutional rights to victims of crime. Among other rights, S.J.R. No. 17 would give victims: the right to be treated with fairness and respect throughout the criminal justice process; the right to be reasonably protected from the defendant and persons acting on behalf of the defendant; the right to be heard at criminal stages of the trial, and the right to be notified of their rights as crime victims in the State of Nevada. This resolution will give Nevada's crime victims equal rights. This is something I hope we can all support, and, in fact, I know many in this Body already do support this.

Last session, S.J.R. No. 17 was passed in this Body by a vote of 15 to 6. Included in those who supported it were the current President pro Tempore; the current Nevada Representative for District Number 4, Ruben Kihuen; the Chair of Senate Transportation Committee and the late Senator Debbie Smith. Last session in the Assembly, every Republican and every Democrat except one voted in favor of this bill. Because S.J.R. No. 17 amends the Constitution, it must be passed again. This year, Marsy's Law was passed unanimously by the Senate Judiciary Committee. The Senators from Senate Districts 5, 8, 9 and 15 all testified in support of the bill. The current Majority Leader and the Chair of the Judiciary Committee, both of whom voted against S.J.R. 17 last Session, voted this Session for passage of this bill in Committee.

It has been 19 days since S.J.R. No. 17 passed unanimously in the Senate Judiciary Committee, yet it has not been delivered to the Senate Floor. So far this Session, we have seen introduced no less than six bills with an emphasis on aiding, in one way or another, the rights of convicted criminals. Among these bills are S.B. Nos. 125, 184, 223, 268, 275 and 306. There are many more such bills in the Assembly, yet here we are—19 days since Committee passage and S.J.R. No. 17 has not been brought forward to the Senate Floor.

National Crime Victims' Rights Week is being commemorated this week, April 2 through April 8. This year's theme "Strength, Resilience, Justice" reflects this vision of the future; one in which all victims are strengthened by the response they receive; organizations are resilient to challenges, and communities are able to seek collective justice and healing. I respectfully ask the Senate Majority Leader and the Senate Judiciary Committee Chair to provide that collective justice and healing by bringing forth S.J.R. No. 17. You have the power and ability to do it today. I believe you have the support of this Body to suspend the rules and call a vote for Marsy's Law today. If you do, I believe it will pass. On Equality Day, let us provide equal rights for victims of crime; bring S.J.R. No. 17 to the Senate Floor.

SENATOR FORD:

Perhaps the Senator from District 20 did not look at today's agenda. Senate Joint Resolution No.17 is on a report from the Judiciary Committee on this agenda. We will not move it to General File today, and we will let it run its course.

GENERAL FILE AND THIRD READING

Senate Bill No. 201.

Bill read third time.

Remarks by Senators Parks and Hardy.

SENATOR PARKS:

Senate Bill No. 201 prohibits a psychotherapist from providing conversion therapy to a person who is under 18 years of age. The practice of conversion therapy has been denounced and discredited by virtually all major American medical, psychiatric, psychological and professional counseling organizations. Young people who have undergone conversion therapy have reported increased anxiety, depression, helplessness, hopelessness, social withdrawal, self-destructive behavior such as drug abuse and, in some cases, have committed suicide. The devastating consequences of conversion therapy are well-documented.

Today, mainstream medical establishments agree, that conversion therapy does not work; it is a dangerous, unscientific and unethical practice based on the premise that people can change their sexual orientation or gender identity and expression. Medical science also recognizes that being lesbian, gay, bisexual or transgender is part of the natural spectrum of human identity and is not a disease, disorder or illness.

Senate Bill No. 201 simply states it shall be considered unprofessional conduct to provide conversion therapy by a person who is licensed to provide professional mental health counseling to a patient under 18 years of age and shall subject the provider to discipline by the relevant licensing entity. It is important to point out that prohibiting conversion therapy would not prevent religious leaders from counseling youth on sexual issues. Conversion therapy is more than getting LGBTQ youth to hate themselves.

Finally, I'd like each of you to consider this: if conversion therapy really works, why would it not work to turn someone who is heterosexual, homosexual?

SENATOR HARDY:

I am not in favor of conversion therapy; I, however, have some concerns about things not stated in the bill. For example, how would a professional respond to a youth who is questioning their sexuality if they are not allowed to respond to questions? From an ecclesiastical standpoint, there is a question of confidentiality. When a lay preacher is a psychologist, social worker or psychiatrist and is approached by a youth who is concerned about their sexuality, if a lay pastor counsels that person professionally, they could possibly, years later, be "accused" of doing counseling that could be considered or construed as conversion therapy.

In the ecclesiastical confines, there is a confidentiality requirement for the preacher to not share with anyone what the parishioner confided. A parishioner could have different memories of events than a preacher, and this could lead to complaints or accusations even though conversion therapy was not done. As a former ecclesiastical leader, I know it is not unusual to work with someone who has an addiction. Some of these can be behavioral. It would not be unusual for the practitioner, who happens to be a preacher, to be in the awkward position of

being unable to counsel a person for their challenge. Likewise, not all of the people one counsels as a lay minister are over 18 years of age. It is not unusual for someone under 18 years old to request advice or counsel about what they doing or should not do. That is where this bill discusses behaviors. Behaviors may lead to something the person is concerned about and does not wish to pursue. For these reasons, I am opposed to the bill as it is written, while recognizing there is some truth in the challenge of trying to approach conversion therapy.

This bill, likewise, limits the agency of someone under 18 years of age not allowed to request help. Likewise, the person who is “questioning,” is not given the choice of obvious professionals who would be in the position to help counsel, in keeping within the bounds of professional counseling. Regardless of the sexual issues of gender, the ecclesiastical pastor may still share the concepts of chastity before marriage and total fidelity after marriage. It may not be a gender issue, but rather the potential consequences of a behavior from which the pastor is trying to protect his parishioner. Thus, if the lay pastor, who happens to be one of the professionals named in the bill, counsels in any way, it may be construed as conversion therapy by the parishioner.

Roll call on Senate Bill No. 201:

YEAS—15.

NAYS—Goicoechea, Gustavson, Hammond, Hardy, Harris—5.

EXCUSED—Spearman.

Senate Bill No. 201 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Joint Resolution No. 10.

Resolution read third time.

Remarks by Senator Segerblom.

Senate Joint Resolution No. 10 repeals, rescinds, cancels and nullifies each previous resolution passed by the Nevada Legislature that requested the Congress of the United States to convene a constitutional convention pursuant to Article V of the United States Constitution. The resolution urges other state legislatures to do the same.

Article V of the U.S. Constitution provides that the Congress of the United States may convene a constitutional convention for the purpose of amending the Constitution upon the application of two-thirds of the states. At least one dozen resolutions were enacted by the Nevada Legislature from 1901 to 1979 calling for an Article V Constitutional Convention. The topics of these resolutions included the election of U.S. Senators by direct popular vote, prohibition, State legislative apportionment and a balanced federal budget.

Roll call on Senate Joint Resolution No. 10:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Joint Resolution No. 10 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to Assembly.

Assembly Bill No. 99.

Bill read third time.

Remarks by Senators Parks, Hardy, Hammond and Atkinson.

SENATOR PARKS:

Assembly Bill No. 99 changes multiple chapters of the Nevada Revised Statutes, including those related to foster homes, foster care agencies, emergency shelters, detention facilities and other related out-of-home placements for youth.

Assembly Bill No. 99 defines “gender identity or expression” as the gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth. It requires that youth in out-of-home placements must be treated, in all respects, in accordance with the child’s gender identity or expression.

It requires the Division of Child and Family Services to adopt regulations regarding the placement of LGBTQ youth in out-of-home placements, in consultation with representatives of the LGBTQ community, all child welfare agencies, detention facilities, attorneys, advocates, courts and others deemed appropriate.

It requires training, which will be integrated into existing training, for all staff, foster parents and others who work directly with youth in out-of-home placements to receive training on working with LGBTQ youth within 90 days of employment and annually thereafter, and it requires the Division of Child and Family Services to establish grievance procedures for youth.

I urge your support of A.B. No. 99.

SENATOR HARDY:

I rise in opposition to Assembly Bill. No. 99 as it is written. The word “require” is the word to which I am opposed. We need to cast a wider net to find foster parents. We are in need of foster parents, and anything we put in the way that could be construed as a curb to someone signing up should be diminished or deleted. I do not want to discourage anyone from being a foster parent. The State of Nevada has done a good job of recruiting, as have the counties, and we need to continue these efforts. Some people may not feel comfortable with being required to take training the State feel they take, and that might diminish our recruitment process for getting parents into the program. That is why I am opposed to this wording in the bill.

SENATOR HAMMOND:

I stand before you as a Senate colleague and as an educator, but most importantly, as a father. I am a father of three beautiful adopted children. Any adoptive parent will tell you, while often children may join your family with special problems, they also inspire a special kind of love. When Tanya and I first began the adoption process, we were asked how we felt about the possibility of adopting a special needs child. As new parents to be, we were already a little skittish. Adopting a child into your family can be an intimidating proposition. As business professionals, Tanya and I were also both conscious of our own limits, but we have been richly and deeply blessed. We have the same ups and downs as other families; the same challenges, and yes, the same joys. We have learned that those very challenges as parents can also bring us to a greater understanding than we had ever thought possible. What we did not understand then, but do now, is that every child is distinctly unique.

My children have taught me new things, things I never expected to know or have an interest in. They have showed me a love that is both easier and deeper than I thought possible. They have brought out the best in me. As an adoptive father, please believe me when I tell you how important this legislation is. We are talking about our most vulnerable children and entrusting them to the care of people who need to understand their unique needs. I cannot stand before you today and tell you that I have a deep understanding of what transgender youth go through, but I can tell you that from my own experience, our obligation is to ensure every child goes to a home with loving and understanding parents. I see nothing wrong with legislation that ensures this. I see nothing wrong with an effort to educate people about an issue that is relatively new and misunderstood by many. As a father and as a Christian, I urge a yes vote on this bill.

SENATOR ATKINSON:

I rise in support of Assembly Bill. No. 99. I understand some of the challenges people in the LGBTQ community that I know have had to face, because a lot of them have come from foster homes, especially those that have been identified later by their parents who have given them up because they perceive them to be gay. I have personally heard from many of them about how they were treated when they went to foster care. There are many challenges to being a foster parent, and this is one of them. If we are not willing to provide an avenue and an opportunity for individuals to have training, then I do not know what we are doing as a Body and a State.

These issues are more complicated when you are dealing with someone with whom you are not familiar. This is what this bill is attempting to address. When someone is identified as being

different, transgender, gay, or other, sometimes parents, even biological parents do not know what to do. I am often asked that question. I say to those parents, that they should go get training. I received a message a couple of weeks ago from a mother who found out that her 15-year-old son might be gay by intercepting some things on his phone.

She told me she loves her child and does not know what to do because she wants to love him no matter what. I contacted resources for her to get some training so she could get more information and get to where she thought she should be as a parent. That is what she wanted. She understood where her child was and was okay with that; she just wanted assistance in being ready for what might come regarding her child.

This bill goes a long way in addressing these types of issues when we are placing children, because many times the foster parent does not know the sexuality of a child when he or she is placed. Sometimes we are opposed to something because we do not understand the challenges that happen. I know a lot of young, African-American men that have been displaced and who have ended up in foster care who have not been treated well. It is not because the foster parent did not want to love and embrace that person, it is because they did not know how. This is the perfect opportunity for us to mandate or enforce that those providing foster care receive this training. That is the strongest part of this bill, and I urge you to support it.

Roll call on Assembly Bill No. 99:

YEAS—18.

NAYS—Gustavson, Hardy—2.

EXCUSED—Spearman.

Assembly Bill No. 99 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEES

Mr. President pro Tempore:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 135, 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. President pro Tempore:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President pro Tempore:

Your Committee on Judiciary, to which was referred Senate Joint Resolution No. 17 of the 78th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 125, 140, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. President pro Tempore:

Your Committee on Natural Resources, to which was referred Senate Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

YVANNA D. CANCELA, *Chair*

Mr. President pro Tempore:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Mr. President pro Tempore:

Your Committee on Transportation, to which was referred Senate Bill No. 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK A. MANENDO, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 4, 2017

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Senate Bills Nos. 121, 456, 489 and 507; Senate Joint Resolution No. 11.

Richard S. Combs

Director

NOTICE OF EXEMPTION

April 4, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 443, 444, 445, 446, 457, 503, 515.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 170, 223, 244, 249, 259, 265, 285, 287, 289, 302, 303, 315, 317, 323, 325, 327, 332, 336, 339, 342, 343, 345, 347, 348, 349, 358, 359, 363, 373, 378, 390, 391, 401, 402, 405, 415, 418, 419, 424, 427, 438, 441, 455, 497, 500, 501, 502, 504, 505, 506, 508, 510, 511, 512, 514, 516, 518.

MARK Krmpotic

Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 128.

Bill read second time.

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

Amendment No. 8.

SUMMARY—Revises provisions relating to the requirements to levy taxes to support ~~[certain fire]~~ districts ~~[.]~~ for county fire departments. (BDR 20-454)

AN ACT relating to fire protection; making it optional for a board of county commissioners to levy a tax for the support of a district for a county fire department; ~~[for certain county fire protection districts;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners to create a district for a county fire department, which the board must support by levying a tax on property within the boundaries of the district. (NRS 244.2961, 244.2967) ~~[Existing law also authorizes a board of county commissioners to create a county fire protection district in certain~~

~~unincorporated territory in the county, which the board must support by levying a fire protection tax on property within the boundaries of the district. (NRS 474.460, 474.510) Sections] Section 1 [and 3] of this bill [authorize,] authorizes, rather than [require,] requires, a board of county commissioners which chooses to create a district for a county fire department [or a county fire protection district] to levy a tax for the support of the district. [Section 2 of this bill makes a conforming change.]~~

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

Section 1. NRS 244.2967 is hereby amended to read as follows:

244.2967 A board of county commissioners which creates a district for a county fire department ~~[shall]~~ *may* levy a tax for its support and for the payment of the interest and principal on any indebtedness incurred for its buildings or equipment, on all property within the boundaries of the district, and shall establish a separate fund in the county treasury for the receipt and expenditure of and accounting for the proceeds of this tax.

Sec. 2. ~~[NRS 474.490 is hereby amended to read as follows:~~

~~474.490 The board of fire commissioners shall cooperate with the State Forester Firewarden and other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from [the] any sums raised as provided in NRS 474.510 for that purpose to cooperating agencies, or may receive contributions from other agencies to be spent for that purpose.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 474.510 is hereby amended to read as follows:~~

~~474.510 1. The board of fire commissioners shall prepare an annual budget in accordance with the provisions of NRS 354.470 to 354.626, inclusive, for each district organized in accordance with NRS 474.460 or 474.533.~~

~~2. Each budget must be based on estimates of the amount of money which will be needed to defray the expenses of the district and to meet unforeseen emergencies and the amount of a fire protection tax [sufficient,], if levied, together with the revenue which will result from application of the rate to the net proceeds of minerals [,] and any other source of money identified in the budget that is sufficient to raise such sums.~~

~~3. At the time of making the levy of county taxes for the year, the board of county commissioners [shall] may levy the fire protection tax provided by subsection 2, upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.~~

~~4. The amount of tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the value of the property described in~~

~~subsection 3 and any net proceeds of minerals derived from within the boundaries of the district.~~

~~—5— If levied, the *fire protection* tax must be entered upon the assessment roll and collected in the same manner as state and county taxes. Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.~~

~~—6— For the purposes of NRS 474.460 to 474.540, inclusive, the treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district emergency fund. The money collected to defray the expenses of any district organized pursuant to NRS 474.460 or 474.533 must be deposited in the district fire protection operating fund, and the money collected to meet unforeseen emergencies must be deposited in the district emergency fund. The district emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district emergency fund must not exceed the sum of \$1,000,000 for a district organized pursuant to NRS 474.460 or \$1,500,000 for a district organized pursuant to NRS 474.533. Any interest earned on the money in the district emergency fund that causes the balance in that fund to exceed \$1,000,000 or \$1,500,000, as applicable, must be credited to the district fire protection operating fund.~~

~~—7— For the purposes of subsection 6, an emergency includes, without limitation, any event that:~~

~~—(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;~~

~~—(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and~~

~~—(c) Requires the district to provide money to obtain a matching grant from an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.] (Deleted by amendment.)~~

Sec. 4. The amendatory provisions of this act do not apply to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of a district for a county fire department, ~~for a county fire protection district,~~ including, without limitation, bonds, medium-term financing, letters of credit and other financial obligations, until all such obligations have been discharged in full or provisions for their payment and redemption have been fully made.

Sec. 5. This act becomes effective on July 1, 2017.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Senate Bill No. 128 authorizes, rather than requires, a board of county commissioners that chooses to create a district for a county fire department to levy a tax for the support of the district.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 141.

Bill read second time.

The following amendment was proposed by the Committee on Transportation.

Amendment No. 11.

SUMMARY—Revises provisions relating to special license plates for veterans with a qualifying service-connected disability. (BDR 43-636)

AN ACT relating to special license plates; providing for the issuance of special license plates inscribed with the international symbol of access to a veteran with a qualifying service-connected disability under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the issuance of special license plates to a veteran who, as a result of his or her service in the Armed Forces of the United States, has suffered a 100-percent service-connected disability and receives compensation from the United States for the disability. (NRS 482.377) Such a special license plate must be inscribed with the international symbol of access, which is a diagram of a figure that resembles a wheelchair. A vehicle on which such a special license plate is displayed is: (1) exempt from the payment of parking fees charged by this State or any political subdivision or other public body within the State, other than the United States; and (2) authorized, if the veteran is in the vehicle, to park in a parking space designated for persons who are handicapped. (NRS 484B.463, 484B.467) Such an exemption and authorization are also provided for special license plates authorized for a veteran who was captured and held prisoner by a military force of a foreign nation. (NRS 482.377)

Existing law also authorizes special license plates for veterans who survived the attack on Pearl Harbor or who were awarded the Purple Heart, the Congressional Medal of Honor or the Silver Star or Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device. Existing law also provides that a veteran who is eligible for Pearl Harbor, Purple Heart, Congressional Medal of Honor or Silver Star or Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device special license plates who also suffered a 100-percent service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled, by not later than July 1, 2018, to have his or her special license plates inscribed with the international symbol of access. In addition, such a person is exempt from the payment of parking fees charged by this State or any political subdivision or other public body within the State, other than the United States, and may, if the veteran is in the vehicle, park in a parking space designated for persons

who are handicapped. (NRS 482.3765, 482.377, 482.3775, 482.378, 482.3783)

Sections 3-8 of this bill provide that to be eligible for the international symbol of access on all such special license plates, a veteran, as a result of his or her service, must have suffered a “qualifying service-connected disability” and receive compensation from the United States for the disability. Section 1 of this bill defines a “qualifying service-connected disability” as: (1) a service-connected disability rated at 100 percent; (2) more than one service-connected disability, the combined ratings of which add up to at least 100 percent; or (3) a service-connected disability of any rating ~~and~~ that constitutes or includes a permanent disability that qualifies a person for a special license plate.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

“Qualifying service-connected disability” means:

1. *A service-connected disability rated at 100 percent;*
2. *More than one service-connected disability, the combined ratings of which add up to at least 100 percent; or*
3. *A service-connected disability of any rating ~~and~~ that constitutes or includes a permanent disability that qualifies a person for a special license plate pursuant to NRS 482.384.*

Sec. 2. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 482.3765 is hereby amended to read as follows:

482.3765 1. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to specially designed license plates inscribed with the words “PEARL HARBOR VETERAN” or “PEARL HARBOR SURVIVOR,” at the option of the veteran, and a number of characters, including numbers and letters, as determined necessary by the Director.

2. A person who qualifies for special license plates pursuant to this section, has suffered a ~~[100 percent]~~ *qualifying* service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same

applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of their status as a survivor and, if applicable, evidence of disability required by the Department.

5. A vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. The fee for a set of special license plates issued pursuant to this section is \$25, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker for a set of special license plates issued pursuant to this section is \$5.

Sec. 4. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a ~~100 percent~~ *qualifying* service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates that must be inscribed with:

(1) The words "DISABLED VETERAN," "DISABLED FEMALE VETERAN" or "VETERAN WHO IS DISABLED," at the option of the veteran;

(2) The international symbol of access, which must comply with any applicable federal standards and must be white on a blue background; and

(3) A number of characters, including numbers and letters, as determined necessary by the Director.

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words "EX PRISONER OF WAR" and a number of characters, including numbers and letters, as determined necessary by the Director.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same

applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of disability or former imprisonment required by the Department.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 5. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a ~~{100 percent}~~ *qualifying* service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates that must be inscribed with:

(1) The words “DISABLED VETERAN,” “DISABLED FEMALE VETERAN” or “VETERAN WHO IS DISABLED,” at the option of the veteran;

(2) The international symbol of access, which must comply with any applicable federal standards and must be white on a blue background; and

(3) A number of characters, including numbers and letters, as determined necessary by the Director.

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words “EX PRISONER OF WAR” and a number of characters, including numbers and letters, as determined necessary by the Director.

2. A person who qualifies for special license plates pursuant to paragraph (b) of subsection 1, has suffered a ~~{100 percent}~~ *qualifying* service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of disability, former imprisonment or both, as applicable, required by the Department.

5. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 6. NRS 482.3775 is hereby amended to read as follows:

482.3775 1. A veteran of the Armed Forces of the United States who was awarded the Purple Heart is entitled to specially designed license plates which indicate that the veteran is a recipient of the Purple Heart.

2. A person who qualifies for special license plates pursuant to this section, has suffered a ~~[100 percent]~~ *qualifying* service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Purple Heart and, if applicable, evidence of disability as

required by the Department. The Department may designate any appropriate colors for the special plates.

5. A vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. Except as otherwise provided in this subsection and NRS 482.265, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for the fees required pursuant to NRS 482.268.

Sec. 7. NRS 482.378 is hereby amended to read as follows:

482.378 1. An owner of a motor vehicle who is a resident of this State and has been awarded the Congressional Medal of Honor may, upon signed application on a form prescribed and furnished by the Department, be issued license plates which indicate that he or she is a recipient of the Congressional Medal of Honor. The applicant shall comply with the motor vehicle laws of this State, including the provisions of chapter 371 of NRS and the payment of the registration fees required by this chapter, but no fee may be charged under NRS 482.367.

2. A person who qualifies for special license plates pursuant to this section, has suffered a ~~[100-percent]~~ *qualifying* service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who is eligible for special license plates under this section may apply for two sets of plates. The second set of plates for an additional vehicle must have a different number than the first set of plates issued to the same applicant. The plates may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. A vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking

fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

5. The Department may adopt regulations governing the issuance of special license plates to recipients of the Congressional Medal of Honor.

Sec. 8. NRS 482.3783 is hereby amended to read as follows:

482.3783 1. The Department shall design, prepare and issue license plates honoring veterans of the Armed Forces of the United States who have been awarded, as applicable, the:

(a) Silver Star; or

(b) Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device.

2. A person who qualifies for special license plates pursuant to this section, has suffered a ~~[100-percent]~~ *qualifying* service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with the applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may only be used on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Silver Star or the Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device, as applicable, and evidence of his or her service-connected disability, if applicable, as required by the Department. The Department may designate any appropriate colors for the special plates.

5. Except as otherwise provided in this subsection, a vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. Except as otherwise provided in this subsection and NRS 482.265, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special license plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for the fees required pursuant to NRS 482.268.

Sec. 9. 1. This section and sections 1, 2, and 4 of this act become effective on July 1, 2017.

2. Sections 3 and 5 to 8, inclusive, of this act become effective on the earlier of July 1, 2018, or the date on which the Director of the Department of Motor Vehicles notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the provisions of chapter 62, Statutes of Nevada 2015, at page 262.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Amendment No. 11 to Senate Bill No. 141 clarifies that a service-related disability of any rating that constitutes or includes a permanent disability qualifies a veteran for the international symbol of access on special license plates for veterans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 160.

Bill read second time.

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

Amendment No. 10.

SUMMARY—Revises provisions relating to administrative regulations. (BDR 18-610)

AN ACT relating to administrative regulations; revising provisions governing notice requirements under the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Administrative Procedure Act requires each agency of the Executive Department of State Government that is not exempt from the Act to provide 30 days' notice of its intended action before holding a hearing on any proposed permanent or temporary regulation. Such an agency is required to give such notice on a proposed permanent regulation after the agency has received the approved or revised text of the proposed permanent regulation from the Legislative Counsel. (NRS 233B.060) Section 1 of this bill requires an agency to post the regulation to be considered at the hearing on the Internet website of the agency 3 working days before the hearing.

Existing law does not specify the notice required when a proposed regulation receives a second or subsequent hearing to consider further revisions. ~~[Section 1 of this bill requires an agency to post the regulation to be considered at the hearing 3 working days before the hearing.]~~ Section 1 ~~[also]~~ requires an agency to provide at least 3 working days' notice of its intended action before holding a second or subsequent hearing on a regulation.

Existing law requires an agency, before holding a public hearing on a proposed regulation, to conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation. (NRS 233B.061) Section 2 of this bill provides that such a workshop is not required if it is the second or subsequent hearing on the regulation.

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

Section 1. NRS 233B.060 is hereby amended to read as follows:

233B.060 1. Except as otherwise provided in subsection 2 and NRS 233B.061, before adopting, amending or repealing:

(a) A permanent regulation, the agency must, after receiving the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063 ~~+~~ :

(1) If it is the first hearing on the regulation, give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute. When posted the agency must include notice that the regulation that is posted on the Internet website of the agency 3 working days before the hearing will be the regulation considered. The agency shall ensure that the regulation to be considered at the hearing is posted on the Internet website of the agency 3 working days before the hearing.

(2) If it is the second or subsequent hearing on the regulation, including, without limitation, a subsequent hearing on an adopted regulation that has not been approved by the Legislative Commission or the Subcommittee to Review Regulations pursuant to NRS 233B.067, in order to approve a revision to the regulation, give at least 3 working days' notice of its intended action.

(b) A temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.

3. If the Public Utilities Commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission or the Subcommittee to Review Regulations.

Sec. 2. NRS 233B.061 is hereby amended to read as follows:

233B.061 1. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing.

2. Before holding the public hearing required pursuant to subsection 3, an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation ~~[-]~~, *except that a workshop is not required if it is the second or subsequent hearing on the regulation.* Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:

(a) In writing to each person who has requested to be placed on a mailing list; and

(b) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

3. With respect to substantive regulations, the agency shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The agency shall consider fully all written and oral submissions respecting the proposed regulation.

4. An agency shall not hold the public hearing required pursuant to subsection 3 on the same day that the agency holds the workshop required pursuant to subsection 2.

5. Each workshop and public hearing required pursuant to subsections 2 and 3 must be conducted in accordance with the provisions of chapter 241 of NRS.

Sec. 3. This act becomes effective on July 1, 2017.

Senator Gansert moved the adoption of the amendment.

Remarks by Senator Gansert.

The amendment clarifies that the regulation is to be made available on the agency's website 3 working days before the hearing.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 285.

Bill read second time and ordered to third reading.

Senate Bill No. 303.

Bill read second time and ordered to third reading.

Senate Bill No. 410.

Bill read second time and ordered to third reading.

Senate Bill No. 412.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved Senate Bills Nos. 285, 303, 410 just reported out of Committee be re-referred to the Committee on Finance.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Isaiah Macon, Janissa Macon and Michelle Scott-Lewing.

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

On request of Senator Segerblom, the privilege of the floor of the Senate Chamber for this day was extended to D.J. Michelson.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to Stephanie Cliburn, Alexa Coleman, Mia Dao, Rachel Dunfee, Jeffrey Dunfee, Julie Evans, Dominic Goodner, Erik Harsh, Carly Howe, Amrit Kaur, Ashley Long, Daniella Martinez, Brooklyn Maw, Tyler Murray, Destiny Peake, Ariana Pitkin, Thomas Rao, Aadra Reed, Hannah Sizelove, Tammy Sutton and Sarah Thomas.

Senator Ford moved that the Senate adjourn until Friday, April 7, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 12:51 p.m.

Approved:

MOISES DENIS

President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate