THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 21, 2007

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

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

O Lord, keep strong our faith in the power of prayer as we unite our petitions in this sacred moment. We have asked for Your guidance in difficult decisions many times, yet it has not always come when we thought it should. Many of the situations and relationships which we have asked You to change have remained the same. Forgive us for thinking, therefore, that You are unwilling to help us in our dilemmas or that there is nothing You can do. Remind us, O God, that when we plug in an electric iron and it fails to work, we do not conclude that electricity has lots its power, nor do we plead with the iron. We look at once to the wiring to find what has broken or blocked the connection with the source of power.

May we do the same with ourselves, that You can work through us to do Your will. This we ask in the name of our Lord.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 312, 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Senate Bills Nos. 110, 143, 184, 239, 247, 328, 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 112, 142, 169, 171, 195, 228, 266, 356, 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 243, 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. 10, 16, 298, 303, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bills Nos. 275, 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 74, 147, 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bills Nos. 146, 502 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 58, 206, 293, 300, 315, 451, 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Joint Resolution No. 18, 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*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 203, 206, 616 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 354, 508, 579, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 182, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the reading of the Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Assemblyman Oceguera moved that for the balance of the session all bills and joint resolutions reported out of committee be immediately placed on the appropriate reading file.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 150 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 18 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 66 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 99 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 401 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 352 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 352.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 750.

SUMMARY— ~~[Requires the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near]~~ **Makes various changes relating to** the Southern Nevada Enterprise Community. (BDR S-1315)

AN ACT relating to ~~[the Southern Nevada Enterprise Community;]~~ **economic development;** requiring the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Community; **extending the temporary tax incentive for locating or expanding businesses that are or will become grocery stores within the Community;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Southern Nevada Enterprise Community Infrastructure Improvement Act and requires the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Southern Nevada Enterprise Community. **This bill also extends the temporary tax incentive for locating or expanding businesses that are or will become grocery stores within the Southern**

Nevada Enterprise Community. (Chapter 198, Statutes of Nevada 2005, p. 639)

WHEREAS, On December 21, 1994, President William Jefferson Clinton designated nine census tracts in the urban core of the Las Vegas Valley as an "enterprise community"; and

WHEREAS, The designation was accompanied by an award of $2,950,000 in Title XX funds to be used for projects in the enterprise community; and

WHEREAS, The Southern Nevada Enterprise Community so created includes the target areas of West Las Vegas, East Las Vegas, Meadows Village and North Las Vegas; and

WHEREAS, The Southern Nevada Enterprise Community involves a partnership among the cities of Las Vegas and North Las Vegas, and Clark County, working together to harness resources from the public, private and nonprofit sectors to provide programs, services and facilities to the target areas; and

WHEREAS, The empowerment of persons and neighborhoods within the Southern Nevada Enterprise Community includes "weed and seed" strategies to "weed" out violence, gangs, drug trafficking and drug-related crime, and to "seed" neighborhoods with social services and economic revitalization; and

WHEREAS, Efforts to revitalize neighborhoods economically, to be successful, require a certain minimum level of "infrastructure" in the form of the basic facilities, services and installations needed for the proper functioning of a community; now, therefore,

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

Section 1. This act may be cited as the Southern Nevada Enterprise Community Infrastructure Improvement Act.

Sec. 2. As used in sections 1 to ~~[13,]~~ **14,** inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Advisory Board" means the Southern Nevada Enterprise Community Advisory Board created pursuant to section 8 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 5. "Community" means the Southern Nevada Enterprise Community, nine census tracts designated by President William Jefferson Clinton on December 21, 1994.

Sec. 6. "Infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, libraries, community centers, police and fire protection, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

Sec. 7. ”Project” means the Southern Nevada Enterprise Community Improvement Project developed pursuant to section 11 of this act.

Sec. 8. 1. The Southern Nevada Enterprise Community Advisory Board is hereby created.

2. The Advisory Board consists of nine members, appointed in consultation with residents of the Community, as follows:

(a) One member of the Nevada Congressional Delegation selected from among its membership or his designee;

(b) One member of the Nevada Legislature who represents the Community or his designee;

(c) One member of the Clark County Board of County Commissioners selected from among its membership or his designee;

(d) One member of the Las Vegas City Council from among its membership or his designee;

(e) One member of the North Las Vegas City Council from among its membership or his designee;

(f) Two residents of the Community, recommended and selected jointly by the Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council;

(g) A representative of the private sector appointed by the Chamber of Commerce established in the Community; and

(h) A representative of the nonprofit charitable, educational and religious organizations in the Community, recommended and selected jointly by the Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council.

3. Each member of the Advisory Board serves for a term of 3 years. A vacancy on the Advisory Board must be filled in the same manner as the original appointment. A member may be reappointed to the Advisory Board.

4. The members of the Advisory Board shall elect a Chairman and Vice Chairman by majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on August 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Advisory Board shall elect a Chairman or Vice Chairman, as appropriate, from among its members for the remainder of the unexpired term.

5. The City of North Las Vegas shall provide administrative support for the Advisory Board.

Sec. 9. The primary purposes of the Advisory Board are to:

1. Advise the governmental entities that have members on the Advisory Board with respect to the Project; and

2. Ensure that the needs and opinions of the residents of the Community are reflected adequately by the Project.

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. On or before January 31, 2008, the Advisory Board shall prepare a written plan to carry out the Project to address the needs and issues of the Community.

2. The Advisory Board shall, within 120 days after preparing the written plan:

(a) Hold at least two public hearings on the written plan, each of which must be preceded by at least 30 days' notice within the Community; and

(b) Approve or reject the written plan based on input from the Community received at the public hearings.

3. A written plan adopted by the Advisory Board must:

(a) Set forth an adequate framework for carrying out the Project;

(b) Set forth a reasonable period in which to accomplish the goals of the Project; and

(c) Incorporate each of the required elements of the Project, as set forth in section 12 of this act.

4. If the Advisory Board rejects the written plan, the Advisory Board shall:

(a) Provide to the appropriate officers of the governmental entities that have members on the Advisory Board a written explanation of its reasons for the rejection; and

(b) Prepare a revised written plan and repeat the notice and hearings required by subsection 2 before approving or rejecting the revised written plan.

Sec. 12. The Project must include, without limitation, goals, objectives and policies relating to, and feasible timeframes for achieving:

1. The construction, repair and refurbishment of streets, buildings and other facilities as necessary to attract and maintain the viability of successful businesses within the Community;

2. The incorporation within the Community of open space, facilities for recreation, facilities for medical care and other measures as necessary to ensure that the Community develops with mixed uses;

3. The eradication of brownfields, the rehabilitation of condemned properties and the removal of structures and facilities that create a disincentive for development; and

4. The identification of sources of money to carry out the Project.

Sec. 13. The Advisory Board may accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the Project.

Sec. 14. On or before February 1, 2009, the Advisory Board shall submit to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature a report that summarizes the activities of the Advisory Board during the period between the effective date of this act and December 31, 2008.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. **Section 6 of chapter 198, Statutes of Nevada 2005, at page 643, is hereby amended to read as follows:**

Sec. 6. 1. A person who intends to locate a grocery store within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 during Fiscal Year 2004-2005**,** ~~[or]~~ 2005-2006 ***, 2006-2007, 2007-2008 or 2008-2009*** may submit a request to the governing body of the county, city or town in which the grocery store would operate for endorsement of an application by the person to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission. The Commission shall approve the application if the Commission makes the following determinations:

(a) The applicant has executed an agreement with the Commission which states that the grocery store will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Commence operation and continue in operation in the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 for a period specified by the Commission, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the grocery store for the specified period.

(b) The grocery store is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the grocery store will operate.

(c) The applicant invested or commits to invest a minimum of $500,000 in capital.

4. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the grocery store will be located.

5. The Commission on Economic Development may adopt such regulations as the Commission determines to be necessary or advisable to carry out the provisions of this section.

6. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

7. As used in this section:

(a) "Grocery store" means a business selling at retail groceries, including, without limitation, food for human consumption, articles used in the preparation of food, household supplies, dairy products, meat and produce, and having more than 10,000 square feet of floor space available to the public.

(b) "Selling at retail" has the meaning ascribed to it in NRS 372.050.

Sec. 17. **Section 7 of chapter 198, Statutes of Nevada 2005, at page 644, is hereby amended to read as follows:**

Sec. 7. 1. A person who intends to expand a grocery store or expand a business to become a grocery store within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 during Fiscal Year 2004-2005**_,** ~~[or]~~ 2005-2006 ***, 2006-2007, 2007-2008 or 2008-2009*** may submit a request to the governing body of the county, city or town in which the business operates for endorsement of an application by the person to the Commission on Economic Development for a partial abatement of the taxes imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission. The Commission shall approve the application if the Commission makes the following determinations:

(a) The applicant has executed an agreement with the Commission which states that the grocery store will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Continue in operation in the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 for a period specified by the Commission, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the grocery store for the specified period.

(b) The grocery store is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the grocery store operates.

(c) The applicant invested or commits to invest a minimum of $250,000 in capital equipment.

4. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. The Commission on Economic Development may adopt such regulations as the Commission determines to be necessary or advisable to carry out the provisions of this section.

6. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

7. As used in this section:

(a) "Grocery store" means a business selling at retail groceries, including, without limitation, food for human consumption, articles used in the preparation of food, household supplies, dairy products, meat and produce, and having more than 10,000 square feet of floor space available to the public.

(b) "Selling at retail" has the meaning ascribed to it in NRS 372.050.

Sec. 18. **Section 8 of chapter 198, Statutes of Nevada 2005, at page 646, is hereby amended to read as follows:**

Sec. 8. During the Fiscal Years ~~[2005-2006 and]~~ 2006-2007, ***2007-2008 and 2008-2009,*** the Commission on Economic Development shall, until the Commission has granted $1,000,000 in partial abatements pursuant to sections 2, 3, 6 and 7 of this act, give priority to and expedite the processing of applications received by the Commission pursuant to section 6 or 7 of this act.

~~[Sec. 16.]~~ ***Sec. 19.*** This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 594.

Bill read third time.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Assembly Bill No. 594:

YEAS—35.

NAYS—Allen, Beers, Christensen, Cobb, Mabey, Settelmeyer, Stewart—7.

Assembly Bill No. 594 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128.

Bill read third time.

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

Amendment No. 726.

AN ACT relating to prescription drugs; requiring certain wholesalers and manufacturers of prescription drugs to file annually with the State Board of Pharmacy a report disclosing ~~[certain economic benefits that]~~ the ~~[wholesalers and manufacturers have provided to certain persons;]~~ **wholesalers' and manufacturers' compliance with a written marketing code of conduct;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from manufacturing or engaging in the wholesale distribution of certain drugs unless the person is licensed to do so by the State Board of Pharmacy. (NRS 639.100, 639.233) ~~[Section 1 of this]~~ **This** bill requires wholesalers and manufacturers ~~[who are licensed by the Board to file with the Board an annual report disclosing certain gifts and other economic benefits that the wholesaler or manufacturer has provided to certain persons. Section 1 requires that the annual report identify information which is a trade secret and prohibits the Board from disclosing such information. Section 1 requires a wholesaler or manufacturer to include in its annual report the name of each person to whom it provides economic benefits whose aggregate value exceeds $1,000, but also requires that the wholesaler or manufacturer notify the person before the value of the economic benefits provided to him exceeds that amount. Section 1 also requires the Board to prepare a compilation of the information contained in the annual reports, excluding trade secrets and to make the compilation available on the Internet. Section 1 further authorizes the imposition of civil penalties for wholesalers and manufacturers who fail to comply with the reporting requirements.]~~ **who employ a person to sell or market a drug, medicine, chemical, device or appliance in this State to adopt a written marketing code of conduct. This bill also requires a wholesaler or manufacturer to adopt a training program and policies and procedures, identify a compliance officer, conduct an annual audit and submit an annual report certifying the**

wholesaler's or manufacturer's compliance with the marketing code of conduct.

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

Delete existing sections 1 and 2 of this bill and replace with the following new section 1:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A wholesaler or manufacturer who employs a person to sell or market a drug, medicine, chemical, device or appliance in this State shall:

(a) Adopt a written marketing code of conduct which establishes the practices and standards that govern the marketing and sale of its products. The marketing code of conduct must be based on applicable legal standards and incorporate principles of health care, including, without limitation, requirements that the activities of the wholesaler or manufacturer be intended to benefit patients, enhance the practice of medicine and not interfere with the independent judgment of health care professionals. Adoption of the most recent version of the Code on Interactions with Healthcare Professionals developed by the Pharmaceutical Research and Manufacturers of America satisfies the requirements of this paragraph.

(b) Adopt a training program to provide regular training to appropriate employees, including, without limitation, all sales and marketing staff, on the marketing code of conduct.

(c) Conduct annual audits to monitor compliance with the marketing code of conduct.

(d) Adopt policies and procedures for investigating instances of noncompliance with the marketing code of conduct, including, without limitation, the maintenance of effective lines of communication for employees to report noncompliance, the investigation of reports of noncompliance, the taking of corrective action in response to noncompliance and the reporting of instances of noncompliance to law enforcement authorities in appropriate circumstances.

(e) Identify a compliance officer responsible for developing, operating and monitoring the marketing code of conduct.

2. A wholesaler or manufacturer who employs a person to sell or market a drug, medicine, chemical, device or appliance in this State shall submit to the Board annually:

(a) A copy of its marketing code of conduct;

(b) A description of its training program;

(c) A description of its investigation policies;

(d) The name, title, address, telephone number and electronic mail address of its compliance officer; and

(e) Certification that it has conducted its annual audit and is in compliance with its marketing code of conduct.

3. On or before January 15 of each odd-numbered year, the Board shall prepare and submit to the Governor, and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, a compilation of the information submitted to the Board pursuant to this section, other than any information identified as a trade secret in the information submitted to the Board.

4. The Board:

(a) Shall adopt regulations providing for the time of the submission and the form of the information required pursuant to this section and defining "compliance" for the purposes of this section.

(b) May not require the disclosure of the results of an audit conducted pursuant to this section.

(c) Shall post on its Internet website information concerning the compliance of all wholesalers and manufacturers with the requirements of this section.

(d) Shall not disclose any proprietary or confidential business information that it receives pursuant to this section.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 161.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 161:

YEAS—42.

NAYS—None.

Assembly Bill No. 161 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

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

Amendment No. 728.

AN ACT relating to financial transactions; prohibiting a person from engaging in certain conduct with the intent to defraud a participant in a mortgage lending transaction; prohibiting certain conduct by a foreclosure consultant; providing an administrative penalty for certain conduct by a foreclosure consultant; providing a civil cause of action against a foreclosure consultant under certain circumstances; prohibiting a foreclosure purchaser from engaging in certain fraudulent conduct; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is an unfair lending practice for a lender to knowingly or intentionally make a home loan to a borrower based solely on the borrower's equity in the home property and without determining that the borrower has the ability to repay the home loan from income or other assets. (NRS 598D.100) Section 2 of this bill clarifies that the provision applies to a low-document, no-document or stated-document home loan if the loan is made based solely on the borrower's equity in the property or without determining the borrower's ability to repay the loan.

Section 3 of this bill establishes the crime of mortgage lending fraud, which is a category C felony. Section 3 also provides that a person who engages in a pattern of mortgage lending fraud is guilty of a category B felony. Furthermore, under section 3, if a lender commits mortgage lending fraud, the borrower may rescind the transaction within 2 years after the transaction has been completed. Chapters 645B and 645E of NRS govern mortgage brokers and mortgage agents and mortgage bankers, respectively.

Sections 7-20 of this bill establish specific rights and duties concerning foreclosure consultants and foreclosure purchasers. Section 9 defines a foreclosure consultant as a person who promises to perform, for compensation, various services for a homeowner whose residence is in foreclosure that the foreclosure consultant represents will assist the homeowner to, for example, postpone or prevent a foreclosure sale, obtain an extension of time to repay his mortgage loan, obtain an alternative loan or mortgage, file documents with a bankruptcy court or repair the homeowner's credit after foreclosure. Section 16 prohibits a foreclosure consultant from claiming or receiving any compensation from a homeowner until after the consultant has fully performed all the services he promised to perform and prohibits other conduct relating to his compensation. Section 16 also prohibits a foreclosure consultant from acquiring any interest in the residence of the homeowner. Section 17 authorizes the Commissioner of Mortgage Lending to impose an administrative penalty of not more than $10,000 on a foreclosure consultant who violates any provision of section 16. Section 18 creates a civil cause of action against a foreclosure consultant for a homeowner who is injured as a result of a foreclosure consultant's violation of any provision of section 16. If the homeowner prevails in his action against the foreclosure consultant, the court may award him his actual damages, punitive damages of at least 1 1/2 times his actual damages, his attorney's fees and costs of bringing the action.

Section 10 of this bill defines a foreclosure purchaser as a person who engages in the business of acquiring residences that are in foreclosure from their owners. Section 19 of this bill provides that a foreclosure purchaser who engages in conduct that defrauds or deceives a homeowner whose residence is in foreclosure is guilty of a gross misdemeanor. Section 19.5 of this bill provides that if a foreclosure purchaser engages in conduct that defrauds or deceives a homeowner whose residence is in foreclosure, the homeowner

may rescind the transaction in which the foreclosure purchaser acquired the residence of the homeowner. Section 19.5 further provides the procedures a homeowner must follow to rescind the transaction and prevents a homeowner from rescinding a transaction if the foreclosure purchaser has transferred an interest in the property to a bona fide purchaser.

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

Section 1. NRS 598D.040 is hereby amended to read as follows:

598D.040 "Home loan" means a consumer credit transaction that ~~[:~~

~~1. Is]~~ ***is*** secured by a mortgage loan which involves real property located within this State ~~[; and~~

~~2. Constitutes]~~ ***and includes, without limitation, a consumer credit transaction that constitutes*** a mortgage under § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32.

Sec. 2. NRS 598D.100 is hereby amended to read as follows:

598D.100 1. It is an unfair lending practice for a lender to:

(a) Require a borrower, as a condition of obtaining or maintaining a home loan secured by home property, to provide property insurance on improvements to home property in an amount that exceeds the reasonable replacement value of the improvements.

(b) Knowingly or intentionally make a home loan to a borrower ~~[based]~~ ***, including, without limitation, a low-document home loan, no-document home loan or stated-document home loan:***

(1) Based solely upon the equity of the borrower in the home property ~~[and without]~~ ***; or***

(2) Without determining that the borrower has the ability to repay the home loan from other assets, including, without limitation, income.

(c) Finance a prepayment fee or penalty in connection with the refinancing by the original borrower of a home loan owned by the lender or an affiliate of the lender.

(d) Finance, directly or indirectly in connection with a home loan, any credit insurance.

2. As used in this section:

(a) "Credit insurance" has the meaning ascribed to it in NRS 690A.015.

(b) ***"Low-document home loan" means a home loan:***

(1) Whose terms allow a borrower to establish his ability to repay the home loan by providing only limited verification of his income and other assets; or

(2) Which is evidenced only by a deed transferring some or all of the interest of the borrower in the home property to the creditor.

(c) "No-document home loan" means a home loan whose terms allow a borrower to establish his ability to repay the home loan without providing any verification of his income and other assets.

(d) "Prepayment fee or penalty" means any fee or penalty imposed by a lender if a borrower repays the balance of a loan or otherwise makes a payment on a loan before the regularly scheduled time for repayment.

(e) "Stated-document home loan" means a home loan whose terms allow a borrower to establish his ability to repay the home loan by providing only his own statement of verification of his income and other assets.

Sec. 3. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who, with the intent to defraud a participant in a mortgage lending transaction:

(a) Knowingly makes a false statement or misrepresentation concerning a material fact or deliberately conceals or fails to disclose a material fact;

(b) Knowingly uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or deliberately uses or facilitates the use of another person's concealment or failure to disclose a material fact;

(c) Receives any proceeds or any other money in connection with a mortgage lending transaction that the person knows resulted from a violation of paragraph (a) or (b);

(d) Conspires with another person to violate any of the provisions of paragraph (a), (b) or (c); or

(e) Files or causes to be filed with a county recorder any document that the person knows to include a misstatement, misrepresentation or omission concerning a material fact,

➥ commits the offense of mortgage lending fraud which is a category C felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. A person who engages in a pattern of mortgage lending fraud or conspires or attempts to engage in a pattern of mortgage lending fraud is guilty of a category B felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, or by a fine of not more than $50,000, or by both fine and imprisonment.

3. Each mortgage lending transaction in which a person violates any provision of subsection 1 constitutes a separate violation.

4. Except as otherwise provided in this subsection, if a lender or any agent of the lender commits the offense of mortgage lending fraud in violation of this section, the mortgage lending transaction is voidable by the borrower and the transaction may be rescinded by the borrower within

2 years after the date the transaction is completed if the borrower gives written notice to the lender and records that notice with the recorder of the county in which the mortgage was recorded. A mortgage lending transaction is not voidable pursuant to this subsection if the lender has transferred the mortgage to a bona fide purchaser.

5. The Attorney General ~~*[shall]*~~ ***may investigate and prosecute a violation of this section.***

6. As used in this section:

(a) "Bona fide purchaser" means any person who purchases a mortgage in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the lender or any agent of the lender engaged in mortgage lending fraud in violation of this section.

(b) "Mortgage lending transaction" means any transaction between two or more persons for the purpose of making or obtaining, attempting to make or obtain, or assisting another person to make or obtain a loan that is secured by a mortgage or other lien on residential real property. The term includes, without limitation:

(1) The solicitation of a person to make or obtain the loan;

(2) The representation or offer to represent another person to make or obtain the loan;

(3) The negotiation of the terms of the loan;

(4) The provision of services in connection with the loan; and

(5) The execution of any document in connection with making or obtaining the loan.

(c) "Participant in a mortgage lending transaction" includes, without limitation:

(1) A borrower as defined in NRS 598D.020;

(2) An escrow agent as defined in NRS 645A.010;

(3) A foreclosure consultant as defined in section 9 of this act;

(4) A foreclosure purchaser as defined in section 10 of this act;

(5) An investor as defined in NRS 645B.0121;

(6) A lender as defined in NRS 598D.050;

(7) A mortgage agent as defined in NRS 645B.0125;

(8) A mortgage banker as defined in NRS 645E.100; and

(9) A mortgage broker as defined in NRS 645B.0127.

(d) "Pattern of mortgage lending fraud" means one or more violations of a provision of subsection 1 committed in two or more mortgage lending transactions which have the same or similar intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.3. **NRS 645B.020 is hereby amended to read as follows:**

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the Office of the

Commissioner and pay the fee required pursuant to NRS 645B.050. An application for a license as a mortgage broker must:

(a) ~~[Be verified.~~

~~(b)]~~ State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage broker will conduct business within this State.

~~[(c)]~~ ***(b)*** State the name under which the applicant will conduct business as a mortgage broker.

~~[(d)]~~ ***(c)*** List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

~~[(e)]~~ ***(d)*** Include a general business plan and a description of the policies and procedures that the mortgage broker and his mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

~~[(f)]~~ ***(e)*** State the length of time the applicant has been engaged in the business of a broker.

~~[(g)]~~ ***(f)*** Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

~~[(h)]~~ ***(g)*** Include all information required to complete the application.

~~[(i)]~~ ***(h)*** Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business at one or more branch offices within this State, the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application ***is verified by the Commissioner and*** complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage broker in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of mortgage brokers or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645E of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

Sec. 5.5. **NRS 645B.410 is hereby amended to read as follows:**

645B.410 1. To obtain a license as a mortgage agent, a person must:

(a) Be a natural person;

(b) File a written application for a license as a mortgage agent with the Office of the Commissioner;

(c) Comply with the applicable requirements of this chapter; and

(d) Pay an application fee set by the Commissioner of not more than $185.

2. An application for a license as a mortgage agent must:

(a) ~~[Be verified;~~

~~(b)]~~ State the name and residence address of the applicant;

~~[(c)]~~ ***(b)*** Include a provision by which the applicant gives his written consent to an investigation of his credit history, criminal history and background;

~~[(d)]~~ ***(c)*** Include a complete set of fingerprints which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~[(e)]~~ ***(d)*** Include a verified statement from the mortgage broker with whom the applicant will be associated that expresses the intent of that mortgage broker to associate the applicant with the mortgage broker and to be responsible for the activities of the applicant as a mortgage agent; and

~~[(f)]~~ ***(e)*** Include any other information or supporting materials required pursuant to the regulations adopted by the Commissioner or by an order of the Commissioner. Such information or supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license as a mortgage agent to an applicant if:

(a) The application ***is verified by the Commissioner and*** complies with the applicable requirements of this chapter; and

(b) The applicant:

(1) Has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of mortgage agents or any crime involving fraud, misrepresentation or moral turpitude;

(2) Has not had a financial services license suspended or revoked within the immediately preceding 10 years;

(3) Has not made a false statement of material fact on his application;

(4) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner; and

(5) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage agent in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

4. Money received by the Commissioner pursuant to this section must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

Sec. 6. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 20, inclusive, of this act.

Sec. 7. ***As used in sections 7 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8 to 14, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 8. ***"Covered service" includes, without limitation:***

1. Financial counseling, including, without limitation, debt counseling and budget counseling.

2. Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a mortgage or other lien on a residence in foreclosure.

3. Contacting a creditor on behalf of a homeowner.

4. Arranging or attempting to arrange for an extension of the period within which a homeowner may cure his default and reinstate his obligation pursuant to a note, mortgage or deed of trust.

5. Arranging or attempting to arrange for any delay or postponement of the time of a foreclosure sale.

6. Advising the filing of any document or assisting in any manner in the preparation of any document for filing with a bankruptcy court.

7. Giving any advice, explanation or instruction to a homeowner which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a mortgage or other lien on the residence in foreclosure, the full satisfaction of the obligation, or the postponement or avoidance of a foreclosure sale.

Sec. 9. ***"Foreclosure consultant" means a person who, directly or indirectly, makes any solicitation, representation or offer to a homeowner to perform for compensation, or who, for compensation, performs any covered service that the person represents will do any of the following:***

1. Prevent or postpone a foreclosure sale;

2. Obtain any forbearance from any mortgagee or beneficiary of a deed of trust;

3. Assist the homeowner to exercise the right of reinstatement provided in the legal documents;

4. Obtain any extension of the period within which the homeowner may reinstate the homeowner's obligation;

5. Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a residence in foreclosure or included in the mortgage or deed of trust;

6. Assist the homeowner in foreclosure or loan default to obtain a loan or advance of money;

7. Avoid or ameliorate the impairment of the homeowner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale;

8. Save the homeowner's residence from foreclosure; or

9. Assist the homeowner to obtain a foreclosure reconveyance.

Sec. 10. ***"Foreclosure purchaser" means a person who, in the course of his business, vocation or occupation, acquires or attempts to acquire title to a residence in foreclosure from a homeowner.***

Sec. 11. ***1. "Foreclosure reconveyance" means a transaction that involves:***

(a) The transfer of title to a residence in foreclosure by a homeowner during a foreclosure proceeding by:

(1) The transfer of an interest in the residence in foreclosure from the homeowner; or

(2) The creation of a mortgage or other lien during the foreclosure process that allows the acquirer to obtain title to the residence in foreclosure by redeeming the property as a junior lien holder; and

(b) The subsequent conveyance, or promise of a subsequent conveyance, of an interest in the residence to the former homeowner by the acquirer, or a person acting in concert with the acquirer, that allows the former homeowner to remain in possession of the residence following the completion of the foreclosure proceeding.

2. As used in this section, "interest in the residence" includes, without limitation, an interest in a contract for a deed, a purchase agreement, and an option to purchase or lease.

Sec. 12. ***"Foreclosure sale" means the sale of real property to enforce an obligation secured by a mortgage or lien on the property, including the exercise of a trustee's power of sale pursuant to NRS 107.080.***

Sec. 13. ***"Homeowner" means the record owner of a residence in foreclosure at the time the notice of the pendency of an action for foreclosure is recorded pursuant to NRS 14.010 or the notice of default and election to sell is recorded pursuant to NRS 107.080.***

Sec. 14. ***"Residence in foreclosure" means residential real property consisting of not more than four family dwelling units, one of which the homeowner occupies as his principal place of residence, and against which there is an outstanding notice of the pendency of an action for foreclosure recorded pursuant to NRS 14.010 or notice of default and election to sell recorded pursuant to NRS 107.080.***

Sec. 15. ***The provisions of sections 7 to 20, inclusive, of this act do not apply to, and the terms "foreclosure consultant" and "foreclosure purchaser" do not include:***

1. An attorney at law rendering services in the performance of his duties as an attorney at law;

2. A person, firm, company or corporation licensed to engage in the business of debt adjustment pursuant to chapter 676 of NRS while engaging in that business;

3. A person licensed as a real estate broker, broker-salesman or salesman pursuant to chapter 645 of NRS while acting under the authority of that license;

4. A person or the authorized agent of a person acting under the provisions of a program sponsored by the Federal Government, this State or a local government, including, without limitation, the Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Federal Home Loan Bank;

5. A person who holds or is owed an obligation secured by a mortgage or other lien on a residence in foreclosure if the person performs services in connection with this obligation or lien and the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

6. Any person doing business under the laws of this State or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of those persons, and any agent or employee of those persons while engaged in the business of those persons;

7. A person licensed as an escrow agent, title agent, mortgage agent, mortgage broker or mortgage banker pursuant to chapter 645A, 692A, 645B or 645E of NRS, while acting under the authority of his license;

8. A nonprofit agency or organization that offers credit counseling or advice to a homeowner of a residence in foreclosure or a person in default on a loan; or

9. A judgment creditor of the homeowner whose claim accrued before the recording of the notice of the pendency of an action for foreclosure against the homeowner pursuant to NRS 14.010 or the recording of the notice of default and election to sell pursuant to NRS 107.080.

Sec. 16. ***A foreclosure consultant shall not:***

1. Claim, demand, charge, collect or receive any compensation until after the foreclosure consultant has fully performed each covered service that he contracted to perform or represented he would perform.

2. Claim, demand, charge, collect or receive any fee, interest or other compensation for any reason which is not fully disclosed to the homeowner.

3. Take any wage assignment, lien on real or personal property, assignment of a homeowner's equity or other interest in a residence in foreclosure or other security for the payment of compensation. Any such security is void and unenforceable.

4. Receive any consideration from any third party in connection with a covered service provided to a homeowner unless the consideration is first fully disclosed to the homeowner.

5. Acquire, directly or indirectly, any interest in the residence in foreclosure of a homeowner with whom the foreclosure consultant has contracted to perform a covered service.

6. Accept a power of attorney from a homeowner for any purpose, other than to inspect documents as provided by law.

Sec. 17. ***1. In addition to any other remedy or penalty, the Commissioner may, after giving notice and opportunity to be heard, impose an administrative penalty of not more than $10,000 on a foreclosure consultant who violates any provision of section 16 of this act.***

2. Except as otherwise provided in this section, all money collected from administrative penalties imposed pursuant to this section must be deposited in the State General Fund.

3. The money collected from an administrative penalty may be deposited with the State Treasurer for credit to the Fund for Mortgage Lending created by NRS 645F.270 if:

(a) The person pays the administrative penalty without exercising his right to a hearing to contest the penalty; or

(b) The administrative penalty is imposed in a hearing conducted by a hearing officer or panel appointed by the Commissioner.

4. The Commissioner may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Commissioner to conduct hearings, determine violations and impose the penalties authorized by this section.

5. If money collected from an administrative penalty is deposited in the State General Fund, the Commissioner may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 18. ***1. A homeowner who is injured as a result of a foreclosure consultant's violation of a provision of section 16 of this act may bring an action against the foreclosure consultant to recover damages caused by the violation, together with reasonable attorney's fees and costs.***

2. If the homeowner prevails in the action, the court may award such punitive damages as may be determined by a jury, or by a court sitting without a jury, but in no case may the punitive damages be less than 1 1/2 times the amount awarded to the homeowner as actual damages.

Sec. 19. ***A foreclosure purchaser who engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a***

transaction that is subject to the provisions of sections 7 to 20, inclusive, of this act, including, without limitation, a foreclosure reconveyance, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $50,000, or by both fine and imprisonment.

Sec. 19.5. ***1. In addition to the penalty provided in section 19 of this act and except as otherwise provided in subsection 5, if a foreclosure purchaser engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of sections 7 to 20, inclusive, of this act, including, without limitation, a foreclosure reconveyance, the transaction in which the foreclosure purchaser acquired title to the residence in foreclosure is voidable by the homeowner and the transaction may be rescinded by the homeowner within 2 years after the date of the recording of the conveyance.***

2. To rescind a transaction pursuant to subsection 1, the homeowner must give written notice to the foreclosure purchaser and a successor in interest to the foreclosure purchaser, if the successor in interest is not a bona fide purchaser, and record that notice with the recorder of the county in which the property is located. The notice of rescission must contain:

(a) The name of the homeowner, the foreclosure purchaser and any successor in interest who holds title to the property; and

(b) A description of the property.

3. Within 20 days after receiving notice pursuant to subsection 2:

(a) The foreclosure purchaser and the successor in interest, if the successor in interest is not a bona fide purchaser, shall reconvey to the homeowner title to the property free and clear of encumbrances which were created subsequent to the rescinded transaction and which are due to the actions of the foreclosure purchaser; and

(b) The homeowner shall return to the foreclosure purchaser any consideration received from the foreclosure purchaser in exchange for the property.

4. If the foreclosure purchaser has not reconveyed to the homeowner title to the property within the period described in subsection 3, the homeowner may bring an action to enforce the rescission in the district court of the county in which the property is located.

5. A transaction is not voidable pursuant to this section if the foreclosure purchaser has transferred the property to a bona fide purchaser.

6. As used in this section, "bona fide purchaser" means any person who purchases an interest in a residence in foreclosure from a foreclosure purchaser in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the foreclosure purchaser engaged in conduct which violates subsection 1.

Sec. 20. ***The rights, remedies and penalties provided pursuant to the provisions of sections 7 to 20, inclusive, of this act are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to section 19 of this act.***

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 460.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 460:

YEAS—42.

NAYS—None.

Assembly Bill No. 460 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 608.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Assembly Bill No. 608:

YEAS—42.

NAYS—None.

Assembly Bill No. 608 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 7.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Senate Bill No. 7:

YEAS—42.

NAYS—None.

Senate Bill No. 7 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 72.

Bill read third time.

Remarks by Assemblyman Cobb.

Roll call on Senate Bill No. 72:

YEAS—42.

NAYS—None.

Senate Bill No. 72 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 139.
Bill read third time.
Roll call on Senate Bill No. 139:
YEAS—42.
NAYS—None.
Senate Bill No. 139 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 145.
Bill read third time.
Remarks by Assemblyman Settelmeyer.
Roll call on Senate Bill No. 145:
YEAS—42.
NAYS—None.
Senate Bill No. 145 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 264.
Bill read third time.
Remarks by Assemblyman Stewart.
Roll call on Senate Bill No. 264:
YEAS—42.
NAYS—None.
Senate Bill No. 264 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 330.
Bill read third time.
Remarks by Assemblywoman McClain.
Madam Speaker requested the privilege of the Chair for the purpose of making remarks.
Roll call on Senate Bill No. 330:
YEAS—42.
NAYS—None.
Senate Bill No. 330 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 367 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 369.
Bill read third time.
Remarks by Assemblyman Claborn.
Roll call on Senate Bill No. 369:
YEAS—42.
NAYS—None.
Senate Bill No. 369 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 384.
Bill read third time.
Remarks by Assemblymen Conklin and Carpenter.
Roll call on Senate Bill No. 384:
YEAS—42.
NAYS—None.
Senate Bill No. 384 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 389.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Senate Bill No. 389:
YEAS—42.
NAYS—None.
Senate Bill No. 389 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 391 be taken from the General File and placed on the Chief Clerk’s desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 396.
Bill read third time.
Remarks by Assemblyman Hardy.
Roll call on Senate Bill No. 396:
YEAS—42.
NAYS—None.
Senate Bill No. 396 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 399.

Bill read third time.

Remarks by Assemblyman McClain.

Roll call on Senate Bill No. 399:

YEAS—42.

NAYS—None.

Senate Bill No. 399 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 150; Senate Bills Nos. 18, 66, 99, 367, 400, 403, 417, 419, 420, 430, 456, 457, 470, 486, 491, 495, 500, 504, 508, 511, 515, 519, 534, 535, 549; Senate Joint Resolutions Nos. 6, 10, 11, 12, 13, 15, 16, and 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 6, 57, 95, 131, 154, 181, 217, 224, 233, 236.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 55, Senate Amendment No. 563; Assembly Bill No. 68, Senate Amendment No. 704; Assembly Bill No. 227, Senate Amendment No. 697, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 161, 251.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 696 to Senate Bill No. 115.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:44 p.m.

ASSEMBLY IN SESSION

At 12:48 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Assemblywoman Buckley, Senators Raggio and Townsend and Assemblywomen Kirkpatrick and Smith.

For: A New BDR No. 58-1512. (A.B. 621)

To Waive:
Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3.
Has been granted effective: May 16, 2007.

WILLIAM J. RAGGIO
Senate Majority Leader

BARBARA BUCKLEY
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 620—AN ACT making an appropriation to Ethel-Willia, Inc., for the provision of certain child care services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 621—AN ACT relating to energy; making various changes relating to the application procedures for and the provision of tax abatements and exemptions based upon the use of energy; repealing certain prospective energy requirements for public buildings; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 161.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 251.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 30—Directing the Legislative Commission to conduct an interim study concerning issues relating to senior citizens and veterans.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 275.
Bill read second time and ordered to third reading.

Senate Bill No. 163.
Bill read second time and ordered to third reading.

Senate Bill No. 219.
Bill read second time and ordered to third reading.

Senate Bill No. 267.
Bill read second time and ordered to third reading.

Senate Bill No. 345.
Bill read second time and ordered to third reading.

Senate Bill No. 366.
Bill read second time and ordered to third reading.

Senate Bill No. 447.
Bill read second time and ordered to third reading.

Senate Bill No. 518.
Bill read second time and ordered to third reading.

Senate Bill No. 520.
Bill read second time and ordered to third reading.

Assembly Bill No. 203.
Bill read second time.

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

Amendment No. 766.

AN ACT making an appropriation to the Grants Management Unit of the Department of Health and Human Services to purchase vehicles for and expand the capacity of Family Resource Centers; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Grants Management Unit of the Department of Health and Human Services the sum of ~~[$380,000]~~ **$260,000** to ~~[expand the capacity of the Family Resource Centers throughout the State and to supply 20 vehicles to the Family Resource Center staff.]~~ **provide for the purchase of vehicles, improvements to facilities or information technology.**

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from

the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

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

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 206.

Bill read second time.

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

Amendment No. 767.

AN ACT making an appropriation to the Department of Administration to fund certain information technology projects; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Department of Administration the sum of $4,728,740 to pay the costs of information technology projects, including a state lands management system, enhancements to the Nevada Employee Action and Timekeeping System and the Nevada Executive Budget System, an electronic birth registration system, a study on the replacement of the EMS radio system, a medical and health records storage data warehouse and disaster recovery storage. **The money expended for each such information technology project must be accounted for in a separate category within the appropriate budget account.**

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

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

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 616.

Bill read second time.

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

Amendment No. 877.

AN ACT making a supplemental appropriation to the Department of Public Safety, Dignitary Protection, for unanticipated shortfalls in Fiscal Year 2006-2007 for dignitary protection; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Department of Public Safety, Dignitary Protection, the sum of ~~[$62,733]~~ **$50,240** for an unanticipated shortfall for Fiscal Year 2006-2007 for dignitary protection. This appropriation is supplemental to that made by section 30 of chapter 434, Statutes of Nevada 2005, at page 1942.

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

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 794.

AN ACT relating to crimes; prohibiting a person from knowingly and intentionally capturing an image of the private area of another person under certain circumstances; prohibiting a person from knowingly distributing, disclosing, displaying, transmitting or publishing an image captured under such circumstances; prohibiting the inspection or release of such images under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill, which is patterned after similar provisions of federal law, prohibits a person from knowingly and intentionally capturing an image of the private area of another person without the consent of the other person and under circumstances in which the other person has a reasonable expectation of privacy. This bill also prohibits a person from distributing, disclosing, displaying, transmitting or publishing an image that the person knows or has reason to know was made under such circumstances. A person who violates either provision **for a first offense is guilty of a gross misdemeanor and for a second or subsequent offense** is guilty of a category E felony **.** ~~[,~~ ~~which means that the court is required to sentence the person to imprisonment in the state prison for a minimum term of not less than 1 year~~

~~and a maximum term of not more than 4 years, and may fine the person up to $5,000. The court is then required to suspend the execution of the sentence and place the person on probation after sentencing, unless specific circumstances are established which provide the court with discretion to decide whether to grant probation. Probation is subject to any conditions imposed by the court and may include serving up to 1 year in the county jail. (NRS 193.130)]~~ This bill does not prohibit any lawful law enforcement or correctional activity for the purpose of investigating or prosecuting such violations, but this bill does prohibit the inspection or release of such images under certain circumstances to protect the privacy of the victim.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the consent of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. A person who violates this section ~~*[is guilty of]*~~ **:**

(a) For a first offense, is guilty of a gross misdemeanor.

(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

(a) Court records;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;

(b) As necessary for the purpose of allowing a person charged with a violation of this section and his attorney to prepare a defense; and

(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and

(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

(a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.

(b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.

(c) "Female breast" means any portion of the female breast below the top of the areola.

(d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.

(e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:

(1) Circumstances in which a reasonable person would believe that he could disrobe in privacy, without being concerned that an image of his private area would be captured; or

(2) Circumstances in which a reasonable person would believe that his private area would not be visible to the public, regardless of whether he is in a public or private place.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 16.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 795.

AN ACT relating to eminent domain; revising the provisions pertaining to the deposit of money with a court in an action in eminent domain; ~~[revising the provisions pertaining to the date of valuation of property in an action in eminent domain;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that when money is deposited in any court and payment is not required for 90 days or more, the money may be commingled with other deposits and invested, and the interest earned is deposited with the general fund of the political subdivision or municipality which supports the court. (NRS 355.210) Section 1 of this bill provides that when money is deposited in an action in eminent domain, the money must be deposited in a separate account and the owner of the property is entitled to some or all of the interest earned, depending upon the amount of compensation awarded to the owner as compared to the amount of money deposited.

~~[Existing law provides that the date of valuation of property in an action in eminent domain is the date of the first service of summons. However, if the action is not tried within 2 years after that date and the delay is caused primarily by the plaintiff or congestion in the court calendar, the date of valuation is the date of the commencement of the trial. (NRS 37.120) Section 1.5 of this bill requires the property owner to select as the date of valuation of the property the date the complaint is filed, the date of the commencement of the trial or the date of the commencement of a retrial.]~~

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

Section 1. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

The interest earned from any investment of money that has been deposited in any court pursuant to this chapter must be distributed in the following manner:

1. If the amount of the compensation awarded upon final judgment, not including any interest upon the judgment, is equal to or greater than the amount of money deposited in the court, the defendant is entitled to receive all the interest earned.

2. If the amount of the compensation awarded upon final judgment, not including any interest upon the judgment, is less than the amount of money deposited in the court:

(a) The defendant is entitled to receive a percentage of the interest earned that represents the amount of money deposited in the court as compared to the amount of the compensation awarded upon final judgment, not including any interest upon the judgment.

(b) The plaintiff is entitled to receive any interest remaining following the distribution to the defendant pursuant to paragraph (a).

Sec. 1.5. ~~[NRS 37.120 is hereby amended to read as follows:~~

~~37.120 [1.] To assess compensation and damages as provided in NRS 37.110, the~~ [date of the first service of the summons is] ~~*value of the property on the date of valuation* [, except that, if the action is not tried within 2 years after the date of the first service of the summons, and the court makes a written finding that the delay is caused primarily by the plaintiff or is caused by congestion or backlog in the calendar of the court, the date of valuation is~~

~~the date of the actual commencement of the trial. If a new trial is ordered by a court, the date of valuation used in the new trial must be the date of valuation used in the original trial.~~

~~2. No improvements put upon the property after the date of the service of the summons may be included in the assessment of compensation or damages, regardless of the date of valuation.~~

~~3. As used in this section, "primarily" means the greater amount, quantity or quality of acts of the plaintiff or the defendant or, if there is more than one defendant, the total delay caused by all the defendants, that would cause the date of the trial to be continued past 2 years after the date of the first service of the summons.]~~ ~~*must be determined. The owner of the property shall select one of the following dates as the date of valuation:*~~

~~*1. The date the complaint is filed.*~~

~~*2. The date of the actual commencement of the trial.*~~

~~*3. If a new trial is ordered by a court, the date of the actual commencement of the new trial.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 355.210 is hereby amended to read as follows:

355.210 1. ~~[When]~~ ***Except as otherwise provided in subsection 2, when*** any money has been deposited in any court pursuant to law or rule of court, and when in the judgment of the clerk of the court, or the judge thereof if there is no clerk, payment out of the deposit will not be required for 90 days or more, the clerk or the judge, as the case may be, may invest the money so deposited, either alone or by commingling it with other money deposited.

2. ***If money has been deposited in any court pursuant to chapter 37 of NRS, the money must be kept in a separate account and invested.***

3. The investment may be made:

(a) By deposit at interest in a state or national bank or credit union in the State of Nevada; or

(b) In bills, bonds, debentures, notes or other securities whose purchase by a board of county commissioners is authorized by NRS 355.170.

~~[3. The]~~

4. Except as otherwise provided in section 1 of this act, the interest earned from any investment of money pursuant to this section ~~[shall]~~ ***must*** be deposited to the credit of the general fund of the political subdivision or municipality which supports the court.

~~[4.]~~ ***5.*** The requirements of this section may be modified by an ordinance adopted pursuant to the provisions of NRS 244.207 ~~[.]~~ ***, except the requirements of subsection 2.***

Sec. 3. The amendatory provisions of this act apply to an action in eminent domain that is filed on or after ~~[October 1, 2007.]~~ **the effective date of this act.**

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

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 58.

Bill read second time and ordered to third reading.

Senate Bill No. 74.

Bill read second time and ordered to third reading.

Senate Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 819.

AN ACT relating to education; revising provisions governing the administration of tests, examinations and assessments by the boards of trustees of school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the administration of the following examinations to pupils enrolled in the public schools: (1) examinations that are administered to a national reference group of pupils in grades 4, 7 and 10 (norm-referenced tests or NRTs); (2) examinations that assess the progress of pupils on the state standards of content and performance in grades 3 through 8 (criterion-referenced tests or CRTs); (3) the high school proficiency examination which pupils must pass to receive a standard high school diploma; and (4) examinations of the National Assessment of Educational Progress. (NRS 389.012, 389.015, 389.550) With the exception of the NRTs, the administration of these examinations is required by the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.

Section 2 of this bill limits the district-wide tests, examinations and assessments that the board of trustees of a school district may administer between July 1, 2007, and January 1, 2009.

Section ~~[1]~~ **3** of this bill authorizes the board of trustees of each school district to require **, beginning on January 1, 2009,** the administration of ~~[additional]~~ district-wide tests, examinations and assessments that the board of trustees determines are vital to measuring pupil achievement and progress.

Section ~~[2]~~ **4** of this bill requires the ~~[Boards of Trustees of the Clark County and Washoe County School Districts to submit reports]~~ **board of trustees of each school district** to **submit a report to** the Legislative Committee on Education concerning the testing of pupils within ~~[their respective districts.]~~ **the school district during the 2006-2007 school year.**

WHEREAS, The Federal Government and the Nevada Legislature have imposed upon Nevada's public schools progressively more stringent requirements to demonstrate improved academic performance of pupils; and

WHEREAS, As a result of these requirements, the public schools in this State are required to administer an increasing number of standardized tests to pupils, including norm-referenced tests, criterion-referenced tests, proficiency tests and tests of the National Assessment of Educational Progress; and

WHEREAS, The school districts and charter schools in this State currently administer a variety of tests other than those required by state and federal law; and

WHEREAS, A recent report by the State Board of Education indicates that, in the aggregate, the task of preparing for and administering all these tests in schools throughout this State annually consumes hundreds of employee hours and costs at least $13 million; and

WHEREAS, Although there is an undeniable need for test data to evaluate the progress of Nevada's public schools and pupils in meeting the standards of academic performance, the Legislature hereby expresses that the demands for statistical information should not be allowed to unnecessarily divert the time for teachers and pupils to accomplish the work required to meet those standards; and

WHEREAS, Assembly Bill No. 484 of this Session, if enacted, requires the Legislative Committee on Education to study the issue of testing during the 2007-2009 interim, including, without limitation, the quantity and quality of tests administered in the public schools; and

WHEREAS, Pending completion of the study required by Assembly Bill No. 484 of this Session, if enacted, and potential action by the Legislature in response to the recommendations of that study, the members of the 74th Session of the Legislature hereby deem it appropriate to impose a moratorium on the administration of any test that is not mandated by state or federal law or of any test that was not adopted by a school district before July 1, 2007, now, therefore,

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

Section 1. **Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***1. Except as otherwise provided in subsection 2, the board of trustees of a school district shall not administer a district-wide test, examination or assessment unless that test, examination or assessment:***

(a) Is required by state or federal law; or

(b) Was adopted by the school district before July 1, 2007.

2. The provisions of this section do not apply to a test, examination or assessment that a pupil voluntarily takes without a district-wide requirement, including, without limitation, an advanced placement examination.

~~[Section 1.]~~ ***Sec. 3.*** ~~[Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

~~[Sec. 2.]~~ ***Sec. 4.*** 1. The ~~[Boards of Trustees of the Clark County School District and the Washoe County School District]~~ **board of trustees of each school district** shall prepare and submit to the Legislative Committee on Education on or before ~~[July 1, 2008, reports]~~ **March 1, 2008, a report** concerning testing of pupils within ~~[their respective school districts.]~~ **the school district during the 2006-2007 school year.**

2. The ~~[reports]~~ **report** required pursuant to subsection 1 must include:

(a) The number of hours pupils in the district spend in testing;

(b) **The number of hours that teachers and other licensed educational personnel and educational support staff employed by the school district spend in the administration of tests and other activities relating to testing;**

(c) The best practices adopted by the district with respect to using testing time efficiently in comparison with using the time for instruction; and

~~[(c)]~~ **(d)** Any recommendations for legislative changes or changes in practices with respect to the testing of pupils.

Sec. 5. **In making the determination required by subsection 1 of section 3 of this act concerning tests, examinations and assessments, the board of trustees of each school district shall consider the results of the study conducted by the Legislative Committee on Education pursuant to Assembly Bill No. 484 of this Session, if enacted, and recommendations made by the Committee as a result of that study.**

~~[Sec. 3.]~~ ***Sec. 6.*** ~~[This act becomes]~~

1. This section and sections 1, 2, 4 and 5 of this act become effective on July 1, 2007.

2. Section 3 of this act becomes effective on January 1, 2009.

3. Section 2 of this act expires by limitation on January 1, 2009.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 112.

Bill read second time.

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

Amendment No. 919.

AN ACT relating to controlled substances; requiring entities that sell certain products that are precursors to methamphetamine to place such products in an area to which the public does not have direct access, to limit the quantity of such products sold or transferred to the same person during any calendar day, to maintain a list of sales of such products and to ensure that certain information is entered in that list; prohibiting a person from acquiring more than a certain amount of certain products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes restrictions on the sale and purchase of products that contain materials that can be used to manufacture methamphetamine.

Section 6 of this bill requires sellers of a product that contains certain materials that can be used to manufacture methamphetamine to keep the product in a locked case or cabinet or behind a store counter so that the public does not have direct access to the product. Section 7 of this bill establishes limits on the quantity of certain chemicals that can be sold to the same person during a calendar day. Section 8 of this bill requires sellers of a product that contains materials that can be used to manufacture methamphetamine to maintain a logbook of sales and transfers of the product and to ensure that certain information is entered in the logbook.

If a seller of a product that contains materials that can be used to manufacture methamphetamine violates section 6, 7 or 8 of this bill, section 9 of this bill provides that the seller is subject to a civil penalty of not more than $250,000 for each violation.

Section 10 of this bill prohibits a person from knowingly or intentionally purchasing or otherwise acquiring a certain amount of certain chemicals that can be used to manufacture methamphetamine. A person who violates this provision is subject to criminal penalties.

Section 11 of this bill prohibits a person from knowingly or intentionally entering false information in the logbook. A person who violates this provision is guilty of a category D felony.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Logbook" means a written or electronic list of each sale or transfer of a product that is a precursor to methamphetamine.***

Sec. 4. ***"Product that is a precursor to methamphetamine" means a product that contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.***

Sec. 5. ***"Retail distributor" means a grocery store, general merchandise store, drugstore, pharmacy or other entity or person whose activities as a distributor of a product that is a precursor to methamphetamine are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.***

Sec. 6. ***A retail distributor shall keep, store or place a product that is a precursor to methamphetamine in a locked case or cabinet or behind a counter so that the public does not have direct access to the product before a sale or transfer is made.***

Sec. 7. ***1. Except as otherwise provided in subsection 2, a retail distributor shall not*** ~~*[sell]*~~ **:**

(a) Sell ***or transfer to the same person during any calendar day , without regard to the number of transactions, more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.***

(b) Sell at retail and in nonliquid form a product that is a precursor to methamphetamine, including, without limitation, gel caps, unless:

(1) The product is packaged in blister packs, each blister containing not more than two dosage units; or

(2) If the use of blister packs is technically infeasible, the product is packaged in unit dosage packets or pouches.

2. The provisions of subsection 1 do not apply if, pursuant to 21 U.S.C. § 830(e)(3), the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine and provided by regulation that the product is exempt from the provisions of 21 U.S.C. § 830(d).

Sec. 8. ***1. A retail distributor shall maintain a logbook.***

2. At the time of a sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee; and

(d) The date and time of the sale or transfer.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card that provides a photograph and is issued by the Government of the United States or the government of this State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

(2) Signs his name in the logbook; and

(b) The retail distributor determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee.

4. The retail distributor must include in the logbook [must include the notice which is required by 21 C.F.R. § 1314.30(f).] or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in section 11 of this act, and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon [the] a request [of] , which is made for the purpose of enforcing the provisions of section 2 to 11 , inclusive, of this act, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.

Sec. 9. ***If a retail distributor violates any provision of section 6, 7 or 8 of this act, the retail distributor is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive.***

Sec. 10. ***1. Except as otherwise provided in subsection 2, a person shall not knowingly or intentionally purchase, receive or otherwise acquire:***

(a) During any calendar day, more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical

isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine; or

(b) During any 30-day period, more than 9 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

2. The provisions of this section do not apply if the person purchasing, receiving or otherwise acquiring a product that is a precursor to methamphetamine is a pharmacy, practitioner, retail distributor, wholesale distributor or dispenser that is purchasing, receiving or otherwise acquiring the product for the purpose of administering, distributing or dispensing it in a lawful manner.

3. A person who violates any of the provisions of this section is guilty of a misdemeanor, except that:

(a) If the person violates any of the provisions of this section after a prior conviction under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance has become final, the person is guilty of a gross misdemeanor; and

(b) If the person violates any of the provisions of this section after two or more prior convictions under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, have become final, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 11. ***Any person who knowingly or intentionally enters a false statement or representation in a logbook is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

Sec. 12. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 2 to 11, inclusive, of this act,*** any person who ***violates section 6, 7 or 8 of this act,*** unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~[this section and NRS 453.5531, 453.5532 and 453.5533:]~~ ***NRS 453.553 to 453.5533, inclusive:***

(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.

(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.

(c) "Substitute" means a substance which:

(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 13. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed $700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed $1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed $700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed $700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed $350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of section 6, 7 or 8 of this act, to a civil penalty in an amount not to exceed $250,000 for each violation.

Sec. 14. NRS 453.5533 is hereby amended to read as follows:

453.5533 1. A civil action brought pursuant to NRS 453.553 must be brought within 3 years after the conduct in violation of the provisions of NRS

453.011 to 453.552, inclusive, ***and sections 2 to 11, inclusive, of this act*** occurs.

2. Such a civil action is not barred by a prior acquittal of the defendant in a criminal action arising out of the same act, transaction or occurrence. A final judgment or decree rendered in favor of the State in any criminal proceeding arising out of the same act, transaction or occurrence estops the defendant in a subsequent civil action from denying the essential allegations of the criminal offense.

Sec. 15. **This act becomes effective on July 1, 2007.**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 142.

Bill read second time.

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

Amendment No. 905.

AN ACT relating to public health; revising provisions concerning the billing form that a hospital in this State is required to use for all patients discharged from the hospital; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill eliminates references in existing law to the uniform billing form commonly referred to as the "UB-82," therefore requiring hospitals to use the billing form prescribed by the Director of the Department of Health and Human Services ~~[with the approval of a majority of the hospitals licensed in this State]~~ for all patients discharged. (NRS 449.485, 686A.315) **This bill further requires that all information must be complete, accurate and timely and submitted in an electronic form specified by the Department.**

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

Section 1. NRS 449.485 is hereby amended to read as follows:

449.485 1. Each hospital in this State shall use for all patients discharged ~~[the form commonly referred to as the "UB-82," or a different]~~ ***a*** form prescribed by the Director ~~[with the approval of a majority of the hospitals licensed in this State,]~~ and shall include in the form all information required by the Department. ***Any form prescribed by the Director must be a form that is commonly used nationwide by hospitals, if applicable, and comply with federal laws and regulations.***

2. The Department shall by regulation:

(a) Specify the information required to be included in the form for each patient; and

(b) Require each hospital to provide specified information from the form to the Department.

➥ The information submitted must be complete, accurate and timely.

3. Each insurance company or other payer shall accept the form as the bill for services provided by hospitals in this State.

4. Except as otherwise provided in subsection 5, each hospital ~~[with 100 or more beds]~~ ***in this State*** shall provide the information required pursuant to paragraph (b) of subsection 2 ~~[on magnetic tape or by other means]~~ ***in an electronic form*** specified by the Department**.** ~~[, or shall provide copies of the forms and pay the costs of entering the information manually from the copies.]~~

5. The Director may exempt a hospital from the requirements of subsection 4 if requiring the hospital to comply with the requirements would cause the hospital financial hardship.

Sec. 2. NRS 686A.315 is hereby amended to read as follows:

686A.315 1. If a hospital submits to an insurer the form ~~[commonly referred to as the "UB-82," the]~~ ***prescribed by the Director of the Department of Health and Human Services pursuant to NRS 449.485, that*** form must contain or be accompanied by a statement ~~[in substantially the following form:]~~ ***that reads substantially as follows:***

Any person who misrepresents or falsifies essential information requested on this form may, upon conviction, be subject to a fine and imprisonment under state or federal law, or both.

2. If a person who is licensed to practice one of the health professions regulated by title 54 of NRS submits to an insurer the form commonly referred to as the "HCFA-1500" for a patient who is not covered by any governmental program which offers insurance coverage for health care, the form must be accompanied by a statement ~~[in substantially the following form:]~~ ***that reads substantially as follows:***

Any person who knowingly files a statement of claim containing any misrepresentation or any false, incomplete or misleading information may be guilty of a criminal act punishable under state or federal law, or both, and may be subject to civil penalties.

3. The failure to provide any of the statements required by this section is not a defense in a prosecution for insurance fraud pursuant to NRS 686A.291.

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

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 820.

AN ACT relating to education; authorizing teachers in elementary schools to provide reports to parents and legal guardians of pupils under certain circumstances; requiring support teams established for certain schools to review certain information; establishing an interim Advisory Council on Parental Involvement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The statewide system of accountability for public schools requires that public schools be designated each year based upon adequate yearly progress. (NRS 385.3623) A support team must be established for each public school that is designated as demonstrating need for improvement for 3 consecutive years or more. (NRS 385.3721) Each support team is required to review certain information pertaining to the school and revise the school's plan to improve accordingly. (NRS 385.3741) Section 1 of this bill requires the support team to review information provided to the support team concerning educational involvement accords and reports provided to parents and legal guardians by elementary school teachers.

Section 2 of this bill authorizes a teacher in an elementary school to provide to each parent and legal guardian of a pupil enrolled in the school, on a form prescribed by the Department of Education, a report containing certain information about the pupil and the involvement of the parent or legal guardian in the education of his child. Aggregate information concerning any completed reports must be provided to the support team established for the school, if a support team has been established.

Under existing law, each public school is required to provide to each parent or legal guardian of a pupil an educational involvement accord. The accord provides information concerning the responsibilities of the parent or legal guardian, the pupil and the school in the education of the pupil. (NRS 392.4575) Section 3 of this bill requires principals of schools designated as demonstrating need for improvement for 3 consecutive years or more to provide aggregate information concerning the accords to the support team established for the school.

Under existing law, each classroom teacher is required to provide the code of honor relating to cheating to the parent or legal guardian of each pupil enrolled in his class as part of the educational involvement accord. (NRS 392.4575) Section 4 of this bill requires provision of the code of honor relating to cheating to the pupil as well as his parent or legal guardian for their signature on that document. (NRS 392.461)

Sections 5 and 6 of this bill establish an interim Advisory Council on Parental Involvement to study issues relating to parental involvement in education.

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

Section 1. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) ***Review the information concerning the educational involvement accords provided to the support team pursuant to NRS 392.4575 and the information concerning the reports provided to the support team pursuant to section 2 of this act.***

(e) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

~~[(e)]~~ ***(f)*** Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

~~[(f)]~~ ***(g)*** Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department.

~~[(g)]~~ ***(h)*** In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Comply with NRS 385.357;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the ~~[names]~~ ***name*** and duties of each person who is responsible for carrying out the revisions.

~~[(h)]~~ ***(i)*** Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school.

~~[(i)]~~ ***(j)*** Prepare a monthly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

~~[(j)]~~ ***(k)*** In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise monthly progress report for use by each support team in accordance with paragraph ~~[(i)]~~ ***(j)*** of subsection 1.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall:

(a) Prescribe a form for use by teachers in elementary schools to provide reports to parents and legal guardians of pupils pursuant to this section;

(b) Work in consultation with the Legislative Bureau of Educational Accountability and Program Evaluation, the Nevada Association of School Boards, the Nevada Association of School Administrators, the Nevada State Education Association and the Nevada Parent Teacher Association in the development of the form; and

(c) Make the form available in electronic format for use by school districts and charter schools and, upon request, in any other manner deemed reasonable by the Department.

2. The form must include, without limitation:

(a) A notice to parents and legal guardians that parental involvement is important in ensuring the success of the academic achievement of pupils;

(b) A checklist indicating whether:

(1) The pupil completes his homework assignments in a timely manner;

(2) The pupil is present in the classroom when school begins each day and is present for the entire school day unless his absence is approved in accordance with NRS 392.130;

(3) The parent or legal guardian and the pupil abide by any applicable rules and policies of the school and the school district; and

(4) The pupil complies with the dress code for the school, if applicable; and

(c) A list of the resources and services available within the community to assist parents and legal guardians in addressing any issues identified on the checklist.

3. In addition to the requirements of subsection 2, the Department may prescribe additional information for inclusion on the form, including, without limitation:

(a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:

(1) Completes forms and other documents that are required by the school or school district in a timely manner;

(2) Assists in carrying out a plan to improve the pupil's academic achievement, if applicable;

(3) Attends conferences between the teacher and the parent or legal guardian, if applicable; and

(4) Attends school activities.

(b) A report of whether the parent or legal guardian ensures the health and safety of the pupil, including, without limitation, whether:

(1) Current information is on file with the school that designates each person whom the school should contact if an emergency involving the pupil occurs; and

(2) Current information is on file with the school regarding the health and safety of the pupil, such as immunization records, if applicable, and any special medical needs of the pupil.

4. A teacher at an elementary school may provide the form prescribed by the Department, including the additional information prescribed pursuant to subsection 3 if the Department has prescribed such information on the form, to a parent or legal guardian of a pupil if the teacher determines that the provision of such a report would assist in improving the academic achievement of the pupil.

5. A report provided to a parent or legal guardian pursuant to this section must not be used in a manner that:

(a) Interferes unreasonably with the personal privacy of the parent or legal guardian or the pupil;

(b) Reprimands the parent or legal guardian; or

(c) Affects the grade or report of progress given to a pupil based upon the information contained in the report.

6. The principal of each elementary school at which a teacher provides reports pursuant to this section shall provide to the support team

established for the school pursuant to NRS 385.3721, if applicable, the information contained in the completed reports for consideration by the support team. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

Sec. 3. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the parental involvement policy:

(a) Required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

(b) Adopted by the State Board pursuant to NRS 392.457.

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:

(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and

(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;

(2) Using all school equipment and property appropriately and safely;

(3) Following the directions of any adult member of the staff of the school;

(4) Completing and submitting homework in a timely manner; and

(5) Respecting himself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;

(2) Maximizing the educational and social experience of each pupil;

(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and

(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in his class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

7. If an elementary school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years or more, the principal of the school shall provide to the support team established for the school pursuant to NRS 385.3721 information concerning the distribution of the educational involvement accord and the number of accords which were signed and returned by parents and legal guardians. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

Sec. 4. NRS 392.461 is hereby amended to read as follows:

392.461 1. The Department shall prescribe by regulation a written policy that establishes a code of honor for pupils relating to cheating on examinations and course work. The policy must be developed in consultation with the boards of trustees of school districts, the governing bodies of charter schools, educational personnel employed by school districts and charter schools, and local associations and organizations of parents whose children are enrolled in public schools throughout this State.

2. The policy must include, without limitation, a definition of cheating that clearly and concisely informs pupils which acts constitute cheating for purposes of the code of honor.

3. On or before July 1 of each year, the Department shall:

(a) Provide a copy of the code of honor to the board of trustees of each school district and the governing body of each charter school.

(b) Review and amend the code of honor as necessary.

4. Copies of the code of honor must be made available for inspection at each public school located within a school district, including, without limitation, each charter school, in an area on the grounds of the school that is open to the public.

5. Each classroom teacher shall:

(a) Distribute the code of honor to each pupil enrolled in his class and to the parent or legal guardian of each pupil enrolled in his class at the beginning of each school year or upon a pupil's enrollment in his class, as applicable;

(b) Provide the pupil and the parent or legal guardian of the pupil with a reasonable opportunity to sign the code of honor; and

(c) If the code of honor is returned with the signatures, retain a copy of the signed code of honor in the pupil's file.

Sec. 5. 1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement. All appointments to the Advisory Council must be made on or before September 1, 2007.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

(d) One representative of a private business or industry;

(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more; and

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000.

➥ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members he appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one Assemblyman to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one Senator to the Advisory Council.

5. The Advisory Council shall elect a Chairman and a Vice Chairman from among its members.

6. The Department of Education shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

7. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

8. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the nonlegislative members of the Advisory Council must be paid by the Department of Education.

Sec. 6. The Advisory Council on Parental Involvement established pursuant to section 5 of this act shall:

1. Review the policy of parental involvement adopted by the State Board of Education and the policy of parental involvement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation of parents that is included in the annual report of accountability for each school district pursuant to paragraph (j) of subsection 2 of NRS 385.347;

3. Review any effective practices carried out in individual school districts in this State to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to effectively communicate and provide outreach to parents and legal guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

7. Identify methods to effectively communicate with and provide outreach to parents and legal guardians of pupils who are limited English proficient, as defined in NRS 385.007;

8. Determine the necessity for the appointment of a statewide parental involvement coordinator or a parental involvement coordinator in each school district, or both;

9. On or before August 1, 2008, submit a preliminary written report to the Legislative Committee on Education; and

10. On or before February 1, 2009, submit a final written report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Sec. 7. On or before September 1, 2007, the Department of Education shall prescribe a form in accordance with section 2 of this act for use commencing with the 2007-2008 school year by teachers in elementary schools.

Sec. 8. 1. This act becomes effective on July 1, 2007.

2. Sections 5 and 6 of this act expire by limitation on June 30, 2009.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 903.

AN ACT relating to the financial administration of counties; authorizing the boards of county commissioners of certain counties to levy an ad valorem

tax to pay the costs of operating a regional facility for the detention of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the boards of county commissioners of at least two counties to levy a property tax of 5 cents per $100 of the assessed valuation of the property in those counties to pay the costs of operating a regional facility, including certain regional facilities for the detention of children for which those counties are required to pay an assessment for its operation. (NRS 354.557, 354.59818) This bill authorizes the boards of county commissioners of ~~[at least two]~~ counties whose populations are less than 100,000 (currently counties other than Clark and Washoe Counties) to levy a separate property tax of ~~[8]~~ **4** cents per $100 of the assessed valuation of the property in those counties to pay the costs of operating such a regional facility for the detention of children.

Existing law establishes a general limitation on the maximum amount by which the revenue that a local government may receive from property taxes may increase each year. (NRS 354.59811) **This bill exempts the additional levy of property tax authorized by this bill from that limitation.**

Existing law ~~[also]~~ generally limits the amount by which the tax liability of property may increase each year. (NRS 361.4722, 361.4723, 361.4724) This bill exempts the additional levy of property tax authorized by this bill from ~~[each of these limitations.]~~ **that limitation for the first fiscal year in which the tax is imposed.**

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

Section 1. NRS 354.59818 is hereby amended to read as follows:

354.59818 1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 ~~[,]~~ ***and any tax imposed pursuant to subsection 2,*** the boards of county commissioners of at least two counties may levy a tax ad valorem on all taxable property in their respective counties at a rate not to exceed 5 cents per $100 of the assessed valuation of each county to pay the costs of operating a regional facility.

2. ***In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 and any tax imposed pursuant to subsection 1, the*** ~~*[boards]*~~ ***board of county commissioners of*** ~~*[at least two counties whose populations are]*~~ ***a county whose population is less than 100,000 may*** ~~*[levy]*~~ ***, by a two-thirds vote of the board, adopt an ordinance levying a tax ad valorem on all taxable property in*** ~~*[their respective counties]*~~ ***the county at a rate*** ~~*[not to exceed 8]*~~ ***of 4 cents per $100 of the assessed valuation of*** ~~*[each]*~~ ***the county to pay the costs of operating a regional facility for the detention of children for which an assessment is paid pursuant to NRS 62B.160. If a tax is levied pursuant to this subsection, the tax bill of each affected taxpayer must separately state:***

(a) That the tax is a county-imposed tax for regional juvenile services;

(b) The rate of the tax; and

(c) The amount of the tax liability resulting from the levy of the tax.

3. An ordinance adopted pursuant to subsection 2:

(a) Must not be applied or administered in any manner that reduces the revenue of any other governmental entity that is entitled to receive money from taxes ad valorem levied in the county; and

(b) Must be reviewed by the board of county commissioners at least once every 10 years.

4. Counties that levy a tax ad valorem pursuant to subsection 1 ***or 2*** may enter into an interlocal agreement or interlocal contract to create an administrative entity to operate a regional facility.

~~[3.]~~ ~~*[4.]*~~ ***5.*** The revenue of a tax collected pursuant to this section must be remitted on the first day of the first month of each calendar quarter to:

(a) If the regional facility is operated by a county, the treasurer of the county; or

(b) If the regional facility is operated by an administrative entity, the administrative entity.

~~[4.]~~ ~~*[5.]*~~ ***6.*** By the end of each fiscal year, the board of county commissioners of each county that levies a tax pursuant to ~~[this section]~~ ***subsection 1*** must determine the rate of tax required to produce revenue in an amount which is sufficient to pay the operating costs of the regional facility for the ensuing fiscal year. When calculating a rate pursuant to this ~~[section,]~~ ***subsection,*** the board of county commissioners of each county shall consider the amount of money remaining in the fund created pursuant to NRS 354.59819, if such a fund is created, unless the amount of money remaining in the fund is 10 percent or less of the revenue deposited for the current fiscal year.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 361.4726 is hereby amended to read as follows:

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. ***The amount of any ad valorem tax imposed pursuant to subsection 2 of NRS 354.59818 is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724*** ~~*[.]*~~ ***for the first fiscal year in which the tax is imposed, but is thereafter subject to each of those partial abatements from taxation.***

3. For the purposes of this section, "taxing entity" does not include the State.

Sec. 4. This act becomes effective on July 1, 2007.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 147.

Bill read second time and ordered to third reading.

Senate Bill No. 169.

Bill read second time.

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

Amendment No. 859.

AN ACT relating to anatomical gifts; adopting the Revised Uniform Anatomical Gift Act; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, Nevada has enacted the Uniform Anatomical Gift Act, which establishes the rights of donors and other authorized persons to affirmatively make anatomical gifts of human bodies and parts for the purpose of transplantation, therapy, research or education. The existing Uniform Act also sets forth various requirements and procedures for making, amending, revoking and refusing to make anatomical gifts. (NRS 451.500-451.590)

This bill replaces the existing Uniform Act with the Revised Uniform Anatomical Gift Act. This bill retains many of the provisions of the existing Uniform Act. However, this bill reorganizes and updates various provisions from the existing Uniform Act, and it adds certain new provisions to better facilitate the process of making anatomical gifts.

Section 22 of this bill revises the existing Uniform Act by expanding the persons who may make an anatomical gift to include an agent or guardian of a person under certain circumstances and an emancipated minor, a minor who applies for a driver's license and the parents of an unemancipated minor under certain circumstances.

Section 23 of this bill revises the existing Uniform Act by expanding the methods for making an anatomical gift to include making an anatomical gift on a state-issued identification card, through a donor registry or, during a terminal illness or injury, through any oral or physical communication witnessed by at least two adults, at least one of whom is a disinterested witness.

Section 24 of this bill revises the existing Uniform Act by expanding the methods for amending and revoking an anatomical gift to include destroying or cancelling the record of the anatomical gift, or any part thereof, with the intent to revoke the gift and, during a terminal illness or injury, making any oral or physical communication witnessed by at least two adults, at least one of whom is a disinterested witness.

Section 25 of this bill revises the existing Uniform Act by updating and clarifying the provisions governing a person's right to refuse to make an anatomical gift and the procedures a person must follow to amend or revoke such a refusal.

Section 34 of this bill amends the existing Uniform Act by adding a new prohibition which provides that a person who, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces or obliterates a document making, amending or revoking an anatomical gift or refusing to make an anatomical gift is guilty of a category C felony.

Section 58 of this bill amends the existing Uniform Act by increasing the penalty from a category D felony to a category C felony for a person who unlawfully purchases or sells a body part for transplantation or therapy when the body part is intended for an anatomical gift.

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

Section 1. Chapter 451 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 41, inclusive, of this act.

Sec. 2. ***"Adult" means a natural person who is at least 18 years of age.***

Sec. 3. ***"Agent" means a natural person:***

1. Authorized to make health-care decisions on the principal's behalf by a power of attorney for health care; or

2. Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

Sec. 4. ***"Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild, grandparent or guardian of the natural person who makes, amends, revokes or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the natural person. The term does not include a person to which an anatomical gift could pass under section 29 of this act.***

Sec. 5. ***"Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts. The term includes, without limitation, a donor registry that has entered into a contract with the Department of Motor Vehicles pursuant to NRS 483.340 or 483.840.***

Sec. 6. ***"Driver's license" means a license or permit issued by the Department of Motor Vehicles to operate a vehicle, whether or not conditions are attached to the license or permit.***

Sec. 7. ***"Eye bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes.***

Sec. 8. ***"Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health or welfare of a natural person. The term does not include a guardian ad litem.***

Sec. 9. ***"Know" means to have actual knowledge.***

Sec. 10. ***"Minor" means a natural person who is under 18 years of age.***

Sec. 11. ***"Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.***

Sec. 12. ***"Parent" means a parent whose parental rights have not been terminated.***

Sec. 13. ***"Prospective donor" means a natural person who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research or education. The term does not include a natural person who has made a refusal.***

Sec. 14. ***"Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.***

Sec. 15. ***"Recipient" means a natural person into whose body a decedent's part has been or is intended to be transplanted.***

Sec. 16. ***"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.***

Sec. 17. ***"Refusal" means a record created under section 25 of this act that expressly states an intent to bar other persons from making an anatomical gift of a natural person's body or part.***

Sec. 18. ***"Sign" means, with the present intent to authenticate or adopt a record:***

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 19. ***"Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.***

Sec. 20. ***"Tissue bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.***

Sec. 21. ***"Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.***

Sec. 22. ***Subject to section 26 of this act, an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research or education in the manner provided in section 23 of this act by:***

1. The donor, if the donor is an adult or if the donor is a minor and is:

(a) Emancipated; or

(b) Authorized under state law to apply for a driver's license because the donor is at least 16 years of age;

2. An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;

3. A parent of the donor, if the donor is an unemancipated minor; or

4. The donor's guardian.

Sec. 23. ***1. A donor may make an anatomical gift:***

(a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(b) In a will;

(c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(d) As provided in subsection 2.

2. A donor or other person authorized to make an anatomical gift under section 22 of this act may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another natural person at the direction of the donor or other person and must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. Revocation, suspension, expiration or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

4. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

Sec. 24. ***1. Subject to section 26 of this act, a donor or other person authorized to make an anatomical gift under section 22 of this act may amend or revoke an anatomical gift by:***

(a) A record signed by:

(1) The donor;

(2) The other person; or

(3) Subject to subsection 2, another natural person acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

(b) A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

2. A record signed pursuant to subparagraph (3) of paragraph (a) of subsection 1 must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. Subject to section 26 of this act, a donor or other person authorized to make an anatomical gift under section 22 of this act may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift.

4. A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

5. A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection 1.

Sec. 25. ***1. A natural person may refuse to make an anatomical gift of his body or part by:***

(a) A record signed by:

(1) Him; or

(2) Subject to subsection 2, another natural person acting at his direction if he is physically unable to sign;

(b) His will, whether or not the will is admitted to probate or invalidated after his death; or

(c) Any form of communication made by him during his terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

2. A record signed pursuant to subparagraph (2) of paragraph (a) of subsection 1 must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the natural person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. A natural person who has made a refusal may amend or revoke the refusal:

(a) In the manner provided in subsection 1 for making a refusal;

(b) By subsequently making an anatomical gift pursuant to section 23 of this act that is inconsistent with the refusal; or

(c) By destroying or cancelling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

4. Except as otherwise provided in subsection 8 of section 26 of this act, in the absence of an express, contrary indication by the natural person set forth in the refusal, a natural person's unrevoked refusal to make an anatomical gift of his body or part bars all other persons from making an anatomical gift of his body or part.

Sec. 26. ***1. Except as otherwise provided in subsection 7 and subject to subsection 6, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part under section 23 of this act or an amendment to an anatomical gift of the donor's body or part under section 24 of this act.***

2. A donor's revocation of an anatomical gift of the donor's body or part under section 24 of this act is not a refusal and does not bar another person specified in section 22 or 27 of this act from making an anatomical gift of the donor's body or part under section 23 or 28 of this act.

3. If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under section 23 of this act or an amendment to an anatomical gift of the donor's body or part under section 24 of this act, another person may not make, amend or revoke the gift of the donor's body or part under section 28 of this act.

4. A revocation of an anatomical gift of a donor's body or part under section 24 of this act by a person other than the donor does not bar another person from making an anatomical gift of the body or part under section 23 or 28 of this act.

5. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 22 of this act, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

6. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 22 of this act, an anatomical gift of a part for one or more of the purposes set forth in section 22 of this act is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under section 23 or 28 of this act.

7. If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

8. If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor's refusal.

Sec. 27. ***1. Subject to subsections 2 and 3 and unless barred by section 25 or 26 of this act, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:***

(a) An agent of the decedent at the time of death who could have made an anatomical gift under subsection 2 of section 22 of this act immediately before the decedent's death;

(b) The spouse of the decedent;

(c) Adult children of the decedent;

(d) Parents of the decedent;

(e) Adult siblings of the decedent;

(f) Adult grandchildren of the decedent;

(g) Grandparents of the decedent;

(h) An adult who exhibited special care and concern for the decedent;

(i) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(j) Any other person having the authority to dispose of the decedent's body.

2. If there is more than one member of a class listed in paragraphs (a), (c), (d), (e), (f), (g) or (i) of subsection 1 entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under section 29 of this act knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

3. A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection 1 is reasonably available to make or to object to the making of an anatomical gift.

Sec. 28. ***1. A person authorized to make an anatomical gift under section 27 of this act may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the natural person receiving the oral communication.***

2. Subject to subsection 3, an anatomical gift by a person authorized under section 27 of this act may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under section 27 of this act may be:

(a) Amended only if a majority of the reasonably available members agree to the amending of the gift; or

(b) Revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

3. A revocation under subsection 2 is effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital or physician or technician knows of the revocation.

Sec. 29. ***1. An anatomical gift may be made to the following persons named in the document of gift:***

(a) A hospital, accredited medical school, dental school, college, university, organ procurement organization or other appropriate person, for research or education;

(b) Subject to subsection 2, a natural person designated by the person making the anatomical gift if the natural person is the recipient of the part; or

(c) An eye bank or tissue bank.

2. If an anatomical gift to a natural person under paragraph (b) of subsection 1 is not medically suitable for transplantation into the natural person, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy for other natural persons, must be used for transplantation or therapy, and the gift passes in accordance with subsection ~~[7.]~~ 8.

(b) If it is not medically suitable for transplantation or therapy for other natural persons, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

3. If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection 1 but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.

(b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank.

(c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(d) If the part is an organ, an eye or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

4. For the purpose of subsection 3, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with paragraphs (a), (b) and (c) of subsection 3.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

5. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection 1 and does not identify the purpose of the gift, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection ~~[7.]~~ 8.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

6. If a document of gift specifies only a general intent to make an anatomical gift by words such as ~~["donor,"]~~ "donor" or "organ donor" ~~[or "body donor,"]~~ or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection ~~[7.]~~ 8.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

7. If a document of gift specifies only a general intent to make an anatomical gift by words such as "body donor" or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If any part is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If any part is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

8. For purposes of subsections 2, 5 , 6 and ~~[6,]~~ 7, if an anatomical gift is medically suitable for transplantation or therapy, the following rules apply:

(a) If the part is an eye, the gift passes to the appropriate eye bank.

(b) If the part is tissue, the gift passes to the appropriate tissue bank.

(c) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

~~[8.]~~ ***9. An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under paragraph (b) of subsection 1, passes to the organ procurement organization as custodian of the organ.***

~~[9.]~~ ***10. If an anatomical gift does not pass pursuant to subsections 1 to*** ~~[8,]~~ ***9, inclusive, or the decedent's body or part is not used for transplantation, therapy, research or education, custody of the body or part passes to the person under obligation to dispose of the body or part.***

~~[10.]~~ ***11. A person may not accept an anatomical gift if the person knows that the gift was not effectively made under section 23 or 28 of this act or if the person knows that the decedent made a refusal under section 25 of this act that was not revoked. For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.***

~~[11.]~~ ***12. Except as otherwise provided in paragraph (b) of subsection 1, nothing in NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act affects the allocation of organs for transplantation or therapy.***

Sec. 30. ***1. The following persons shall make a reasonable search of a natural person who the person reasonably believes is dead or near death for a document of gift or other information identifying the natural person as a donor or as a natural person who made a refusal:***

(a) A law enforcement officer, firefighter, paramedic or other emergency rescuer finding the natural person; and

(b) If no other source of the information is immediately available, a hospital, as soon as practical after the natural person's arrival at the hospital.

2. If a document of gift or a refusal to make an anatomical gift is located by the search required by paragraph (a) of subsection 1 and the natural person or deceased natural person to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

3. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

Sec. 31. ***1. A document of gift need not be delivered during the donor's lifetime to be effective.***

2. Upon or after a natural person's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the natural person shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an

anatomical gift with respect to the natural person or by a person to which the gift could pass under section 29 of this act.

Sec. 32. ***1. When a hospital refers a natural person at or near death to a procurement organization, the organization shall make a reasonable search of the records of*** ~~*[the Department of Motor Vehicles and]*~~ ***any donor registry that it knows exists for the geographical area in which the natural person resides to ascertain whether the natural person has made an anatomical gift.***

2. ~~*[A procurement organization must be allowed reasonable access to information in the records of the Department of Motor Vehicles to ascertain whether a natural person at or near death is a donor.*~~

~~*3.]*~~ ***When a hospital refers a natural person at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the natural person expressed a contrary intent.***

~~*[4.]*~~ ***3. Unless prohibited by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, at any time after a donor's death, the person to which a part passes under section 29 of this act may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.***

~~*[5.]*~~ ***4. Unless prohibited by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, an examination under subsection 2 or 3*** ~~*[or 4]*~~ ***may include an examination of all medical and dental records of the donor or prospective donor.***

~~*[6.]*~~ ***5. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.***

~~*[7.]*~~ ***6. Upon referral by a hospital under subsection 1, a procurement organization shall make a reasonable search for any person listed in section 27 of this act having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended or revoked, it shall promptly advise the other person of all relevant information.***

~~*[8.]*~~ ***7. Subject to subsection*** ~~*[9]*~~ ***10 of section 29 and section 40 of this act, the rights of the person to which a part passes under section 29 of this act are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a person that accepts an***

anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 29 of this act, upon the death of the donor and before embalming, burial or cremation, shall cause the part to be removed without unnecessary mutilation.

~~[9.]~~ 8. Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

~~[10.]~~ 9. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

10. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift, if an anatomical gift of a part has been made for the purpose of transplantation or therapy and the part is medically suitable for that purpose, the appropriate procurement organization shall discuss with a person authorized to make an anatomical gift under section 22 of this act the person's willingness to make an anatomical gift of any other part for the purpose of research or education.

Sec. 33. ***Each hospital in this State shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.***

Sec. 34. ***1. A person shall not, in order to obtain a financial gain, intentionally falsify, forge, conceal, deface or obliterate a document of gift, an amendment or revocation of a document of gift or a refusal.***

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than $50,000, or by both fine and the punishment provided in NRS 193.130.

Sec. 35. ***1. A person that acts in accordance with NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution or administrative proceeding.***

2. Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

3. In determining whether an anatomical gift has been made, amended or revoked under NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a person may rely upon representations of a natural person listed in paragraphs (b), (c), (d), (e), (f), (g) or (h) of subsection 1 of section 27 of this act relating to the natural person's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

Sec. 36. ***1. A document of gift is valid if executed in accordance with:***

(a) The provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act;

(b) The laws of the state or country where it was executed; or

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence or was a national at the time the document of gift was executed.

2. If a document of gift is valid under this section, the law of this State governs the interpretation of the document of gift.

3. A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

Sec. 37. ***1. A person shall not create or maintain a donor registry unless the donor registry complies with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act and all other applicable provisions of federal and state law.***

2. A donor registry must:

(a) Allow a donor or other person authorized under section 22 of this act to include on the donor registry a statement or symbol that the donor has made, amended or revoked an anatomical gift;

(b) Be accessible to a procurement organization to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift; and

(c) Be accessible for purposes of paragraphs (a) and (b) 7 days a week on a 24-hour basis.

3. Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift.

4. This section does not apply to a donor registry that is created to contain records of anatomical gifts and amendments to or revocations of anatomical gifts of only the whole body of a donor for the purpose of research or education.

Sec. 38. ***1. As used in this section:***

(a) "Advance health-care directive" means a power of attorney for health care or [a] other record signed by a prospective donor , or executed in the manner set forth in NRS 449.840, containing the prospective donor's direction concerning a health-care decision for the prospective donor.

(b) "Declaration" means a record signed by a prospective donor , or executed as set forth in NRS 449.600, specifying the circumstances under which [a life-support system] life-sustaining treatment may be withheld or withdrawn from the prospective donor.

(c) "Health-care decision" means any decision made regarding the health care of the prospective donor.

2. If a prospective donor has a declaration or advance health-care directive ~~[,]~~ ***and the terms of the declaration or advance health-care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:***

(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:

(1) An agent acting under the declaration or advance health-care directive of the prospective donor; or

(2) If an agent is not named in the declaration or advance health-care directive or the agent is not reasonably available, any other person authorized by law, other than by a provision of sections 2 to 41, inclusive, of this act, to make a health-care decision for the prospective donor.

(b) The conflict must be resolved as expeditiously as practicable.

(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under section 22 of this act.

(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of ~~*[an organ for transplantation or therapy]*~~ ***the part may not be withheld or withdrawn from the prospective donor,*** ~~*[unless the declaration expressly provides to the contrary.]*~~ ***if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his life.***

Sec. 39. ***1. A coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research or education.***

2. If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is going to be performed, unless the coroner denies recovery in accordance with section 40 of this act, the coroner or designee shall conduct a postmortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

3. A part may not be removed from the body of a decedent under the jurisdiction of a coroner for transplantation, therapy, research or education unless the part is the subject of an anatomical gift or such removal is authorized or required by other law. The body of a decedent under the jurisdiction of the coroner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift or such delivery is authorized or required by NRS 451.350 to 451.470, inclusive, or other law. This subsection does not preclude a coroner from

performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner.

Sec. 40. ***1. Upon request of a procurement organization, a coroner shall release to the procurement organization the name, contact information and available medical and social history of a decedent whose body is under the jurisdiction of the coroner. If the decedent's body or part is medically suitable for transplantation, therapy, research or education, the coroner shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the coroner only if relevant to transplantation or therapy.***

2. The coroner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, X rays, other diagnostic results and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the coroner which the coroner determines may be relevant to the investigation.

3. A person that has any information requested by a coroner pursuant to subsection 2 shall provide that information as expeditiously as possible to allow the coroner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research or education.

4. If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is not required, or the coroner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the coroner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research or education.

5. If an anatomical gift of a part from the decedent under the jurisdiction of the coroner has been or might be made, but the coroner or designee initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death, the coroner or designee shall consult with the procurement organization or the physician or technician designated by the procurement organization to remove the part about the proposed recovery. After consultation, the coroner or designee may allow the recovery by the procurement organization to proceed and may attend and witness all procedures before, during and after removal of the part.

6. Following the consultation under subsection 5, if the coroner or designee still intends to deny recovery, the coroner or designee, at the request of the procurement organization, shall consult additionally with the physician or technician designated by the procurement organization to remove the part before making a final determination not to allow the

procurement organization to recover the part. The additional consultation must be based on the protocols developed pursuant to subsection 10 to resolve conflicts and to maximize the recovery of parts for the purpose of transplantation or therapy, except that the coroner retains the right to deny recovery based on clear need for the postmortem examination, including, without limitation, preservation of the part. After such additional consultation, the coroner or designee may:

(a) Allow recovery by the procurement organization to proceed and may attend and witness all procedures before, during and after removal of the part; or

(b) If the coroner or designee reasonably believes that the part may be involved in determining the decedent's cause or manner of death, deny recovery by the procurement organization.

7. If the coroner or designee denies recovery under subsection 6:

(a) The coroner or designee shall:

(1) Document in a record the specific reasons for not allowing recovery of the part;

(2) Include the specific reasons in the records of the coroner; and

(3) Share such records, including, without limitation, the specific reasons documented by the coroner or designee for not allowing recovery of the part, with the procurement organization in the interest of improving the protocols developed pursuant to subsection 10; and

(b) The procurement organization shall include in its records the specific reasons documented by the coroner or designee for not allowing recovery of the part.

8. If the coroner or designee allows recovery of a part under subsection 4, 5 or 6, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the coroner, in a timely manner, with a record describing the condition of the part, a biopsy, a photograph and any other information and observations that would assist in the postmortem examination.

9. If a coroner or designee elects to attend and witness a removal procedure under subsection 5 or 6, the procurement organization requesting the recovery of the part shall, upon request by the coroner or designee, reimburse the coroner or designee for the additional costs incurred in attending and witnessing the removal procedure.

10. For purposes of subsection 6, the coroner and the procurement organization shall develop mutually agreed-upon protocols to resolve conflicts between the coroner and the procurement organization regarding the recovery of parts. The protocols:

(a) Must focus on maximizing the recovery of parts for the purpose of transplantation or therapy;

(b) Must allow the coroner the right to deny recovery of a part where recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death; and

(c) May include, without limitation, requirements and procedures concerning:

(1) Consultations and cooperation between the coroner or designee and the physician or technician designated by the procurement organization to remove the part;

(2) The taking of photographs before, during and after removal of the part;

(3) Video recording the removal procedure; and

(4) The taking of tissue samples from the part and the conducting of biopsies, testing or other examinations of the part.

Sec. 41. ***NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(a) of that Act, 15 U.S.C. § 7001(a), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).***

Sec. 42. NRS 451.010 is hereby amended to read as follows:

451.010 1. The right to dissect the dead body of a human being is limited to cases:

(a) Specially provided by statute or by the direction or will of the deceased.

(b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as he may authorize dissection.

(c) Where the husband, wife or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.

(d) Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.

(e) Where authorized by the provisions of NRS 451.500 to 451.590, inclusive ~~[.]~~ ***, and sections 2 to 41, inclusive, of this act.***

2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.

Sec. 43. NRS 451.500 is hereby amended to read as follows:

451.500 NRS 451.500 to 451.590, inclusive, ***and sections 2 to 41, inclusive, of this act*** may be cited as the ***Revised*** Uniform Anatomical Gift Act.

Sec. 44. NRS 451.503 is hereby amended to read as follows:

451.503 NRS 451.500 to 451.590, inclusive, ***and sections 2 to 41, inclusive, of this act*** apply to ~~[a document of gift, revocation or refusal to make]~~ an anatomical gift ~~[signed by the donor or a person authorized to make or object to making]~~ ***or amendment to, revocation of or refusal to make*** an anatomical gift ~~[before, on or after October 1, 1989.]~~ ***, whenever made.***

Sec. 45. NRS 451.505 is hereby amended to read as follows:

451.505 ~~[NRS 451.500 to 451.590, inclusive,]~~ ***In applying and construing the Revised Uniform Anatomical Gift Act, consideration*** must be ~~[applied and construed to effectuate their general purpose to make uniform]~~ ***given to the need to promote uniformity of*** the law with respect to ~~[the subject of the Uniform Anatomical Gift Act]~~ ***its subject matter*** among states ~~[enacting]~~ ***that enact*** it.

Sec. 46. NRS 451.510 is hereby amended to read as follows:

451.510 ~~[Unless the context otherwise requires, as]~~ ***As*** used in NRS 451.500 to 451.590, inclusive, ***and sections 2 to 41, inclusive, of this act, unless the context otherwise requires,*** the words and terms defined in NRS 451.513 to 451.553, inclusive, ***and sections 2 to 21, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 47. NRS 451.513 is hereby amended to read as follows:

451.513 "Anatomical gift" means a donation of all or part of a human body to take effect ~~[upon or after death.]~~ ***after the donor's death for the purpose of transplantation, therapy, research or education.***

Sec. 48. NRS 451.520 is hereby amended to read as follows:

451.520 "Decedent" means a deceased ***natural*** person ~~[and]~~ ***whose body or part is or may be the source of an anatomical gift. The term*** includes a stillborn infant ~~[or]~~ ***and, subject to restrictions imposed by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a*** fetus.

Sec. 49. NRS 451.523 is hereby amended to read as follows:

451.523 "Document of gift" means a ***donor*** card ~~[, statement, will]~~ or other ~~[writing]~~ ***record*** used to make an anatomical gift. ***The term includes a statement or symbol on a driver's license, identification card or donor registry.***

Sec. 50. NRS 451.525 is hereby amended to read as follows:

451.525 "Donor" means a ***natural*** person ~~[who makes]~~ ***whose body or part is the subject of*** an anatomical gift ***.*** ~~[of all or part of his body.]~~

Sec. 51. NRS 451.530 is hereby amended to read as follows:

451.530 "Hospital" means a facility licensed ~~[, accredited or approved]~~ as a hospital under the laws of ~~[the State of Nevada]~~ ***any state*** or a facility operated as a hospital by the United States ~~[Government, the State]~~ ***, a state*** or a subdivision of ~~[the State.]~~ ***a state.***

Sec. 52. NRS 451.535 is hereby amended to read as follows:

451.535 "Part" means an organ, ~~[tissue, eye, bone, artery, blood, fluid or other portion]~~ ***an eye or any tissue*** of a human ~~[body.]~~ ***being. The term does not include the whole body.***

Sec. 53. NRS 451.540 is hereby amended to read as follows:

451.540 "Person" ~~[includes a]~~ ***means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, public corporation,*** government ~~[, a]~~ ***or*** governmental ***subdivision,*** agency ~~[and a political subdivision of a government.]~~ ***or instrumentality, or any other legal or commercial entity.***

Sec. 54. NRS 451.545 is hereby amended to read as follows:

451.545 "Physician" means a ***natural*** person ~~[licensed or otherwise]~~ authorized to practice medicine ~~[and surgery]~~ or osteopathy ~~[and surgery]~~ under the laws of any state.

Sec. 55. NRS 451.547 is hereby amended to read as follows:

451.547 "Procurement organization" means ~~[a person licensed, accredited or approved under the laws of the State of Nevada for procurement, distribution or storage of human bodies or parts.]~~ ***an eye bank, organ procurement organization or tissue bank.***

Sec. 56. NRS 451.550 is hereby amended to read as follows:

451.550 "State" means a state ~~[, territory or possession]~~ of the United States, the District of Columbia **,** ~~[or the Commonwealth of]~~ Puerto Rico ~~[.]~~ **,** ***the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.***

Sec. 57. NRS 451.553 is hereby amended to read as follows:

451.553 "Technician" means a ***natural*** person ~~[who, under the supervision of a licensed physician, removes or processes a part.]~~ ***determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited or regulated under federal or state law. The term includes an enucleator.***

Sec. 58. NRS 451.590 is hereby amended to read as follows:

451.590 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person shall not knowingly, for valuable consideration, purchase or sell a part ***of a natural person*** for transplantation or therapy ~~[.~~

~~2. Valuable consideration does not include reasonable payment]~~ ***if removal of the part from the natural person is or was intended to occur after the natural person's death.***

2. A person may charge a reasonable amount for the removal, processing, ~~[disposal,]~~ preservation, quality control, storage, transportation **,** ~~[or]~~ implantation ***or disposal*** of a part.

3. A person who violates this section is guilty of a category ~~[D]~~ ***C*** felony and shall be punished as provided in NRS 193.130, or by a fine of not more than $50,000, or by both fine and the punishment provided in NRS 193.130.

Sec. 59. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs'

departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, ***and sections 2 to 41, inclusive, of this act*** or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the ~~[organ]~~ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with ~~[an organization which registers as donors persons who desire to make anatomical gifts.]~~ ***a donor registry that is in compliance with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act.***

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the ~~[organ]~~ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 60. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

(a) The name and sample signature of the holder.

(b) A unique identification number assigned to the holder that is not based on the holder's social security number.

(c) A personal description of the holder.

(d) The date of birth of the holder.

(e) The current address of the holder in this State.

(f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, ***and sections 2 to 41, inclusive, of this act*** or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to indicate whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the ~~[organ]~~ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with ~~[an organization which registers as donors persons who desire to make anatomical gifts.]~~ ***a donor registry that is in compliance with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act.***

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the ~~[organ]~~ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

8. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 61. NRS 451.527, 451.555, 451.557, 451.560, 451.570, 451.573, 451.576, 451.577, 451.580, 451.582, 451.583 and 451.585 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

451.527 "Enucleator" defined.

451.555 Making, amending, revoking and refusing to make gifts: By person.

451.557 Making, revoking and objecting to gifts: By others.

451.560 Qualifications of donees; purposes for which gifts may be made; presumption of validity.

451.570 Delivery of document of gift.

451.573 Immunity of Department of Motor Vehicles and representatives from damages or criminal prosecution.

451.576 Coordination of procurement and use; priority for use.

451.577 Identification of potential donors: Policies and procedures; search for and notification of information; administrative sanctions.

451.580 Rights and duties at death.

451.582 Examination of gifts; limitations on liability.

451.583 Enucleation of eyes.

451.585 Applicability of provisions governing autopsies.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 171.

Bill read second time.

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

Amendment No. 906.

SUMMARY—Creates ~~[the Nevada Academy of Health.]~~ **an advisory committee to the Legislative Committee on Health Care.** (BDR 40-952)

AN ACT relating to health; creating ~~[the Nevada Academy of Health; prescribing its powers and duties; creating the governing body of the~~

~~Academy; prescribing its powers and duties;~~] **an advisory committee to the Legislative Committee on Health Care;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 6 of this bill creates the Nevada Academy of Health. Section 7 of this bill establishes the duties of the Academy, including studying issues relating to health care in this State and establishing standards and goals concerning the provision of such health care. Section 8 of this bill creates the governing body of the Academy. Section 9 of this bill prescribes the powers and duties of the governing body. Section 10 of this bill establishes the requirements for the use of money received by the Academy. Section 11 of this bill authorizes the Academy to accept gifts, grants and donations of money from any source. Section 12 of this bill provides for the appointment of the members of the governing body of the Academy to specific terms of office.~~] **This bill creates an advisory committee to the Legislative Committee on Health Care, which is established pursuant to NRS 439B.200.**

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

Delete existing sections 1 through 13 of this bill and replace with the following new sections 1 and 2:

Section 1. **Chapter 439B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby established an advisory committee to the Committee consisting of 14 members as follows:

(a) The Director or his designee;

(b) One member who represents the Nevada System of Higher Education appointed by the Board of Regents of the University of Nevada;

(c) Six members appointed by the Governor;

(d) Two members appointed by the Majority Leader of the Senate;

(e) Two members appointed by the Speaker of the Assembly;

(f) One member appointed by the Minority Leader of the Senate; and

(g) One member appointed by the Minority Leader of the Assembly.

2. The Chairman of the advisory committee must be elected from among the members of the advisory committee.

3. Each member of the advisory committee who is not an officer or employee of the State serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

4. Each member of the advisory committee who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may attend meetings of the Committee or the advisory committee and is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency that employs him.

Sec. 2. **This act becomes effective on July 1, 2007, and expires by limitation on June 30, 2009.**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 821.

AN ACT relating to education; revising provisions governing the statewide system of accountability for public schools and school districts; **revising provisions governing the Commission on Educational Excellence;** revising provisions governing the Commission on Educational Technology; prescribing the minimum credits required of pupils **enrolled in high school** in certain courses of study **;** ~~[before graduation from high school;]~~ providing for a waiver from the required **enrollment in the** minimum credits; revising provisions governing the adoption of academic standards; revising provisions governing promotion to high school; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Board of Education and each school district are required to prepare annual reports of accountability information. (NRS 385.3469, 385.347, 385.349) In addition, the State Board, each school district and each public school are required to prepare a plan to improve the achievement of pupils. (NRS 385.34691, 385.348, 385.357) Sections 1-7 of this bill revise the provisions governing the annual reports of accountability and the plans to improve.

Each public school is designated annually based upon the yearly progress of the pupils enrolled in the school. (NRS 385.3623, 385.366) If a school is designated for 1 year as demonstrating need for achievement, a technical assistance partnership must be established for the school. (NRS 385.3661, 385.3691, 385.3692) If the school is designated for 2 consecutive years as demonstrating need for improvement, the technical assistance partnership must be continued. (NRS 385.3693) Sections 9, 10 and 24 of this bill eliminate the requirement for the establishment of technical assistance partnerships.

If a public school is designated as demonstrating need for improvement for 3 consecutive years or more, a support team must be established for that school. (NRS 385.3721, 385.374, 385.3741) A support team is required to recommend certain types of corrective action for the school. (NRS 385.3744, 385.376) Sections 11-14 of this bill revise provisions governing the school support teams and the recommendation of corrective action.

Existing law creates the Commission on Educational Excellence and requires the Commission to provide for the distribution of grants of

money to public schools and school districts from the Account for Programs for Innovation and the Prevention of Remediation. (NRS 385.3781-385.379) Section 15.5 of this bill revises provisions governing the factors for consideration by the Commission in awarding grants of money from the Account.

Existing law creates the Commission on Educational Technology and requires the Commission to establish a plan for the use of educational technology in the public schools. (NRS 388.790, 388.795) Section 19 of this bill requires the Commission to conduct an assessment of the needs of each school district relating to educational technology during the spring semester of each even-numbered school year for submission to the Legislative Committee on Education and the Legislature.

Existing law designates the core academic subjects that must be taught in all public schools as English, mathematics, science and social studies. (NRS 389.018) ~~[Existing law also requires a pupil to pass the high school proficiency examination before the pupil may receive a standard high school diploma. (NRS 389.015)]~~ Section 20 of this bill prescribes the minimum units of credit ~~[that]~~ **in the core academic subjects in which** a pupil must ~~[earn in the core academic subjects before graduation from high school.]~~ **enroll.** Section 20 also provides that the pupil, his parent or legal guardian and an administrator or counselor at the school may mutually agree to a modified course of study for the pupil.

Existing law requires the Council to Establish Academic Standards for Public Schools to establish the standards of content and performance for certain courses of study. (NRS 389.520) The State Board is required to adopt the standards as submitted by the Council. Section 21 of this bill authorizes the State Board to object to the standards and return the standards to the Council for reconsideration.

Existing law prohibits a pupil from being promoted to high school unless he completes certain course work and credits. (NRS 392.033) Section 22 of this bill provides that if a pupil has been retained one time in grade 8 and he fails again to successfully complete the requirements, he must complete a program of remedial study.

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following ~~[subgroups]~~ ***groups*** of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the ~~[subgroups]~~ ***groups*** identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide

program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in ***grade 8 and a separate reporting of the annual rate of pupils who drop out of school in*** grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole **.** ~~[,~~ ~~excluding]~~ ***The reporting for pupils in grades 9 to 12, inclusive, excludes*** pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this

State as a whole. For the purposes of this paragraph, a pupil is not a transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) ~~[The]~~ ***For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the*** number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination **.** ~~[, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.]~~

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

2. A separate reporting for a ~~[subgroup]~~ ***group*** of pupils must not be made pursuant to this section if the number of pupils in that ~~[subgroup]~~ ***group*** is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.938, inclusive; and

(3) The need for a pupil to make informed decisions about his curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall

use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

3. The State Board shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before December 15 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; and

(g) Governing body of each charter school.

Sec. 3. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the ~~[subgroups]~~ ***groups*** identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;
(2) Possession of a weapon;
(3) Distribution of a controlled substance;
(4) Possession or use of a controlled substance; and
(5) Possession or use of alcohol;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:
(1) Standard diploma;
(2) Adult diploma;
(3) Adjusted diploma; and
(4) Certificate of attendance;

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the examinations administered pursuant to NRS 389.550 and the high school proficiency examination;

(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and

(t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before September 7 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;
(2) Committee;
(3) Bureau;
(4) Board of Regents of the University of Nevada;
(5) Board of trustees of each school district; and
(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed ***educational*** personnel ~~[in education]~~ in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall ~~[:~~

~~(a) Report]~~ ***report*** the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ ***The information for charter schools must be reported separately and must denote*** the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district]~~ and ***the charter schools*** sponsored by the State Board.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with

those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations **.** ~~[;]~~

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school **.** ~~[;]~~

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following ~~[subgroups]~~ ***groups*** of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board **.** ~~[;]~~

(4) A comparison of the achievement of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board **.** ~~[;]~~

(5) The percentage of pupils who were not tested **.** ~~[;]~~

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the ~~[subgroups]~~ ***groups*** identified in subparagraph (3) **.** ~~[;]~~

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available **.** ~~[;]~~

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison **.** ~~[; and]~~

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➥ A separate reporting for a ~~[subgroup]~~ ***group*** of pupils must not be made pursuant to this paragraph if the number of pupils in that ~~[subgroup]~~ ***group*** is insufficient to yield statistically reliable information or the results would

reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in ***grade 8 and a separate reporting of the annual rate of pupils who drop out of school in*** grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole ***.*** ~~[, excluding]~~ ***The reporting for pupils in grades 9 to 12, inclusive, excludes*** pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and

programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 385.348 is hereby amended to read as follows:

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. §

6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

(a) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in the school district, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school district;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed by the school district to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in the school district, as deemed appropriate by the board of trustees of the school district.

(e) An identification, by category, of the employees of the school district who are responsible for ensuring that each provision of the plan is carried out effectively.

(f) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic

achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan, including, without limitation, a budget of the overall cost for carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) An identification of the programs, practices and strategies that are used throughout the school district and by the schools within the school district that have proven successful in improving the achievement and proficiency of pupils, including, without limitation:

(1) An identification of each school that carries out such a program, practice or strategy;

(2) An indication of which programs, practices and strategies are carried out throughout the school district and which programs, practices and strategies are carried out by individual schools;

(3) The extent to which the programs, practices and strategies include methods to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361; and

(4) A description of how the school district disseminates information concerning the successful programs, practices and strategies to all schools within the school district.

4. The board of trustees of each school district shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school district.

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee; and

(f) Bureau.

Sec. 6. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported for the school district as a whole and for each school within the school district;

(b) Information on the involvement of parents and legal guardians in the education of their children; and

(c) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau and the school districts, prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year, the board of trustees of each school district shall:

(a) Submit the summary in an electronic format to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) Schools within the school district.

(b) Provide for the public dissemination of the summary by posting a copy of the summary on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the summary. The board of trustees of each school district shall ensure that the parents and guardians of pupils enrolled in the school district have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by the school district, if any. Upon the request of a parent or legal guardian,

the school district shall provide the parent or legal guardian with a written copy of the summary.

5. The board of trustees of each school district shall ~~[:~~

~~(a) Report]~~ ***report*** the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ ***The information for charter schools must be reported separately and must denote*** the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district]~~ and ***the charter schools*** sponsored by the State Board.

Sec. 7. NRS 385.357 is hereby amended to read as follows:

385.357 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each ~~[subgroup]~~ ***group*** will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational

expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 ~~[, the technical assistance partnership or the]~~ ***and a*** support team ***has been*** established for the school, ~~[as applicable,]~~ ***the support team*** shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS ~~[385.3692 or 385.3741, as applicable.]~~ ***385.3741.*** If the school is a Title I school that has been designated as demonstrating need for improvement, the ~~[technical assistance partnership or]~~ support team established for the school ~~[, as applicable,]~~ shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the ~~[partnership or]~~ support team, outside experts.

6. On or before November 1 of each year, the principal of each school ~~[, or the technical assistance partnership]~~ or ***the*** support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance

with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school ~~[, or the technical assistance partnership]~~ or ***the*** support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;
(b) Governor;
(c) State Board;
(d) Department;
(e) Committee;
(f) Bureau; and
(g) Board of trustees of the school district in which the school is located.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 8. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before June 15 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before June 30 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with

the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Board, the Department shall make a determination for the charter school in consultation with the State Board. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before June 15 or June 30 of each year, as applicable, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Board the determination made for each charter school that is sponsored by the State Board.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the ~~[subgroup]~~ ***group*** enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in that ~~[subgroup]~~ ***group*** enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular ~~[subgroup]~~ ***group*** who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular ~~[subgroup.]~~ ***group.***

(b) The pupils in such a ~~[subgroup]~~ ***group*** must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 9. NRS 385.3661 is hereby amended to read as follows:

385.3661 1. ~~[If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the technical assistance partnership established for the school pursuant to this section shall carry out the requirements of NRS 385.3692.~~

~~2.]~~ Except as otherwise provided in subsection ~~[3,]~~ ***2,*** if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; ***and***

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto **.** ~~[; and~~

~~(c) Establish a technical assistance partnership for the school, with the membership prescribed pursuant to NRS 385.3691.~~

~~3.]~~ ***2.*** If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) The governing body of the charter school shall ~~[:~~

~~(1) Provide]~~ ***provide*** notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382 **.** ~~[; and~~

~~(2) Establish a technical assistance partnership for the charter school, with the membership prescribed pursuant to NRS 385.3691.]~~

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted

pursuant thereto. ~~[The provisions of this paragraph do not require the school district to pay for the technical assistance partnership established by the governing body of the charter school.]~~

(c) For a charter school sponsored by the State Board, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

~~[4.]~~ ***3.*** In addition to the requirements of subsection ~~[2 or 3,]~~ ***1 or 2,*** as applicable, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall provide school choice to the parents and guardians of pupils enrolled in the school, including, without limitation, a charter school sponsored by the school district, in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(b) For a charter school sponsored by the State Board, the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

Sec. 10. NRS 385.3693 is hereby amended to read as follows:

385.3693 1. ~~[If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the technical assistance partnership established for the school pursuant to NRS 385.3661 shall carry out the requirements of NRS 385.3692.~~

~~2.]~~ Except as otherwise provided in subsection ~~[3,]~~ ***2,*** if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; ***and***

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto **.** ~~[; and~~

~~(c) Continue the technical assistance partnership for the school.~~

~~3.]~~ ***2.*** If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years:

(a) The governing body of the charter school shall ~~[:~~

~~(1) Provide]~~ ***provide*** notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382 **.** ~~[; and~~

~~(2) Continue the technical assistance partnership for the school.]~~

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. ~~[The provisions of this paragraph do not require the school district to pay for the technical assistance partnership established by the governing body of the charter school.]~~

(c) For a charter school sponsored by the State Board, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

Sec. 11. NRS 385.374 is hereby amended to read as follows:

385.374 ***1.*** The membership of each support team established pursuant to NRS 385.3721 ~~[.~~

~~1. Must]~~ ***must*** consist of, without limitation:

(a) Teachers and principals who are considered highly qualified and who are not employees of the public school for which the support team is established;

(b) ~~[At least one representative of the Department,]~~ ***One member appointed in accordance with subsection 3,*** who must serve as the ~~[facilitator]~~ ***team leader*** of the support team;

(c) Except for a charter school, at least one administrator at the district level who is employed by the board of trustees of the school district;

(d) At least one parent or guardian of a pupil who is enrolled in the public school for which the support team is established; and

(e) In addition to the requirements of paragraphs (a) to (d), inclusive, for a charter school:

(1) At least one member of the governing body of the charter school, regardless of the sponsor of the charter school; and

(2) If the charter school is sponsored by the board of trustees of a school district, at least one employee of the school district, which may include an administrator.

2. ~~[May]~~ ***The membership of each support team established pursuant to NRS 385.3721 may*** consist of, without limitation:

(a) Except for a charter school, one or more members of the board of trustees of the school district in which the school is located;

(b) Representatives of institutions of higher education;

(c) Representatives of regional educational laboratories;

(d) Representatives of outside consultant groups;

(e) Representatives of the regional training program for the professional development of teachers and administrators created by NRS 391.512 that provides services to the school district in which the school is located;

(f) The Bureau; and

(g) Other persons who the Department determines are appropriate.

3. The member appointed pursuant to paragraph (b) of subsection 1 must:

(a) Be employed by the Department; or

(b) If he is not employed by the Department, have the training and experience required by the Department.

Sec. 12. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(e) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(f) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department.

(g) In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Comply with NRS 385.357;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the names and duties of each person who is responsible for carrying out the revisions.

(h) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school.

(i) Prepare a ~~[monthly]~~ ***quarterly*** progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

(j) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise ~~[monthly]~~ ***quarterly*** progress report for use by each support team in accordance with paragraph (i) of subsection 1.

Sec. 13. NRS 385.3744 is hereby amended to read as follows:

385.3744 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years for failing to make adequate yearly progress, the support team established for the school shall consider whether corrective action is appropriate for the school. If the support team determines that corrective action is appropriate, the support team shall make a recommendation ~~[to the Department]~~ for corrective action for the school, including, without limitation, the type of corrective action that is recommended from the list of corrective actions authorized pursuant to ~~[paragraphs (a), (b) and (c).]~~ ***subsection 2. The recommendation must be submitted to:***

(a) For a school of the school district or a charter school sponsored by the board of trustees of the school district, the board of trustees.

(b) For a charter school sponsored by the State Board, the Department.

2. Regardless of whether a support team recommends corrective action for a school, the Department ***may, for a charter school sponsored by the State Board, and the board of trustees of a school district*** may ***, for a school***

of the school district or a charter school sponsored by the board of trustees, take one or more of the following corrective actions for the school:

(a) Develop and carry out a new curriculum at the school, including the provision of appropriate professional development relating to the new curriculum.

(b) ~~[Decrease the number]~~ ***Significantly decrease the managerial authority*** of ***the*** employees at the school ***.*** ~~[who carry out managerial duties.]~~

(c) Extend the school year or the school day.

~~[2.]~~ ***3.*** The Department ***or the board of trustees of a school district, as applicable,*** shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department ***or the board of trustees, as applicable,*** may proceed with corrective action as if the delay never occurred.

Sec. 14. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years for failure to make adequate yearly progress, the support team for the school shall:

(a) If corrective action was not taken against the school pursuant to NRS 385.3744, consider whether corrective action is appropriate for the school.

(b) If corrective action was taken against the school pursuant to NRS 385.3744, consider whether further corrective action is appropriate or whether consequences or sanctions, or both, are appropriate for the school.

~~[.]~~

2. Regardless of whether a support team recommends corrective action or consequences or sanctions for a school, the Department ***may, for a charter school sponsored by the State Board, and the board of trustees of a school district*** may ***, for a school of the school district or a charter school sponsored by the board of trustees,*** take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361.

~~[2.]~~ ***3.*** The Department ***or the board of trustees of a school district, as applicable,*** shall grant a delay from the imposition of corrective action or restructuring pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department ***or the board of trustees, as applicable,*** may proceed with corrective action or with consequences or sanctions, or both, for the school, as appropriate, as if the delay never occurred.

~~[3.]~~ ***4.*** Before the ***board of trustees or the*** Department proceeds with consequences or sanctions, the board of trustees or the Department, as

applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees or the Department, as applicable, will proceed with consequences or sanctions for the school;

(b) An opportunity to comment before the consequences or sanctions are carried out; and

(c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 15. NRS 385.3762 is hereby amended to read as follows:

385.3762 1. On or before July 1 of each year, the Department shall determine whether each school district is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361. The pupils who are enrolled in a charter school, if any, located within a school district must not be included in the determination made for that school district. The determination made for each school district must be based only upon the information and data for those pupils who were enrolled in the school district for a full academic year, regardless of whether those pupils attended more than one school within the school district for that academic year.

2. Except as otherwise provided in this subsection, the Department shall determine that a school district has failed to make adequate yearly progress if any ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school district shall be deemed to have made adequate yearly progress even though a ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district did not satisfy the annual measurable objectives of the State Board.

3. In addition to the provisions of subsection 2, the Department shall determine that a school district has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school district who were required to take the examinations; or

(b) Except as otherwise provided in subsection 4, for each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in the ~~[subgroup]~~ ***group*** who were required to take the examinations.

4. If the number of pupils in a particular ~~[subgroup]~~ ***group*** who are enrolled in a school district is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school district has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 3 based solely upon that particular ~~[subgroup.]~~ ***group.***

(b) The pupils in such a ~~[subgroup]~~ ***group*** must be included in the overall count of pupils enrolled in the school district who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

Sec. 15.5. **NRS 385.3785 is hereby amended to read as follows:**

385.3785 1. The Commission shall:

(a) Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:

(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;

(2) The plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;

(3) The plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation; and

(4) Any other information that the Commission considers relevant to the development of the program of educational excellence.

(b) Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(c) Develop a concise application and simple procedures for the submission of applications by school districts and public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. All school districts and public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the school district or school has made adequate yearly progress or failed to make adequate yearly progress. A school district or public school selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from school districts and public schools that desire to participate in the program.

(e) Prescribe accountability measures to be carried out by a school district or public school that participates in the program if that school district or

public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:

(1) The specific levels of achievement expected of school districts and schools that participate; and

(2) Conditions for school districts and schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.

(f) Determine the amount of money that is available from the Account for those school districts and public schools that are selected to participate in the program.

(g) Allocate money to school districts and public schools from the Account. Allocations must be distributed not later than August 15 of each year.

(h) Establish criteria for school districts and public schools that participate in the program and receive an allocation of money from the Account to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria identified in the plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;

(2) If applicable, the achievement of pupils enrolled in the school district as a whole, based upon measurable criteria identified in the plan to improve the achievement of pupils for the school district prepared pursuant to NRS 385.348;

(3) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff;

(4) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school district or the school is meeting the measurable objectives identified in the plan; and

(5) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. To the extent money is available, the Commission shall make allocations of money to school districts and public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall comply with the requirements of subsection 1.

3. ***The Commission shall ensure, to the extent practicable, that grants of money provided pursuant to this section reflect the economic and geographic diversity of this State, the academic needs of pupils, any special academic interests of pupils and any other special concerns of pupils, including, without limitation, schools that have a large population of Native Americans.***

4. If a school district or public school that receives money pursuant to subsection 1 or 2 does not meet the criteria for effectiveness as prescribed in paragraph (h) of subsection 1 over a 2-year period, the Commission may consider not awarding future allocations of money to that school district or public school.

~~[4.]~~ ***5.*** On or before July 1 of each year, the Department shall provide a list of priorities of schools based upon the adequate yearly progress status of schools in the immediately preceding year for consideration by the Commission in its development of procedures for the applications.

~~[5.]~~ ***6.*** In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 16. NRS 385.391 is hereby amended to read as follows:

385.391 1. The Department shall adopt:

(a) Regulations to provide for the recognition of schools that:

(1) Receive a designation as demonstrating exemplary achievement or high achievement pursuant to NRS 385.3623.

(2) Significantly improve the academic achievement of ~~[subgroups]~~ ***groups*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361.

(3) Exceed adequate yearly progress, as determined by the Department pursuant to NRS 385.3613, for 2 or more consecutive years.

(b) Such regulations as it deems necessary to carry out the provisions of this section and NRS 385.3455 to 385.391, inclusive, including, without limitation, uniform standards for the type and format of data that must be submitted by the school districts and the time by which such data must be submitted.

2. The Department may work in consultation with the Bureau for identifying and publicizing the achievement of schools that are recognized pursuant to paragraph (a) of subsection 1.

Sec. 17. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of a charter school ~~[that is sponsored by the board of trustees of a school district]~~ shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees ~~[that sponsors]~~ ***of the school district in which*** the charter school ***is located*** for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or

entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 18. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction but must not be used for the purpose of evaluating an individual teacher or paraprofessional.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is

necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 19. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (t) of subsection 2 of NRS 385.347; ~~[and]~~

(d) ***The results of the assessment of needs conducted pursuant to subsection 6; and***

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, but not limited to, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, ~~[but not limited to,]~~ ***without limitation,*** the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. ***During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:***

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-

numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

~~[7.]~~ ***9.*** As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 20. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English, including reading, composition and writing;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. ***Except as otherwise provided in this subsection, a pupil enrolled in a public high school must*** ~~*[, before graduation from high school, have earned]*~~ ***enroll in a minimum of:***

(a) Four units of credit in English;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

➥ A pupil is not required to ~~*[earn the minimum]*~~ ***enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil*** ~~*[.]*~~ ***and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.***

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 21. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 2, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

3. The ***Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:***

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

4. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board **.**

➥ ***The State Board*** shall adopt the standards of content and performance ~~[established by the Council.~~

~~4.]~~ ***or the revised standards, as applicable.***

5. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

Sec. 22. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, ~~[which]~~ ***including, without limitation, English, mathematics, science and social studies. The regulations*** may include the credits to be earned ~~[.]~~ ***in each course.***

2. The board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. ***If a pupil is retained in grade 8 pursuant to this subsection and the pupil does not complete the course of study or credits required for promotion, the pupil shall complete a program of remedial study as required by the school district. If the pupil successfully completes the program of remedial study, the board of trustees shall promote the pupil to high school. If the pupil does not successfully complete the program of remedial study, he must be retained in grade 8 until he completes the course of study or credits required for promotion or successfully completes a program of remedial study.*** The board of trustees of the school district in which the pupil is enrolled ~~[may]~~ ***shall*** provide programs ***of remedial study*** to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 385.3691 and 385.3692 are hereby repealed.

Sec. 25. (Deleted by amendment.)

Sec. 26. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $340,200 for the costs of a

study to measure the alignment of class assignments given to pupils at selected grade levels with the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. Before the Interim Finance Committee issues a request for proposals for a consultant to conduct the study, the Legislative Committee on Education shall select 100 public schools to participate in the study and the grade levels to be reviewed at each school. The schools must be elementary schools, middle schools and junior high schools and the grade levels selected must not include the ninth grade.

3. After selection of the public schools and grade levels by the Legislative Committee on Education, the Interim Finance Committee shall issue a request for proposals and enter into a contract with a qualified and independent consultant to conduct the study.

4. The consultant selected by the Interim Finance Committee shall, for each school selected by the Legislative Committee on Education, review a representative sampling of class assignments given to pupils for mathematics and English language arts at the selected grade levels and determine the alignment of those assignments with the standards of content and performance for those subject areas. For each school, the consultant shall report:

(a) The type of assignments that were reviewed, including, without limitation, homework, quizzes and tests;

(b) Whether the assignments were completed independently by pupils or in groups of pupils, or with the assistance of a teacher or aide;

(c) The source of the assignments, including, without limitation, textbooks and workbooks, created by the teacher or created by the school district;

(d) The grade levels of pupils subject to review;

(e) The percentage of the assignments that are aligned to the standards; and

(f) An assessment of the depth to which the standard is covered by the assignments.

5. The consultant shall prepare a written report of the results of the findings:

(a) For each school for submission to the principal of that school.

(b) For all schools that participate in the study for submission to the:

(1) Legislative Committee on Education;

(2) Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature;

(3) State Board of Education; and

(4) Department of Education.

6. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 27. The assessment of needs conducted by the Commission on Educational Technology pursuant to NRS 388.795, as amended by section 19 of this act, for the spring semester of 2008 must include, without limitation, an assessment of:

1. The need for computer-based assessments, including, without limitation, the use of computers for the administration of the high school proficiency examination;

2. The integration of educational technology to improve the achievement and proficiency of pupils; and

3. The feasibility and costs associated with using laptop computers in lieu of traditional textbooks.

Sec. 28. The provisions of section 20 of this act apply to pupils who are enrolled in grade 9 for the 2007-2008 school year and for each school year thereafter.

Sec. 29. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTIONS

385.3691 Membership of technical assistance partnership.

1. The membership of each technical assistance partnership established by the board of trustees of a school district for a public school pursuant to NRS 385.3661:

(a) Must consist of:

(1) At least one employee of the public school for which the partnership is established; and

(2) At least one representative of the school district.

(b) May consist of other persons, as determined by the board of trustees, in accordance with the needs of the school based upon the data and information pertaining to that school.

2. The membership of each technical assistance partnership established by the governing body of a charter school:

(a) Must consist of:

(1) At least one employee of the charter school;

(2) At least one member of the governing body of the charter school;

(3) For a charter school sponsored by the board of trustees of the school district, at least one representative of the school district, appointed by the school district; and

(4) For a charter school sponsored by the State Board, at least one representative of the Department, appointed by the Department.

(b) May consist of other persons, as determined by the governing body, in accordance with the needs of the charter school based upon the data and information pertaining to that charter school.

385.3692 Powers and duties of technical assistance partnership; completion and submission of form concerning review and analysis of school; Department required to prescribe form for use by partnership.

1. Each technical assistance partnership established for a public school shall complete a form prescribed by the Department pursuant to this section or an expanded form, if applicable, that includes:

(a) A review and analysis of the operation of the school, including, without limitation, the design and operation of the instructional program of the school;

(b) A review and analysis of the data pertaining to the school based upon the report required pursuant to subsection 2 of NRS 385.347 and a review and analysis of any data that is more recent;

(c) A review of the most recent plan to improve the achievement of the school's pupils; and

(d) An identification of the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

2. Each technical assistance partnership established for a public school shall:

(a) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school; and

(b) Adopt, in consultation with the employees of the school, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Include the data and findings of the technical assistance partnership that provide support for the revisions;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the technical assistance partnership, outside experts;

(3) Set forth a timeline to carry out the revisions;

(4) Set forth priorities for the school in carrying out the revisions; and

(5) Set forth the names and duties of each person who is responsible for carrying out the revisions.

3. On or before November 1 of each year, each technical assistance partnership shall submit the form completed pursuant to subsection 1 to the:

(a) Department;

(b) Bureau;

(c) Board of trustees of the school district or governing body of the charter school, as applicable; and

(d) Principal of the school.

4. The Department shall, in consultation with the Bureau:

(a) Prescribe a form that contains the basic information for a technical assistance partnership to carry out its duties pursuant to subsection 1; and

(b) Make the form available on a computer disc for use by technical assistance partnerships and, upon request, in any other manner deemed reasonable by the Department.

5. Except as otherwise provided in this subsection, each technical assistance partnership shall use the form prescribed by the Department to carry out its duties pursuant to subsection 1. A school district or governing body of a charter school may prescribe an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. A technical assistance partnership may require the school for which the partnership was established to submit plans, strategies, tasks and measures that, in the determination of the partnership, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 195.

Bill read second time.

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

Amendment No. 787.

AN ACT relating to recreation areas; prohibiting a person who uses a recreation area from engaging in certain conduct; requiring such a person to follow certain safety requirements; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth prohibitions, penalties and duties for a person who operates or uses a skateboard park, amusement park or snow recreation area. (Chapters 455A and 455B of NRS) Generally those laws prohibit a person from engaging in certain activities at the park or snow recreation area, prescribe duties for the owner, operator or user of the park or area and specifically state that a county, city or unincorporated town may adopt additional ordinances governing the park or area as long as the ordinances do not conflict with existing statutes. (Chapters 455A and 455B of NRS)

This bill enacts similar prohibitions, penalties and duties for a person who operates or uses a recreation area. Section 4 of this bill defines "recreation area" as a trailhead or water access area. Section 8 of this bill prohibits certain conduct by a person using a recreation area. Section 9 of this bill imposes certain duties on a person using a recreation area, such as a duty to locate and ascertain the meaning of any sign that is posted by the operator of the recreation area. Section 10 of this bill absolves the operator of a recreation area and an owner of private property from liability for the death or injury of a person or for damage to property caused or sustained by a person using the recreation area if the person **knowingly** enters an area which is outside the recreation area. Section 10 also requires an operator to provide

certain information about the recreation area at trailheads and water access areas. Section 11 of this bill prohibits a person from entering or using a recreation area while intoxicated or under the influence of a controlled substance. Section 12 of this bill imposes a misdemeanor penalty against a person who fails to comply with certain reporting requirements occurring upon the person's involvement in a collision or an accident with another person. Section 14 of this bill clarifies that the intent of the bill is not to preempt a county, city or unincorporated town from adopting additional ordinances which are consistent with this bill. Section 14 also specifies that the provisions of the bill are in addition to certain statutory and regulatory provisions relating to state parks and state recreational areas.

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

Section 1. Chapter 455B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Operator" means a government, governmental agency or political subdivision of a government that owns, controls, operates or manages a recreation area.***

Sec. 4. ***"Recreation area" means a trailhead or water access area. The term does not include:***

1. A snow recreation area as defined in NRS 455A.083; or

2. A skateboard park as defined in NRS 455B.240.

Sec. 5. (Deleted by amendment.)

Sec. 6. ***"Trailhead" means the beginning point of a trail, including, without limitation, any facility for parking, water or sanitation that is available for use at that point.***

Sec. 7. ***"Water access area" includes, without limitation, a beach, river entry or exit point and land located at or below the ordinary high water mark of a navigable body of water within this State.***

Sec. 8. ***A person shall not:***

1. Fail or refuse to comply with:

(a) Reasonable instructions provided by an operator or an authorized agent or employee of an operator regarding the use of a recreation area; or

(b) Rules concerning safety that are posted on a sign in a conspicuous place by an operator;

2. Intentionally place, drop or throw any object in the path of a user of a recreation area;

3. Conduct himself in a manner that interferes with the safe operation of a recreation area or with the safety of other users of a recreation area; or

4. Trespass on any private property located in or adjacent to a recreation area.

Sec. 9. ***1. A person using a recreation area shall, to the extent possible:***

(a) Locate and ascertain:

(1) The meaning of any sign that is posted in or near the recreation area by the operator of the recreation area; and

(2) The boundaries of all private property adjoining the recreation area;

(b) Heed warnings and other information posted by the operator of the recreation area;

(c) Conduct himself in such a manner as to avoid injury to persons and damage to property in the recreation area;

(d) Familiarize himself with the natural conditions of the recreation area and any resulting dangerous conditions in the recreation area and any private property located in or adjacent to the recreation area; and

(e) Familiarize himself with any dangerous conditions relating to an irrigation system in or near the recreation area.

2. A person using a recreation area shall not tamper with or alter an irrigation system or any part of an irrigation system in the recreation area.

Sec. 10. ***1. A person who enters a recreation area unlawfully shall be deemed to be a trespasser.***

2. A person who sustains a personal injury while he is using a recreation area shall notify the operator or an authorized agent or employee of the operator of the injury as soon as reasonably possible.

3. Except as otherwise provided by law, an operator or an owner of private property is not liable for the death or injury of a person or for damage to property caused or sustained by a person using a recreation area if the person knowingly enters an area which is located outside the recreation area.

4. An operator shall take reasonable steps to minimize known dangers and conditions of trailheads and water access areas within his control.

5. An operator shall post signs in conspicuous places or provide other information at trailheads and water access areas that:

(a) Identify the boundaries of the recreation area and immediately adjacent private property;

(b) Prescribe rules concerning safety, conduct and use; and

(c) Provide warnings about known dangerous conditions and potential hazards.

Sec. 11. ***1. A person shall not enter or use a recreation area while intoxicated or under the influence of a controlled substance, unless in accordance with:***

(a) A prescription lawfully issued to the person; or

(b) The provisions of chapter 453A of NRS.

2. An operator or an authorized agent or employee of an operator may prohibit a person from entering or using a recreation area if he reasonably believes that the person is under the influence of alcohol, prescription drugs or a controlled substance. An operator or an authorized agent or employee of an operator is not civilly or criminally liable for prohibiting a person from entering or using a recreation area pursuant to this subsection.

Sec. 12. ***1. A person using a recreation area who is involved in a collision or an accident in which another person is injured shall provide his name and current address to the injured person and the operator or an authorized agent or employee of the operator:***

(a) Before he leaves the vicinity of the collision or accident; or

(b) As soon as reasonably possible after leaving the vicinity of the collision or accident to secure aid for the injured person.

2. A person who violates a provision of this section is guilty of a misdemeanor.

Sec. 13. ***An operator may revoke the license or privilege of a person to use a recreation area if the person violates any provision of sections 2 to 14, inclusive, of this act.***

Sec. 14. ***The provisions of sections 2 to 14, inclusive, of this act:***

1. Do not prohibit a county, city or unincorporated town from adopting ordinances that regulate a recreation area which are consistent with the provisions of sections 2 to 14, inclusive, of this act.

2. Are in addition to any provision of chapter 407 of NRS or any regulation adopted pursuant to that chapter that is applicable to a recreation area.

Sec. 15. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 206.

Bill read second time and ordered to third reading.

Senate Bill No. 228.

Bill read second time.

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

Amendment No. 907.

AN ACT relating to emergency medical services; enacting provisions related to the access, sharing and confidentiality of certain information by various medical review committees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law grants certain privileges to various medical review committees in regard to the nondisclosure of information. (NRS 49.117-

49.123) This bill enacts provisions regarding the access, sharing and confidentiality of certain information by various medical review committees.

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

Section 1. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A medical review committee is entitled to access to ~~[:~~

~~(a) Any]~~ any autopsy records relating to a death under ~~[review; and~~

~~(b) Any medical records of a patient or decedent under]~~ review.

2. Each organization represented on a medical review committee to review the medical care or death of a person shall share with other members of the committee information in its possession concerning the person who is the subject of the review and any other information deemed by the organization to be pertinent to the review.

3. ~~[Information acquired by, and records of, a medical review committee to review the medical care or death of a person are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.]~~ Any autopsy records provided to a medical review committee pursuant to this section are privileged records for the purposes of NRS 49.119 and 49.121.

4. As used in this section, "medical review committee" means a medical review committee of a county or district board of health that certifies, licenses or regulates providers of emergency medical services pursuant to the provisions of this chapter, but only when functioning as a peer review committee.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 822.

AN ACT relating to education; creating the P-16 Advisory Council to assist in the coordination between elementary, secondary and higher education in this State; providing for the organization, powers and duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the P-16 Advisory Council to assist in the coordination between elementary, secondary and higher education in this State.

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

Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 9 inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Council" means the P-16 Advisory Council created by section 6 of this act.***

Sec. 4. ***"System" means the Nevada System of Higher Education.***

Sec. 5. ***The Legislature hereby finds and declares that:***

1. The Board of Regents of the University of Nevada was created by the Nevada Constitution and empowered to control and manage the affairs of the Nevada System of Higher Education.

2. Matters relating to education are vitally important to the future of the State of Nevada, its economy and the general welfare of its residents. In light of the growing enrollments in Nevada's system of public elementary and secondary education and Nevada's system of public higher education, it is important that the Nevada Legislature, the Board of Regents , the State Board and the Executive Branch of the State Government work together as partners in developing a needed public agenda to advance education in this State.

3. The development of an agenda to advance education should be carried out with a view toward seeking input from all parties who have a stake in the advancement of education in this State.

4. Coordination between elementary, secondary and higher education must be strengthened to ensure that pupils in the 12th grade are prepared adequately to make the transition from secondary education to higher education or to careers. To this end, a body should be established to coordinate education from the level of preschool through the completion of a bachelor's degree, to be known as the P-16 Advisory Council.

Sec. 6. ***1. The P-16 Advisory Council, consisting of ~~[11]~~ 15 voting members, is hereby created to assist in the coordination between elementary, secondary and higher education in this State. The Chancellor of the System and the Superintendent of Public Instruction serve as ex officio nonvoting members of the Council.***

2. The Governor shall appoint ~~[five]~~ seven members to the Council as follows:

(a) One representative of higher education in this State.

(b) One representative of elementary and secondary education in this State.

(c) One representative of early childhood education in this State.

(d) One representative of private business in this State.

(e) One person that meets the qualifications of paragraph (a), (b), (c) or (d).

(f) One pupil enrolled in a secondary school in this State.

(g) One student enrolled in the System.

~~*[". The Governor may appoint the Chancellor of the System and the Superintendent of Public Instruction as members of the Council pursuant to paragraphs (a) and (b), respectively.]*~~

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint ~~*[two]*~~ ***three members to the Council as follows:***

(a) One member of the House of the Legislature that he represents.

(b) ~~*[One member who meets the requirements of paragraph (a), (b), (c) or (d) of subsection 2.]*~~ ***One member who is a parent of a pupil enrolled in a public school in this State or of a student enrolled in the System. The parent must not be employed by the board of trustees of a school district, the governing body of a charter school or the System.***

(c) One member who is a :

(1) Licensed teacher employed by a school district or charter school in this State; or

(2) Teacher, instructor or professor employed by the Board of Regents of the University of Nevada.

4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member to the Council who is a member of the general public.

5. The ~~*[Governor shall appoint]*~~ ***members of the Council shall elect a Chairman and a Vice Chairman from among the members of the Council .*** ~~*[who represent business or the general public.]*~~ ***After the initial term, the Chairman and Vice Chairman serve in the office for a term of 2 years beginning July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the*** ~~*[Governor]*~~ ***members of the Council shall*** ~~*[appoint]*~~ ***elect a member to fill the vacancy*** ~~*[from among the members who represent business or the general public]*~~ ***to serve for the remainder of the unexpired term of that office.***

6. After the initial terms, each member of the Council serves a term of 3 years commencing on July 1 of the year of appointment. Such members may be reappointed for one additional term. A vacancy on the Council must be filled for the remainder of the unexpired term in the same manner as the original appointment. Each member of the Council continues in office until his successor is appointed.

7. Any member who is absent from two consecutive meetings of the Council without permission of the Chairman:

(a) Forfeits his office; and

(b) Must be replaced as provided in subsection 6 for the filling of a vacancy before the end of a term.

Sec. 7. ***1. The Council shall meet at least once each calendar quarter and as frequently as necessary to afford the general public, representatives of governmental agencies and representatives of organizations an opportunity to present information and recommendations relating to the coordination between elementary, secondary and postsecondary education.***

2. The Council shall comply with the provisions of chapter 241 of NRS.

3. For each day or portion of a day during which the members of the Council attend a meeting of the Council or are otherwise engaged in the business of the Council:

(a) The members who are Legislators are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207, payable from the Legislative Fund.

(b) The members who are appointed by the Majority Leader of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader of the Assembly who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, payable from the Legislative Fund.

(c) The members who are appointed by the Governor are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, payable as other claims against the State are paid.

4. The Office of the Governor shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Council to carry out its duties.

5. The Board of Regents of the University of Nevada and the Department shall provide technical assistance to the Council upon the request of the Chairman.

Sec. 8. ***1. The Council shall address:***

(a) Methods to increase the number of students who enroll in programs at the System to become teachers, including, without limitation, financial aid programs for students enrolled in those programs.

(b) Methods to ensure the successful transition of pupils from:

(1) Elementary school to middle school;

(2) Middle school to high school; and

(3) High school to postsecondary education,

➥ including, without limitation, methods to increase parental involvement.

(c) Methods to ensure that the data information system for the pupils enrolled in the public schools is linked, to the extent feasible, with the data information system for the students enrolled in the System.

(d) Methods to ensure that the course work, standards and assessments required of pupils in secondary schools is aligned with the workload expected of students at the postsecondary level.

(e) Methods to ensure collaboration among the business community, members of the academic community and political leaders to set forth a

process for developing strategies for the growth and diversification of the economy of this State.

(f) Policies relating to workforce development, employment needs of private employers and workforce shortages in occupations critical to the education, health and safety of the residents of this State.

(g) Other matters within the scope of the Council as determined necessary or appropriate by the Council.

2. The Council may:

(a) Establish committees to assist the Council in carrying out its duties.

(b) Apply for any available grants and may accept any gifts, grants and donations from any source to assist the Council in carrying out its duties.

Sec. 9. ***On or before June 30 of each year, the Council shall submit a written report of its activities and any recommendations to the:***

1. Board of Regents of the University of Nevada;

2. State Board;

3. Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature;

4. Legislative Committee on Education; and

5. Governor.

Sec. 10. 1. On or before September 1, 2007, the Governor shall, pursuant to subsection 2 of section 6 of this act, appoint to the P-16 Advisory Council created by that section:

(a) ~~[Three]~~ **Four** members to terms commencing on September 1, 2007, and expiring on June 30, 2009.

(b) ~~[Two]~~ **Three** members to terms commencing on September 1, 2007, and expiring on June 30, 2010.

2. On or before September 1, 2007, the Majority Leader of the Senate and the Speaker of the Assembly shall, pursuant to subsection 3 of section 6 of this act, each appoint to the P-16 Advisory Council created by that section:

(a) One member **who is parent of a pupil enrolled in a public school in this State or of a student enrolled in the Nevada System of Higher Education** to a term commencing on September 1, 2007, and expiring on June 30, 2009.

(b) One member **of the House of the Legislature that he represents** to a term commencing on September 1, 2007, and expiring on June 30, 2010.

(c) One member who is a:

(1) Teacher employed by the board of trustees of a school district or the governing body of a charter school; or

(2) A teacher, instructor or professor employed by the Board of Regents of the University of Nevada,

➥ to a term commencing on September 1, 2007, and expiring on June 30, 2010.

3. On or before September 1, 2007, the Minority Leader of the Senate shall, pursuant to subsection 4 of section 6 of this act, appoint to the P-16

Advisory Council created by that section one member to a term commencing on September 1, 2007, and expiring on June 30, 2009.

4. On or before September 1, 2007, the Minority Leader of the Assembly shall, pursuant to subsection 4 of section 6 of this act, appoint to the P-16 Advisory Council created by that section one member to a term commencing on September 1, 2007, and expiring on June 30, 2010.

Sec. 11. ~~[On or before September 1, 2007, the Governor shall, pursuant to subsection 5 of section 6 of this act, appoint a Chairman and a Vice Chairman to the P-16 Advisory Council created by that section to a term commencing on September 1, 2007, and expiring on June 30, 2009.]~~ **(Deleted by amendment.)**

Sec. 12. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 243.

Bill read second time and ordered to third reading.

Senate Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 823.

AN ACT relating to education; creating the Nevada Youth Legislative Issues Forum; prescribing the membership, powers and duties of the Forum; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 3-5 of this bill create the Nevada Youth Legislative Issues Forum, consisting of 21 members who are enrolled in grades 9-12 in public schools or otherwise eligible for enrollment in public schools but enrolled in a homeschool or private school. Each Senator appoints a member to the Forum. Sections 6-10 of this bill set forth the powers and duties of the Forum. The Forum must hold at least two public hearings each school year, review issues of importance to the youth in this State and submit an annual report of the activities of the Forum. In addition, the Forum may, within the limits of available money, hold meetings during a regular session of the Legislature to advise the Legislature on proposed legislation concerning the youth in this State. The Forum may also conduct seminars for the benefit of its members relating to leadership, government and the legislative process. Finally, the Forum may submit a request for the drafting of one legislative measure which relates to matters within the scope of the Forum.

WHEREAS, The United States is facing a population of youth that is disengaged and lacks the necessary knowledge, skills and dispositions to participate in and carry out civic duties; and

WHEREAS, In the 2004 presidential election, 53.1 percent of Nevadans over 25 years of age voted, compared with 38.4 percent among Nevadans 18 to 24 years of age; and

WHEREAS, The lack of voter turnout for citizens who are 18 to 24 years of age is often attributed to cynicism toward the political process, disillusionment with politics, voter apathy and a lack of acknowledgment by the media and politicians of issues involving youth; and

WHEREAS, Most governmental services are designed with input and participation from the people being served; however, young people under the age of 18 are not allowed to vote and are often left out of the democratic process; and

WHEREAS, Several issues are important to the youth in the nation as well as the youth in this State, including, without limitation, education, employment opportunities, participation in state and local government, a safe environment, the prevention of substance abuse, emotional and physical well-being, foster care and access to state and local services; and

WHEREAS, Research shows that the programs designed for youth which are most effective at promoting positive outcomes are framed in terms of the constructive assets the programs seek to build rather than the negative behaviors the programs seek to avoid; and

WHEREAS, There is a growing need to reverse the trend of apathy by engaging our youth directly with policymakers in a manner that will provide genuine opportunities for our youth to acquire civic knowledge and develop the skills necessary to participate fully in a democratic society; and

WHEREAS, Within the past 5 years, Maine, New Mexico, Washington and New Hampshire have enacted bills that create a Youth Issues Forum, which institutionalizes the participation of youth in the policy-making process in those states; and

WHEREAS, The creation of a Youth Issues Forum offers policymakers an opportunity to learn from youth as well as provides a meaningful opportunity for youth to learn about the policy-making process; and

WHEREAS, By providing an avenue for participation, this State will provide our youth with an opportunity to understand the ideals of citizenship and to acquire the knowledge and skills necessary to participate in effective government and appreciate the value of American democracy; now, therefore,

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, "Forum" means the Nevada Youth Legislative Issues Forum created by section 3 of this act.***

Sec. 3. ***1. The Nevada Youth Legislative Issues Forum is hereby created, consisting of 21 members.***

2. Each member of the Senate shall , taking into consideration any recommendations made by a member of the Assembly, appoint a person who submits an application and meets the qualifications for appointment set forth in section 4 of this act. A member of the Assembly may submit recommendations to a member of the Senate concerning the appointment.

3. After the initial terms:

(a) Appointments to the Forum must be made by each member of the Senate before June 30 of each year.

(b) The term of each member of the Forum begins July 1 of the year of appointment.

4. Each member of the Forum serves a term of 1 year and may be reappointed if the member continues to meet the qualifications for appointment set forth in section 4 of this act.

Sec. 4. ***1. To be eligible for appointment to the Forum, a person must be a resident of the senatorial district of the Senator who appoints him and must be:***

(a) Enrolled in a public school in this State in grade 9, 10, 11 or 12 for the school year in which he serves; or

(b) Exempt from compulsory attendance pursuant to NRS 392.070, but otherwise eligible to enroll in a public school in this State in grade 9, 10, 11 or 12 for the school year in which he serves.

2. A person who is eligible for appointment to the Forum may submit an application on the form prescribed pursuant to subsection 3 to the Senator of the senatorial district in which the person resides for appointment or reappointment to the Forum.

3. The Director of the Legislative Counsel Bureau shall prescribe a form for applications submitted pursuant to this section, which must require the signature of the principal of the school in which the applicant is enrolled or, if the applicant is exempt from compulsory attendance pursuant to NRS 392.070, the signature of a member of the community in which the applicant resides other than a relative of the applicant.

Sec. 5. ***1. A position on the Forum becomes vacant upon:***

(a) The death or resignation of a member.

(b) The absence of a member for any reason from two consecutive meetings of the Forum, unless excused by the Chairman of the Forum.

(c) A change of residency of a member which renders that member ineligible under his original appointment.

2. A vacancy on the Forum must be filled for the remainder of the unexpired term in the same manner as the original appointment.

Sec. 6. ***1. The Forum shall elect from among its members, to serve a term of 1 year beginning on July 1 of each year:***

(a) A Chairman, who shall conduct the meetings and oversee the formation of committees as necessary to accomplish the business of the Forum. The Chairman must be:

(1) Enrolled in a public school in this State in grade 9, 10 or 11 for the school year in which he serves; or

(2) Exempt from compulsory attendance pursuant to NRS 392.070, but otherwise eligible to enroll in a public school in this State in grade 9, 10 or 11 for the school year in which he serves.

(b) A Vice Chairman, who shall assist the Chairman and conduct the meetings of the Forum if the Chairman is absent or otherwise unable to perform his duties.

2. The Director of the Legislative Counsel Bureau:

(a) Shall provide meeting rooms and teleconference and videoconference facilities for the Forum.

(b) Shall, in the event of a vacancy on the Forum, notify the appropriate appointing authority of such vacancy.

(c) May accept gifts, grants and donations from any source for the support of the Forum in carrying out the provisions of sections 2 to 9, inclusive, of this act.

Sec. 7. ***1. The Forum shall:***

(a) Hold at least two public hearings in this State each school year.

(b) Simultaneously teleconference or videoconference each public hearing to two or more prominent locations throughout this State.

(c) Evaluate, review and comment upon issues of importance to the youth in this State, including, without limitation:

(1) Education;

(2) Employment opportunities;

(3) Participation of youth in state and local government;

(4) A safe learning environment;

(5) The prevention of substance abuse;

(6) Emotional and physical well-being;

(7) Foster care; and

(8) Access to state and local services.

(d) Conduct a public awareness campaign to raise awareness about the Forum and to enhance outreach to the youth in this State.

2. The Forum may, within the limits of available money:

(a) During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the Forum and to advise the Legislature on proposed legislation relating to the youth in this State.

(b) Form committees, which may meet as often as necessary to assist with the business of the Forum.

(c) Conduct periodic seminars for its members regarding leadership, government and the legislative process.

(d) Employ a person to provide administrative support for the Forum or pay the costs incurred by one or more volunteers to provide any required administrative support.

3. The Forum and its committees shall comply with the provisions of chapter 241 of NRS.

4. On or before June 30 of each year, the Forum shall submit a written report to the Director of the Legislative Counsel Bureau and to the Governor describing the activities of the Forum during the immediately preceding school year and any recommendations for legislation. The Director shall transmit the written report to the Legislative Committee on Education and to the next regular session of the Legislature.

Sec. 8. ***The Forum may:***

1. Request the drafting of not more than one legislative measure which relates to matters within the scope of the Forum. A request must be submitted to the Legislative Counsel on or before July 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

2. Adopt procedures to conduct meetings of the Forum and any committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the Forum who are present and voting.

3. Advise the Director of the Legislative Counsel Bureau regarding the administration of any appropriations, gifts, grants or donations received for the support of the Forum.

Sec. 9. ***The members of the Forum serve without compensation. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the members of the Forum may receive the per diem allowance and travel expenses provided for state officers and employees generally for attending a meeting of the Forum or a seminar conducted by the Forum.***

Sec. 10. 1. Each Senator shall appoint a member to the Nevada Youth Legislative Issues Forum created by section 3 of this act to an initial term commencing on July 1, 2008, and expiring on June 30, 2009.

2. The Forum shall hold its first meeting not later than October 1, 2008. At the first meeting of the Forum, the members of the Forum shall elect a Chairman and a Vice Chairman who hold those positions until June 30, 2009.

3. After the initial terms of office, sections 3 and 6 of this act govern the terms of office of the members of the Forum.

Sec. 11. This act becomes effective upon passage and approval.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

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

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

Assembly in recess at 1:15 p.m.

ASSEMBLY IN SESSION

At 1:16 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Senate Bill No. 266.

Bill read second time.

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

Amendment No. 862.

AN ACT relating to public health; requiring certain prenatal tests for pregnant women under certain circumstances; requiring certain tests for the human immunodeficiency virus for pregnant women and newborn children under certain circumstances; ~~[granting a provider of health care immunity from civil and criminal liability and professional discipline under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill requires a provider of health care to ensure that a woman receives, as part of the routine prenatal care recommended for all pregnant women during the first trimester of pregnancy, a test for the human immunodeficiency virus unless the woman chooses not to be tested. Section 6 requires a provider of health care to ensure that a pregnant woman receives a test for human immunodeficiency virus during her third trimester if she receives health care in a jurisdiction with a high prevalence of human immunodeficiency virus or acquired immunodeficiency syndrome among women of child-bearing age or in a high-risk clinical setting or if she reports that she has one or more of the risk factors identified by the Centers for Disease Control and Prevention, unless the woman chooses not to be tested. Section 6 also requires a provider of health care to ensure that a pregnant woman receives a rapid test for the human immunodeficiency virus during childbirth if she has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless the woman chooses not to be tested. If a rapid test is administered and the result of the rapid test is positive, the provider of health care must offer to initiate antiretroviral prophylaxis as soon as practicable without waiting for the results of any other test administered to confirm the result of the rapid test.

Section 7 of this bill requires a provider of health care who attends or assists at the delivery of a child to ensure that a test for the human immunodeficiency virus is performed on the child if the mother has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless a parent **or legal guardian of the child** objects that performance of the test is contrary to the religious beliefs of the parent ~~[.]~~ **or legal guardian.**

~~[Section 8 of this bill requires a provider of health care to ensure that, before a woman or newborn child receives any test set forth in this bill, the woman or parent of the newborn child receives a pamphlet informing them of their right to refuse the test.~~

~~Section 9 of this bill provides that a provider of health care is not subject to civil or criminal liability or disciplinary action solely for his violation of a provision of this bill.]~~

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Provider of health care" means:***

1. A provider of health care as defined in NRS 629.031;

2. A midwife; and

3. An obstetric center licensed pursuant to chapter 449 of NRS.

Sec. 4. ***"Rapid test for the human immunodeficiency virus" or "rapid test" means a test that:***

1. Is used to detect the presence of antibodies to the human immunodeficiency virus; and

2. Provides a result in 30 minutes or less.

Sec. 5. ***1. Any test for the human immunodeficiency virus, including, without limitation, a rapid test, that is used to carry out the provisions of sections 2 to 9, inclusive, of this act must be approved by the United States Food and Drug Administration.***

2. Each test administered to a woman or performed on a child pursuant to the provisions of sections 2 to 9, inclusive, of this act must be administered or performed in accordance with:

(a) The provisions of chapter 652 of NRS and any regulations adopted pursuant thereto; and

(b) The Clinical Laboratory Improvement Amendments of 1988, Public Law No. 100-578, 42 U.S.C. § 263a, if applicable.

Sec. 6. ***1. A provider of health care who provides prenatal care to a woman during the first trimester of her pregnancy shall ensure that the woman receives, at her first visit or as soon thereafter as practicable, the routine prenatal screening tests recommended for all pregnant women by the Centers for Disease Control and Prevention, including, without limitation, a screening test for the human immunodeficiency virus, unless the woman chooses not to have a screening test for the human immunodeficiency virus or any of the other prenatal screening tests.***

2. A provider of health care who provides prenatal care to a woman during the third trimester of her pregnancy shall ensure that the woman

receives, between the 27th and the 36th week of gestation or as soon thereafter as practicable, a test for the human immunodeficiency virus if she:

(a) Has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available; or

(b) Is at high risk for infection with the human immunodeficiency virus, unless the woman chooses not to have such a test.

3. A provider of health care who attends or assists a woman during childbirth shall:

(a) Ensure that the woman receives a rapid test for the human immunodeficiency virus if she has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless the woman chooses not to have such a test; and

(b) If the rapid test is administered and the result of the rapid test is positive for the presence of antibodies to the human immunodeficiency virus, offer to initiate antiretroviral prophylaxis to reduce the risk of perinatal transmission of the human immunodeficiency virus as soon as practicable after receiving the result of the rapid test and without waiting for the results of any other test administered to confirm the result of the rapid test.

4. For the purposes of this section, a woman is at high risk for infection with the human immunodeficiency virus if she:

(a) Receives health care in:

(1) A jurisdiction that the Centers for Disease Control and Prevention has identified as having an elevated incidence of human immunodeficiency virus or acquired immunodeficiency syndrome among women between the ages of 15 and 45 years; or

(2) A health care facility that, under the standards of the Centers for Disease Control and Prevention, is considered a high-risk clinical setting because prenatal screening has identified at least one pregnant woman who is infected with the human immunodeficiency virus for each 1,000 pregnant women screened at the facility; or

(b) Reports having one or more of the risk factors for infection with the human immunodeficiency virus identified by the Centers for Disease Control and Prevention, including, without limitation:

(1) Engaging in sexual activities with more than one person during the pregnancy without using effective measures to protect against the transmission of the human immunodeficiency virus.

(2) Engaging in sexual activity with another person in exchange for money or other compensation.

(3) Engaging in sexual activity with another person who is infected with the human immunodeficiency virus or who has one or more of the risk factors for infection with the human immunodeficiency virus identified by the Centers for Disease Control and Prevention.

(4) Receiving treatment for a sexually transmitted disease.

(5) Using a controlled substance or a dangerous drug.

(6) Receiving a blood transfusion between 1978 and 1985, inclusive.

5. As used in this section, "dangerous drug" has the meaning ascribed to it in NRS 454.201.

Sec. 7. ***A provider of health care who attends or assists at the delivery of a child shall, if the mother has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, ensure that a rapid test for the human immunodeficiency virus is performed on the child unless a parent or legal guardian of the child objects to the performance of the test because it is contrary to the religious beliefs of the parent ~~.~~ or legal guardian.***

Sec. 8. ~~*[A provider of health care shall ensure that, before a woman or newborn child receives any test that is used to carry out the provisions of sections 2 to 9, inclusive, of this act:*~~

~~*1. The woman receives a pamphlet that informs her of her right not to have the test.*~~

~~*2. The parent of the newborn child receives a pamphlet that informs the parent of the parent's right to object to the performance of the test because it is contrary to the religious beliefs of the parent.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[A provider of health care is not subject to civil or criminal liability or disciplinary action solely for his violation of a provision of sections 2 to 9, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 275.

Bill read second time.

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

Amendment No. 811.

AN ACT relating to underground water; revising provisions governing the domestic use of underground water from a well; revising the date of priority ~~[of an appropriation]~~ **for the use** of underground water from a well for domestic purposes; authorizing the State Engineer to require the dedication or relinquishment of a water right under certain circumstances; requiring that certain conditions be met if a local ordinance allows the development and use of underground water from a well for an accessory ~~[building]~~ **dwelling unit** of a single-family dwelling; authorizing a county to relinquish a water right under certain circumstances; revising provisions governing parcel maps; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer may exempt from the application of chapter 534 of NRS, relating to underground water and wells, the use of

water from a well for a domestic use or purpose if the use or purpose directly relates to a single-family dwelling and the draught does not exceed 1,800 gallons per day. (NRS 534.013, 534.180) Sections 1, 4, 5 and 6 of this bill quantify the maximum limit of domestic use of underground water from a well as 2 acre feet per year instead of 1,800 gallons per day. Sections 1, 4, 6 and 7 of this bill authorize a local ordinance to extend a domestic use or purpose to an accessory ~~[building]~~ **dwelling unit** of ~~[the]~~ **a** single-family dwelling. Section 4 imposes additional responsibilities on the owner of a well, the local governing body or planning commission and the State Engineer if a local ordinance allows the development and use of underground water from a well for an accessory ~~[building]~~ **dwelling unit** of a single-family dwelling **, as defined in the local ordinance,** to qualify as a domestic use or purpose.

Under existing law, a domestic well exempted from chapter 534 of NRS is not assigned a date of priority. (NRS 534.080, 534.180) Section 2 of this bill sets the date of priority for certain domestic wells as the date of completion of the well as recorded by the driller of the well or another date as documented by evidence determined to be adequate by the State Engineer.

Under existing law, the State Engineer, in basins for which the State Engineer maintains pumping records, is required to give notice to an owner of a water right before the water right is forfeited for nonuse of the water. (NRS 534.090) Section 3 of this bill requires the State Engineer to give notice of a forfeiture of water rights for nonuse in all basins regardless of whether he maintains pumping records for the basin.

Under existing law, the State Engineer is required to adopt regulations establishing a program that allows a public water system to receive credits for the addition of new customers in certain designated groundwater basins. (NRS 534.350) Section 6 of this bill authorizes a county to relinquish a right to appropriate water from a domestic well to the State Engineer if the county requires the dedication of that right to the county by the owner of a particular parcel of land. Section 6 further states that, if such an owner becomes a new customer of a public water system, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system.

Under existing law, a person who proposes to divide any land for transfer or development into four lots or less is required to prepare a parcel map and file it in accordance with local ordinance. (NRS 278.461) Section 7 of this bill requires **such** a person, in addition to filing a parcel map in accordance with **the** local ordinance, to ~~[prepare and file]~~ **provide** a **copy of the** parcel map ~~[with]~~ **to** the Division of Water Resources of the State Department of Conservation and Natural Resources and also to obtain a certificate of approval from the Division of Water Resources if certain conditions occur.

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

Section 1. NRS 534.013 is hereby amended to read as follows:

534.013 "Domestic use" or "domestic purposes" extends to culinary and household purposes directly related to ~~[a]~~ ***:***

1. A single-family dwelling ~~[,]~~ ***; and***

2. An accessory ~~*[building]*~~ ***dwelling unit for a single-family dwelling if provided for in an applicable local ordinance,***

➥ including, without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed the ~~[threshold daily]~~ maximum amount set ***forth*** in NRS 534.180 for exemption from the application of this chapter.

Sec. 1.5. NRS 534.050 is hereby amended to read as follows:

534.050 1. Except as otherwise provided in subsection 2 and NRS 534.180, every person desiring to sink or bore a well in any basin or portion therein in the State designated by the State Engineer, as provided for in this chapter, must first make application to and obtain from the State Engineer a permit to appropriate the water, pursuant to the provisions of chapter 533 of NRS relating to the appropriation of the public waters, before performing any work in connection with the boring or sinking of the well.

2. Upon written application and a showing of good cause, the State Engineer may issue a written waiver of the requirements of subsection 1:

(a) For exploratory wells to be drilled to determine the availability of water or the quality of available water;

(b) To allow temporary use of the water in constructing a highway or exploring for ***water,*** oil, gas, minerals or geothermal resources; or

(c) For wells to be drilled in shallow groundwater systems and pumped to alleviate potential hazards to persons and property resulting from the rise of groundwater caused by secondary recharge. If practical, approved by the State Engineer and consistent with this chapter and chapter 533 of NRS, the withdrawn water must be used for some other beneficial use.

3. In other basins or portions of basins which have not been designated by the State Engineer no application or permit to appropriate water is necessary until after the well is sunk or bored and water developed. Before any diversion of water may be made from the well, the appropriator must make application to and obtain from the State Engineer, pursuant to the provisions of chapter 533 of NRS, a permit to appropriate the water.

4. Upon written application and a showing of good cause, the State Engineer may issue a written waiver of the requirements of subsection 3, to allow temporary use of water in constructing a highway or exploring for ***water,*** oil, gas, minerals or geothermal resources.

5. Any person using water after a permit has been withdrawn, denied, cancelled, revoked or forfeited is guilty of a misdemeanor. Each day of violation of this subsection constitutes a separate offense and is separately punishable.

Sec. 2. NRS 534.080 is hereby amended to read as follows:

534.080 1. A legal right to appropriate underground water for beneficial use from an artesian or definable aquifer subsequent to March 22, 1913, or from percolating water, the course and boundaries of which are incapable of determination, subsequent to March 25, 1939, can only be acquired by complying with the provisions of chapter 533 of NRS pertaining to the appropriation of water.

2. The State Engineer may, upon written notice sent by registered or certified mail, return receipt requested, advise the owner of a well who is using water therefrom without a permit to appropriate ~~[such]~~ ***the*** water to cease using ~~[such]~~ ***the*** water until he has complied with the laws pertaining to the appropriation of water. If the owner fails to initiate proceedings to secure such ***a*** permit within 30 days ~~[from]~~ ***after*** the date of ~~[such]~~ ***the*** notice **,** he ~~[shall be]~~ ***is*** guilty of a misdemeanor.

3. ~~[The]~~ ***Except as otherwise provided in subsection 4 and NRS 534.180, the*** date of priority of all appropriations of water from an underground source ~~[,]~~ mentioned in this section ~~[,]~~ is the date when application is made in proper form and filed in the Office of the State Engineer pursuant to the provisions of chapter 533 of NRS.

4. The date of priority ~~[of an appropriation]~~ for the use of underground water from a well for domestic purposes where the draught does not exceed 2 acre feet per year is the date of completion of the well as:

(a) Recorded by the well driller on the log he files with the State Engineer pursuant to NRS 534.170; or

(b) Demonstrated through any other documentation or evidence specified by the State Engineer.

Sec. 3. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right ~~[,]~~ or a permitted right, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. ~~[For water rights in basins for which the State Engineer keeps pumping records, if]~~ ***If*** the records of the State Engineer ***or any other documents specified by the State Engineer*** indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of ~~[such]~~ a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that he has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of beneficial use is not sent to the State Engineer, the State Engineer shall, unless he has granted a request to extend the time

necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

2. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for his failure to use all or any part of the water beneficially for the purpose for which his right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Any prolonged period in which precipitation in the basin where the water right is located is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin; and

(e) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether he has granted or denied the holder's request for an extension pursuant to this subsection.

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year ~~[from]~~ ***after*** the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of his right is declared by the State Engineer.

4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of

the belief from his examination that an abandonment has taken place, he shall so state in his ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 3.5. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in his judgment, the groundwater basin is being depleted, the State Engineer in his administrative capacity ~~[is herewith empowered to]~~ ***may*** make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by him and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, he may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. Except as otherwise provided in subsection 5, the State Engineer may:

(a) Issue temporary permits to appropriate groundwater which can be limited as to time and which may, except as limited by subsection 4, be revoked if and when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(b) Deny applications to appropriate groundwater for any use in areas served by such an entity.

(c) Limit the depth of domestic wells.

(d) Prohibit the drilling of wells for domestic use, as defined in NRS 534.013 **,** ~~[and 534.0175,]~~ in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(e) In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such

as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well-drilling rig.

5. The State Engineer may, in an area in which he has issued temporary permits pursuant to subsection 3, limit the depth of a domestic well pursuant to paragraph (c) of subsection 3 or prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

(b) The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. ~~[Nothing in this section prohibits]~~ ***The provisions of this section do not prohibit*** the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 4. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed ~~[a daily maximum of 1,800 gallons.]~~ ***2 acre feet per year.***

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada,

➥ but only if the charge for making the connection to the service is less than $200.

4. If the development and use of underground water from a well for an accessory ~~[building]~~ dwelling unit of a single-family dwelling , as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose : ~~[pursuant to an applicable local ordinance:]~~

(a) The owner of the well shall:

(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;

(2) Install a water meter capable of measuring the total withdrawal of water from the well; and

(3) Ensure the total withdrawal of water from the well does not exceed 2 acre feet per year;

(b) The local governing body or planning commission shall report the ~~[withdrawal of water from the well]~~ approval of the accessory dwelling unit on a form provided by the State Engineer;

(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory ~~[building]~~ dwelling unit is the date of approval of the accessory ~~[building]~~ dwelling unit by the local governing body or planning commission.

Sec. 5. NRS 534.185 is hereby amended to read as follows:

534.185 1. The State Engineer shall, upon written request and receipt of a written agreement between the affected property owners, waive the requirements of this chapter regarding permits for the use and development of underground water from a well if:

(a) The well existed on July 1, 1983;

(b) It is used solely for domestic purposes by not more than three single-family dwellings; and

(c) Each of those dwellings does not draw more than ~~[1,800 gallons]~~ ***2 acre feet*** of water ~~[in a day.]~~ ***per year.***

2. The State Engineer may require an owner who has been granted such a waiver to apply for a permit if one or more of the dwellings is drawing more than ~~[1,800 gallons]~~ ***2 acre feet*** of water ~~[in a day.]~~ ***per year.***

3. This section does not apply to any groundwater basin for which the State Engineer has in effect on July 1, 1983, a procedure of issuing revocable permits.

Sec. 6. NRS 534.350 is hereby amended to read as follows:

534.350 1. The State Engineer shall adopt regulations establishing a program that allows a public water system to receive credits, as provided in this section, for the addition of new customers to the system. The program must be limited to public water systems in areas:

(a) Designated as groundwater basins by the State Engineer pursuant to the provisions of NRS 534.030; and

(b) In which the State Engineer has denied one or more applications for any municipal uses of groundwater.

2. Before the State Engineer adopts any regulations pursuant to this section regarding any particular groundwater basin, he shall hold a public hearing:

(a) Within the basin to which the regulations will apply if adequate facilities to hold a hearing are available within that basin; or

(b) In all other cases, within the county where the major portion of that basin lies,

➥ to take testimony from any interested persons regarding the proposed regulations.

3. Upon adoption of the regulations required by this section regarding a particular groundwater basin, a public water system which provides service in that basin is entitled to receive a credit for each customer who is added to the system after the adoption of those regulations and:

(a) Voluntarily ceases to draw water from a domestic well located within that basin; or

(b) Is the owner of a lot or other parcel of land, other than land used or intended solely for use as a location for a ~~[water]~~ ***domestic*** well, which:

(1) Is located within that basin;

(2) Was established as a separate lot or parcel before July 1, 1993;

(3) Was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and

(4) Is subject to a written agreement which was voluntarily entered into by the owner with the public water system pursuant to which the owner agrees not to drill a domestic well on the land and the public water system agrees that it will provide water service to the land. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to chapter 111 of NRS.

4. ***If a county requires, by ordinance, the dedication to the county of a right to appropriate water from a domestic well which is located on a lot or other parcel of land that was established as a separate lot or parcel on or after July 1, 1993, the county may, by relinquishment to the State Engineer, allow the right to appropriate water to revert to the source of the water. The State Engineer shall not accept a relinquishment of a right to appropriate water pursuant to this subsection unless the right is in good standing as determined by the State Engineer. A right to appropriate water that is dedicated and relinquished pursuant to this subsection:***

(a) Remains appurtenant only to the parcel of land in which it is located as specified on the parcel map ***;*** ~~***[for the parcel of land;]***~~ ***and***

(b) Maintains its date of priority established pursuant to NRS 534.080.

5. If an owner of a parcel of land specified in subsection 4 becomes a new customer of a public water system for that parcel of land, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system pursuant to this section.

6. The State Engineer may require a new customer, who voluntarily ceases to draw water from a domestic well as provided in paragraph (a) of subsection 3 ~~[,]~~ ***or whose right to appropriate water is dedicated pursuant to subsection 4,*** to plug that well.

~~[5.]~~ ***7.*** A credit granted pursuant to this section:

(a) Must be sufficient to enable the public water system to add one service connection for a single-family dwelling to the system, except that the credit may not exceed the increase in water consumption attributable to the additional service connection or ~~[1,800 gallons per day,]~~ ***2 acre feet per year,*** whichever is less.

(b) May not be converted to an appropriative water right.

~~[6.]~~ ***8.*** This section does not:

(a) Require a public water system to extend its service area.

(b) Authorize any increase in the total amount of groundwater pumped in a groundwater basin.

(c) Affect any rights of an owner of a domestic well who does not voluntarily bring himself within the provisions of this section.

~~[7.]~~ ***9.*** As used in this section:

(a) "Domestic well" means a well used for culinary and household purposes in ~~[a]~~ ***:***

(1) A single-family dwelling ~~[,]~~ ***; and***

(2) An accessory ~~*[building]*~~ ***dwelling unit for a single-family dwelling if provided for in an applicable local ordinance,***

➥ including the watering of a garden, lawn and domestic animals and where the draught does not exceed ~~[1,800 gallons per day.]~~ ***2 acre feet per year.***

(b) "Public water system" has the meaning ascribed to it in NRS 445A.840.

Sec. 7. NRS 278.461 is hereby amended to read as follows:

278.461 1. Except as otherwise provided in this section, a person who proposes to divide any land for transfer or development into four lots or less shall:

(a) Prepare a parcel map and file the number of copies, as required by local ordinance, of the parcel map with the planning commission or its designated representative or, if there is no planning commission, with the clerk of the governing body; and

(b) Pay a filing fee in an amount determined by the governing body,

➥ unless ~~[these]~~ ***those*** requirements are waived or the provisions of NRS 278.471 to 278.4725, inclusive, apply. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to

be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

2. ***In addition to any other requirement set forth in this section, a person who*** ~~*[proposes to divide any land for transfer or development shall prepare and]*~~ ***is required to prepare a parcel map pursuant to subsection 1 shall provide a copy of*** ~~*[a]*~~ ***the parcel map to the Division of Water Resources of the State Department of Conservation and Natural Resources and obtain a certificate from the Division indicating that the parcel map is approved as to the quantity of water available for use if:***

(a) Any parcel included in the parcel map:

(1) Is within or partially within a basin designated by the State Engineer pursuant to NRS 534.120 for which the State Engineer has issued an order requiring approval by him of the parcel map; and

(2) Will be served by a domestic well; and

(b) The dedication of a right to appropriate water to ensure a sufficient supply of water is not required by an applicable local ordinance.

3. If the parcel map is submitted to the clerk of the governing body, he shall submit the parcel map to the governing body at its next regular meeting.

~~[3.]~~ ***4.*** A common-interest community consisting of four units or less shall be deemed to be a division of land within the meaning of this section, but need only comply with this section and NRS 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and 278.466.

~~[4.]~~ ***5.*** A parcel map is not required when the division is for the express purpose of:

(a) The creation or realignment of a public right-of-way by a public agency.

(b) The creation or realignment of an easement.

(c) An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels, which does not result in the creation of any additional parcels, if such an adjustment is approved pursuant to NRS 278.5692 and is made in compliance with the provisions of NRS 278.5693.

(d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.

(e) Carrying out an order of any court or dividing land as a result of an operation of law.

~~[5.]~~ ***6.*** A parcel map is not required for any of the following transactions involving land:

(a) The creation of a lien, mortgage, deed of trust or any other security instrument.

(b) The creation of a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity.

(c) Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property.

(d) Conveying an interest in land acquired by the Department of Transportation pursuant to chapter 408 of NRS.

(e) Filing a certificate of amendment pursuant to NRS 278.473.

~~[6.]~~ ***7.*** When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, until further divided.

~~[7.]~~ ***8.*** Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of NRS 278.320.

9. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 8. NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

➥ after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

➥ after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning commission shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

➥ after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection ~~[2]~~ ***3*** of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or

agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

➥ after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.

5. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

6. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

7. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chairman of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925 has been vacated or abandoned in accordance with NRS 278.480.

Sec. 8.5. NRS 278.466 is hereby amended to read as follows:

278.466 1. The parcel map must be legibly drawn in permanent black ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for that purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink. The size of each sheet must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

2. A parcel map must indicate the owner of any adjoining land, or any right-of-way if owned by the person dividing the land.

3. A parcel map must show:

(a) The area of each parcel or lot and the total area of the land to be divided in the following manner:

(1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

(2) In square feet if the area is less than 2 acres.

(b) All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.

(c) Bearing or witness monuments, the basis of bearings, bearing and length of lines and the scale of the map.

(d) The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.

(e) Any easements granted or dedications made.

(f) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and area shown.

4. A parcel map must include:

(a) The memorandum of oaths described in NRS 625.320.

(b) The certificate of the surveyor required pursuant to NRS 278.375.

(c) The ***certificate of the Division of Water Resources of the State Department of Conservation and Natural Resources issued pursuant to NRS 278.461, if any.***

(d) The signature of each owner of the land to be divided.

5. A governing body may by local ordinance require a parcel map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, ➥ if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a) to the preparation and recordation of the parcel map. A holder of record of a security interest may consent by signing:

(1) The parcel map; or

(2) A separate document that is recorded with the parcel map and declares his consent to the division of land, if the map contains a notation that a separate document has been recorded to this effect.

6. If the requirement for a parcel map is waived, the governing body may specify by local ordinance the type and extent of information or mapping necessary for the division of land.

7. Reference to the parcel number and recording data of a recorded parcel map is a complete legal description of the land contained in the parcel.

Sec. 9. NRS 278.5693 is hereby amended to read as follows:

278.5693 1. For a boundary line to be adjusted or for land to be transferred pursuant to paragraph (c) of subsection ~~[4]~~ ***5*** of NRS 278.461, a

professional land surveyor must have performed a field survey, set monuments and filed a record of survey pursuant to NRS 625.340.

2. A record of survey filed pursuant to subsection 1 must contain:

(a) A certificate by the professional land surveyor who prepared the map stating that:

(1) He has performed a field survey sufficient to locate and identify properly the proposed boundary line adjustment;

(2) All corners and angle points of the adjusted boundary line have been defined by monuments or will be otherwise defined on a document of record as required by NRS 625.340; and

(3) The map is not in conflict with the provisions of NRS 278.010 to 278.630, inclusive.

(b) A certificate that is executed and acknowledged by each affected owner of the abutting parcels which states that:

(1) He has examined the plat and approves and authorizes the recordation thereof;

(2) He agrees to execute the required documents creating any easement which is shown;

(3) He agrees to execute the required documents abandoning any existing easement pursuant to the provisions of NRS 278.010 to 278.630, inclusive;

(4) All property taxes on the land for the fiscal year have been paid; and

(5) Any lender with an impound account for the payment of taxes has been notified of the adjustment of the boundary line or the transfer of the land.

(c) A certificate by the governing body or its designated representative approving the adjustment of the boundary line.

Sec. 10. This act becomes effective on ~~[July 1, 2007.]~~ **January 1, 2008.**

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 293.

Bill read second time and ordered to third reading.

Senate Bill No. 298.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 793.

AN ACT relating to civil liability; enacting provisions relating to civil liability for causing the injury or death of certain pets; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under general legal principles, a pet is considered the personal property of its owner. If a person negligently, recklessly, willfully or intentionally injures or kills the pet of another person, the owner of the pet may recover the same

damages that the owner could recover for damage to or destruction of the owner's personal property. Section 1 of this bill replaces this general legal principle with a statutory provision which provides that a person who intentionally, willfully, recklessly or negligently injures or kills the dog or cat of another person is liable for certain economic damages and that the award of such damages must not exceed $5,000. Under section 1, punitive damages and noneconomic damages may not be awarded.

Section 2 of this bill provides that the owner of the dog or cat must bring an action within 2 years after the cause of action accrues.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, if a natural person intentionally, willfully, recklessly or negligently injures or kills the pet of another natural person, the person is liable for the following:

(a) The cost of veterinary care incurred by the owner because of the injury or death of the pet.

(b) If the pet is injured, any reduction in the market value of the pet caused by the injury.

(c) If the pet is killed, the market value of the pet and reasonable burial expenses.

(d) Reasonable attorney's fees and costs incurred by the owner in bringing an action pursuant to this section.

2. Punitive damages and noneconomic damages may not be awarded in an action brought under this section.

3. In an action brought under this section, the award of damages must not exceed $5,000 for each pet.

4. The provisions of this section do not authorize an award of damages pursuant to subsection 1 if:

(a) A nonprofit organization, society for the prevention of cruelty to animals established pursuant to NRS 574.010 or governmental entity, or an employee or agent thereof, injures or kills a pet while acting in furtherance of public health or animal welfare.

(b) The action is based on the killing of a dog that had been or was killing or causing damage to livestock.

(c) The person reasonably believed that:

(1) The pet presented a risk to his safety or to the safety of another person; and

(2) The action was necessary to protect himself or another person.

5. As used in this section:

(a) "Livestock" has the meaning ascribed to it in NRS 569.0085.

(b) "Owner" means a natural person who owns, possesses, harbors, keeps or has control or custody of a pet.

(c) "Pet" means any domesticated dog or cat normally maintained in or near the household of its owner.

Sec. 2. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without his fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue

upon the discovery by the financial institution of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his official capacity and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under section 1 of this act.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 3. This act applies to a cause of action that accrues on or after October 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 300.

Bill read second time and ordered to third reading.

Senate Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 836.

SUMMARY—Amends the Charter of the City of North Las Vegas concerning the qualifications of municipal judges ~~[.]~~ **prospectively contingent upon voter approval.** (BDR S-80)

AN ACT relating to judges; **prospectively** amending the Charter of the City of North Las Vegas concerning the qualifications of municipal judges ~~[.]~~ **contingent upon voter approval;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill amends the Charter of the City of North Las Vegas to require a municipal judge to devote his full time to the duties of his office and to be a duly licensed member, in good standing, of the State Bar of Nevada. This requirement does not apply to a municipal judge who holds the office of municipal judge on ~~[October 1, 2007,]~~ **January 1, 2009,** and who continues to serve as such in uninterrupted terms. **The provisions of section 1 will become effective on January 1, 2009, only if the voters of the City of North Las Vegas approve of the effect of those provisions at the 2008 General Election.**

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

Section 1. Section 4.020 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 73, Statutes of Nevada 2003, at page 485, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: ~~[Residency requirement]~~ ***Qualifications*** of Municipal Judge; salary.

1. A Municipal Judge must have been a resident of the City for a continuous period of at least 6 months immediately preceding his election.

2. ***A Municipal Judge shall devote his full time to the duties of his office and must be a duly licensed member, in good standing, of the State Bar of Nevada, except that the requirement to be a duly licensed member, in good standing, of the State Bar of Nevada does not apply to any Municipal Judge who holds the office of Municipal Judge on ~~[October 1, 2007,]~~ January 1, 2009, as long as he continues to serve as such in uninterrupted terms.***

3. If so required by an ordinance duly enacted, candidates for the office of Municipal Judge, at the time of filing, shall produce evidence in satisfaction of any or all of the qualifications for office.

~~[3.]~~ ***4.*** The salary of a Municipal Judge must be fixed by the City Council, must be uniform for all departments of the Municipal Court and may be increased during the term for which a Municipal Judge is elected or appointed.

Sec. 2. **At the general election on November 4, 2008, in the City of North Las Vegas, a question must be placed on the general election ballot in substantially the following form:**

Shall Section 4.020 of the Charter of the City of North Las Vegas be amended to require a Municipal Judge who holds the office of Municipal Judge after January 1, 2009:

1. To devote his full time to the duties of his office; and

2. Except for a Municipal Judge who holds the office of Municipal Judge on January 1, 2009, and continues to serve in uninterrupted terms, to be a duly licensed member, in good standing, of the State Bar of Nevada?

Sec. 3. **1. This section and section 2 of this act become effective on October 1, 2007.**

2. Section 1 of this act becomes effective on January 1, 2009, only if a majority of the voters voting on the question placed on the ballot pursuant to section 2 of this act vote affirmatively on the question.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 312.

Bill read second time and ordered to third reading.

Senate Bill No. 313.

Bill read second time and ordered to third reading.

Senate Bill No. 315.

Bill read second time and ordered to third reading.

Senate Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 848.

AN ACT relating to educational personnel; requiring the board of trustees of each school district to adopt a program to engage **certain** administrators in annual classroom instruction **,** ~~[and]~~ observation ~~[.]~~ **and other activities;** making various changes regarding the evaluation and admonition of educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The board of trustees of a school district is authorized to employ a superintendent of schools, teachers and all other necessary employees. (NRS 391.100, 391.110, 391.120) Section 1 of this bill requires the board of trustees of each school district to adopt a program to engage administrators **employed at the district level** in annual classroom instruction **,** ~~[and]~~ observation **and other activities** in a manner that is appropriate for the responsibilities, position and duties of the administrators.

Existing law requires each probationary teacher to be evaluated at least three times during each school year and a postprobationary teacher to be evaluated at least once each school year. (NRS 391.3125) Section 5 of this

bill requires an administrator who is responsible for evaluating a teacher to personally observe that teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period **.** ~~[, with at least one observation consisting of at least 45 minutes.]~~ If a deficiency is discovered during the evaluation process, every effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. (NRS 391.313) Section 6 of this bill requires that, if an administrator admonishes a teacher, an admonition must include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall adopt a policy that sets forth procedures and conditions for a program to engage administrators employed by the school district at the district level in annual classroom instruction , ~~[and]~~ observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators. The policy must require each administrator employed by the school district at the district level to:

(a) If he holds a license to teach, provide instruction in a core academic subject in a classroom for at least 1 regularly scheduled full instructional day in each school year; or

(b) If he does not hold a license to teach ~~[, personally]~~ :

(1) Personally observe a classroom for at least ~~[1]~~ one-half of a regularly scheduled full instructional day in each school year ~~[.]~~ ; or

(2) Otherwise participate in activities with pupils in the classroom in each school year, including, without limitation, serving as a guest speaker in the classroom, reading to pupils in elementary school and participating in career day.

2. ~~[A school level administrator shall carry out the requirements of this section at the school to which he is assigned.]~~ A district level administrator may choose a school within the school district at which he will carry out the requirements of this section.

3. An administrator who provides instruction pursuant to paragraph (a) of subsection 1 must be assigned as a substitute teacher for the full instructional day in which he carries out the requirements of this section.

4. The provisions of this section do not apply to administrators who are employed by a school district to provide administrative service at the school level, including, without limitation, a principal or vice principal.

5. As used in this section ~~[:~~

~~*(a) "Administrator" means each person employed by a school district to provide administrative service at:*~~

~~*(1) The district level, including, without limitation, the superintendent of schools of the school district;*~~

~~*(2) The school level, including, without limitation, a principal or vice principal; or*~~

~~*(3) Both the district level and the school level.*~~

~~*➥ The term does not include a teacher whose working time is primarily spent providing instruction in a classroom.*~~

~~*(b) "Core]*~~ ***, "core academic subject" means the core academic subjects designated pursuant to NRS 389.018.***

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded ~~[no]~~ ***not*** later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. ***An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.***

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the

second year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation ~~[no]~~ ***not*** later than ~~[February 15]~~ ***March 1*** of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. ***An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least*** ~~*[45]*~~ ***30 consecutive minutes.***

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~[, if]~~ ~~*[:]*~~ ***include, without limitation:***

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, ~~[include]~~ recommendations for improvements in ~~[his]~~ ***the*** performance ~~[.]~~ ~~[A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.]~~ ***of the teacher;***

~~*[(b) Include a]*~~

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation ~~*[.]*~~ ***; and***

~~*[(c) Include a]*~~

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. ***Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.***

Sec. 6. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that he believes may lead to demotion ~~[,]~~ ***or*** dismissal or ***may*** cause the employee not to be reemployed under the provisions of NRS 391.312, he shall:

(a) Except as otherwise provided in subsection ~~[2,]~~ ***3,*** bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to his demotion, dismissal or a refusal to reemploy him, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for his potential demotion, dismissal or a potential recommendation not to reemploy him; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ ***The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.***

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

~~[2.]~~ ***3.*** An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS 391.3197. If by ~~[February 15]~~ ***March 1*** of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

~~[3.]~~ ***4.*** A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of NRS 391.312.

Sec. 7. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the

first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[A]~~ ***If a*** probationary employee ~~[who receives an unsatisfactory evaluation]~~ ***receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee*** may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in ~~[the]~~ ***this*** State. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 8. On or before February 1, 2008, the board of trustees of each school district shall submit a copy of the program to engage administrators in annual classroom instruction **,** ~~[and]~~ observation **and other activities** adopted by the school district pursuant to section 1 of this act to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 9. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 329.

Bill read second time.

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

Amendment No. 810.

AN ACT relating to animals; prohibiting a person from allowing a cat or dog to remain unattended in a parked or standing motor vehicle in a manner that endangers the health or safety of the cat or dog; authorizing a peace officer to use force to remove a cat or dog from a motor vehicle under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person is prohibited from instigating, engaging in or in any way furthering an act of cruelty to an animal. (NRS 574.100) Such an act includes, without limitation, unjustifiably injuring or maiming an animal

or carrying an animal in a vehicle in a cruel or inhuman manner. (NRS 574.100, 574.190)

Section 2 of this bill makes it a misdemeanor for a person to allow a cat or dog to remain unattended in a parked or standing car during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog. Section 2 authorizes a peace officer and certain other persons to use any force that is reasonable and necessary under the circumstances to remove the cat or dog from the motor vehicle. Section 5 of this bill provides that the existing general exemptions from the provisions of chapter 574 of NRS also apply to the activities specified in section 2 of this bill. Those exemptions include, without limitation, the handling, housing and transporting of livestock or farm animals.

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.

2. Any:

(a) Peace officer;

(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040;

(c) Animal control officer;

(d) Governmental officer or employee whose primary duty is to ensure public safety;

(e) Employee or volunteer of any organized fire department; or

(f) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

➥ may use any force that is reasonable and necessary under the circumstances to remove from a motor vehicle a cat or dog that is allowed to remain in the motor vehicle in violation of subsection 1.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by :

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization specified in paragraph (f) of subsection 2 to assist the organization in carrying out the activities of the organization; or

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency . ~~[.] or~~

~~*(c) A dog that is transported or used for hunting a species of game mammal:*~~

~~*(1) During the season for hunting that species of game mammal; and*~~

~~*(2) By a person who is the holder of a license or tag to hunt that species of game mammal during that season.]*~~

4. A cat or dog that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. The person who removed the cat or dog may take any action relating to the cat or dog specified in that section and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~[:]~~ ***, and section 2 of this act:***

1. "Animal" does not include the human race, but includes every other living creature.

2. ***"First responder" means a person who has successfully completed the national standard course for first responders.***

3. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his duties as a peace officer.

~~[3.]~~ ***4.*** "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 5. NRS 574.200 is hereby amended to read as follows:

574.200 The provisions of NRS 574.050 to 574.510, inclusive, ***and section 2 of this act*** do not:

1. Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

2. Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

3. Interfere with the right to kill all animals and fowl used for food.

4. Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

5. Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

6. Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 356.

Bill read second time.

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

Amendment No. 861.

AN ACT relating to the protection of children; ~~[revising the process for determining whether action must be taken to ensure the safety of a child who has been placed in protective custody without the consent of the person responsible for the child's welfare;]~~ **requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations establishing uniform standards for determining whether immediate action is necessary to protect a child; requiring the Legislative Commission to appoint a subcommittee to conduct a study relating to the placement of children in foster care;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides for the placement of a child in protective custody without the consent of the person responsible for the child's welfare. (NRS 432B.390) Section 1 of this bill provides that if a child is placed in protective custody pursuant to NRS 432B.390, the agency which provides child welfare services must, within 24 hours, conduct an assessment to determine if there is reasonable cause to believe that the child is in imminent risk of serious harm. If it is determined that the child is in imminent risk of serious harm, appropriate action must be taken to ensure the safety of the child. If it is determined that the child is not in imminent risk of serious harm, the child must be returned to the person responsible for the child's welfare and the person may be referred for welfare services available within the community.]~~

Section 2 of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations establishing reasonable and uniform standards for determining whether immediate action is necessary to protect a child from injury, abuse or neglect ~~[and whether a child is in imminent risk of serious harm.]~~ (NRS 432B.190)

Section 4 of this bill requires the Legislative Commission to appoint a subcommittee to conduct a study of issues relating to the placement of children in foster care and methods for reducing the number of children placed in foster care.

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

Section 1. ~~[Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Except as otherwise provided in subsection 2, within 24 hours after the placement of a child in protective custody pursuant to paragraph (a) of subsection 1 of NRS 432B.390, a designee of an agency which provides child welfare services shall conduct an assessment and determine whether the child is in imminent risk of serious harm. If it is determined that the child:*~~

~~*(a) Is not in imminent risk of serious harm:*~~

~~*(1) The child must be returned to the person responsible for the child's welfare; and*~~

~~*(2) The person responsible for the child's welfare may be referred to a family resource center for the coordination of services provided pursuant to NRS 430A.160 or any other public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children.*~~

~~*(b) Is in imminent risk of serious harm, the agency shall take appropriate action to ensure the safety of the child.*~~

~~*2. If the designee of an agency which provides welfare services refers the person responsible for the child's welfare pursuant to paragraph (a) of subsection 1, the person responsible for the child's welfare must, within a reasonable amount of time, provide proof that the person participated in the services for which the person was referred. If the person responsible for the child's welfare fails to provide such proof of participation, the designee of an agency which provides welfare services may deem the child in imminent risk of serious harm for purposes of this section and the agency may immediately take appropriate action to ensure the safety of the child.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395;

(k) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand,

is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(l) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child **.** ~~[; and]~~

2. ***Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider*** ~~*[:*~~

~~*(a) The availability of treatment and services to help prevent further abuse or neglect and to improve the environment of the child;*~~

~~*(b) The]*~~ ***the potential harm to the child in remaining in his home*** ~~*[;*~~

~~*(c) The potential harm to the child if removed from his home;*~~

~~*(d) The nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof; and*~~

~~*(e) Other relevant factors.]*~~ ***, including, without limitation:***

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ ***The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.***

3. ~~*[Regulations, which are applicable to any person who is responsible for an assessment conducted pursuant to section 1 of this act, setting forth reasonable and uniform standards for conducting the assessment and establishing whether a child is in imminent risk of serious harm for purposes of determining whether the child must remain in protective custody pursuant to section 1 of this act or other appropriate action to ensure the safety of the child. Such standards must consider:*~~

~~*(a) The availability of treatment and services to help prevent further abuse or neglect and to improve the environment of the child;*~~

~~*(b) The potential harm to the child in remaining in his home;*~~

~~*(c) The potential harm to the child if removed from his home;*~~

~~*(d) The nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof;*~~

~~*(e) The age and vulnerability of the child, including, without limitation, if the child is identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure;*~~

~~*(f) If the child was returned to the person responsible for the child's welfare pursuant to paragraph (a) of subsection 1 of section 1 of this act, whether the person responsible for the child's welfare participated in the services for which the person was referred; and*~~

~~*(g) Other relevant factors.*~~

~~➥ *The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations.*~~

~~*4.]*~~ Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive . ~~*[, and section 1 of this act.]*~~

Sec. 3. ~~[NRS 432B.390 is hereby amended to read as follows:~~

~~432B.390 1. An agent or officer of a law enforcement agency, an officer of the local juvenile probation department or the local department of~~

~~juvenile services, or a designee of an agency which provides child welfare services:~~

~~(a) May place a child in protective custody without the consent of the person responsible for the child's welfare if he has reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect. *A designee of an agency which provides child welfare services shall commence an assessment pursuant to section 1 of this act within 24 hours after the placement of the child in protective custody.*~~

~~(b) Shall place a child in protective custody upon the death of a parent of the child, without the consent of the person responsible for the welfare of the child, if the agent, officer or designee has reasonable cause to believe that the death of the parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.~~

~~2. When an agency which provides child welfare services receives a report pursuant to subsection 2 of NRS 432B.630, a designee of the agency which provides child welfare services shall immediately place the child in protective custody [.] *and commence an assessment pursuant to section 1 of this act within 24 hours after the placement of the child in protective custody.*~~

~~3. If there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, a protective custody hearing must be held pursuant to NRS 432B.470, whether the child was placed in protective custody or with a relative. If an agency other than an agency which provides child welfare services becomes aware that there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, that agency shall immediately notify the agency which provides child welfare services and a protective custody hearing must be scheduled.~~

~~4. An agency which provides child welfare services shall request the assistance of a law enforcement agency in the removal of a child if the agency has reasonable cause to believe that the child or the person placing the child in protective custody may be threatened with harm.~~

~~5. Before taking a child for placement in protective custody, the person taking the child shall show his identification to any person who is responsible for the child and is present at the time the child is taken. If a person who is responsible for the child is not present at the time the child is taken, the person taking the child shall show his identification to any other person upon request. The identification required by this subsection must be a single card that contains a photograph of the person taking the child and identifies him as a person authorized pursuant to this section to place a child in protective custody.~~

~~6. A child placed in protective custody pending an investigation and a hearing held pursuant to NRS 432B.470 must be placed in a hospital, if the child needs hospitalization, or in a shelter, which may include a foster home or other home or facility which provides care for those children, but the child~~

~~must not be placed in a jail or other place for detention, incarceration or residential care of persons convicted of a crime or children charged with delinquent acts.~~

~~7. A person placing a child in protective custody pursuant to subsection 1 shall:~~

~~(a) Immediately take steps to protect all other children remaining in the home or facility, if necessary;~~

~~(b) Immediately make a reasonable effort to inform the person responsible for the child's welfare that the child has been placed in protective custody;~~

~~(c) Give preference in placement of the child to any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State; and~~

~~(d) As soon as practicable, inform the agency which provides child welfare services and the appropriate law enforcement agency.~~

~~8. If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.]~~ **(Deleted by amendment.)**

Sec. 4. **1. The Legislative Commission shall appoint a subcommittee, consisting of three members of the Senate and three members of the Assembly, to conduct a study during the 2007-2009 interim concerning the placement of children in foster care.**

2. The subcommittee appointed pursuant to subsection 1 shall, without limitation:

(a) Study the procedures and standards used in this State for placing children in foster care;

(b) Review the procedures and standards used in other states for placing children in foster care;

(c) Review and evaluate the standard for determining when to place a child in protective custody pursuant to NRS 432B.390;

(d) Address methods to reduce the number of foster care placements in this State, including, without limitation, the placement of children in group foster homes, family foster homes, child welfare facilities and other facilities which house children who have been placed in foster care; and

(e) Study other issues relating to the placement of children in foster care.

3. Any recommendations for legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee.

4. The Legislative Commission shall submit a copy of the final written report of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 5. **1. This section and section 4 of this act become effective on July 1, 2007.**

2. Section 2 of this act becomes effective on October 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 824.

SUMMARY—Provides for a pilot program ~~[of]~~ **to study** English immersion **and English language learner programs** in certain public schools. (BDR S-940)

AN ACT relating to education; providing for a pilot program ~~[of]~~ **to study** English immersion **and English language learner programs** in certain public schools selected by the Department of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to establish a program to teach the English language to pupils who are limited English proficient. (NRS 388.405) This bill establishes a pilot program ~~[of]~~ **to study** English immersion **and English language learner programs** for pupils who are limited English proficient. The Department of Education shall select the public schools to participate in the pilot program **.** ~~[, which must provide for the immersion in the English language of pupils who are limited English proficient and enrolled in a public school that is selected to participate.]~~

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

Section 1. 1. There is hereby created a pilot program ~~[of]~~ **to study** English immersion **and English language learner programs** for pupils who are limited English proficient. The Department of Education shall select the public schools to participate in the pilot program, with particular emphasis on those public schools and school districts in this State with a high percentage of pupils who are limited English proficient.

2. The public schools selected for participation in the program shall use the same teachers and other resources as they would have used if the school was not participating in the pilot program to provide for the ~~[immersion in the English language of pupils who are limited English proficient,]~~ **study of English immersion and English language learner programs,** including, without limitation, a system whereby ~~[those]~~ pupils **who are limited English proficient** remain in the regular school classroom and the teacher for English language learners coteaches with the regular classroom teacher at appropriate time periods during the school day or school week.

3. On or before ~~[February 1, 2009,]~~ **July 1, 2008,** the board of trustees of each school district that includes a public school which is selected to participate in the pilot program ~~[may]~~ **shall** report on the **status of the** pilot program to the Legislative Committee on Education, including, without limitation:

(a) The name of each public school that participated;

(b) The number of limited English proficient pupils in each public school that participated;

(c) An evaluation of the effectiveness of the program in closing the achievement gap, if any, among those pupils that participated and the pupils enrolled in the school as a whole;

(d) Any recommendations for legislation; and

(e) Any other information the ~~[Board]~~ **board** deems appropriate.

4. On or before February 1, 2009, the board of trustees of each school district that includes a public school which is selected to participate in the pilot program shall provide a final written report of the information required by subsection 3 to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Legislature.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 451.

Bill read second time and ordered to third reading.

Senate Bill No. 481.

Bill read second time and ordered to third reading.

Senate Bill No. 483.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 837.

AN ACT relating to business; revising provisions relating to corporations; revising the provisions relating to the reinstatement, renewal or revival of certain business associations; revising provisions relating to limited-liability companies; revising the applicability of the Uniform Partnership Act (1997); revising provisions relating to professional corporations and associations; revising provisions relating to the exemption of certain property of judgment debtors from attachment or execution; requiring financing statements of a transmitting utility to be filed in the Office of the Secretary of State; revising provisions relating to a trustee's power of sale involving real property; making various other changes relating to business; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill expands a corporation's powers to include the specific renunciation of certain business opportunities. (NRS 78.070) Section 2 of this bill clarifies existing law to specify that a board of directors may authorize a transaction by written consent even if the votes of common and interested directors are not counted and regardless of whether the members whose votes are not counted join or abstain from joining in such authorization. (NRS 78.140)

Existing law sets forth provisions relating to the reinstatement, renewal or revival of certain business associations. (NRS 78.180, 78.740, 80.170, 82.5237, 82.546, 84.150, 86.276, 86.5467, 86.580, 87.530, 87.5435, 88.410, 88.594, 88A.650, 88A.737, 89.256) Sections 3, 10-14, 17, 21, 22, 28-33 and 44 of this bill provide that a reinstatement, renewal or revival of certain business associations relate back to the date of forfeiture.

Section 5 of this bill prohibits a corporation from issuing stock certificates in bearer form. (NRS 78.235)

Existing law requires written consent to be signed by all members of a board or committee of a corporation before taking certain actions. (NRS 78.315) Section 6 of this bill establishes provisions exempting certain directors from signing such written consent.

Existing law requires directors of every corporation to be elected by a plurality of votes cast at the annual stockholders' meeting. (NRS 78.330) Section 8 of this bill allows the articles of incorporation or bylaws to require more than a plurality of the vote.

Section 15 of this bill establishes provisions allowing the dissolution of a limited-liability company before the commencement of any business. Section 16 of this bill provides limitations on liability by providing that a limited-liability company is an entity distinct from its managers and members. (NRS 86.201)

Existing law establishes provisions relating to the operating agreement of a limited-liability company. (NRS 86.286) Section 18 of this bill provides that an operating agreement adopted after the filing of the articles of incorporation or after the formation of the limited-liability company may be enforced against the limited-liability company whether or not it assents to the agreement.

~~[Section 19 of this bill limits the liability of members and managers of a company by providing that the failure of a limited-liability company to observe certain formalities does not create liability for its members or managers. (NRS 86.371)]~~ Section 20 of this bill expands the class of members which may bring an action on behalf of a limited-liability company to include noneconomic members. (NRS 86.483) Section 26 of this bill revises the provisions concerning applicability of the Uniform Partnership Act (1997). (NRS 87.025, 87.4314) Section 27 of this bill revises the filing requirements for a registered limited-liability partnership to exclude the filing of a statement of the professional service rendered by the partnership. (NRS 87.440) Sections 34-43 of this bill revise the provisions relating to

professional corporations and associations to reflect the inclusion of all professional entities and the formation of professional limited-liability companies. (NRS 89.020, 89.025, 89.030-89.110).

Existing law establishes the right of shareholders to dissent from corporate actions. (NRS 92A.380) Section 45 of this bill prohibits a dissenting shareholder to vote his shares or to receive certain dividends or distributions after his dissent.

Existing law exempts certain property of a judgment debtor from attachment or execution. (NRS 21.075, 21.090, 31.045) Sections 46-48 of this bill limit the exemption of payments received pursuant to the federal Social Security Act to such payments made for the individual support of the judgment debtor.

Existing law provides that a transmitting utility may file a financing statement in the Office of the Secretary of State or the county recorder of the appropriate county. (NRS 104.9501) Section 49 of this bill no longer allows such financing statements to be filed in a county recorder's office.

Existing law sets forth certain requirements relating to a trustee's power of sale involving real property. (NRS 107.080) Section 50 of this bill provides that, except under certain circumstances, for a sale to be declared void within 90 days after the date of the sale, an action must be commenced in the county where the sale took place and, within 30 days after commencing the action, notice of the action must be recorded in the office of the county recorder.

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

Section 1. NRS 78.070 is hereby amended to read as follows:

78.070 Subject to such limitations, if any, as may be contained in its articles of incorporation, every corporation has the following powers:

1. To borrow money and contract debts when necessary for the transaction of its business, or for the exercise of its corporate rights, privileges or franchises, or for any other lawful purpose of its incorporation and to issue bonds, promissory notes, bills of exchange, debentures, and other obligations and evidences of indebtedness, payable at a specified time or times, or payable upon the happening of a specified event or events, whether secured by mortgage, pledge or other security, or unsecured, for money borrowed, or in payment for property purchased or acquired, or for any other lawful object.

2. To guarantee, purchase, hold, take, obtain, receive, subscribe for, own, use, dispose of, sell, exchange, lease, lend, assign, mortgage, pledge, or otherwise acquire, transfer or deal in or with bonds or obligations of, or shares, securities or interests in or issued by, any person, government, governmental agency or political subdivision of government, and to exercise all the rights, powers and privileges of ownership of such an interest, including the right to vote, if any.

3. To purchase, hold, sell, pledge and transfer shares of its own stock, and use therefor its property or money.

4. To conduct business, have one or more offices, and hold, purchase, lease, mortgage, convey and take by devise or bequest real and personal property in this State, and in any of the several states, territories, possessions and dependencies of the United States, the District of Columbia, Puerto Rico and any foreign countries.

5. To do everything necessary and proper for the accomplishment of the objects enumerated in its articles of incorporation or necessary or incidental to the protection and benefit of the corporation, and, in general, to carry on any lawful business necessary or incidental to the attainment of the objects of the corporation, whether or not the business is similar in nature to the objects set forth in the articles of incorporation, except that:

(a) A corporation created under the provisions of this chapter does not possess the power of issuing bills, notes or other evidences of debt for circulation of money; and

(b) This chapter does not authorize the formation of banking corporations to issue or circulate money or currency within this State, or outside of this State, or at all, except the federal currency, or the notes of banks authorized under the laws of the United States.

6. To make donations for the public welfare or for charitable, scientific or educational purposes.

7. To enter into any relationship with another person in connection with any lawful activities.

8. To renounce in its articles of incorporation or by action by the board of directors any interest or expectancy to participate in specified business opportunities or specified classes or categories of business opportunities that are presented to the corporation or one or more of its officers, directors or stockholders.

Sec. 2. NRS 78.140 is hereby amended to read as follows:

78.140 1. A contract or other transaction is not void or voidable solely because:

(a) The contract or transaction is between a corporation and:

(1) One or more of its directors or officers; or

(2) Another corporation, firm or association in which one or more of its directors or officers are directors or officers or are financially interested;

(b) A common or interested director or officer:

(1) Is present at the meeting of the board of directors or a committee thereof which authorizes or approves the contract or transaction; or

(2) Joins in the signing of a written consent which authorizes or approves the contract or transaction pursuant to subsection 2 of NRS 78.315; or

(c) The vote or votes of a common or interested director are counted for the purpose of authorizing or approving the contract or transaction,

➥ if one of the circumstances specified in subsection 2 exists.

2. The circumstances in which a contract or other transaction is not void or voidable pursuant to subsection 1 are:

(a) The fact of the common directorship, office or financial interest is known to the board of directors or committee, and the board or committee authorizes, approves or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of the common or interested director or directors.

(b) The fact of the common directorship, office or financial interest is known to the stockholders, and they approve or ratify the contract or transaction in good faith by a majority vote of stockholders holding a majority of the voting power. The votes of the common or interested directors or officers must be counted in any such vote of stockholders.

(c) The fact of the common directorship, office or financial interest is not known to the director or officer at the time the transaction is brought before the board of directors of the corporation for action.

(d) The contract or transaction is fair as to the corporation at the time it is authorized or approved.

3. Common or interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors or a committee thereof which authorizes, approves or ratifies a contract or transaction, and if the votes of the common or interested directors are not counted at the meeting, then a majority of the disinterested directors may authorize, approve or ratify a contract or transaction.

4. ***The fact that the vote or votes of the common or interested director or directors are not counted for purposes of subsection 2 does not prohibit any authorization, approval or ratification of a contract or transaction to be given by written consent pursuant to subsection 2 of NRS 78.315, regardless of whether the common or interested director signs such written consent or abstains in writing from providing consent.***

5. Unless otherwise provided in the articles of incorporation or the bylaws, the board of directors, without regard to personal interest, may establish the compensation of directors for services in any capacity. If the board of directors establishes the compensation of directors pursuant to this subsection, such compensation is presumed to be fair to the corporation unless proven unfair by a preponderance of the evidence.

Sec. 3. NRS 78.180 is hereby amended to read as follows:

78.180 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the corporation its right to carry on business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 78.150;

(2) The statement required by NRS 78.153, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 78.150 and 78.170 for each year or portion thereof during which it failed to file each required annual list in a timely manner;

(2) The fee set forth in NRS 78.153, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

5. Except as otherwise provided in NRS 78.185, a reinstatement pursuant to this section relates back to the date on which the corporation forfeited its right to transact business under the provisions of this chapter and reinstates the corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 4. NRS 78.185 is hereby amended to read as follows:

78.185 1. Except as otherwise provided in subsection 2, if a corporation applies to reinstate or revive its charter but its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the corporation shall in its application for reinstatement submit in writing to the Secretary of State some other name under which it desires its corporate existence to be reinstated or revived. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall ~~[reinstatement]~~ ***reinstate*** the corporation under that new name. Upon the issuance of a certificate of reinstatement or revival under that new name, the articles of incorporation of the applying corporation shall be deemed to reflect the new name without the corporation having to comply with the provisions of NRS 78.385, 78.390 or 78.403.

2. If the applying corporation submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying corporation or a new name it has submitted, it may be reinstated or revived under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination of these.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 5. NRS 78.235 is hereby amended to read as follows:

78.235 1. Except as otherwise provided in subsection 4, every stockholder is entitled to have a certificate, signed by officers or agents designated by the corporation for the purpose, certifying the number of shares ~~[owned by him]~~ in the corporation ~~[.]~~ ***owned by the stockholder. A corporation has no power to issue a certificate in bearer form, and any such certificate that is issued is void and of no force or effect.***

2. Whenever any certificate is countersigned or otherwise authenticated by a transfer agent or transfer clerk, and by a registrar, then a facsimile of the signatures of the officers or agents, the transfer agent or transfer clerk or the registrar of the corporation may be printed or lithographed upon the certificate in lieu of the actual signatures. If a corporation uses facsimile signatures of its officers and agents on its stock certificates, it cannot act as registrar of its own stock, but its transfer agent and registrar may be identical if the institution acting in those dual capacities countersigns or otherwise authenticates any stock certificates in both capacities.

3. If any officer or officers who have signed, or whose facsimile signature or signatures have been used on, any certificate or certificates for stock cease to be an officer or officers of the corporation, whether because of death, resignation or other reason, before the certificate or certificates have been delivered by the corporation, the certificate or certificates may nevertheless be adopted by the corporation and be issued and delivered as though the person or persons who signed the certificate or certificates, or whose facsimile signature or signatures have been used thereon, had not ceased to be an officer or officers of the corporation.

4. Unless otherwise provided in the articles of incorporation or bylaws, the board of directors may authorize the issuance of uncertificated shares of some or all of the shares of any or all of its classes or series. The issuance of uncertificated shares has no effect on existing certificates for shares until surrendered to the corporation, or on the respective rights and obligations of the stockholders. Unless otherwise provided by a specific statute, the rights and obligations of stockholders are identical whether or not their shares of stock are represented by certificates.

5. Within a reasonable time after the issuance or transfer of shares without certificates, the corporation shall send the stockholder a written statement containing the information required on the certificates pursuant to subsection 1. At least annually thereafter, the corporation shall provide to its stockholders of record, a written statement confirming the information

contained in the informational statement previously sent pursuant to this subsection.

6. Unless otherwise provided in the articles of incorporation or bylaws, a corporation may issue a new certificate of stock or, if authorized by the board of directors pursuant to subsection 4, uncertificated shares in place of a certificate previously issued by it and alleged to have been lost, stolen or destroyed. A corporation may require an owner or legal representative of an owner of a lost, stolen or destroyed certificate to give the corporation a bond or other security sufficient to indemnify it against any claim that may be made against it for the alleged loss, theft or destruction of a certificate, or the issuance of a new certificate or uncertificated shares.

Sec. 6. NRS 78.315 is hereby amended to read as follows:

78.315 1. Unless the articles of incorporation or the bylaws provide for a greater or lesser proportion, a majority of the board of directors of the corporation then in office, at a meeting duly assembled, is necessary to constitute a quorum for the transaction of business, and the act of directors holding a majority of the voting power of the directors, present at a meeting at which a quorum is present, is the act of the board of directors.

2. Unless otherwise restricted by the articles of incorporation or bylaws, any action required or permitted to be taken at a meeting of the board of directors or of a committee thereof may be taken without a meeting if, before or after the action, a written consent thereto is signed by all the members of the board or of the committee ~~[.]~~ ***, except that such written consent is not required to be signed by:***

(a) A common or interested director who abstains in writing from providing consent to the action. If a common or interested director abstains in writing from providing consent:

(1) The fact of the common directorship, office or financial interest must be known to the board of directors or committee before a written consent is signed by all the members of the board of the committee.

(2) Such fact must be described in the written consent.

(3) The board of directors or committee must approve, authorize or ratify the action in good faith by unanimous consent without counting the abstention of the common or interested director.

(b) A director who is a party to an action, suit or proceeding who abstains in writing from providing consent to the action of the board of directors or committee. If a director who is a party to an action, suit or proceeding abstains in writing from providing consent on the basis that he is a party to an action, suit or proceeding, the board of directors or committee must:

(1) Make a determination pursuant to NRS 78.751 that indemnification of the director is proper under the circumstances.

(2) Approve, authorize or ratify the action of the board of directors or committee in good faith by unanimous consent without counting the abstention of the director who is a party to an action, suit or proceeding.

3. Unless otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or the governing body of any corporation, or of any committee designated by such board or body, may participate in a meeting of the board, body or committee by means of a telephone conference or similar methods of communication by which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this subsection constitutes presence in person at the meeting.

Sec. 7. NRS 78.320 is hereby amended to read as follows:

78.320 1. Unless this chapter, the articles of incorporation or the bylaws provide for different proportions:

(a) A majority of the voting power, which includes the voting power that is present in person or by proxy, regardless of whether the proxy has authority to vote on all matters, constitutes a quorum for the transaction of business; and

(b) Action by the stockholders on a matter other than the election of directors is approved if the number of votes cast in favor of the action exceeds the number of votes cast in opposition to the action.

2. Unless otherwise provided in the articles of incorporation or the bylaws, any action required or permitted to be taken at a meeting of the stockholders may be taken without a meeting if, before or after the action, a written consent thereto is signed by stockholders holding at least a majority of the voting power, except that if a different proportion of voting power is required for such an action at a meeting, then that proportion of written consents is required.

3. In no instance where action is authorized by written consent need a meeting of stockholders be called or notice given.

4. Unless otherwise restricted by the articles of incorporation or bylaws, stockholders may participate in a meeting of stockholders by means of a telephone conference or similar methods of communication by which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this subsection constitutes presence in person at the meeting.

5. Unless ~~[otherwise provided in]~~ this chapter, the articles of incorporation or the bylaws ~~[,]~~ ***provide for different proportions,*** if voting by a class or series of stockholders is permitted or required ~~[, a]~~ ***:***

(a) A majority of the voting power of the class or series that is present in person or by proxy, regardless of whether the proxy has authority to vote on all matters, constitutes a quorum for the transaction of business ~~[,]~~ ***; and***

(b) An act by the stockholders of each class or series is approved if a majority of the voting power of a quorum of the class or series votes for the action.

Sec. 8. NRS 78.330 is hereby amended to read as follows:

78.330 1. Unless elected pursuant to NRS 78.320, ***or unless the articles of incorporation or the bylaws require more than a plurality of the votes cast,*** directors of every corporation must be elected at the annual

meeting of the stockholders by a plurality of the votes cast at the election. Unless otherwise provided in this chapter or in the bylaws, the board of directors has the authority to set the date, time and place for the annual meeting of the stockholders. If for any reason directors are not elected pursuant to NRS 78.320 or at the annual meeting of the stockholders, they may be elected at any special meeting of the stockholders which is called and held for that purpose. Unless otherwise provided in the articles of incorporation or bylaws, each director holds office after the expiration of his term until his successor is elected and qualified, or until he resigns or is removed.

2. The articles of incorporation or the bylaws may provide for the classification of directors as to the duration of their respective terms of office or as to their election by one or more authorized classes or series of shares, but at least one-fourth in number of the directors of every corporation must be elected annually. If an amendment reclassifying the directors would otherwise increase the term of a director, unless the amendment is to the articles of incorporation and otherwise provides, the term of each incumbent director on the effective date of the amendment terminates on the date it would have terminated had there been no reclassification.

3. The articles of incorporation may provide that the voting power of individual directors or classes of directors may be greater than or less than that of any other individual directors or classes of directors, and the different voting powers may be stated in the articles of incorporation or may be dependent upon any fact or event that may be ascertained outside the articles of incorporation if the manner in which the fact or event may operate on those voting powers is stated in the articles of incorporation. If the articles of incorporation provide that any directors may have voting power greater than or less than other directors, every reference in this chapter to a majority or other proportion of directors shall be deemed to refer to a majority or other proportion of the voting power of all of the directors or classes of directors, as may be required by the articles of incorporation.

Sec. 9. NRS 78.565 is hereby amended to read as follows:

78.565 1. Unless otherwise provided in the articles of incorporation, every corporation may, by action taken at any meeting of its board of directors, sell, lease or exchange all of its property and assets, including its goodwill and its corporate franchises, upon such terms and conditions as its board of directors may approve, when and as authorized by the affirmative vote of stockholders holding stock in the corporation entitling them to exercise at least a majority of the voting power **.** ~~[given at a stockholders' meeting called for that purpose.]~~

2. Unless otherwise provided in the articles of incorporation, a vote of stockholders is not necessary:

(a) For a transfer of assets by way of mortgage, or in trust or in pledge to secure indebtedness of the corporation; or

(b) To abandon the sale, lease or exchange of assets.

Sec. 10. NRS 78.740 is hereby amended to read as follows:

78.740 ***1.*** Any corporation existing on or incorporated after April 1, 1925, desiring to renew or revive its corporate existence, upon complying with the provisions of this chapter, is and continues for the time stated in its certificate of renewal to be a corporation, and in addition to the rights, privileges and immunities conferred by its original charter, possesses and enjoys all the benefits of this chapter that are applicable to the nature of its business, and is subject to the restrictions and liabilities by this chapter imposed on such corporations.

2. Except as otherwise provided in NRS 78.185, a renewal or revival pursuant to NRS 78.730 relates back to the date on which the corporation's charter expired or was revoked and renews or revives the corporation's charter and right to transact business as if such right had at all times remained in full force and effect.

Sec. 11. NRS 80.170 is hereby amended to read as follows:

80.170 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list as provided in NRS 80.110 and 80.140;

(2) The statement required by NRS 80.115, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 80.110 and 80.150 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 80.115, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

5. Except as otherwise provided in NRS 80.175, a reinstatement pursuant to this section relates back to the date on which the corporation forfeited its right to transact business under the provisions of this chapter

and reinstates the corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 12. NRS 82.5237 is hereby amended to read as follows:

82.5237 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign nonprofit corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of NRS 82.523 to 82.5239, inclusive, and restore to the foreign nonprofit corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State a list as provided in NRS 82.523; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 82.523 and 82.5235 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $100 for reinstatement.

2. When the Secretary of State reinstates the foreign nonprofit corporation, he shall issue to the foreign nonprofit corporation a certificate of reinstatement if the foreign nonprofit corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the fees as provided in subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign nonprofit corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

5. Except as otherwise provided in NRS 82.5239, a reinstatement pursuant to this section relates back to the date on which the foreign nonprofit corporation forfeited its right to transact business under the provisions of this chapter and reinstates the foreign nonprofit corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 13. NRS 82.546 is hereby amended to read as follows:

82.546 1. Any corporation which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 78.150 and 82.193, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or its existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name and street address of the lawfully designated resident agent of the filing corporation, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer and all of its directors and their mailing or street addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the last-appointed surviving directors.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary. The signing and filing of the certificate must be approved unanimously by the last-appointed surviving directors of the corporation and must contain a recital that unanimous consent was secured. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation named therein.

5. Except as otherwise provided in NRS 78.185, a renewal or revival pursuant to this section relates back to the date on which the corporation's charter expired or was revoked and renews or revives the corporation's charter and right to transact business as if such right had at all times remained in full force and effect.

Sec. 14. NRS 84.150 is hereby amended to read as follows:

84.150 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any corporation sole which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State a certificate of acceptance of appointment signed by the resident agent of the corporation; and

(b) Pays to the Secretary of State:

(1) The filing fees and penalties set forth in this chapter for each year or portion thereof during which its charter has been revoked; and

(2) A fee of $25 for reinstatement.

2. When the Secretary of State reinstates the corporation to its former rights, he shall:

(a) Immediately issue and deliver to the corporation a certificate of reinstatement authorizing it to transact business, as if the fees had been paid when due; and

(b) Upon demand, issue to the corporation a certified copy of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of its charter occurred only by reason of its failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for 10 consecutive years, the charter must not be reinstated.

5. A reinstatement pursuant to this section relates back to the date on which the corporation forfeited its right to transact business under the provisions of this chapter and reinstates the corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 15. Chapter 86 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before the commencement of business by any limited-liability company where management is vested in one or more managers and where no member's interest in the limited-liability company has been issued, at least two-thirds of the organizers or the managers of the limited-liability company may dissolve the limited-liability company by filing with the Secretary of State a certificate of dissolution to dissolve the limited-liability company.

2. A certificate of dissolution filed with the Secretary of State pursuant to subsection 1 must state that:

(a) The management of the limited-liability company is vested in one or more managers;

(b) The limited-liability company has not commenced business; and

(c) No member's interest in the limited-liability company has been issued.

Sec. 16. NRS 86.201 is hereby amended to read as follows:

86.201 1. A limited-liability company is considered legally organized pursuant to this chapter upon:

(a) Filing the articles of organization with the Secretary of State or upon a later date specified in the articles of organization;

(b) Filing the certificate of acceptance of the resident agent with the Secretary of State; and

(c) Paying the required filing fees to the Secretary of State.

2. A limited-liability company must not transact business or incur indebtedness, except that which is incidental to its organization or to obtaining subscriptions for or payment of contributions, until the company is considered legally organized pursuant to subsection 1.

3. A limited-liability company is an entity distinct from its managers and members.

Sec. 17. NRS 86.276 is hereby amended to read as follows:

86.276 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited-liability company which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the company its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.263;

(2) The statement required by NRS 86.264, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.263 and 86.272 for each year or portion thereof during which it failed to file in a timely manner each required annual list;

(2) The fee set forth in NRS 86.264, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the limited-liability company, he shall issue to the company a certificate of reinstatement if the limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a company's charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

5. Except as otherwise provided in NRS 86.278, a reinstatement pursuant to this section relates back to the date on which the company forfeited its right to transact business under the provisions of this chapter and reinstates the company's right to transact business as if such right had at all times remained in full force and effect.

Sec. 18. NRS 86.286 is hereby amended to read as follows:

86.286 1. A limited-liability company may, but is not required to, adopt an operating agreement. An operating agreement may be adopted only

by the unanimous vote or unanimous written consent of the members, or by the sole member, and the operating agreement must be in writing. Unless otherwise provided in the operating agreement, amendments to the agreement may be adopted only by the unanimous vote or unanimous written consent of the persons who are members at the time of amendment.

2. An operating agreement may be adopted before, after or at the time of the filing of the articles of organization and, whether entered into before, after or at the time of the filing, may become effective at the formation of the limited-liability company or at a later date specified in the operating agreement. If an operating agreement is adopted ~~[before]~~ ***:***

(a) Before the filing of the articles of organization or before the effective date of formation specified in the articles of organization, the operating agreement is not effective until the effective date of formation of the limited-liability company.

(b) After the filing of the articles of organization or after the effective date of formation specified in the articles of organization, the operating agreement binds the limited-liability company and may be enforced whether or not the limited-liability company assents to the operating agreement.

3. An operating agreement may provide that a certificate of limited-liability company interest issued by the limited-liability company may evidence a member's interest in a limited-liability company.

Sec. 19. ~~[NRS 86.371 is hereby amended to read as follows:~~

~~86.371 *1.* Unless otherwise provided in the articles of organization or an agreement signed by the member or manager to be charged, no member or manager of any limited-liability company formed under the laws of this State is individually liable for the debts or liabilities of the company.~~

~~*2. The failure of a limited-liability company to observe any formality relating to the exercise of its powers or management of its activities is not a ground for imposing liability on a member or manager for the debts or liabilities of the limited-liability company.]~~ **(Deleted by amendment.)**

Sec. 20. NRS 86.483 is hereby amended to read as follows:

86.483 A member, ~~[when permitted]~~ ***including a noneconomic member unless otherwise prohibited*** by the terms of the articles of organization or operating agreement, may bring an action in the right of a limited-liability company to recover a judgment in its favor if managers or members with authority to do so have refused to bring the action or if an effort to cause those managers or members to bring the action is not likely to succeed.

Sec. 21. NRS 86.5467 is hereby amended to read as follows:

86.5467 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited-liability company which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited-liability company its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.5461;

(2) The statement required by NRS 86.5462, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.5461 and 86.5465 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 86.5462, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited-liability company, he shall issue to the foreign limited-liability company a certificate of reinstatement if the foreign limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited-liability company to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right must not be reinstated.

5. Except as otherwise provided in NRS 86.5468, a reinstatement pursuant to this section relates back to the date on which the foreign limited-liability company forfeited its right to transact business under the provisions of this chapter and reinstates the foreign limited-liability company's right to transact business as if such right had at all times remained in full force and effect.

Sec. 22. NRS 86.580 is hereby amended to read as follows:

86.580 1. A limited-liability company which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 86.276, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the limited-liability company, which must be the name of the limited-liability company at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name of the person lawfully designated as the resident agent of the limited-liability company, his street address for the service of process, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the limited-liability company desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its managers, or if there are no managers, all its managing members and their mailing or street addresses, either residence or business.

2. A limited-liability company whose charter has not expired and is being renewed shall cause the certificate to be signed by its manager, or if there is no manager, by a person designated by its members. The certificate must be approved by a majority in interest.

3. A limited-liability company seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the members. The signing and filing of the certificate must be approved by the written consent of a majority in interest and must contain a recital that this consent was secured. The limited-liability company shall pay to the Secretary of State the fee required to establish a new limited-liability company pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence of the limited-liability company therein named.

5. Except as otherwise provided in NRS 86.278, a renewal or revival pursuant to this section relates back to the date on which the limited-liability company's charter expired or was revoked and renews or revives the limited-liability company's charter and right to transact business as if such right had at all times remained in full force and effect.

Sec. 23. NRS 87.020 is hereby amended to read as follows:

87.020 As used in NRS 87.010 to 87.430, inclusive, unless the context otherwise requires:

1. "Bankrupt" includes bankrupt under the Federal Bankruptcy Act or insolvent under any state insolvent act.

2. "Conveyance" includes every assignment, lease, mortgage or encumbrance.

3. "Court" includes every court and judge having jurisdiction in the case.

4. "Real property" includes land and any interest or estate in land.

5. "Registered limited-liability partnership" means a partnership formed pursuant to an agreement governed by NRS 87.010 to 87.430, inclusive, ~~[for the purpose of rendering a professional service]~~ and registered pursuant to and complying with NRS 87.440 to 87.560, inclusive.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 87.4311 is hereby amended to read as follows:

87.4311 "Registered limited-liability partnership" means a partnership formed pursuant to an agreement governed by NRS 87.4301 to 87.4357, inclusive, ~~[for the purpose of rendering a professional service]~~ and registered pursuant to and complying with NRS 87.440 to 87.560, inclusive.

Sec. 26. NRS 87.4314 is hereby amended to read as follows:

87.4314 The provisions of NRS 87.4301 to 87.4357, inclusive, apply to a partnership:

1. Which ~~[was formed before July 1, 2006; or~~

~~2. Which is formed on or after July 1, 2006,~~

~~➥ and which]~~ voluntarily elects to be governed by the provisions of NRS 87.4301 to 87.4357, inclusive ~~[.]~~ ***; or***

2. Which is formed on or after July 1, 2006, and which does not voluntarily elect to be governed by the provisions of NRS 87.010 to 87.430, inclusive.

Sec. 27. NRS 87.440 is hereby amended to read as follows:

87.440 1. To become a registered limited-liability partnership, a partnership shall file with the Secretary of State a certificate of registration stating each of the following:

(a) The name of the partnership.

(b) The street address of its principal office.

(c) The name of the person designated as the partnership's resident agent, the street address of the resident agent where process may be served upon the partnership and the mailing address of the resident agent if it is different than his street address.

(d) The name and business address of each managing partner in this State.

(e) ~~[A brief statement of the professional service rendered by the partnership.~~

~~(f)]~~ That the partnership thereafter will be a registered limited-liability partnership.

~~[(g)]~~ ***(f)*** Any other information that the partnership wishes to include.

2. The certificate of registration must be signed by a majority in interest of the partners or by one or more partners authorized to sign such a certificate.

3. The certificate of registration must be accompanied by a fee of $75.

4. The Secretary of State shall register as a registered limited-liability partnership any partnership that submits a completed certificate of registration with the required fee.

5. The registration of a registered limited-liability partnership is effective at the time of the filing of the certificate of registration.

Sec. 28. NRS 87.530 is hereby amended to read as follows:

87.530 1. Except as otherwise provided in subsection 3, the Secretary of State shall reinstate the certificate of registration of a registered limited-

liability partnership that is revoked pursuant to NRS 87.520 if the registered limited-liability partnership:

(a) Files with the Secretary of State:

(1) The information required by NRS 87.510; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The fee required to be paid pursuant to NRS 87.510;

(2) Any penalty required to be paid pursuant to NRS 87.520; and

(3) A reinstatement fee of $300.

2. When the Secretary of State reinstates the registered limited-liability partnership, he shall issue to the registered limited-liability partnership a certificate of reinstatement if the registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not reinstate the certificate of registration of a registered limited-liability partnership if the certificate was revoked pursuant to the provisions of this chapter at least 5 years before the date of the proposed reinstatement.

4. Except as otherwise provided in NRS 87.455, a reinstatement pursuant to this section relates back to the date on which the registered limited-liability partnership's certificate of registration was revoked and reinstates the registered limited-liability's certificate of registration as if such certificate had at all times remained in full force and effect.

Sec. 29. NRS 87.5435 is hereby amended to read as follows:

87.5435 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign registered limited-liability partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign registered limited-liability partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 87.541; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 87.541 and 87.5425 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign registered limited-liability partnership, he shall issue to the foreign registered limited-liability partnership a certificate of reinstatement if the foreign registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign registered limited-liability partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

5. Except as otherwise provided in NRS 87.544, a reinstatement pursuant to this section relates back to the date on which the foreign registered limited-liability partnership forfeited its right to transact business under the provisions of this chapter and reinstates the foreign registered limited-liability partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 30. NRS 88.410 is hereby amended to read as follows:

88.410 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and restore to the limited partnership its right to carry on business in this State, and to exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

(1) The list required pursuant to NRS 88.395;

(2) The statement required by NRS 88.397, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.395 and 88.400 for each year or portion thereof during which the certificate has been revoked;

(2) The fee set forth in NRS 88.397, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the limited partnership, he shall issue to the limited partnership a certificate of reinstatement if the limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation occurred only by reason of failure to pay the fees and penalties.

4. If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

5. Except as otherwise provided in NRS 88.327, a reinstatement pursuant to this section relates back to the date on which the limited partnership forfeited its right to transact business under the provisions of

this chapter and reinstates the limited partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 31. NRS 88.594 is hereby amended to read as follows:

88.594 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88.591;

(2) The statement required by NRS 88.5915, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.591 and 88.593 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 88.5915, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited partnership, he shall issue to the foreign limited partnership a certificate of reinstatement if the foreign limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

5. Except as otherwise provided in NRS 88.5945, a reinstatement pursuant to this section relates back to the date on which the foreign limited partnership forfeited its right to transact business under the provisions of this chapter and reinstates the foreign limited partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 32. NRS 88A.650 is hereby amended to read as follows:

88A.650 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a business trust which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the business trust its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88A.600; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.600 and 88A.630 for each year or portion thereof during which its certificate of trust was revoked; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the business trust, he shall issue to the business trust a certificate of reinstatement if the business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the certificate of trust occurred only by reason of the failure to file the list or pay the fees and penalties.

4. If a certificate of business trust has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the certificate must not be reinstated.

5. Except as otherwise provided in NRS 88A.660, a reinstatement pursuant to this section relates back to the date on which the business trust forfeited its right to transact business under the provisions of this chapter and reinstates the business trust's right to transact business as if such right had at all times remained in full force and effect.

Sec. 33. NRS 88A.737 is hereby amended to read as follows:

88A.737 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign business trust which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign business trust its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88A.732; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.732 and 88A.735 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign business trust, he shall issue to the foreign business trust a certificate of reinstatement if the foreign business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign business trust to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

5. Except as otherwise provided in NRS 88A.738, a reinstatement pursuant to this section relates back to the date the foreign business trust forfeited its right to transact business under the provisions of this chapter and reinstates the foreign business trust's right to transact business as if such right had at all times remained in full force and effect.

Sec. 34. NRS 89.020 is hereby amended to read as follows:

89.020 As used in this chapter, unless the context requires otherwise:

1. ***"Articles" means either the articles of incorporation of a professional corporation or the articles of organization of a professional limited-liability company.***

2. "Employee" means a person licensed or otherwise legally authorized to render professional service within this State who renders such service through a professional ~~[corporation]~~ ***entity*** or a professional association, but does not include clerks, bookkeepers, technicians or other persons who are not usually considered by custom and practice of the profession to be rendering professional services to the public.

~~[2.]~~ ***3.*** "Licensed" means legally authorized by the appropriate regulating board of this State to engage in a regulated profession in this State.

~~[3.]~~ ***4.*** "Professional association" means a common-law association of two or more persons licensed or otherwise legally authorized to render professional service within this State when created by written articles of association which contain in substance the following provisions characteristic of corporate entities:

(a) The death, insanity, bankruptcy, retirement, resignation, expulsion or withdrawal of any member of the association does not cause its dissolution.

(b) The authority to manage the affairs of the association is vested in a board of directors or an executive board or committee, elected by the members of the association.

(c) The members of the association are employees of the association.

(d) Members' ownership is evidenced by certificates.

~~[4.]~~ ***5. "Owner" means the owner of stock in a professional corporation or the owner of a member's interest, as defined in NRS 86.091, in a professional limited-liability company.***

6. "Owner's interest" means the stock of a professional corporation or a member's interest, as defined in NRS 86.091, of a professional limited-liability company.

7. ”Professional corporation” means a corporation organized under this chapter to render a professional service.

~~[5.]~~ ***8. ”Professional entity” means either a professional corporation or a professional limited-liability company.***

9. ”Professional limited-liability company” means a limited-liability company organized pursuant to this chapter to render professional service.

10. ”Professional service” means any type of personal service which may legally be performed only pursuant to a license, certificate of registration or other legal authorization.

~~[6.]~~ ***11.*** ”Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~[7.]~~ ***12.*** ”Regulating board” means the body which regulates and authorizes the admission to the profession which a professional ~~[corporation]~~ ***entity*** or a professional association is authorized to perform.

~~[8.]~~ ***13.*** ”Sign” means to affix a signature to a record.

~~[9.]~~ ***14.*** ”Signature” means a name, word, symbol or mark executed or otherwise adopted, or a record encrypted or similarly processed in whole or in part, by a person with the present intent to identify himself and adopt or accept a record. The term includes, without limitation, an electronic signature as defined in NRS 719.100.

Sec. 35. NRS 89.025 is hereby amended to read as follows:

89.025 Except as otherwise provided in NRS 89.200 to 89.270, inclusive, the fees set forth in NRS ***78.755 to*** 78.785 ***, inclusive,*** apply to ~~[this chapter.]~~ ***professional corporations and the fees set forth in NRS 86.561 apply to professional limited-liability companies.***

Sec. 36. NRS 89.030 is hereby amended to read as follows:

89.030 The laws applicable to other Nevada ~~[private]~~ corporations organized under chapter 78 of NRS ***and limited-liability companies organized under chapter 86 of NRS*** and all rights, privileges and duties thereunder shall apply to professional corporations ~~[,]~~ ***and professional limited-liability companies, respectively,*** except where such laws are in conflict with or inconsistent with the provisions of this chapter. In case of conflict, the provisions of this chapter shall apply.

Sec. 37. NRS 89.040 is hereby amended to read as follows:

89.040 1. One or more persons may organize a professional ~~[corporation]~~ ***entity*** in the manner provided for organizing a ~~[private]~~ corporation pursuant to chapter 78 of NRS ~~[.]~~ ***or a limited-liability company pursuant to chapter 86 of NRS.*** Each person organizing the ~~[corporation]~~ ***professional entity*** must, except as otherwise provided in subsection 2 of NRS 89.050, be authorized to perform the professional service for which the ~~[corporation]~~ ***professional entity*** is organized. The articles ~~[of incorporation]~~ must contain the following additional information:

(a) The profession to be practiced by means of the professional ~~[corporation.]~~ ***entity.***

(b) The names and addresses, either residence or business, of the original stockholders and directors of the professional corporation ~~[.]~~ ***or the original members and managers of the professional limited-liability company.***

(c) Except as otherwise provided in paragraph (d) of this subsection, a certificate from the regulating board of the profession to be practiced showing that each of the directors, ~~[and each of the]~~ stockholders ***, managers or members*** who is a natural person, is licensed to practice the profession.

(d) For a professional ~~[corporation]~~ ***entity*** organized pursuant to this chapter and practicing pursuant to the provisions of NRS 623.349, a certificate from the regulating board or boards of the profession or professions to be practiced showing that control and two-thirds ownership of the ~~[corporation]~~ ***professional entity*** is held by persons registered or licensed pursuant to the applicable provisions of chapter 623, 623A or 625 of NRS. As used in this paragraph, "control" has the meaning ascribed to it in NRS 623.349.

2. The corporate name of a professional corporation must contain the words "Professional Corporation" or the abbreviation "Prof. Corp.," "P.C." or "PC," or the word "Chartered" or the abbreviation "Chtd.," or "Limited" or the abbreviation "Ltd." The corporate name must contain the last name of one or more of its current or former stockholders. ~~[The corporation]~~

3. The name of a professional limited-liability company must contain the words "Professional Limited-Liability Company" or the abbreviations "Prof. L.L.C.," "Prof. LLC," "P.L.L.C.," "PLLC," or the word "Chartered" or the abbreviation "Chtd.," or "Limited" or the abbreviation "Ltd." The name of a professional limited-liability company must contain the last name of one or more of its current or former members.

4. The professional entity may render professional services and exercise its authorized powers under a fictitious name if the ~~[corporation]~~ ***professional entity*** has first registered the name in the manner required by chapter 602 of NRS.

Sec. 38. NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional ~~[corporation]~~ ***entity*** may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional ~~[corporation]~~ ***entity*** may own real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional ~~[corporation]~~ ***entity*** may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:

(1) Engaged in the practice of architecture as provided in chapter 623 of NRS;

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of residential design as provided in chapter 623 of NRS;

(4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and

(5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, homeopathy and osteopathy, and may be composed of persons engaged in the practice of medicine as provided in chapter 630 of NRS, persons engaged in the practice of homeopathic medicine as provided in chapter 630A of NRS and persons engaged in the practice of osteopathic medicine as provided in chapter 633 of NRS. Such a professional ~~[corporation]~~ ***entity*** may market and manage additional professional ~~[corporations]~~ ***entities*** which are organized to render a professional service relating to medicine, homeopathy and osteopathy.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) Any psychologist who is licensed to practice in this State;

(2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing; and

(4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS.

➥ Such a professional ~~[corporation]~~ ***entity*** may market and manage additional professional ~~[corporations]~~ ***entities*** which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional ~~[corporation]~~ ***entity*** may render a professional service only through its officers ***, managers*** and employees who are licensed or otherwise authorized by law to render the professional service.

Sec. 39. NRS 89.060 is hereby amended to read as follows:

89.060 The provisions of this chapter relating to professional ~~[corporations]~~ ***entities*** do not modify any law applicable to the relationship between a person furnishing professional service and a person receiving such service, including liability arising out of such professional service, but nothing contained in this section renders:

1. A person personally liable in tort for any act in which he has not personally participated.

2. A director, officer or employee of a professional ~~[corporation]~~ ***entity*** liable in contract for any contract which he signs on behalf of a professional ~~[corporation]~~ ***entity*** within the limits of his actual authority.

Sec. 40. NRS 89.070 is hereby amended to read as follows:

89.070 1. Except as otherwise provided in this section and NRS 623.349:

(a) No ~~[corporation organized under the provisions of this chapter]~~ ***professional entity*** may issue any of its ~~[stock]~~ ***owner's interest*** to anyone other than a natural person who is licensed to render the same specific professional services as those for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated.]~~ ***formed.***

(b) No ~~[stockholder of a corporation organized under this chapter]~~ ***owner*** may enter into a voting trust agreement or any other type of agreement vesting another person with the authority to exercise the voting power of any or all of his ~~[stock,]~~ ***owner's interest,*** unless the other person is licensed to render the same specific professional services as those for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated.]~~ ***formed.***

(c) No ~~[shares of a corporation organized under this chapter]~~ ***owner's interest*** may be sold or transferred except to a natural person who is eligible to be ~~[a stockholder of the corporation]~~ ***an owner*** or to the personal representative or estate of a deceased or legally incompetent stockholder. The personal representative or estate of the ~~[stockholder]~~ ***owner*** may continue to own ~~[shares]~~ ***the owner's interest*** for a reasonable period, but may not participate in any decisions concerning the rendering of professional services.

➥ The articles ***,*** ~~[of incorporation or]~~ bylaws ***or operating agreement of the professional entity*** may provide specifically for additional restrictions on the transfer of ~~[shares]~~ ***an owner's interest*** and may provide for the redemption or purchase of the ~~[shares]~~ ***owner's interest*** by the ~~[corporation,]~~ ***professional entity,*** its ~~[stockholders]~~ ***owners*** or an eligible individual account plan complying with the requirements of subsection 2 at prices and in a manner specifically set forth. ~~[A stockholder]~~ ***An owner*** may transfer his ~~[shares]~~ ***owner's interest*** in the ~~[corporation]~~ ***professional entity*** or any other interest in the assets of the ~~[corporation]~~ ***professional entity*** to a revocable trust if he acts as trustee of the revocable trust and any person who acts as cotrustee and is not licensed to perform the services for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated]~~ ***formed*** does not participate in any decisions concerning the rendering of those services.

2. Except as otherwise provided in NRS 623.349, a person not licensed to render the professional services for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated]~~ ***formed*** may own a beneficial interest in any of the assets, including ~~[corporate shares,]~~ ***an owner's interest,*** held for his account by an eligible individual account plan sponsored by the professional ~~[corporation]~~ ***entity*** for the benefit of its employees, which is intended to qualify under section 401 of the Internal Revenue Code, 26 U.S.C. § 401, if the terms of the trust are such that the total number of shares which may be

distributed for the benefit of persons not licensed to render the professional services for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated]~~ ***formed*** is less than a controlling interest and:

(a) The trustee of the trust is licensed to render the same specific professional services as those for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated;]~~ ***formed;*** or

(b) The trustee is not permitted to participate in any ~~[corporate]~~ decisions concerning the rendering of professional services in his capacity as trustee.

➥ A trustee who is individually ~~[a stockholder of the corporation]~~ ***an owner*** may participate in his individual capacity as ~~[a stockholder,]~~ ***an owner, manager,*** director or officer in any ~~[corporate]~~ decision.

3. Except as otherwise provided in subsection 4, a professional ~~[corporation]~~ ***entity*** in which all the ~~[stockholders]~~ ***owners*** who are natural persons are licensed to render the same specific professional service may acquire and hold ~~[stock]~~ ***an owner's interest*** in another professional ~~[corporation,]~~ ***entity*** or in a similar ~~[corporation]~~ ***entity*** organized pursuant to the corresponding law of another state, only if all the ~~[stockholders]~~ ***owners*** who are natural persons of the ~~[corporation]~~ ***professional entity*** whose stock is acquired are licensed in that ~~[corporation's]~~ ***professional entity's*** state of ~~[incorporation]~~ ***formation*** to render the same specific professional service as the ~~[stockholders]~~ ***owners*** who are natural persons of the professional ~~[corporation]~~ ***entity*** that acquires the ~~[stock.]~~ ***owner's interest.***

4. A professional ~~[corporation]~~ ***entity*** practicing pursuant to NRS 623.349 in which all the ~~[stockholders]~~ ***owners*** are natural persons, regardless of whether or not the natural persons are licensed to render the same specific professional service, may acquire and hold ~~[stock]~~ ***an owner's interest*** in another professional ~~[corporation]~~ ***entity*** or in a similar ~~[corporation]~~ ***entity*** organized pursuant to the corresponding law of another state if control and two-thirds ownership of the business organization or association that is acquired is held by persons registered or licensed pursuant to the applicable provisions of chapter 623, 623A or 625 of NRS. As used in this subsection, "control" has the meaning ascribed to it in NRS 623.349.

5. Any act in violation of this section is void and does not pass any rights or privileges or vest any powers, except to an innocent person who is not ~~[a stockholder]~~ ***an owner*** and who has relied on the effectiveness of the action.

Sec. 41. NRS 89.080 is hereby amended to read as follows:

89.080 1. If any officer, stockholder, director ***, member, manager*** or employee of ~~[a corporation]~~ ***a professional entity*** organized under this chapter who has been rendering professional service to the public becomes legally disqualified to render such professional services within this State, he shall sever within a reasonable period all professional service with and financial interest in the ~~[corporation,]~~ ***professional entity,*** but this chapter does not prevent a ~~[corporation]~~ ***professional entity*** formed under this chapter from entering into a contract with an employee which provides for

severance pay or for compensation for past services upon termination of professional service, whether by death or otherwise.

2. Except as otherwise provided in NRS 623.349, a natural person may not be an officer ***,*** ~~[or]~~ director ***or manager*** of a ~~[corporation organized]~~ ***professional entity formed*** under this chapter unless he is licensed to render the same specific professional services as those for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated.]~~ ***formed.***

3. Upon the death of ~~[a stockholder]~~ ***an owner*** of a ~~[corporation]~~ ***professional entity*** who has transferred his interest in the ~~[corporation]~~ ***professional entity*** to a revocable trust as permitted by NRS 89.070, the trustee of the revocable trust may continue to retain any interest so transferred ~~[, including corporate shares,]~~ for a reasonable period, but may not exercise any authority concerning the rendering of professional services and may not, except as otherwise provided in NRS 623.349, distribute the ~~[corporate]~~ ***owner's*** interest to any person not licensed to render the services for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated.]~~ ***formed.***

4. A ~~[corporation's]~~ ***professional entity's*** failure to require compliance with the provisions of this section is a ground for the forfeiture of its charter.

Sec. 42. NRS 89.100 is hereby amended to read as follows:

89.100 The provisions of this chapter relating to professional ~~[corporations]~~ ***entities*** do not bar the regulating board of any profession from taking any action otherwise within its power, nor do they affect the rules of ethics or practice of any profession.

Sec. 43. NRS 89.110 is hereby amended to read as follows:

89.110 No professional ~~[corporation]~~ ***entity*** may do any act which is prohibited to be done by natural persons licensed to practice the profession which the professional ~~[corporation]~~ ***entity*** is organized to practice.

Sec. 44. NRS 89.256 is hereby amended to read as follows:

89.256 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any professional association which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

(1) The list and certification required by NRS 89.250; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 89.250 and 89.252 for each year or portion thereof during which the articles of association have been revoked; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the professional association, he shall issue to the professional association a certificate of reinstatement if the professional association:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the articles of association occurred only by reason of the failure to pay the fees and penalties.

4. If the articles of association of a professional association have been revoked pursuant to the provisions of this chapter and have remained revoked for 10 consecutive years, the articles must not be reinstated.

5. A reinstatement pursuant to this section relates back to the date on which the professional association forfeited its right to transact business under the provisions of this chapter and reinstates the professional association's right to transact business as if such right had at all times remained in full force and effect.

Sec. 45. NRS 92A.380 is hereby amended to read as follows:

92A.380 1. Except as otherwise provided in NRS 92A.370 and 92A.390, any stockholder is entitled to dissent from, and obtain payment of the fair value of his shares in the event of any of the following corporate actions:

(a) Consummation of a conversion or plan of merger to which the domestic corporation is a constituent entity:

(1) If approval by the stockholders is required for the conversion or merger by NRS 92A.120 to 92A.160, inclusive, or the articles of incorporation, regardless of whether the stockholder is entitled to vote on the conversion or plan of merger; or

(2) If the domestic corporation is a subsidiary and is merged with its parent pursuant to NRS 92A.180.

(b) Consummation of a plan of exchange to which the domestic corporation is a constituent entity as the corporation whose subject owner's interests will be acquired, if his shares are to be acquired in the plan of exchange.

(c) Any corporate action taken pursuant to a vote of the stockholders to the extent that the articles of incorporation, bylaws or a resolution of the board of directors provides that voting or nonvoting stockholders are entitled to dissent and obtain payment for their shares.

(d) Any corporate action not described in paragraph (a), (b) or (c) that will result in the stockholder receiving money or scrip instead of fractional shares ~~[.]~~ ***except where the stockholder would not be entitled to receive such payment pursuant to NRS 78.205, 78.2055 or 78.207.***

2. A stockholder who is entitled to dissent and obtain payment pursuant to NRS 92A.300 to 92A.500, inclusive, may not challenge the corporate action creating his entitlement unless the action is unlawful or fraudulent with respect to him or the domestic corporation.

3. From and after the effective date of any corporate action described in subsection 1, no stockholder who has exercised his right to dissent

pursuant to NRS 92A.300 to 92A.500, inclusive, is entitled to vote his shares for any purpose or to receive payment of dividends or any other distributions on shares. This subsection does not apply to dividends or other distributions payable to stockholders on a date before the effective date of any corporate action from which the stockholder has dissented.

Sec. 46. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments ***for your individual support*** received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home

and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than $15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the

wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 47. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (o), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (n), (r) and (s), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto

belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed $350,000 in value and the dwelling is situated upon lands not owned by him.

(n) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(o) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(p) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(q) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(r) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(t) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(u) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(v) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as restitution for a criminal act.

(x) Payments ***for individual support*** received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 48. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments ***for your individual support*** received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than $15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 49. NRS 104.9501 is hereby amended to read as follows:

104.9501 1. Except as otherwise provided in subsection 2, if the law of this State governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is:

(a) The office designated for the filing or recording of a mortgage on the real property, if:

(1) The collateral is as-extracted collateral or timber to be cut; or

(2) The financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures; or

(b) The office of the Secretary of State in all other cases, including a case in which the collateral is goods that are or are to become fixtures and the financing statement is not filed as a fixture filing.

2. The office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the Secretary of State . ~~[or the county recorder of the appropriate county, as determined pursuant to chapter 105 of NRS.]~~ The financing statement also constitutes a fixture filing as to the collateral indicated in the financing statement which is or is to become fixtures.

Sec. 50. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 107.085, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) In the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, or his successor in interest, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property, has for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, or his successor in interest, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property, has for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;

(b) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of his election to sell or cause to be sold the property to satisfy the obligation; and

(c) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2 commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor, and to the person who holds the title of record on the date the notice of default and election to sell is recorded, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the

deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor and any other person entitled to notice pursuant to this section by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold; and

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and his successors in interest without equity or right of redemption. A ~~[person who purchases property pursuant to this section is not a bona fide purchaser, and the]~~ sale ***made pursuant to this section*** may be declared void ***by any court of competent jurisdiction in the county where the sale took place*** if ~~[the]~~ ***:***

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section ~~[.]~~ ***;***

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

Sec. 51. (Deleted by amendment.)

Sec. 52. NRS 87.003 is hereby repealed.

TEXT OF REPEALED SECTION

87.003 "Professional service" defined. "Professional service" means any type of personal service that may legally be performed only pursuant to a license or certificate of registration.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 850.

AN ACT relating to taxes on retail sales; revising various provisions governing sales and use taxes to ensure continued compliance with the Streamlined Sales and Use Tax Agreement; providing for the direct payment by certain purchasers of any sales and use taxes due to an Indian reservation or Indian colony in this State; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to repeal a tax exemption for the sale of aircraft and major components of aircraft to an airline based in Nevada and to authorize the Legislature to amend or repeal a provision of that Act without additional voter approval when necessary to carry out a federal law or interstate agreement for the administration of sales and use taxes; repealing certain obsolete provisions for the administration of sales and use taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the administration of sales and use taxes in this State pursuant to the Simplified Sales and Use Tax Administration Act, the Sales and Use Tax Act and the Local School Support Tax Law. (Chapters 360B, 372 and 374 of NRS) Under existing law, the Legislature has found and declared that this State should enter into an interstate agreement to simplify and modernize sales and use tax administration to reduce the burden of tax compliance for all sellers and types of commerce. (NRS 360B.020) Existing law requires the Nevada Tax Commission to enter into the Streamlined Sales and Use Tax Agreement and take all other actions reasonably required to implement the provisions of the Agreement. (NRS 360B.110) Sections 2, 5-7 and 15-17 of this bill set forth and clarify various administrative definitions required pursuant to the Agreement, as amended. Section 3 of this bill contains the requirements of a recent amendment to the Agreement regarding the certification by the State of the software of certain computer programs that calculate the taxes due on a sale and the provision of a limited waiver of liability for the persons who rely on that certification. Section 9 of this bill carries out a recent amendment to the Agreement regarding the conditions under which multiple remittances of taxes may be required for a single tax return from a seller who registers under the

Agreement. Section 10 of this bill clarifies the duties of the Department of Taxation to post on its website certain tax information required by the Agreement. Section 11 of this bill clarifies the statutory provisions governing the contents and use of a list required by the Agreement for determining the combined rate of taxes imposed in each zip code. Section 12 of this bill carries out and clarifies the requirements of the Agreement, as amended, to waive the liability of sellers and purchasers who rely on the tax information posted on the Department's website in accordance with the Agreement.

Existing law authorizes a person who obtains a direct pay permit to pay any applicable sales and use taxes due on certain purchases directly to this State and its local governments instead of to the seller. (NRS 360B.260) Section 13 of this bill additionally provides for the direct payment of any applicable sales and use taxes due on such a purchase to an Indian reservation or Indian colony in this State.

Under existing law, persons who desire to conduct business as sellers in this State must register pursuant to the Streamlined Sales and Use Tax Agreement or obtain permits from the Department of Taxation. (NRS 372.125 and 374.130) Sections 18-20 and 28-30 of this bill clarify that the statutory provisions applicable to an application for such a permit do not apply to the registration of a seller pursuant to the Agreement.

Existing law creates a presumption that a sale is subject to sales and use taxes unless the seller obtains a certificate from the purchaser indicating that the property is purchased for resale. (NRS 372.155, 372.225, 374.160, 374.230) Sections 21-25 and 31-35 of this bill revise the statutory provisions governing resale certificates to combine some of the existing provisions for clarity and to carry out the requirements of the Streamlined Sales and Use Tax Agreement regarding the acceptance of resale certificates from certain third-party vendors, the contents of resale certificates and the liability of a seller for the improper use of a resale certificate by a purchaser.

Existing law prohibits the Department of Taxation, in administering use taxes, from considering the taxability of certain property acquired free of charge at a convention, trade show or other public event. (NRS 372.7275, 374.726) Sections 27 and 37 of this bill ensure that existing law does not appear to create a threshold for the application of a sales or use tax, as prohibited by the Streamlined Sales and Use Tax Agreement.

Existing law authorizes the adoption of an ordinance for the imposition of a sales and use tax in Clark County to employ and equip additional police officers. (Clark County Sales and Use Tax Act of 2005) Section 38 of this bill revises the requirements for such an ordinance in accordance with the provisions of the Streamlined Sales and Use Tax Agreement requiring a common state and local tax base and imposing restrictions on the date of implementation of changes in tax rates.

Existing law includes various provisions of the Sales and Use Tax Act of 1955. (NRS 372.010-372.115, 372.185-372.205, 372.260-372.284, 372.285-372.325, 372.327-372.345, 372.350) Under existing law, the provisions of

that Act, which was submitted to and approved by the voters at the 1956 General Election, cannot be amended or repealed without additional voter approval. (Nev. Const. Art. 19, § 1) Sections 39-47 of this bill provide for the submission to the voters of an amendment to that Act to authorize the Legislature to amend that Act without any additional voter approval as necessary to carry out any federal law or interstate agreement for the administration of sales and use taxes, **unless the amendment would increase the rate of a tax imposed pursuant to that Act,** and to repeal a section of that Act that was declared unconstitutional by the Nevada Supreme Court in ***Worldcorp v. State, Department of Taxation***, 113 Nev. 1032 (1997).

Section 49 of this bill repeals NRS 360B.270 in accordance with a recent amendment to the Streamlined Sales and Use Tax Agreement, NRS 372.160, 372.230, 374.165 and 374.235, the provisions of which have been incorporated into other statutes by sections 21, 24, 31 and 34 of this bill, NRS 372.728 and 374.728, which are obsolete, and, if the proposed amendment to the Sales and Use Tax Act of 1955 is approved by the voters, NRS 372.726, which provides for the administration of the section hat was declared unconstitutional.

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

Section 1. Chapter 360B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Person" includes a government, governmental agency or political subdivision of a government.***

Sec. 3. ***The Department shall:***

1. Review the software submitted for the certification of a certified automated system pursuant to the Agreement and, if the Department determines that the software adequately classifies each exemption from the sales and use taxes imposed in this State which is based upon the description of a product, certify its acceptance of the classifications made by the system.

2. Except as otherwise provided in subsection 3:

(a) If a certified service provider acting on behalf of a registered seller fails to collect the correct amount of any sales or use tax imposed in this State as a result of his reliance on the certification of the Department pursuant to subsection 1 regarding the certified automated system used by that certified service provider, waive any liability of the certified service provider, and of the registered seller on whose behalf the certified service provider is acting, for:

(1) The amount of the sales or use tax which the certified service provider fails to collect as a result of that reliance; and

(2) Any penalties and interest on that amount.

(b) If a registered seller who elects to use a certified automated system pursuant to subsection 3 of NRS 360B.200 fails to collect the correct amount of any sales or use tax imposed in this State as a result of his reliance on the certification of the Department pursuant to subsection 1 regarding the certified automated system used by that registered seller, waive any liability of the registered seller for:

(1) The amount of the sales or use tax which the registered seller fails to collect as a result of that reliance; and

(2) Any penalties and interest on that amount.

3. Notify a certified service provider or a registered seller who elects to use a certified automated system pursuant to subsection 3 of NRS 360B.200 if the Department determines that the taxability of any item or transaction is being incorrectly classified by the certified automated system used by the certified service provider or registered seller. The provisions of subsection 2 do not require the waiver of any liability for the incorrect classification of an item or transaction regarding which notice was provided to the certified service provider or registered seller pursuant to this subsection if the incorrect classification occurs more than 10 days after the receipt of that notice.

Sec. 4. NRS 360B.030 is hereby amended to read as follows:

360B.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 360B.040 to 360B.100, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 360B.050 is hereby amended to read as follows:

360B.050 "Certified automated system" means software certified ~~[jointly by the states that are signatories]~~ ***pursuant*** to the Agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

Sec. 6. NRS 360B.060 is hereby amended to read as follows:

360B.060 "Certified service provider" means an agent certified ~~[jointly by the states that are signatories]~~ ***pursuant*** to the Agreement to perform all of a seller's sales ***and use*** tax functions ~~[.]~~ ***, other than the seller's obligation to remit the taxes on its own purchases.***

Sec. 7. NRS 360B.090 is hereby amended to read as follows:

360B.090 "State" means any state of the United States ***,*** ~~[and]~~ the District of Columbia ~~[.]~~ ***and the Commonwealth of Puerto Rico.***

Sec. 8. NRS 360B.110 is hereby amended to read as follows:

360B.110 The Nevada Tax Commission shall:

1. Except as otherwise provided in NRS 360B.120, enter into the Agreement.

2. Act jointly with other states that are members of the Agreement to establish standards for:

(a) Certification of a certified service provider;

(b) A certified automated system; ***and***

(c) Performance of multistate sellers ***.*** ~~[; and~~

~~(d) An address-based system for determining the applicable sales and use taxes.]~~

3. Take all other actions reasonably required to implement the provisions of this chapter and the provisions of the Agreement, including, without limitation, the:

(a) Adoption of regulations to carry out the provisions of this chapter and the provisions of the Agreement; and

(b) Procurement, jointly with other member states, of goods and services.

4. Represent, or have its designee represent, the State of Nevada before the other states that are signatories to the Agreement.

5. Designate not more than four delegates, who may be members of the Commission, to represent the State of Nevada for the purposes of reviewing or amending the Agreement.

Sec. 9. NRS 360B.200 is hereby amended to read as follows:

360B.200 1. The Department shall, in cooperation with any other states that are members of the Agreement, establish and maintain a central, electronic registration system that allows a seller to register to collect and remit the sales and use taxes imposed in this State and in the other states that are members of the Agreement.

2. A seller who registers pursuant to this section agrees to collect and remit sales and use taxes in accordance with the provisions of this chapter, the regulations of the Department and the applicable law of each state that is a member of the Agreement, including any state that becomes a member of the Agreement after the registration of the seller pursuant to this section. The cancellation or revocation of the registration of a seller pursuant to this section, the withdrawal of a state from the Agreement or the revocation of the Agreement does not relieve a seller from liability pursuant to this subsection to remit any taxes previously or subsequently collected on behalf of a state.

3. When registering pursuant to this section, a seller may:

(a) Elect to use a certified service provider as its agent to perform all the functions of the seller relating to sales and use taxes, other than the obligation of the seller to remit the taxes on its own purchases;

(b) Elect to use a certified automated system to calculate the amount of sales or use taxes due on its sales transactions;

(c) Under such conditions as the Department deems appropriate in accordance with the Agreement, elect to use its own proprietary automated system to calculate the amount of sales or use taxes due on its sales transactions; or

(d) Elect to use any other method authorized by the Department for performing the functions of the seller relating to sales and use taxes.

4. A seller who registers pursuant to this section agrees to submit its sales and use tax returns, and to remit any sales and use taxes due, to the Department at such times and in such a manner and format as the Department prescribes by regulation. Those regulations must:

(a) Require from each seller who registers pursuant to this section:

(1) Only one tax return for each taxing period for all the sales and use taxes collected on behalf of this State and each local government in this State; and

(2) Only one remittance of taxes for each tax return, except that the Department may require additional remittances of taxes if ~~[:~~

~~(I) The seller collects]~~ ***the seller:***

(I) Collects more than $30,000 in sales and use taxes on behalf of this State and the local governments in this State during the preceding calendar year;

(II) ~~[The]~~ ***Is allowed to determine the*** amount of ~~[the]~~ ***any*** additional remittance ~~[is determined]~~ by a method of calculation instead of by the actual amount collected; and

(III) ~~[The seller is]~~ ***Is*** not required to file any tax returns in addition to those otherwise required in accordance with this subsection.

(b) Allow any seller who registers pursuant to this section and makes an election pursuant to paragraph (a), (b) or (c) of subsection 3 to submit tax returns in a simplified format that does not include any more data fields than are permitted in accordance with the Agreement.

(c) Allow any seller who registers pursuant to this section, does not maintain a place of business in this State and has not made an election pursuant to paragraph (a), (b) or (c) of subsection 3, to file tax returns at a frequency that does not exceed once per year unless the seller accumulates more than $1,000 in the collection of sales and use taxes on behalf of this State and the local governments in this State.

(d) Provide an alternative method for a seller who registers pursuant to this section to make tax payments the same day as the seller intends if an electronic transfer of money fails.

(e) Require any data that accompanies the remittance of a tax payment by or on behalf of a seller who registers pursuant to this section to be formatted using uniform codes for the type of tax and payment in accordance with the Agreement.

5. The registration of a seller and the collection and remission of sales and use taxes pursuant to this section may not be considered as a factor in determining whether a seller has a nexus with this State for the purposes of determining his liability to pay any tax imposed by this State.

Sec. 10. NRS 360B.230 is hereby amended to read as follows:

360B.230 1. The Department shall post on a website or other Internet site that is operated or administered by or on behalf of the Department ~~[:]~~ ***, in any format which may be required by the Agreement:***

(a) The rates of sales and use taxes for this State and for each local government ***and Indian reservation or Indian colony*** in this State that imposes such taxes. ~~[The Department shall identify this State and each local government using the Federal Information Processing Standards developed by the National Institute of Standards and Technology.]~~

(b) Any change in those rates.

(c) Any amendments to the statutory provisions and administrative regulations of this State governing the registration of sellers and the collection of sales and use taxes.

(d) Any change in the boundaries of local governments in this State that impose sales and use taxes.

(e) The list maintained pursuant to NRS 360B.240.

(f) ***A matrix for determining the taxability of products in this State and any change in the taxability of a product listed in that matrix.***

(g) Any other information the Department deems appropriate.

2. The Department shall make a reasonable effort to provide sellers with as much advance notice as possible of any changes or amendments required to be posted pursuant to subsection 1 and of any other changes in the information posted pursuant to subsection 1. Except as otherwise provided in NRS 360B.250, the failure of the Department to provide such notice and the failure of a seller to receive such notice does not affect the obligation of the seller to collect and remit any applicable sales and use taxes.

Sec. 11. NRS 360B.240 is hereby amended to read as follows:

360B.240 1. The Department shall maintain a list that denotes for each five-digit and nine-digit zip code in this State the combined rates of sales taxes and the combined rates of use taxes imposed in the area of that zip code, and the applicable taxing jurisdictions ~~[.]~~ ***, including, without limitation, any pertinent Indian reservation or Indian colony.*** If the combined rate of all the sales taxes or use taxes respectively imposed within the area of a zip code is not the same for the entire area of the zip code, the Department shall denote in the list the lowest combined tax rates for the entire zip code.

2. If a street address does not have a nine-digit zip code or if a registered seller ***or certified service provider*** is unable to determine the nine-digit zip code ~~[of a purchaser]~~ ***applicable to a purchase*** after exercising due diligence to determine that information, that seller ***or certified service provider*** may, except as otherwise provided in subsection 3, apply the rate denoted for the five-digit zip code in the list maintained pursuant to this section. For the purposes of this subsection, there is a rebuttable presumption that a registered seller ***or certified service provider*** has exercised due diligence if the seller ***or certified service provider*** has attempted to determine the nine-digit zip code ~~[of a purchaser]~~ ***applicable to a purchase*** by using software approved by the Department which makes that determination from the street address and five-digit zip code ~~[of the purchaser.]~~ ***applicable to the purchase.***

3. The list maintained pursuant to this section does not apply to and must not be used for any transaction regarding which a purchased product is received by the purchaser at the business location of the seller.

Sec. 12. NRS 360B.250 is hereby amended to read as follows:

360B.250 The Department shall ~~[waive any liability of]~~ ***:***

1. If a registered seller ~~[and a certified service provider acting on behalf of a registered seller who,]~~ ***fails to collect the correct amount of any sales or***

use tax imposed in this State as a result of his reasonable reliance on the information posted pursuant to NRS 360B.230 or his compliance with subsection 2 of NRS 360B.240, ~~[collects the incorrect amount of any sales or use tax imposed in this State,]~~ ***waive any liability of the registered seller*** for:

~~[1.]~~ ***(a)*** The amount of the sales or use tax which the registered seller ~~[and certified service provider fail]~~ ***fails*** to collect as a result of that reliance; and

~~[2.]~~ ***(b)*** Any penalties and interest on that amount.

2. If a certified service provider acting on behalf of a registered seller fails to collect the correct amount of any sales or use tax imposed in this State as a result of his reasonable reliance on the information posted pursuant to NRS 360B.230 or his compliance with subsection 2 of NRS 360B.240, waive any liability of the certified service provider, and of the registered seller on whose behalf the certified service provider is acting, for:

(a) The amount of the sales or use tax which the certified service provider fails to collect as a result of that reliance; and

(b) Any penalties and interest on that amount.

3. Waive any liability of a purchaser for any sum for which the liability of a registered seller or certified service provider is required to be waived pursuant to subsection 1 or 2 with regard to a transaction involving that purchaser.

4. If a purchaser fails to pay the correct amount of any sales or use tax imposed in this State as a result of his reasonable reliance on the information posted pursuant to NRS 360B.230, waive any liability of the purchaser for:

(a) The amount of the sales or use tax which the purchaser fails to pay as a result of that reliance; and

(b) Any penalties and interest on that amount.

Sec. 13. NRS 360B.260 is hereby amended to read as follows:

360B.260 1. A purchaser may purchase tangible personal property without paying to the seller at the time of purchase the sales and use taxes that are due thereon if:

(a) The seller does not maintain a place of business in this State; and

(b) The purchaser has obtained a direct pay permit pursuant to the provisions of this section.

2. A purchaser who wishes to obtain a direct pay permit must file with the Department an application for such a permit that:

(a) Is on a form prescribed by the Department; and

(b) Sets forth such information as is required by the Department.

3. The application must be signed by:

(a) The owner if he is a natural person;

(b) A member or partner if the seller is an association or partnership; or

(c) An executive officer or some other person specifically authorized to sign the application if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.

4. Any purchaser who obtains a direct pay permit pursuant to this section shall:

(a) Determine the amount of sales and use taxes that are due and payable to this State **,** ~~[or]~~ a local government of this State ***or an Indian reservation or Indian colony in this State*** upon the purchase of tangible personal property from such a seller; and

(b) Report and pay those taxes to the appropriate authority.

~~[5. If a purchaser who has obtained a direct pay permit purchases tangible personal property that will be available for use digitally or electronically in more than one jurisdiction, he may, to determine the amount of tax that is due to this State or to a local government of this State, use any reasonable, consistent and uniform method to apportion the use of the property among the various jurisdictions in which it will be used that is supported by the purchaser's business records as they exist at the time of the consummation of the sale.]~~

Sec. 14. NRS 360B.290 is hereby amended to read as follows:

360B.290 Any invoice, billing or other document given to a purchaser that indicates the sales price for which tangible personal property is sold must state separately any amount received by the seller for:

1. Any installation charges for the property;

2. ~~[The value of any exempt property given to the purchaser if the exempt property and any taxable property are sold as a single product or piece of merchandise;~~

~~3.]~~ Any credit for any trade-in which is specifically exempted from the sales price of the property pursuant to chapter 372 or 374 of NRS;

~~[4.]~~ ***3.*** Any interest, financing and carrying charges from credit extended on the sale; and

~~[5.]~~ ***4.*** Any taxes legally imposed directly on the consumer.

Sec. 15. NRS 360B.445 is hereby amended to read as follows:

360B.445 "Food" and "food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value, except alcoholic beverages ***, dietary supplements*** and tobacco.

Sec. 16. NRS 360B.460 is hereby amended to read as follows:

360B.460 "Prepared food" means:

1. Food sold in a heated state or heated by the seller;

2. Two or more food ingredients mixed or combined by the seller for sale as a single item, unless the food ingredients:

(a) Are only cut, repackaged or pasteurized by the seller; or

(b) Contain any raw eggs, fish, meat or poultry, or other such raw animal foods ~~[, for which]~~ ***requiring*** cooking by the consumer ~~[is]~~ ***to prevent food-borne illnesses, as*** recommended pursuant to the Food Code published by the Food and Drug Administration of the United States Department of Health and Human Services; and

3. Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins or straws. For the purposes of this ~~[paragraph,]~~ ***subsection,*** "plates" does not include any containers or packaging used to transport food.

Sec. 17. NRS 360B.480 is hereby amended to read as follows:

360B.480 1. "Sales price" means the total amount of consideration, including cash, credit, property and services, for which personal property is sold, leased or rented, valued in money, whether received in money or otherwise, and without any deduction for:

(a) The seller's cost of the property sold;

(b) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(c) Any charges by the seller for any services necessary to complete the sale, including any delivery charges and excluding any installation charges which are stated separately pursuant to NRS 360B.290; and

(d) Except as otherwise provided in subsection 2, any credit for any trade-in.

2. The term does not include:

(a) Any installation charges which are stated separately pursuant to NRS 360B.290;

(b) ~~[The value of any exempt personal property given to the purchaser if:~~

~~(1) The exempt property and any taxable property are sold as a single product or piece of merchandise; and~~

~~(2) The value of the exempt property is stated separately pursuant to NRS 360B.290;~~

~~(c)]~~ Any credit for any trade-in which is:

(1) Specifically exempted from the sales price pursuant to chapter 372 or 374 of NRS; and

(2) Stated separately pursuant to NRS 360B.290;

~~[(d)]~~ ***(c)*** Any discounts, including those in the form of cash, term or coupons that are not reimbursed by a third party, which are allowed by a seller and taken by the purchaser on a sale;

~~[(e)]~~ ***(d)*** Any interest, financing and carrying charges from credit extended on the sale of personal property, if stated separately pursuant to NRS 360B.290; and

~~[(f)]~~ ***(e)*** Any taxes legally imposed directly on the consumer which are stated separately pursuant to NRS 360B.290.

3. The term includes consideration received by a seller from a third party if:

(a) The seller actually receives consideration from a person other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(b) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(c) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(d) Any of the following criteria is satisfied:

(1) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount, and the coupon, certificate or other documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or other documentation is presented.

(2) The purchaser identifies himself to the seller as a member of a group or organization entitled to a price reduction or discount. For the purposes of this subparagraph, a preferred customer card that is available to any patron does not constitute membership in such a group.

(3) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

Sec. 18. NRS 372.125 is hereby amended to read as follows:

372.125 1. Every person desiring to engage in or conduct business as a seller within this State must ~~[register]~~ ***:***

(a) Register with the Department pursuant to NRS 360B.200 ***;*** or ~~[file]~~

(b) File with the Department an application for a permit for each place of business.

2. Every application for a permit must:

(a) Be made upon a form prescribed by the Department.

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business.

(c) Set forth ***any*** other information which the Department may require.

~~[3. The application must be]~~

(d) Be signed by:

~~[(a)]~~ ***(1)*** The owner if he is a natural person;

~~[(b)]~~ ***(2)*** A member or partner if the seller is an association or partnership; or

~~[(c)]~~ ***(3)*** An executive officer or some person specifically authorized to sign the application if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.

Sec. 19. NRS 372.130 is hereby amended to read as follows:

372.130 At the time of making an application ~~[,]~~ ***for a permit pursuant to NRS 372.125,*** the applicant must pay to the Department a ~~[permit]~~ fee of $5 for each permit.

Sec. 20. NRS 372.135 is hereby amended to read as follows:

372.135 1. Except as otherwise provided in NRS 360.205 and 372.145, after compliance with NRS 372.125, 372.130 and 372.510 by ~~[the applicant,]~~ ***an applicant for a permit,*** the Department shall:

(a) Grant and issue to ~~[each]~~ ***the*** applicant a separate permit for each place of business within the State.

(b) Provide the applicant with a full, written explanation of the liability of the applicant for the collection and payment of the taxes imposed by this chapter. The explanation required by this paragraph:

(1) Must include the procedures for the collection and payment of the taxes that are specifically applicable to the type of business conducted by the applicant, including, without limitation and when appropriate:

(I) An explanation of the circumstances under which a service provided by the applicant is taxable;

(II) The procedures for administering exemptions; and

(III) The circumstances under which charges for freight are taxable.

(2) Is in addition to, and not in lieu of, the instructions and information required to be provided by NRS 360.2925.

2. A permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated on it. It must at all times be conspicuously displayed at the place for which it is issued.

Sec. 21. NRS 372.155 is hereby amended to read as follows:

372.155 ***1.*** For the purpose of the proper administration of this chapter and to prevent evasion of the sales tax ***,*** it is presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless he takes ***in good faith*** from the purchaser a certificate to the effect that the property is purchased for resale ~~[.]~~ ***and the purchaser:***

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 372.135; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the sale is not a sale at retail if:

(a) The third-party vendor:

(1) Takes in good faith from his customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 22. NRS 372.165 is hereby amended to read as follows:

372.165 ~~[1.]~~ A resale certificate must:

~~[(a) Be signed by and bear the name and address of the purchaser.~~

~~(b) Indicate that the purchaser is registered pursuant to NRS 360B.200 or contain the number of the permit issued to the purchaser pursuant to NRS 372.135.~~

~~(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.~~

~~2. The certificate must be]~~

1. Be substantially in such form ***and include such information*** as the Department may prescribe ~~[.]~~ ***; and***

2. Unless submitted in electronic form, be signed by the purchaser.

Sec. 23. NRS 372.170 is hereby amended to read as follows:

372.170 ***1.*** If a purchaser who gives a ***resale*** certificate makes any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business ~~[, the]~~ ***:***

(a) The use is taxable to the purchaser as of the time the property is first so used by him, and the sales price of the property to him is the measure of the tax. ~~[Only when there is an unsatisfied use tax liability on this basis is the seller liable for sales tax with respect to the sale of the property to the purchaser.]~~ If the sole use of the property other than retention, demonstration or display in the regular course of business is the rental of the property while holding it for sale, the purchaser may elect to include in his gross receipts the amount of the rental charged rather than the sales price of the property to him.

(b) The seller is liable for the sales tax with respect to the sale of the property to the purchaser only if:

(1) There is an unsatisfied use tax liability pursuant to paragraph (a); and

(2) The seller fraudulently failed to collect the tax or solicited the purchaser to provide the resale certificate unlawfully.

2. As used in this section, "seller" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a seller who is registered pursuant to NRS 360B.200.

Sec. 24. NRS 372.225 is hereby amended to read as follows:

372.225 ***1.*** For the purpose of the proper administration of this chapter and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property sold by any person for delivery in this State is sold for storage, use or other consumption in this State until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless he takes ***in good faith*** from the purchaser a certificate to the effect that the property is purchased for resale ~~[.]~~ ***and the purchaser:***

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 372.135; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the property is sold for storage, use or other consumption in this State if:

(a) The third-party vendor:

(1) Takes in good faith from his customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 25. NRS 372.235 is hereby amended to read as follows:

372.235 ~~[1.]~~ A resale certificate must:

~~[(a) Be signed and bear the name and address of the purchaser.~~

~~(b) Indicate that the purchaser is registered pursuant to NRS 360B.200 or contain the number of the permit issued to the purchaser pursuant to NRS 372.135.~~

~~(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.~~

~~2. The certificate must be]~~

1. Be substantially in such form ***and include such information*** as the Department may prescribe ~~[.]~~ ***; and***

2. Unless submitted in electronic form, be signed by the purchaser.

Sec. 26. NRS 372.347 is hereby amended to read as follows:

372.347 1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such identifying information from the purchaser at the time of sale as is required by the Department.

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department ~~[.]~~ ***and provide those records to the Department upon request.***

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is

liable for the payment of the tax. The provisions of this subsection do not apply if the retailer fraudulently fails to collect the tax or solicits a purchaser to participate in an unlawful claim of an exemption.

6. As used in this section, "retailer" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a retailer who is registered pursuant to NRS 360B.200.

Sec. 27. NRS 372.7275 is hereby amended to read as follows:

372.7275 In its administration of the use tax imposed by NRS 372.185, the Department shall not consider the storage, use or other consumption in this State of tangible personal property which ~~[is:~~

~~1. Worth $100 or less; and~~

~~2. Acquired]~~ ***:***

1. Does not have significant value; and

2. Is acquired free of charge at a convention, trade show or other public event.

Sec. 28. NRS 374.130 is hereby amended to read as follows:

374.130 1. Every person desiring to engage in or conduct business as a seller within a county ~~[shall register]~~ ***must:***

(a) Register with the Department pursuant to NRS 360B.200 ***;*** or ~~[file]~~

(b) File with the Department an application for a permit for each place of business.

2. Every application for a permit must:

(a) Be made upon a form prescribed by the Department.

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business.

(c) Set forth such other information as the Department may require.

~~[3. The application must be]~~

(d) Be signed by:

~~[(a)]~~ ***(1)*** The owner if he is a natural person;

~~[(b)]~~ ***(2)*** A member or partner if the seller is an association or partnership; or

~~[(c)]~~ ***(3)*** An executive officer or some person specifically authorized to sign the application if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.

Sec. 29. NRS 374.135 is hereby amended to read as follows:

374.135 At the time of making an application ~~[,]~~ ***for a permit pursuant to NRS 374.130,*** the applicant shall pay to the Department a ~~[permit]~~ fee of $5 for each permit.

Sec. 30. NRS 374.140 is hereby amended to read as follows:

374.140 1. Except as otherwise provided in NRS 360.205 and 374.150, after compliance with NRS 374.130, 374.135 and 374.515 by ~~[the applicant,]~~ ***an applicant for a permit,*** the Department shall:

(a) Grant and issue to ~~[each]~~ ***the*** applicant a separate permit for each place of business within the county.

(b) Provide the applicant with a full, written explanation of the liability of the applicant for the collection and payment of the taxes imposed by this chapter. The explanation required by this paragraph:

(1) Must include the procedures for the collection and payment of the taxes that are specifically applicable to the type of business conducted by the applicant, including, without limitation and when appropriate:

(I) An explanation of the circumstances under which a service provided by the applicant is taxable;

(II) The procedures for administering exemptions; and

(III) The circumstances under which charges for freight are taxable.

(2) Is in addition to, and not in lieu of, the instructions and information required to be provided by NRS 360.2925.

2. A permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. A permit must at all times be conspicuously displayed at the place for which it is issued.

Sec. 31. NRS 374.160 is hereby amended to read as follows:

374.160 ***1.*** For the purpose of the proper administration of this chapter and to prevent evasion of the sales tax it ~~[shall be]~~ ***is*** presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless he takes ***in good faith*** from the purchaser a certificate to the effect that the property is purchased for resale ~~[.]~~ ***and the purchaser:***

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 374.140; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the sale is not a sale at retail if:

(a) The third-party vendor:

(1) Takes in good faith from his customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 32. NRS 374.170 is hereby amended to read as follows:

374.170 ~~[1.]~~ A resale certificate must:

~~[(a) Be signed by and bear the name and address of the purchaser.~~

~~(b) Indicate that the purchaser is registered pursuant to NRS 360B.200 or contain the number of the permit issued to the purchaser pursuant to NRS 374.140.~~

~~(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.~~

~~2. The certificate must be]~~

1. ***Be*** substantially in such form ***and include such information*** as the Department may prescribe ~~[.]~~ ***; and***

2. Unless submitted in electronic form, be signed by the purchaser.

Sec. 33. NRS 374.175 is hereby amended to read as follows:

374.175 ***1.*** If a purchaser who gives a ***resale*** certificate makes any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business ~~[, the use shall be]~~ ***:***

(a) The use is taxable to the purchaser as of the time the property is first ***so*** used by him, and the sales price of the property to him ~~[shall be deemed]~~ ***is*** the measure of the tax. ~~[Only when there is an unsatisfied use tax liability on this basis shall the seller be liable for sales tax with respect to the sale of the property to the purchaser.]~~ If the sole use of the property other than retention, demonstration or display in the regular course of business is the rental of the property while holding it for sale, the purchaser may elect to include in his gross receipts the amount of the rental charged rather than the sales price of the property to him.

(b) The seller is liable for the sales tax with respect to the sale of the property to the purchaser only if:

(1) There is an unsatisfied use tax liability pursuant to paragraph (a); and

(2) The seller fraudulently failed to collect the tax or solicited the purchaser to provide the resale certificate unlawfully.

2. As used in this section, "seller" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a seller who is registered pursuant to NRS 360B.200.

Sec. 34. NRS 374.230 is hereby amended to read as follows:

374.230 ***1.*** For the purpose of the proper administration of this chapter and to prevent evasion of the use tax and the duty to collect the use tax, it ~~[shall be]~~ ***is*** presumed that tangible personal property sold by any person for delivery in a county is sold for storage, use or other consumption in the county until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless he takes ***in good faith*** from the purchaser a certificate to the effect that the property is purchased for resale ~~[.]~~ ***and the purchaser:***

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 374.140; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the property is sold for storage, use or other consumption in this State if:

(a) The third-party vendor:

(1) Takes in good faith from his customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 35. NRS 374.240 is hereby amended to read as follows:

374.240 ~~[1.]~~ A resale certificate must:

~~[(a) Be signed and bear the name and address of the purchaser.~~

~~(b) Indicate that the purchaser is registered pursuant to NRS 360B.200 or contain the number of the permit issued to the purchaser pursuant to NRS 374.140.~~

~~(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.~~

~~2. The certificate must be]~~

1. Be substantially in such form ***and include such information*** as the Department may prescribe ~~[.]~~ ***; and***

2. Unless submitted in electronic form, be signed by the purchaser.

Sec. 36. NRS 374.352 is hereby amended to read as follows:

374.352 1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such identifying information from the purchaser at the time of sale as is required by the Department.

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department ~~[.]~~ ***and provide those records to the Department upon request.***

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is

liable for the payment of the tax. The provisions of this subsection do not apply if the retailer fraudulently fails to collect the tax or solicits a purchaser to participate in an unlawful claim of an exemption.

6. As used in this section, "retailer" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a retailer who is registered pursuant to NRS 360B.200.

Sec. 37. NRS 374.726 is hereby amended to read as follows:

374.726 In its administration of the use tax imposed by NRS 374.190, the Department shall not consider the storage, use or other consumption in a county of tangible personal property which ~~[is:~~

~~1. Worth $100 or less; and~~

~~2. Acquired]~~ ***:***

1. Does not have significant value; and

2. Is acquired free of charge at a convention, trade show or other public event.

Sec. 38. Section 10 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 914, is hereby amended to read as follows:

Sec. 10. An ordinance enacted pursuant to this act must include provisions in substance as follows:

1. A provision imposing a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail or stored, used or otherwise consumed in the County, including incorporated cities in the County, at a rate of:

(a) One-quarter of 1 percent if the date on which the tax must first be imposed is on October 1, 2005; and

(b) Up to an additional one-quarter of 1 percent if the date on which the increased rate must first be imposed is on or after October 1, 2009, and if the Legislature first approves the increased rate,

➥ the total rate not to exceed one-half of 1 percent.

2. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

3. A provision that an amendment to chapter 374 of NRS enacted after the effective date of the ordinance, not inconsistent with this act, automatically becomes part of the ordinance imposing the tax.

4. A provision that the Board shall contract with the Department, before the effective date of the ordinance, to perform all the functions incident to the administration or operation of the tax in the County.

5. A provision that ~~[exempts from the tax the gross receipts from]~~ ***a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon*** the sale of, and the storage, use or other consumption in the County, including incorporated cities in the County, of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property:

(a) That was entered into on or before the effective date of the tax; or

(b) For which a binding bid was submitted before that date if the bid was afterward accepted, and pursuant to the terms of the contract or bid, the contract price or bid amount may not be adjusted to reflect the imposition of the tax.

6. A provision that specifies the date on which the tax must first be imposed ~~[,]~~ ***or on which any change in the rate of tax becomes effective,*** which must ~~[not be earlier than]~~ ***be*** the first day of the ~~[second calendar month following]~~ ***first calendar quarter that begins at least 120 days after*** the effective date of the ordinance.

Sec. 39. The Legislature hereby finds and declares that:

1. There has been a rapid increase during recent years in the conduct of interstate commerce through telecommunication and electronic means.

2. Many of the merchants who transact these forms of interstate commerce have been discouraged by the substantial burdens of ascertaining and complying with the extremely diverse and detailed tax laws of each state from making the efforts necessary to collect sales and use taxes on behalf of the states in which they do not maintain a place of business.

3. As a result of the proliferation of these forms of interstate commerce and federal restrictions on the ability of each state to collect sales and use taxes from merchants who do not maintain a place of business in that state, the people of this State are losing millions of dollars in state and local tax revenue.

4. The nonpayment of Nevada sales and use taxes by merchants in other states provides those merchants with an unfair competitive advantage over local merchants who lawfully pay the sales and use taxes due in this State.

5. As a result of the similarity of these circumstances in the various states, considerable efforts are being made to provide more uniformity, simplicity and fairness in the administration and collection of sales and use taxes in this country, including the introduction and consideration of Congressional legislation and the participation by Nevada and many other states in the Streamlined Sales and Use Tax Agreement.

6. Compliance with the Streamlined Sales and Use Tax Agreement and its amendments has and will continue to require amendments to the Nevada Sales and Use Tax Act, and it is anticipated that any Congressional legislation will also necessitate such amendments.

7. The Nevada Sales and Use Tax Act was approved by referendum at the General Election in 1956 and therefore, pursuant to Section 1 of Article 19 of the Constitution of the State of Nevada, may not be "amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people."

8. Unlike the circumstances in other states where legislatures have the direct authority to amend sales and use tax laws in a timely manner, the period required for the legislative enactment and subsequent voter approval of any necessary amendments to the Nevada Sales and Use Tax Act has

placed the ability of this State to comply with the Streamlined Sales and Use Tax Agreement and any Congressional legislation in serious jeopardy.

9. It would be beneficial to the public welfare for the people of this State by direct vote to authorize the Legislature to enact without any additional voter approval such amendments to the Nevada Sales and Use Tax Act as it determines to be necessary to carry out any Congressional legislation or interstate agreements for the administration, collection or enforcement of sales and use taxes.

Sec. 40. At the General Election on November 4, 2008, a proposal must be submitted to the registered voters of this State to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this State at the General Election held on November 6, 1956.

Sec. 41. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 42. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the General Election on November 4, 2008, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 1. The above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 788, is hereby amended by adding thereto a new section to be designated as section 153.5, immediately following section 153.2, to read as follows:

Sec. 153.5. The people of the State of Nevada hereby authorize the Legislature to enact, without an additional direct vote of the people, legislation that amends, annuls, repeals, sets aside, suspends or otherwise makes inoperative any provision of this Act, being chapter 397, Statutes of Nevada 1955, at page 762, whenever the Legislature determines that such legislation is necessary to carry out any federal statute or regulation or interstate agreement providing for the administration, collection or enforcement of sales and use taxes ~~[.]~~ ***, unless such legislation would increase the rate of any tax imposed pursuant to this Act.***

Sec. 2. Section 61.5 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, as added by chapter 466, Statutes of Nevada 1985, at page 1441, is hereby repealed.

Sec. 3. This act becomes effective on January 1, 2009.

Sec. 43. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to repeal an exemption from the taxes imposed by this Act on the gross receipts from the sale of aircraft and major components of aircraft to scheduled air carriers based in this State, and to authorize the Legislature to amend or repeal any provision of this Act without an additional direct vote of the people whenever necessary to carry out any federal law or interstate agreement for the administration, collection or enforcement of sales and use taxes?

Yes ☐ No ☐

Sec. 44. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would repeal an exemption from the taxes imposed by this Act for the sale of aircraft and major components of aircraft to a scheduled air carrier which is based in Nevada, and would authorize the Legislature to enact legislation amending or repealing any provision of this Act without obtaining additional voter approval whenever that legislation is necessary to carry out any federal law or interstate agreement for the administration, collection or enforcement of sales and use taxes. **The proposed amendment would not authorize any legislation that increases the rate of any tax imposed pursuant to this Act.**

Sec. 45. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2009. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 46. All general election laws not inconsistent with this act are applicable.

Sec. 47. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the office of the Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.

Sec. 48. The amendatory provisions of section 38 of this act do not apply to any ordinance enacted before October 1, 2007.

Sec. 49. 1. NRS 360B.270, 372.160, 372.230, 372.728, 374.165, 374.235 and 374.728 are hereby repealed.

2. NRS 372.726 is hereby repealed.

Sec. 50. 1. This section and sections 1 to 48, inclusive, and subsection 1 of section 49 of this act become effective on October 1, 2007.

2. Subsection 2 of section 49 of this act becomes effective on January 1, 2009, only if the proposal submitted pursuant to sections 40 to 44, inclusive, of this act is approved by the voters at the general election on November 4, 2008.

LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTION OF STATUTES OF NEVADA

360B.270 Purchases of tangible personal property that will be used digitally or electronically in multiple jurisdictions.

372.160 Effect of resale certificate.

372.230 Effect of resale certificate.

372.726 Application of exemption for aircraft and major components of aircraft.

372.728 Construction of "retailer maintaining place of business in this State."

374.165 Effect of resale certificate.

374.235 Effect of resale certificate.

374.728 Construction of "retailer maintaining place of business in county."

Section 61.5 of chapter 397, Statutes of Nevada 1955:

Sec. 61.5. There are exempted from the taxes imposed by this act the gross receipts from the sale of aircraft and major components of aircraft, such as engines and other components made for use only in aircraft, to an air carrier which:

1. Holds a certificate to engage in air transportation issued pursuant to 49 U.S.C. § 1371 and is not solely a charter air carrier or a supplemental air carrier as described in Title 49 of the United States Code; and

2. Maintains its central office in Nevada and bases a majority of its aircraft in Nevada.

Assemblyman Parks moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 503.

Bill read second time and ordered to third reading.

Senate Bill No. 533.

Bill read second time and ordered to third reading.

Senate Bill No. 536.

Bill read second time.

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

Amendment No. 858.

AN ACT relating to public health; exempting certain entities that comply with the provisions of federal law governing the electronic transmission of certain health information from provisions of state law that provide more stringent privacy requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) protects the privacy of certain individually identifiable health information. (Public Law No. 104-191) HIPAA and the federal regulations to carry out that Act contain provisions which address the use and disclosure of individually identifiable health information by certain covered entities, including certain health plans, health care providers and health care clearinghouses. Among the federal requirements are provisions governing the electronic transmission of such health information. (42 U.S.C. §§ 1320d et seq.)

HIPAA further provides that if a state law imposes requirements or standards concerning the privacy of health information, the state law preempts HIPAA to the extent that the state law is more stringent than HIPAA. Section 1 of this bill changes the effect of this state law preemption with respect to the electronic transmission of individually identifiable health information by exempting a covered entity that complies with HIPAA from any state law governing the privacy of health information which is more stringent. **Section 1 also requires a covered entity that makes individually identifiable health information available electronically to allow any person to opt out of having his individually identifiable health information disclosed electronically to other covered entities.**

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a covered entity transmits electronically individually identifiable health information in compliance with the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, which govern the electronic transmission of such information, the covered entity is, for purposes of the electronic transmission, exempt from any state law that contains more stringent requirements or provisions concerning the privacy or confidentiality of individually identifiable health information.

2. A covered entity that makes individually identifiable health information available electronically pursuant to subsection 1 shall allow any person to opt out of having his individually identifiable health information disclosed electronically to other covered entities, except as required by the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

3. As used in this section:

(a) "Covered entity" has the meaning ascribed to it in 45 C.F.R. § 160.103.

(b) "Individually identifiable health information" has the meaning ascribed to it in 45 C.F.R. § 160.103.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except ***:*** ~~[as follows:]~~

1. ***As otherwise provided in section 1 of this act.***

2. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

~~[2.]~~ ***3.*** In a prosecution for a violation of this chapter.

~~[3.]~~ ***4.*** In a proceeding for an injunction brought pursuant to this chapter.

~~[4.]~~ ***5.*** In reporting the actual or suspected abuse or neglect of a child or elderly person.

~~[5.]~~ ***6.*** To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

~~[6.]~~ ***7.*** If the person who is the subject of the information consents in writing to the disclosure.

~~[7.]~~ ***8.*** Pursuant to subsection 2 of NRS 441A.320 or NRS 629.069.

~~[8.]~~ ***9.*** If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

~~[9.]~~ ***10.*** To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

~~[10.]~~ ***11.*** If the disclosure is authorized or required by specific statute.

Sec. 4. NRS 441A.230 is hereby amended to read as follows:

441A.230 Except as otherwise provided in this chapter ~~[,]~~ ***and section 1 of this act,*** a person shall not make public the name of, or other personal identifying information about, a person infected with a communicable disease who has been investigated by the health authority pursuant to this chapter ~~[,]~~ without the consent of the person.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 442.330 is hereby amended to read as follows:

442.330 1. ~~[Information]~~ ***Except as otherwise provided in section 1 of this act, information*** obtained by the system from any source may be used only:

(a) To investigate the causes of birth defects and other adverse birth outcomes;

(b) To determine, evaluate and develop strategies to prevent the occurrence of birth defects and other adverse birth outcomes;

(c) To assist in the early detection of birth defects; and

(d) To assist in ensuring the delivery of services for children identified with birth defects.

2. The State Board of Health shall adopt regulations to ensure that ~~[:]~~ ***, except as otherwise provided in subsection 3 and section 1 of this act:***

(a) Access to information contained in the system is limited to persons authorized and approved by the State Health Officer or his representative who are employed by the Health Division or the University of Nevada School of Medicine.

(b) Any information obtained by the system that would reveal the identity of a patient remains confidential.

(c) ~~[Except as otherwise provided in subsection 3, information]~~ ***Information*** obtained by the system is used solely for the purposes set forth in subsection 1.

3. This section does not prohibit the publishing of statistical compilations relating to birth defects and other adverse birth outcomes that do not in any manner identify individual patients or individual sources of information.

Sec. 7. NRS 442.395 is hereby amended to read as follows:

442.395 ~~[If]~~ ***Except as otherwise provided in section 1 of this act, if*** a pregnant woman is referred to the Health Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol syndrome, any report relating to the referral or other associated documentation is confidential and must not be used in any criminal prosecution of the woman.

Sec. 8. NRS 449.720 is hereby amended to read as follows:

449.720 ***1.*** Every patient of a medical facility, facility for the dependent or home for individual residential care has the right to:

~~[1.]~~ ***(a)*** Receive considerate and respectful care.

~~[2.]~~ ***(b)*** Refuse treatment to the extent permitted by law and to be informed of the consequences of that refusal.

~~[3.]~~ ***(c)*** Refuse to participate in any medical experiments conducted at the facility.

~~[4.]~~ ***(d)*** Retain his privacy concerning his program of medical care. ~~[Discussions of a patient's care, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient, except as otherwise provided in NRS 108.640, 442.300 to 442.330, inclusive, and 449.705, and chapter 629 of NRS, are~~

~~confidential. The patient must consent to the presence of any person who is not directly involved with his care during any examination, consultation or treatment.~~

~~5.~~ ***(e)*** Have any reasonable request for services reasonably satisfied by the facility or home considering its ability to do so.

~~[6.]~~ ***(f)*** Receive continuous care from the facility or home. The patient must be informed:

~~[(a)]~~ ***(1)*** Of his appointments for treatment and the names of the persons available at the facility or home for those treatments; and

~~[(b)]~~ ***(2)*** By his physician or an authorized representative of the physician, of his need for continuing care.

2. Except as otherwise provided in NRS 108.640, 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS and section 1 of this act, discussions of the care of a patient, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient are confidential. The patient must consent to the presence of any person who is not directly involved with his care during any examination, consultation or treatment.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 458.280 is hereby amended to read as follows:

458.280 1. Except as otherwise provided in subsection 2, NRS 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS, ***and section 1 of this act,*** the registration and other records of a treatment facility are confidential and must not be disclosed to any person not connected with the treatment facility without the consent of the patient.

2. The provisions of subsection 1 do not restrict the use of a patient's records for the purpose of research into the causes and treatment of alcoholism if such information is ~~[not]~~ ***:***

(a) Not published in a way that discloses the patient's name or other identifying information ~~[.]~~ ***; or***

(b) Disclosed pursuant to section 1 of this act.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 396.525 is hereby amended to read as follows:

396.525 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 1 of this act,*** the records of the genetics program concerning the clients and families of clients are confidential.

2. The genetics program may share information in its possession with the University of Nevada School of Medicine and the Health Division of the Department of Health and Human Services, if the confidentiality of the

information is otherwise maintained in accordance with the terms and conditions required by law.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. ~~[Reports]~~ ***Except as otherwise provided in section 1 of this act, reports*** made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized or required pursuant to NRS 432B.290; ~~[or]~~

(c) As otherwise required pursuant to NRS 432B.513 ~~[.]~~ ***; or***

(d) As otherwise authorized or required pursuant to section 1 of this act,

➥ is guilty of a misdemeanor.

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 433.332 is hereby amended to read as follows:

433.332 1. If a patient in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent or a physician licensed to practice medicine, the division facility shall forward a copy of the medical records of the patient, on or before the date the patient is transferred, to the facility or physician. Except as otherwise required by 42 U.S.C. §§ ~~[290dd-3 and 290ee-3,]~~ ***290dd, 290dd-1 or 290dd-2 or section 1 of this act,*** the division facility is not required to obtain the oral or written consent of the patient to forward a copy of the medical records.

2. As used in this section, "medical records" includes a medical history of the patient, a summary of the current physical condition of the patient and a discharge summary which contains the information necessary for the proper treatment of the patient.

Sec. 24. NRS 433.482 is hereby amended to read as follows:

433.482 Each client admitted for evaluation, treatment or training to a facility has the following personal rights, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the client by such additional means as prescribed by regulation:

1. To wear his own clothing, to keep and use his own personal possessions, including his toilet articles, unless those articles may be used to endanger his or others' lives, and to keep and be allowed to spend a reasonable sum of his own money for expenses and small purchases.

2. To have access to individual space for storage for his private use.

3. To see visitors each day.

4. To have reasonable access to telephones, both to make and receive confidential calls.

5. To have ready access to materials for writing letters, including stamps, and to mail and receive unopened correspondence, but:

(a) For the purposes of this subsection, packages are not considered as correspondence; and

(b) Correspondence identified as containing a check payable to a client may be subject to control and safekeeping by the administrative officer of that facility or his designee, so long as the client's record of treatment documents the action.

6. To have reasonable access to an interpreter if the client does not speak English or is hearing impaired.

7. To designate a person who must be kept informed by the facility of the client's medical and mental condition, if the client signs a release allowing the facility to provide such information to the person.

8. ~~[To]~~ ***Except as otherwise provided in section 1 of this act, to*** have access to his medical records denied to any person other than:

(a) A member of the staff of the facility or related medical personnel, as appropriate;

(b) A person who obtains a waiver by the client of his right to keep the medical records confidential; or

(c) A person who obtains a court order authorizing the access.

9. Other personal rights as specified by regulation of the Commission.

Sec. 25. NRS 433A.360 is hereby amended to read as follows:

433A.360 1. A clinical record for each client must be diligently maintained by any division facility or private institution or facility offering mental health services. The record must include information pertaining to the client's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except:

(a) ***If the release is authorized or required pursuant to section 1 of this act.***

(b) The record must be released to physicians, attorneys and social agencies as specifically authorized in writing by the client, his parent, guardian or attorney.

~~[(b)]~~ ***(c)*** The record must be released to persons authorized by the order of a court of competent jurisdiction.

~~[(c)]~~ ***(d)*** The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act ***of 2000***, 42 U.S.C. §§ ~~[6041]~~ ***15001*** et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the client.

~~[(d)]~~ ***(e)*** Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual clients.

~~[(e)]~~ ***(f)*** To the extent necessary for a client to make a claim, or for a claim to be made on behalf of a client for aid, insurance or medical assistance to which he may be entitled, information from the records may be released with the written authorization of the client or his guardian.

~~[(f)]~~ ***(g)*** The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ ~~[6041]~~ ***15001*** et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The client is a client of that office and he or his legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a client was received by the office or there is probable cause to believe that the client has been abused or neglected and the client:

(I) Is unable to authorize the release of the record because of his mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

~~[(g)]~~ ***(h)*** The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. As used in this section, "client" includes any person who seeks, on his own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, or from treatment to competency in a private institution or facility offering mental health services.

Sec. 26. (Deleted by amendment.)

Sec. 27. NRS 629.161 is hereby amended to read as follows:

629.161 1. It is unlawful to retain genetic information that identifies a person, without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless retention of the genetic information is:

(a) ***Authorized or required pursuant to section 1 of this act;***

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

~~[(b)]~~ ***(c)*** Authorized pursuant to an order of a court of competent jurisdiction; or

~~[(c)]~~ ***(d)*** Necessary for a medical facility as defined in NRS 449.0151 to maintain a medical record of the person.

2. A person who has authorized another person to retain his genetic information may request that person to destroy the genetic information. If so requested, the person who retains that genetic information shall destroy the information, unless retention of that information is:

(a) ***Authorized or required pursuant to section 1 of this act;***

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

~~[(b)]~~ ***(c)*** Authorized by an order of a court of competent jurisdiction;

~~[(c)]~~ ***(d)*** Necessary for a medical facility as defined in NRS 449.0151 to maintain a medical record of the person; or

~~[(d)]~~ ***(e)*** Authorized or required by state or federal law or regulation.

3. Except as otherwise provided in subsection 4 or by federal law or regulation, a person who obtains the genetic information of a person for use in a study shall destroy that information upon:

(a) The completion of the study; ***or***

(b) The withdrawal of the person from the study,

➥ whichever occurs first.

4. A person whose genetic information is used in a study may authorize the person who conducts the study to retain that genetic information after the study is completed or upon his withdrawal from the study.

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 639.2357, ***and section 1 of this act,*** a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

(c) A practitioner who is then treating the patient;

(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;

(e) An agency of State Government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person; ~~[or]~~

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order ~~[.]~~ ***; or***

(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:

(1) Identifying a deceased person;

(2) Determining a cause of death; or

(3) Performing other duties authorized by law.

2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:

(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or

(b) The deceased person whose cause of death is being determined.

3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.100.

Sec. 30. (Deleted by amendment.)

Sec. 31. ~~[NRS 688C.320 is hereby amended to read as follows:~~

~~688C.320 —~~ [All] ~~*Except as otherwise provided in section 1 of this act, all* medical information solicited or obtained by a licensee under this chapter is subject to other laws of this State relating to the confidentiality of the information.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[NRS 689B.280 is hereby amended to read as follows:~~

~~689B.280 — 1. — Except as otherwise provided in subsection 2, *and section 1 of this act*, an insurer or any agent or employee of an insurer who delivers or issues for delivery a policy of group health or blanket health insurance in this State shall not disclose to the policyholder or any agent or employee of the policyholder:~~

~~(a) The fact that an insured is taking a prescribed drug or medicine; or~~

~~(b) The identity of that drug or medicine.~~

~~2. The provisions of subsection 1 do not prohibit disclosure to an administrator who acts as an intermediary for claims for insurance coverage.]~~ **(Deleted by amendment.)**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

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

Senate Joint Resolution No. 18.

Resolution read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 666.

SENATE JOINT RESOLUTION—Urging Congress to support a proposed off-highway vehicle park in Clark County.

WHEREAS, The Nellis Dunes area comprises approximately 10,181 acres located in unincorporated Clark County, Nevada, on federal public lands managed by the Bureau of Land Management, 8,921 acres of which are usable recreation space, offering a variety of terrain and trails for off-highway vehicle enthusiasts; and

WHEREAS, Most areas of Clark County have been closed to motorized recreation **;** ~~[, and the Las Vegas Valley is in a state of noncompliance for air quality with regard to particulate matter, partially due to blowing dust from land disturbance caused by off-road vehicle use;]~~ and

WHEREAS, The Nellis Dunes is recognized in the Southern Nevada Regional Planning Coalition's open space plan to protect the natural backdrops and maintain a perimeter trail corridor around the Las Vegas Valley; and

WHEREAS, The Bureau of Land Management's Las Vegas Resource Management Plan designates the Nellis Dunes as an "open area," allowing unrestricted motorized recreation; and

WHEREAS, An opportunity exists for Clark County to develop and manage a motorized recreation system, consistent with the mission of Nellis Air Force Base, with the potential to prevent safety concerns, improve air quality, protect rare plants and sensitive soils, prevent refuse dumping and capitalize on potential economic development possibilities; and

WHEREAS, A feasibility study, funded by the Board of County Commissioners for Clark County, evaluated supply and demand considerations, capital and operations and maintenance costs and options for funding, and likely operation models for a motorized recreation park; and

WHEREAS, Development of a motorized recreation park managed by Clark County will benefit southern Nevadans through the promotion of safe off-road activities and implementation of environmental protections to air, sensitive soils and native plants; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the Nevada Legislature hereby urge Congress to promulgate legislation for the conveyance of the Nellis Dunes area to Clark County for the purpose of off-road recreation and environmental protection; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Board of County Commissioners of Clark County and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Manendo moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 246 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 246.

Bill read second time.

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

Amendment No. 745.

AN ACT relating to courts; increasing the number of district judges in the Second and Eighth Judicial Districts; increasing the number of district judges in the Second and Eighth Judicial Districts who must be judges of the family court; making ~~[appropriations;]~~ **an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill increases the number of district judges in the Second Judicial District, which includes Washoe County, from 12 to 14. (NRS 3.010, 3.012) Both of the additional district judges must be judges of the family court, increasing the number of judges of the family court in the Second Judicial District from 4 to 6. (NRS 3.012)

Section 2 of this bill increases the number of district judges in the Eighth Judicial District, which includes Clark County, from 37 to ~~[47.]~~ **43.** (NRS 3.010, 3.018) Six of the 10 additional district judges must be judges of the family court, increasing the number of judges of the family court in the Eighth Judicial District from 13 to ~~[19.]~~ **17.** (NRS 3.018)

Section 4 of this bill makes ~~[appropriations]~~ **an appropriation** to pay for the salaries of the additional district judges.

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

Section 1. NRS 3.012 is hereby amended to read as follows:

3.012 For the Second Judicial District there must be ~~[12]~~ ***14*** district judges, ~~[4]~~ ***6*** of whom must be judges of the family court.

Sec. 2. NRS 3.018 is hereby amended to read as follows:

3.018 For the Eighth Judicial District there must be ~~[37]~~ ~~*[47]*~~ ***43*** district judges, ~~[13]~~ ~~*[19]*~~ ***17*** of whom must be judges of the family court.

Sec. 3. The additional district judges required for the Second Judicial District pursuant to section 1 of this act and the additional district judges required for the Eighth Judicial District pursuant to section 2 of this act must be selected at the general election held on November 4, 2008, and take office on January 5, 2009. The terms of these judges expire on January 5, 2015.

Sec. 4. 1. ~~[There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of $130,000 for the salaries of the additional district judges required pursuant to section 1 of this act.~~

~~2.]~~ There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of ~~[$650,000]~~ **$700,248** for the salaries of the additional district judges required pursuant to ~~[section]~~ **sections 1 and** 2 of this act.

~~[3.]~~ **2.** Any remaining balance of the ~~[appropriations]~~ **appropriation** made by ~~[subsections 1 and 2]~~ **subsection 1** must not be committed for expenditure after June 30, 2009, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. 1. This section and sections 3 and 5 of this act become effective on October 1, 2007.

2. Section 4 of this act becomes effective on ~~[January 1, 2009.]~~ **July 1, 2008.**

3. Sections 1 and 2 of this act become effective on January 5, 2009.

Assemblywoman Buckley moved the Assembly not adopt the amendment.

Motion carried.

The following amendment was proposed by Assemblymen Buckley and Arberry:

Amendment No. 779.

AN ACT relating to courts; increasing the number of district judges in the Second and Eighth Judicial Districts; increasing the number of district judges in the Second and Eighth Judicial Districts who must be judges of the family court; making ~~[appropriations;]~~ **an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill increases the number of district judges in the Second Judicial District, which includes Washoe County, from 12 to 14. (NRS 3.010, 3.012) Both of the additional district judges must be judges of the family court, increasing the number of judges of the family court in the Second Judicial District from 4 to 6. (NRS 3.012)

Section 2 of this bill increases the number of district judges in the Eighth Judicial District, which includes Clark County, from 37 to ~~[47.]~~ **44.** (NRS 3.010, 3.018) ~~[Six]~~ **Five** of the ~~[10]~~ **7** additional district judges must be judges of the family court, increasing the number of judges of the family court in the Eighth Judicial District from 13 to ~~[19.]~~ **18.** (NRS 3.018)

Section 4 of this bill makes ~~[appropriations]~~ **an appropriation** to pay for the salaries of the additional district judges.

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

Section 1. NRS 3.012 is hereby amended to read as follows:

3.012 For the Second Judicial District there must be ~~[12]~~ ***14*** district judges, ~~[4]~~ ***6*** of whom must be judges of the family court.

Sec. 2. NRS 3.018 is hereby amended to read as follows:

3.018 For the Eighth Judicial District there must be ~~[37]~~ ~~*[47]*~~ ***44*** district judges, ~~[13]~~ ~~*[19]*~~ ***18*** of whom must be judges of the family court.

Sec. 3. The additional district judges required for the Second Judicial District pursuant to section 1 of this act and the additional district judges required for the Eighth Judicial District pursuant to section 2 of this act must be selected at the general election held on November 4, 2008, and take office on January 5, 2009. The terms of these judges expire on January 5, 2015.

Sec. 4. 1. ~~[There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of $130,000 for the salaries of the additional district judges required pursuant to section 1 of this act.~~

~~2.]~~ There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of ~~[$650,000]~~ **$786,913** for the salaries of the additional district judges required pursuant to ~~[section]~~ **sections 1 and** 2 of this act.

~~[3.]~~ **2.** Any remaining balance of the ~~[appropriations]~~ **appropriation** made by ~~[subsections 1 and 2]~~ **subsection 1** must not be committed for expenditure after June 30, 2009, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. 1. This section and sections 3 and 5 of this act become effective on October 1, 2007.

2. Section 4 of this act becomes effective on ~~[January 1, 2009.]~~ **July 1, 2008.**

3. Sections 1 and 2 of this act become effective on January 5, 2009.

Assemblywoman Buckley moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 612, 615, 618; Senate Bills Nos. 182, 187, 339, 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 612.

Bill read second time and ordered to third reading.

Assembly Bill No. 615.

Bill read second time and ordered to third reading.

Assembly Bill No. 618.

Bill read second time and ordered to third reading.

Senate Bill No. 182.

Bill read second time and ordered to third reading.

Senate Bill No. 187.

Bill read second time and ordered to third reading.

Senate Bill No. 339.

Bill read second time and ordered to third reading.

Senate Bill No. 340.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 182.

Bill read second time.

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

Amendment No. 732.

AN ACT relating to public health; revising the percentages of and the manner of allocating money in the Fund for a Healthy Nevada for certain programs; revising provisions governing the subsidies from the Fund for the cost of prescription drugs, pharmaceutical services and certain other benefits; revising the membership and duties of the Grants Management Advisory Committee; repealing the Task Force for the Fund for a Healthy Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Task Force for the Fund for a Healthy Nevada makes allocations, or reserves for allocation or expenditure by the

Department of Health and Human Services or the Aging Services Division of that Department, certain percentages of money in the Fund for a Healthy Nevada for certain programs and services. (NRS 439.630) Section 3 of this bill eliminates the role of the Task Force in making allocations of money from the Fund and requires the Department to make such allocations itself.

Section 3 of this bill revises the percentages of revenues deposited in the Fund that are required to be allocated for prescription drugs and pharmaceutical services for persons with disabilities. Section 3 also revises the percentages of revenues deposited in the Fund that are required to be expended for programs to assist persons with disabilities to live independently.

Section 3 of this bill requires that the money allocated for programs relating to tobacco use be expended with ~~[a particular]~~ **an** emphasis on programs that prevent the use of tobacco by children. Section 3 also requires the Department to allocate ~~[5]~~ **10** percent of ~~[the]~~ **available** revenues ~~[deposited in the Fund to collect data, conduct research, perform assessments of needs and conduct evaluations concerning the allocations made by the Department. The remaining 10 percent of the revenues deposited in the Fund is allocated under existing law]~~ for programs that improve health services for children, ~~[and section 3 requires that the money be expended]~~ with ~~[a particular]~~ **an** emphasis on **the** oral health ~~[.]~~ **of children.**

Existing law establishes a program to provide subsidies for senior citizens and persons with disabilities for the cost of prescription drugs and pharmaceutical services and, for senior citizens, other benefits, including, without limitation, dental and vision benefits. (NRS 439.635-439.690, 439.705-439.795) Sections 3, 4 and 5 of this bill specifically add **, to the extent money is available,** hearing aids and other hearing devices to the list of benefits available for both senior citizens and persons with disabilities pursuant to these programs. Sections 3 and 5 also make persons with disabilities eligible for the same additional benefits for which senior citizens are currently eligible under existing law, including, without limitation, dental and vision benefits. This bill also allows certain veterans to receive such benefits if they qualify as a senior citizen or person with a disability.

The Grants Management Advisory Committee provides assistance to the Department in the allocation and administration of certain grants administered by the Department. (NRS 232.383, 232.385) Section 6.3 of this bill increases the membership of the Advisory Committee.

Section 6.7 of this bill repeals the Task Force for the Fund for a Healthy Nevada.

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

Section 1. NRS 439.600 is hereby amended to read as follows:

439.600 1. The Legislature hereby declares that its priorities in expending the proceeds to the State of Nevada from settlement agreements with and civil actions against manufacturers of tobacco products are:

(a) To increase the number of Nevada students who attend and graduate from Nevada institutions of higher education; and

(b) To assist Nevada residents in obtaining and maintaining good health.

2. To further these priorities, the Legislature hereby declares that it is in the best interest of the residents of this State that all money received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products and all money recovered by the State of Nevada from a judgment in a civil action against a manufacturer of tobacco products be dedicated solely toward the achievement of the following goals:

(a) Increasing the number of Nevada residents who enroll in and attend a university, college or community college in the State of Nevada;

(b) Reducing and preventing the use of tobacco products, alcohol and illegal drugs, especially by children;

(c) Expanding the availability of health insurance and health care for children and adults in this State, especially for children and for adults with disabilities;

(d) Assisting senior citizens ***and persons with disabilities*** who have modest incomes in purchasing prescription drugs, pharmaceutical services and , to the extent money is available, other services, including, without limitation, dental and vision services ***, and hearing aids or other devices that enhance the ability to hear,*** and assisting those senior citizens ***and persons with disabilities*** in meeting their needs related to health care, home care, respite care and their ability to live independent of institutional care; and

(e) Promoting the general health of all residents of the State of Nevada.

Sec. 2. NRS 439.620 is hereby amended to read as follows:

439.620 1. The Fund for a Healthy Nevada is hereby created in the State Treasury. The State Treasurer shall deposit in the Fund:

(a) Fifty percent of all money received by this State pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) Fifty percent of all money recovered by this State from a judgment in a civil action against a manufacturer of tobacco products.

2. The State Treasurer shall administer the Fund. As administrator of the Fund, the State Treasurer:

(a) Shall maintain the financial records of the Fund;

(b) Shall invest the money in the Fund as the money in other state funds is invested;

(c) Shall manage any account associated with the Fund;

(d) Shall maintain any instruments that evidence investments made with the money in the Fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the Fund.

3. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

4. ~~[Upon receiving a request from the]~~ ***The*** State Treasurer or the Department ***may submit to the Interim Finance Committee a request*** for an allocation for administrative expenses from the Fund pursuant to this section **.** ~~[, the Task Force for the Fund for a Healthy Nevada shall consider the request within 45 days after receipt of the request. If the Task Force approves the amount requested for allocation, the Task Force shall notify the State Treasurer of the allocation. If the Task Force does not approve the requested allocation within 45 days after receipt of the request, the State Treasurer or the Department, as applicable, may submit its request for allocation to the Interim Finance Committee.]~~ Except as otherwise limited by this subsection, the Interim Finance Committee may allocate all or part of the money so requested. The annual allocation for administrative expenses from the Fund ~~[, whether allocated by the Task Force or the Interim Finance Committee must not exceed:]~~ ***must:***

(a) Not ~~[more than]~~ ***exceed*** 2 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the State Treasurer to administer the Fund; ***and***

(b) Not ~~[more than]~~ ***exceed*** ~~[2.025]~~ ***5*** percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department, including, without limitation, the Aging Services Division of the Department, to carry out its duties set forth in NRS ~~[439.625 and]~~ 439.630 **,** ~~[,~~

~~(c) Not]~~ ~~[more than]~~ ~~*[exceed* 1.5 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department]~~ to administer the provisions of NRS 439.635 to 439.690, inclusive ~~[,]~~ **,** and

~~[(d) Not]~~ ~~[more than]~~ ~~*[exceed* 0.125 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of]~~ NRS 439.705 to 439.795, inclusive.

➥ For the purposes of this subsection, the amount of money available for allocation to pay for the administrative costs must be calculated at the beginning of each fiscal year based on the total amount of money anticipated by the State Treasurer to be deposited in the Fund during that fiscal year.

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

6. All money that is deposited or paid into the Fund is hereby appropriated to the Department ~~[and, except as otherwise provided in paragraphs (c) to (f), inclusive, and (j) of subsection 1 of NRS 439.630, may~~

~~only be expended pursuant to an~~ ***for expenditure or*** allocation ~~[made by the Task Force for the Fund for a Healthy Nevada.]~~ ***in accordance with the provisions of NRS 439.630.*** Money expended from the Fund ~~[for a Healthy Nevada]~~ must not be used to supplant existing methods of funding that are available to public agencies.

Sec. 3. NRS 439.630 is hereby amended to read as follows:

439.630 1. The ~~[Task Force for the Fund for a Healthy Nevada]~~ ***Department*** shall:

(a) Conduct ***, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct,*** public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) ~~[Reserve]~~ ***Allocate*** not more than 30 percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money ~~[reserved]~~ ***allocated*** to the Department pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** to senior citizens pursuant to NRS 439.635 to 439.690, inclusive. ~~[The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.635 to 439.690, inclusive.]~~ The Department shall submit a quarterly report to the Governor, ~~[the Task Force for the Fund for a Healthy Nevada and]~~ the Interim Finance Committee ***and any other committees or commissions the Director deems appropriate*** regarding the general manner in which expenditures have been made pursuant to this paragraph ***.*** ~~[and the status of the program.]~~

(d) ~~[Reserve]~~ ***Allocate, by contract or grant, for expenditure*** not more than 30 percent ~~[minus $350,000 of all]~~ ***of available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for allocation by the Aging Services Division of the Department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of ~~[family]~~ ***informal*** caretakers;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

➥ The Aging Services Division of the Department shall consider recommendations from the ~~[Task Force for the Fund for a Healthy Nevada]~~ ***Grants Management Advisory Committee*** concerning the independent living needs of senior citizens.

(e) ~~[Reserve not more than]~~ ***Allocate*** $200,000 of all revenues deposited in the Fund ~~[for a Healthy Nevada]~~ each year for ~~[allocation]~~ ***direct expenditure*** by the Director to:

(1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147; and

(2) Fund assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147 and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708.

➥ The Director shall develop policies and procedures for ~~[allocating money which is reserved]~~ ***distributing the money allocated*** pursuant to this paragraph. ***Money allocated pursuant to this paragraph does not revert to the Fund at the end of the fiscal year.***

(f) ~~[Reserve $150,000 of all revenues deposited in the Fund for a Healthy Nevada each year, if available, for allocation by the Aging Services Division of the Department in the form of contracts or grants for existing or new programs that provide dental benefits to persons who are domiciled in this State and are 62 years of age or older:~~

~~(1) Who satisfy the residency requirement set forth in subsection 2 of NRS 439.665; and~~

~~(2) Whose incomes are not over the amounts set forth in subsection 2 of NRS 439.665, as adjusted pursuant to the provisions of that section.~~

~~(g)~~] Allocate, by contract or grant, for expenditure not more than ~~[20]~~ ~~*[10]*~~ ***15*** percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco ~~[~~.

~~(h)~~] ***, with*** ~~*[particular]*~~ ***an emphasis on programs that prevent the use of tobacco by children.***

(g) Allocate, by contract or grant, for expenditure not more than 10 percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that improve health services for children ~~[~~.

~~(i)]~~ ***, with particular emphasis on programs that improve the oral health of children.***

(h) Allocate, by contract or grant, for expenditure not more than ~~[7.5]~~ ***10*** percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the ~~[Task Force]~~ ***Department*** shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite ~~[for persons caring]~~ ***care or relief of informal caretakers*** for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

~~[(j) Reserve]~~

(i) Allocate not more than ~~[2.5]~~ ***5*** percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. ~~[The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.705 to 439.795, inclusive.]~~

(j) ~~*[Allocate, by contract or grant, for expenditure not more than 5 percent of available revenues to collect data, conduct research, perform assessments of needs and conduct evaluations concerning the money allocated pursuant to this section.*~~

~~(k)]~~ Maximize expenditures through local, federal and private matching contributions.

~~[(l)]~~ ***(k)*** Ensure that any money expended from the Fund ~~[for a Healthy Nevada]~~ will not be used to supplant existing methods of funding that are available to public agencies.

~~[(m)]~~ ***(l)*** Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

~~[(n)]~~ ***(m)*** To make the allocations required by paragraphs ***(f),*** (g) ~~[.]~~ ***and*** (h) ***:*** ~~[and (i):]~~

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) ***Consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;***

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

~~[(4)]~~ ***(5)*** Submit annual reports concerning the programs to the Governor ***,*** ~~[and]~~ the Interim Finance Committee ~~[.]~~ ***and any other committees or commissions the Director deems appropriate.***

~~[(o)]~~ ***(n)*** Transmit a report of all findings, recommendations and expenditures to the Governor ***,*** ~~[and]~~ each regular session of the Legislature ~~[.]~~ ***and any other committees or commissions the Director deems appropriate.***

2. The ~~[Task Force]~~ ***Department*** may take such other actions as are necessary to carry out its duties.

3. ~~[The Department shall take all actions necessary to ensure that all allocations for expenditures made by the Task Force are carried out as directed by the Task Force.~~

~~4.]~~ To make the allocations required by ~~[paragraphs (d) and (f)]~~ ***paragraph (d)*** of subsection 1, the Aging Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging Services Division pursuant to ~~[paragraphs]~~ ***paragraph*** (d) ~~[and (f)]~~ of subsection 1 to the Governor ***,*** ~~[and]~~ the Interim Finance Committee ~~[.]~~ ***and any other committees or commissions the Director deems appropriate.***

~~[5.]~~ ***4.*** The Aging Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to senior

citizens pursuant to NRS 439.635 to 439.690, inclusive, or to subsidize any portion of the cost of providing prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.

~~[6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph (g), (h) or (i) of subsection 1 which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the contract or grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.]~~

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

6. As used in this section, "available revenues" means the total revenues deposited in the Fund for a Healthy Nevada each year minus $200,000.

Sec. 4. NRS 439.665 is hereby amended to read as follows:

439.665 1. The Department may:

(a) Enter into contracts with private insurers who transact health insurance in this State to subsidize the cost of prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens by arranging for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[;]~~ ***and hearing aids or other devices that enhance the ability to hear;*** or

(b) Subsidize the cost of prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens in any other manner.

2. Within the limits of the money available for this purpose in the Fund for a Healthy Nevada, a senior citizen who is not eligible for Medicaid and who is eligible for a subsidy that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund to subsidize the cost of prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** if he has been domiciled in this State for at least 1 year immediately

preceding the date of his application and ~~[.]~~ ***except as otherwise provided in subsection 5:***

(a) If the senior citizen is single, his income is not over $21,500; or

(b) If the senior citizen is married, his household income is not over $28,660.

➥ The monetary amounts set forth in this subsection must be adjusted for each fiscal year by adding to each amount the product of the amount shown multiplied by the percentage increase in the Consumer Price Index from December 2002 to the December preceding the fiscal year for which the adjustment is calculated.

3. The subsidy granted pursuant to this section must not exceed the annual cost of prescription drugs, pharmaceutical services and ***to the extent money is available,*** other benefits ***, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** provided to the senior citizen.

4. A subsidy that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than $10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer or as set forth by the Department; and

(b) A copayment of not more than $25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer or as set forth by the Department.

5. The Department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant or enrollee based on one or more of the following circumstances:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship, when considering the current financial circumstances of the applicant or enrollee.

➥ An applicant or enrollee who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. If the Federal Government provides any coverage for:

(a) Prescription drugs and pharmaceutical services; or

(b) Other benefits, including, without limitation, dental or vision benefits ~~[,]~~ ***or hearing aids or other devices that enhance the ability to hear,***

➥ for senior citizens who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the Department may, upon approval of the Legislature, or the Interim Finance Committee if the Legislature is not in session, change any program established pursuant to NRS 439.635 to 439.690, inclusive, and otherwise provide assistance with prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens within the limits of the money available for this purpose in the Fund ***.*** ~~[for a Healthy Nevada.]~~

7. The provisions of subsections 1 to 5, inclusive, do not apply to the extent that the Department provides assistance ***with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for senior citizens pursuant to subsection 6.

8. A veteran may receive assistance with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, pursuant to this section to the extent that the veteran does not receive other services or benefits provided to veterans for the same purpose if the veteran qualifies for the assistance as a senior citizen.

Sec. 5. NRS 439.745 is hereby amended to read as follows:

439.745 1. The Department may:

(a) Enter into contracts with private insurers who transact health insurance in this State to subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities by arranging for the availability, at a reasonable cost, of policies of health insurance that provide coverage to persons with disabilities for prescription drugs **,** ~~[and]~~ pharmaceutical services ~~[,]~~ ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear;*** or

(b) Subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities in any other manner.

2. Within the limits of the money available for this purpose in the Fund for a Healthy Nevada, a person with a disability who is not eligible for Medicaid and who is eligible for a subsidy for the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear*** that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund to subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ~~[,]~~ ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** if he has been domiciled in this State for at least 1 year immediately preceding the date of his application and ~~[.]~~ ***except as otherwise provided in subsection 5:***

(a) If the person with a disability is single, his income is not over $21,500; or

(b) If the person with a disability is married, his household income is not over $28,660.

➥ The monetary amounts set forth in this subsection must be adjusted for each fiscal year by adding to each amount the product of the amount shown multiplied by the percentage increase in the Consumer Price Index from December 2002 to the December preceding the fiscal year for which the adjustment is calculated.

3. The subsidy granted pursuant to this section must not exceed the annual cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** provided to the person with a disability.

4. A subsidy that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than $10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer or as set forth by the Department; and

(b) A copayment of not more than $25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer or as set forth by the Department.

5. The Department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant or enrollee based on one or more of the following circumstances:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship, when considering the current financial circumstances of the applicant or enrollee.

➥ An applicant or enrollee who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. If the Federal Government provides any coverage ~~[of prescription]~~ ***for:***

(a) Prescription drugs and pharmaceutical services ***; or***

(b) Other benefits, including, without limitation, dental or vision benefits or hearing aids or other devices that enhance the ability to hear,

➥ for persons with disabilities who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the Department may, upon approval of the Legislature, or the Interim Finance Committee if the Legislature is not in session, change any program established pursuant to NRS 439.705 to 439.795, inclusive, and otherwise provide assistance with prescription drugs **,** ~~[and]~~ pharmaceutical services ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities within the limits of the money available for this purpose in the Fund **.** ~~[for a Healthy Nevada.]~~

7. The provisions of subsections 1 to 5, inclusive, do not apply if the Department provides assistance with prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation,***

dental and vision benefits and hearing aids or other devices that enhance the ability to hear, for persons with disabilities pursuant to subsection 6.

8. A veteran may receive assistance with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, pursuant to this section to the extent that the veteran does not receive other services or benefits provided to veterans for the same purpose if the veteran qualifies for the assistance as a person with a disability.

Sec. 6. (Deleted by amendment.)

Sec. 6.3. NRS 232.383 is hereby amended to read as follows:

232.383 1. The Grants Management Advisory Committee is hereby created within the Department . ~~*[, consisting of 17 members.]*~~

2. The Advisory Committee consists of the following ~~[11]~~ ~~*[:*~~

~~*(a) The following]*~~ ***15*** members appointed by the Director:

(a) ~~*[(1)]*~~ A superintendent of a county school district ~~[,]~~ ***or his designee;***

(b) ~~*[(2)]*~~ A director of a local agency ~~[providing]~~ ***which provides*** services for abused or neglected children ~~[;]~~

~~[(c)] *[(3) A representative of a community organization involved with]*~~ ***or his designee;***

(c) Two members who possess knowledge, skill and experience in the provision of services to children;

(d) ~~*[(4) A representative of a department of juvenile justice services;]*~~

~~[(e)]~~ ~~*[(5)]*~~ A member who possesses knowledge, skill and experience in the provision of services to senior citizens;

~~[(f)]~~ ~~*[(6)]*~~ ***(e)*** Two members who possess knowledge, skill and experience in finance or in business generally;

~~[(g)]~~ ~~*[(7)]*~~ ***(f)*** A representative of the Nevada Association of Counties;

~~[(h)] *[(8) A representative of a broad-based nonprofit organization]*~~

(g) A member who possesses knowledge, skill and experience in ~~[collaborating with the community and in]~~ building partnerships between the public sector and the private sector; ~~[and~~

~~(i)]~~ ~~*[(9)]*~~ ***(h)*** Two members of the public who possess knowledge of or experience in the provision of services to persons or families who are disadvantaged or at risk ~~[.]~~ ***;***

~~*[(10)]*~~ ***(i) A member who possesses knowledge, skill and experience in the provision of services to persons with disabilities;***

~~*[(11)]*~~ ***(j) A member who possesses knowledge, skill and experience in the provision of services relating to the cessation of the use of tobacco;***

~~*[(12)]*~~ ***(k) A member who possesses knowledge, skill and experience in the provision of health services to children; and***

~~*[(13)]*~~ ***(l) A representative who is a member of the Nevada Commission on Aging, created by NRS 427A.032, who must not be a Legislator.***

~~[(b) One member of the Senate appointed by the Legislative Commission, who is a nonvoting member of the Advisory Committee.~~

~~(c) One member of the Assembly appointed by the Legislative Commission, who is a nonvoting member of the Advisory Committee.]~~

➥ An entity who employs a member of the Advisory Committee is not eligible to receive a grant.

3. The Director ~~[Each person who appoints members pursuant to subsection 2]~~ shall ensure that, insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this State.

4. After the initial terms, each member of the Advisory Committee serves for a term of 2 years. Each member of the Advisory Committee continues in office until his successor is appointed.

5. Each member of the Advisory Committee who is not an officer or employee of this State or a political subdivision of this State is entitled to receive a salary of not more than $80 per day, fixed by the Director, while engaged in the business of the Advisory Committee.

6. While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

8. A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee 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 Advisory Committee to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

9. The Advisory Committee shall:

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

(b) Meet at the call of the Director, the Chairman or a majority of its members as necessary, within the budget of the Advisory Committee, but not to exceed six meetings per year; and

(c) Adopt rules for its own management and government.

Sec. 6.5. NRS 232.385 is hereby amended to read as follows:

232.385 The Grants Management Advisory Committee created by NRS 232.383 shall:

1. Review all requests received by the Department for awards of money from agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions which provide or will provide services to persons served by the programs administered by the Department;

2. Submit recommendations to the Director concerning each request for an award of money that the Advisory Committee believes should be granted, including, without limitation, the name of the agency, nonprofit community organization or educational institution that submitted the request;

3. Adopt policies setting forth criteria to determine which agencies, organizations and institutions to recommend for an award of money;

4. Monitor awards of money granted by the Department to agencies of the State or its political subdivisions, and nonprofit community organizations or educational institutions which provide or will provide services to persons served by the programs administered by the Department ~~[;]~~ ***, including, without limitation, awards of money granted pursuant to NRS 439.630;***

5. Assist the staff of the Department in determining the needs of local communities and in setting priorities for funding programs administered by the Department; and

6. Consider funding strategies for the Department, including, without limitation, seeking ways to avoid unnecessary duplication of the services for which awards of money to agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions are granted, and make recommendations concerning funding strategies to the Director.

Sec. 6.7. NRS 439.625 is hereby repealed.

Sec. 7. Any money allocated or reserved for direct expenditure pursuant to paragraph (f) of subsection 1 of NRS 439.630 on or before June 30, ~~[2008,]~~ **2007,** that is unspent and returned must be allocated, on and after July 1, ~~[2008,]~~ **2007,** in accordance with the amendatory provisions of paragraph (c) of subsection 1 of NRS 439.630.

Sec. 7.5. 1. ~~[The Legislative Commission shall appoint a member of the Senate to serve as a nonvoting member of the Grants Management Advisory Committee pursuant to NRS 232.383, as amended by section 6.3 of this act, whose term begins on July 1, 2007, and expires on June 30, 2008.~~

~~2. The Legislative Commission shall appoint a member of the Assembly to serve as a nonvoting member of the Grants Management Advisory Committee pursuant to NRS 232.383, as amended by section 6.3 of this act, whose term begins on July 1, 2007, and expires on June 30, 2009.~~

~~3.]~~ **The term of the member of the Grants Management Advisory Committee who is a representative of a:**

(a) Department of juvenile justice services expires on June 30, 2007.

(b) Broad-based nonprofit organization who possesses knowledge, skill and experience in collaborating with the community and in building

partnerships between the public sector and the private sector expires on June 30, 2007.

(c) Community organization involved with children expires on June 30, 2007.

2. The Director of the Department of Health and Human Services shall appoint one member to the Grants Management Advisory Committee pursuant to NRS 232.383, as amended by section 6.3 of this act, who:

(a) Possesses knowledge, skill and experience in the provision of services to persons with disabilities whose term begins on July 1, 2007, and expires on June 30, 2008.

(b) Possesses knowledge, skill and experience in the provision of services relating to the cessation of the use of tobacco whose term begins on July 1, 2007, and expires on June 30, 2009.

(c) Possesses knowledge, skill and experience in the provision of health services to children whose term begins on July 1, 2007, and expires on June 30, 2009.

(d) Is a member of the Nevada Commission on Aging whose term begins on July 1, 2007, and expires on June 30, 2008.

(e) Possesses knowledge, skill and experience in the provision of services to children begins on July 1, 2007, and expires on June 30, 2008.

(f) Possesses knowledge, skill and experience in the provision of services to children begins on July 1, 2007, and expires on June 30, 2008.

(g) Possesses knowledge, skill and experience in building partnerships between the public sector and the private sector begins on July 1, 2007, and expires on June 30, 2009.

Sec. 8. **Notwithstanding the provisions of this act, an award of money granted by the Task Force for the Fund for a Healthy Nevada pursuant to NRS 439.630 on or before June 30, 2007, remains in effect and the Grants Management Advisory Committee shall monitor the award of money pursuant to NRS 232.385.**

~~[Sec. 8.]~~ ***Sec. 9.*** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

439.625 Task Force for Fund: Creation; membership; selection and term of Chairman and Vice Chairman; compensation of members; relief from regular duties of member who is officer or employee of local government; administrative support and technical assistance.

1. The Task Force for the Fund for a Healthy Nevada is hereby created. The membership of the Task Force consists of:

(a) Three members appointed by the Majority Leader of the Senate, one of whom must be a Senator and one of whom must be a member of a nonprofit organization dedicated to health issues in this State;

(b) Three members appointed by the Speaker of the Assembly, one of whom must be an Assemblyman and one of whom must be a member of a nonprofit organization dedicated to health issues in this State; and

(c) Three members appointed by the Governor, one of whom must have experience with and knowledge of matters relating to health care.

➥ Each member appointed pursuant to this subsection must be a resident of this State and must not be employed in the Executive or Judicial Branch of State Government. Each person who appoints members pursuant to this subsection shall ensure that insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this State.

2. At its first meeting on or after July 1 of each odd-numbered year, the Task Force shall select the Chairman and Vice Chairman of the Task Force from among the legislative members of the Task Force. Each such officer shall hold office for a term of 2 years or until his successor is selected. The chairmanship of the Task Force must alternate each biennium between the houses of the Legislature.

3. For each day or portion of a day during which a member of the Task Force who is a Legislator attends a meeting of the Task Force or is otherwise engaged in the work of the Task Force, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Task Force must be paid from the Legislative Fund.

4. Members of the Task Force who are not Legislators serve without salary, except that they are entitled to receive travel expenses provided for state officers and employees generally. The travel expenses of:

(a) A member of the Task Force who is an officer or employee of a local government thereof must be paid by the local government that employs him.

(b) Each remaining member of the Task Force must be paid from the Legislative Fund.

5. Each member of the Task Force who is an officer or employee of a local government must be relieved from his duties without loss of his regular compensation so that he may perform his duties relating to the Task Force in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time he is absent from work to fulfill his obligations as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

6. The Legislative Counsel Bureau and the Department shall provide such administrative support to the Task Force as is required to carry out the duties of the Task Force. The State Health Officer shall provide such technical advice and assistance to the Task Force as is requested by the Task Force.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 354.

Bill read third time.

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

Amendment No. 880.

AN ACT relating to the health of pupils; requiring that certain physical examinations of children ~~[required]~~ in schools include an examination of height and weight ~~[,]~~ **of a representative sample of pupils;** requiring school nurses to report the ~~[aggregate]~~ results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child; ~~[making an appropriation;]~~ **requiring the Legislative Committee on Health Care to hold a hearing during the interim concerning the health-related issues of children;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, physical examinations of children are required in certain grades in school to determine if a child has scoliosis, any visual or auditory problem or any gross physical defect. (NRS 392.420) This bill ~~[adds an additional]~~ **requires such a** physical examination before the completion of the first year of enrollment in elementary school. This bill also requires ~~[the]~~ examinations ~~[to include an examination]~~ of height and weight ~~[,]~~ **of a representative sample of pupils.** This bill authorizes school districts to collaborate with qualified health care providers and students enrolled in health care programs in postsecondary educational institutions to assist in the physical examinations. This bill requires school nurses to report the ~~[aggregate]~~ results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child.

~~[Section 2 of this bill makes an appropriation of $75,000 to the Health Division of the Department of Health and Human Services for contracting with the Nevada Public Health Foundation to convene at least two statewide meetings with representatives of all health authorities and local health officers in this State to identify the health-related issues, needs and priorities of children in this State, and to provide a written report to the Legislative Committee on Health Care concerning the findings and recommendations resulting from those meetings.]~~

Section 4 of this bill requires the Legislative Committee on Health Care to hold a hearing, during the 2007-2009 interim, concerning the health-related issues of children.

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

Section 1. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district ***in accordance with this subsection*** to ~~*[conduct examinations of height and weight and to]*~~ determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems ~~[,]~~ ~~*[and to conduct examinations of height and weight]*~~ ~~[, in]~~ ***:***

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In ~~*[addition to subparagraph (1), in]*~~ at least ~~[two grades]~~ ***one additional grade*** of the elementary schools ~~[,]~~ ***; and***

(3) In ~~*[at least]*~~ one grade of the middle or junior high schools ~~[,]~~ and ~~*[in at least]*~~ one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. ***In addition to the requirements of subsection 1, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade of the:***

(a) Elementary schools within the school district;

(b) Middle schools or junior high schools within the school district; and

(c) High schools within the school district,

➥ The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with the school districts for purposes of this subsection.

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~[3.]~~ ***4.*** A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that he may have such a problem.

~~[4.]~~ ***5.*** The school authorities shall notify the parents or guardian of any child who is found or believed to have ~~[a]~~ ***scoliosis, any*** visual or auditory

problem, ~~[scoliosis]~~ or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~[5.]~~ ***6.*** In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~[6.]~~ ***7. The board of trustees of a school district may collaborate with:***

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~[7.]~~ ***8.*** Any child must be exempted from the examination if his parents or guardian filed with the teacher a written statement objecting to the examination.

~~[8.]~~ ***9. Each school nurse shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing nursing services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must*** ~~[include only aggregate information for statistical purposes and]~~ ***exclude any identifying information relating to a particular child. The State Health Officer shall compile all such*** ~~[aggregate]~~ ***information he receives to monitor the health status of children and shall retain the*** ~~[aggregate]~~ ***information.***

Sec. 2. **NRS 392.420 is hereby amended to read as follows:**

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. ~~[In addition to the requirements of subsection 1, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade of the:~~

~~(a) Elementary schools within the school district;~~

~~(b) Middle schools or junior high schools within the school district; and~~

~~(c) High schools within the school district,~~

~~➤ The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with the school districts for purposes of this subsection.~~

~~3.]~~ If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~[4.]~~ ***3.*** A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that he may have such a problem.

~~[5.]~~ ***4.*** The school authorities shall notify the parents or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~[6.]~~ ***5.*** In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~[7.]~~ ***6.*** The board of trustees of a school district may collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~[8.]~~ ***7.*** Any child must be exempted from the examination if his parents or guardian filed with the teacher a written statement objecting to the examination.

~~[9.]~~ ***8.*** Each school nurse shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing nursing services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must exclude any identifying information relating to a particular child. The State Health Officer

shall compile all such information he receives to monitor the health status of children and shall retain the information.

~~[Sec. 2.]~~ ***Sec. 3.*** ~~[1. There is hereby appropriated from the State General Fund to the Health Division of the Department of Health and Human Services the sum of $75,000 for contracting with the Nevada Public Health Foundation to convene at least two statewide meetings with representatives of all health authorities and local health officers in this State to identify the health-related issues, needs and priorities of children in this State, and to provide a written report to the Legislative Committee on Health Care concerning the findings and recommendations resulting from those meetings.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.]~~ **(Deleted by amendment.)**

Sec. 4. **The Legislative Committee on Health Care shall, during the 2007-2009 interim, hold at least one hearing to identify the health-related issues, needs and priorities of children residing in this State. The Committee shall solicit input from all health authorities in this State and all county and local public health officials.**

~~[Sec. 3.]~~ ***Sec. 5.*** ~~[This act becomes]~~

1. This section and sections 1 and 4 of this act become effective on July 1, 2007.

2. Section 1 of this act expires by limitation on June 30, 2010.

3. Section 2 of this act becomes effective on July 1, 2010.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 508.

Bill read third time.

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

Amendment No. 891.

AN ACT relating to the Advisory Commission on Sentencing; revising the membership and duties of the Commission; authorizing the Commission to issue subpoenas; requiring the Commission to hold meetings at least once every 3 months; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Advisory Commission on Sentencing or a member acting on behalf of the Commission to issue subpoenas to compel the attendance of witnesses and the production of books, records, documents and other papers and testimony.

Section 2 of this bill adds: (1) a sitting or retired justice of the Nevada Supreme Court; (2) a representative of an organization that advocates on behalf of inmates; ~~[and]~~ (3) a representative of the Nevada Sheriffs' and Chiefs' Association to the Commission **; and (4) a member of the State Board of Parole Commissioners** and removes the member appointed by the Nevada Association of Counties. Section 2 also removes the Attorney General as the Chairman of the Commission. Instead, members are required to elect a Chairman at the first meeting of each odd-numbered year. The Commission is further required to meet at least quarterly.

Section 3 of this bill revises the duties of the Advisory Commission on Sentencing by requiring the Commission to evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners and to consider whether it is feasible and advisable to establish an oversight or advisory board to perform various functions. Section 3 also requires the Commission to evaluate the effectiveness of specialty court programs in this State and to evaluate the policies and practices concerning presentence investigations and reports of the Division of Parole and Probation of the Department of Public Safety.

Section 4 of this bill makes an appropriation to the Advisory Commission on Sentencing to enter into a contract with a consultant to assist the Commission in carrying out its duties.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To carry out its powers and duties pursuant to this section NRS 176.0121 to 176.0129, inclusive, and the Commission, or any member thereof acting on behalf of the Commission with a concurrence of a majority of the members of the Commission, may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other papers and testimony.

2. If any person fails to comply with a subpoena issued by the Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Commission may petition the district court for an order of the court compelling compliance with the subpoena.

3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 20 days after the date of service of the order, and show cause why he has not complied

with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

4. If it appears to the court that the subpoena was regularly issued by the Commission or a member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.

Sec. 2. NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on Sentencing is hereby created. The Commission consists of:

(a) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(b) ***One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;***

(c) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

~~[(c)]~~ ***(d)*** One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

~~[(d)]~~ ***(e)*** One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

~~[(e)]~~ ***(f)*** One member who is a representative of a law enforcement agency, appointed by the Governor;

~~[(f)]~~ ***(g)*** One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

~~[(g)]~~ ***(h)*** One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

~~[(h)]~~ ***(i) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;***

(j) One member who is a ~~[county commissioner,]~~ ***representative of the Nevada Sheriffs' and Chiefs' Association,*** appointed by ~~[the governing body of]~~ the Nevada ***Sheriffs' and Chiefs'*** Association ***;*** ~~[of Counties;]~~

~~[(i)]~~ ***(k)*** ***One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;***

(l) The Director of the Department of Corrections;

~~[(j)]~~ ~~*[(k)]*~~ ***(m)*** Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

~~[(k)]~~ ~~*[(m)]*~~ ***(n)*** Two members who are Assemblymen, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➥ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. The Attorney General is an ex officio voting member of the Commission **.** ~~[and shall serve as the Chairman of the Commission.]~~

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment.

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

5. ***The members appointed pursuant to paragraphs (a) to*** ~~*[(j),]*~~ ***(k), inclusive, of subsection 1 must be appointed not later than 60 days after the appointment of the Legislators who are appointed pursuant to paragraphs*** ~~*[(l)]*~~ ***(m) and*** ~~*[(m)]*~~ ***(n) of subsection 1.***

6. At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chairman by majority vote who shall serve until the next Chairman is elected.

7. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chairman.

8. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

9. While engaged in the business of the Commission, to the extent of legislative appropriation, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[6.]~~ ***10.*** To the extent of legislative appropriation, the Attorney General shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

Sec. 3. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, ***sentencing recommendations,*** mandatory and minimum sentencing, ***mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances,*** structured or tiered

sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. ***Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:***

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Compile and develop statistical information concerning sentencing in this State.

~~[5.]~~ ***8.*** For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes in the structure of sentencing in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Legislature not later than 10 days after the commencement of the session.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Advisory Commission on Sentencing the sum of $50,000 so that the Commission may enter into a contract with a qualified, independent consultant to assist the Commission in carrying out its duties.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 5. The Attorney General shall continue to serve as Chairman of the Advisory Commission on Sentencing until the members elect a Chairman at the first regular meeting of the Commission that is held after July 1, 2007. The Commission shall meet not later than 120 days after July 1, 2007, and shall elect a Chairman at that meeting.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

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

Assembly Bill No. 579.

Bill read third time.

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

Amendment No. 879.

AN ACT relating to crimes; revising provisions relating to the registration of and community notification concerning sex offenders and certain offenders convicted of a crime against a child; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2006, the federal "Adam Walsh Child Protection and Safety Act of 2006" ("the Act") was enacted to protect the public by establishing a comprehensive national system for the registration of sex offenders and offenders against children which includes, without limitation, the establishment of a uniform nationwide system for the registration of and community notification concerning such offenders. (42 U.S.C. §§ 16901 et seq.) In furtherance of this purpose, the Act requires each state to enact laws regarding the registration of and community notification concerning sex offenders and offenders convicted of a crime against a child which conform to the provisions of the Act. (42 U.S.C. § 16912) States which do not enact such laws by the date provided in the Act may not receive certain federal funds. (42 U.S.C. §§ 16924-16925)

Existing law requires all sex offenders and offenders convicted of a crime against a child to register with certain local law enforcement agencies. (NRS 179D.230, 179D.240, 179D.450, 179D.460) Section 27 of this bill adds a new requirement that each such offender register for the first time before he is released from prison or, if he is not imprisoned for the offense, within 3 days after he is sentenced for the offense. Existing law requires an offender to appear in person at a local law enforcement agency to notify the appropriate agencies of any change in his address and to provide updated information to certain agencies. (NRS 179D.250, 179D.470) Section 28 of this bill expands this duty to apply when there is a change to certain other information contained in an offender's registration record. Existing law requires each offender to mail a verification form to the Central Repository for Nevada Records of Criminal History each year to verify the information in his registration record. (NRS 179D.260, 179D.480) Section 40 of this bill removes this annual requirement and instead requires each offender to appear in person at a local law enforcement agency to register at least once every 90 days, every 180 days or every year, depending on whether the offender is designated as a Tier I, Tier II or Tier III offender.

Existing law provides that, under certain circumstances, an offender may petition for termination of his duty to register. (NRS 179D.270, 179D.490) Section 41 of this bill revises existing law to further restrict which offenders may petition for termination of the duty to register.

Existing law provides for community notification of sex offenders depending upon whether the sex offender is designated as a Tier 1, Tier 2 or Tier 3 sex offender. (NRS 179D.600-179D.800) Such designation is based upon an assessment of the sex offender's risk of recidivism, with Tier 1 sex offenders being the least likely to reoffend and Tier 3 sex offenders being the most likely to reoffend. (NRS 179D.720, 179D.730) The assessment must be

conducted in compliance with the guidelines and procedures for community notification established by the Attorney General. Sections 31-42 of this bill revise existing law to require that all sex offenders and offenders convicted of a crime against a child be subject to community notification regardless of their designated tier level. Section 56 of this bill repeals the existing tier levels and the existing laws concerning the guidelines and procedures for community notification established by the Attorney General. (NRS 179D.710, 179D.720, 179D.730) Sections 22-24 of this bill establish three new tiers for registration and community notification for all sex offenders and offenders convicted of a crime against a child. The determination as to which tier level an offender is assigned is based upon the specific crime committed by the offender.

Section 13 of this bill revises provisions regarding the content and format of the community notification website maintained by the Department of Public Safety to ensure compliance with the requirements of federal law. (NRS 179B.250) Section 10.5 of this bill provides a new criminal penalty, not required by the Act, for any person who uses information obtained from the community notification website to commit a crime.

The Act provides that the new uniform system of registration and community notification does not apply to certain offenses which involve consensual sexual conduct. Section 46 of this bill amends existing law to exclude such offenses from the new registration and community notification requirements.

The Act prospectively repeals certain provisions of federal law concerning sex offenders who are designated "sexually violent predators." For consistency with the Act, section 56 of this bill repeals existing state laws which apply to sexually violent predators. (NRS 179D.055, 179D.060, 179D.360, 179D.370, 179D.380, 179D.420, 179D.430, 179D.510, 179D.530) The Act also provides that the new uniform system of registration and community notification applies to juveniles who are at least 14 years of age and who have been adjudicated delinquent for committing certain sexual offenses. Section 56 of this bill repeals certain existing state laws which are inconsistent with such provisions of the federal law. (NRS 62A.050, 62F.210, 62F.230, 62F.240, 62F.250, 179D.800) Sections 16-21 of this bill reenact certain provisions of existing law to restructure chapter 179D of NRS as a result of the changes to the chapter as a result of this bill.

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

Section 1. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

(a) A category A felony;

(b) A category B felony;

(c) A category C felony involving the use or threatened use of force or violence against the victim;

(d) A crime against a child as defined in ~~[NRS 179D.210;]~~ ***section 16 of this act;***

(e) A sexual offense as defined in ~~[NRS 179D.410;]~~ ***section 21 of this act;***

(f) Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;

(g) A second or subsequent offense for stalking pursuant to NRS 200.575;

(h) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (g), inclusive;

(i) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (b), (c), (f), (g) or (h); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (b), (c), (f), (g) or (h) if committed in this State;

(j) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS ~~[179D.240;]~~ ***179D.450;*** or

(k) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen for conviction of a prior offense unless the court determines that an additional sample is necessary.

Sec. 2. NRS 176.0923 is hereby amended to read as follows:

176.0923 "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

Sec. 3. NRS 176.0925 is hereby amended to read as follows:

176.0925 "Sexual offense" has the meaning ascribed to it in ~~[NRS 179D.410.]~~ ***section 21 of this act.***

Sec. 4. NRS 176.0926 is hereby amended to read as follows:

176.0926 1. If a defendant is convicted of a crime against a child, the court shall, following the imposition of a sentence:

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS ~~[179D.230.]~~ ***179D.450.***

(b) Inform the defendant of the requirements for registration, including, but not limited to:

(1) ***The duty to register initially pursuant to section 27 of this act;***

(2) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS ~~[179D.240;]~~ ***179D.450;***

~~[(2)]~~ ***(3)*** The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

~~[(3)]~~ ***(4)*** If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

~~[(4)]~~ ***(5)*** The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

~~[(5)]~~ ***(6)*** The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

(c) Require the defendant to read and sign a form ~~[confirming]~~ ***stating*** that the requirements for registration have been explained to him ~~[.]~~ ***and that he understands the requirements for registration.***

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS ~~[179D.200 to 179D.290, inclusive.]~~ ***179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

Sec. 5. NRS 176.0927 is hereby amended to read as follows:

176.0927 1. If a defendant is convicted of a sexual offense, the court shall, following the imposition of a sentence:

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS 179D.450.

(b) Inform the defendant of the requirements for registration, including, ~~[but not limited to:]~~ ***without limitation:***

(1) ***The duty to register initially pursuant to section 27 of this act;***

(2) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.460;

~~[(2)]~~ ***(3)*** The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

~~[(3)]~~ ***(4)*** If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

~~[(4)]~~ ***(5)*** The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

~~[(5)]~~ ***(6)*** The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

(c) Require the defendant to read and sign a form stating that the requirements for registration have been explained to him ~~[.]~~ ***and that he understands the requirements for registration.***

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS ~~[179D.350]~~ ***179D.010*** to 179D.550, inclusive ~~[.]~~ ***, and sections 16 to 30, inclusive, of this act.***

Sec. 6. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS ~~[179D.350]~~ ***179D.010*** to 179D.550, inclusive ~~[.]~~ ***, and sections 16 to 30, inclusive, of this act;***

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after his last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless he is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS ~~[179D.350 to 179D.800, inclusive.]~~ ***179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" ~~[has the meaning ascribed to it in NRS 179D.060.]~~ ***includes, without limitation:***

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in section 16 of this act;

(III) A sexual offense as defined in section 21 of this act;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.

(c) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 7. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection 3, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime;

(b) Reside at a location only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of his current address;

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer;

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant;

(e) Participate in and complete a program of professional counseling approved by the Division;

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance;

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant;

(h) Abstain from consuming, possessing or having under his control any alcohol;

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2;

(j) Not use aliases or fictitious names;

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant;

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact;

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend;

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant;

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant;

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant; and

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or

communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The court is not required to impose a condition of probation or suspension of sentence listed in subsection 1 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

4. As used in this section, "sexual offense" has the meaning ascribed to it in ~~[NRS 179D.410.]~~ ***section 21 of this act.***

Sec. 8. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 9. NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3 and 4, 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

5. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry to which he participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 179.245.

Sec. 10. NRS 179A.066 is hereby amended to read as follows:

179A.066 "Offender convicted of a crime against a child" has the meaning ascribed to it in ~~[NRS 179D.216.]~~ ***section 18 of this act.***

Sec. 10.5. Chapter 179B of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any civil liability provided pursuant to NRS 179B.280, if any person uses information obtained from the community notification website to commit a crime punishable as:

1. A misdemeanor, the person is guilty of a gross misdemeanor.

2. A gross misdemeanor, the person is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 11. NRS 179B.030 is hereby amended to read as follows:

179B.030 "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

Sec. 12. NRS 179B.075 is hereby amended to read as follows:

179B.075 "Offender convicted of a crime against a child" has the meaning ascribed to it in ~~[NRS 179D.216.]~~ ***section 18 of this act.***

Sec. 13. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall establish and maintain within the Central Repository a community notification website to provide the public with access to certain information contained in the statewide registry in accordance with the procedures set forth in this section.

2. ***The community notification website must:***

(a) Be maintained in a manner that will allow the public to obtain relevant information for each offender by a single query for any given zip code or geographical radius set by the user;

(b) Include in its design all the search field capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920;

(c) Include, to the extent practicable, links to sex offender safety and education resources;

(d) Include instructions on how to seek correction of information that a person contends is erroneous; and

(e) Include a warning that the information on the website should not be used to unlawfully injure, harass or commit a crime against any person named in the registry or residing or working at any reported address and a notice that any such action could result in civil or criminal penalties.

3. For each inquiry to the community notification website, the requester ~~[must]~~ ***may*** provide:

(a) The name of the subject of the search;

(b) Any alias of the subject of the search;

(c) The zip code of the residence, place of work or school of the subject of the search; or

(d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

~~[3.]~~ ***4.*** For each inquiry to the community notification website made by the requester, the Central Repository shall:

(a) Explain the levels of ***registration and community*** notification that are assigned to sex offenders pursuant to ~~[NRS 179D.730;]~~ ***NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act;*** and

(b) Explain that the Central Repository is prohibited by law from disclosing ***certain*** information concerning certain offenders, even if those offenders ***are*** listed in the statewide registry.

~~[4.]~~ ***5.*** If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository ~~[:~~

~~(a) Shall]~~ ***shall*** disclose to the requester information ***in the statewide registry*** concerning ~~[an offender who is assigned a Tier 2 or Tier 3 level of notification.~~

~~(b) Shall not disclose to the requester information concerning an offender who is assigned a Tier 1 level of notification.~~

~~5.]~~ ***the offender as provided pursuant to subsection 6.***

6. After each inquiry to the community notification website made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry; ***or***

(c) ~~[The requester needs to provide additional information concerning the identity or location of the subject of the search before the Central Repository may disclose the results of the search; or~~

~~(d)]~~ An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. ~~[If]~~ ***Except as otherwise provided in subsection 7, if*** a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides ~~[.]~~ ***or will reside.***

(6) The ~~[number of the street block, but not the specific street number,]~~ ***address*** of any location where the offender is ~~[currently:]~~ ***or will be:***

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) ***The license plate number and a description of any motor vehicle owned or operated by the offender.***

(8) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to ***and the text of*** the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.

(V) The city, township or county where the offense was committed.

~~[(8)]~~ ***(9)*** The tier level of ***registration and community*** notification assigned to the offender ~~[.~~

~~6.]~~ ***pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

(10) Any other information required by federal law.

7. If a search of the statewide registry results in a match pursuant to paragraph ~~[(d)]~~ ***(c)*** of subsection ~~[5,]~~ ***6,*** the Central Repository shall not provide the requester with ~~[any]~~ :

(a) The identity of any victim of a sexual offense or crime against a child;

(b) Any information relating to a Tier I offender unless he has been convicted of a sexual offense against a child or a crime against a child;

(c) The social security number of the offender;

(d) The name of any location where the offender is or will be:

(1) A student, as defined in NRS 179D.110; or

(2) A worker, as defined in NRS 179D.120;

(e) Any reference to arrests of the offender that did not result in conviction;

(f) Any other information that is included in the record of registration for the offender other than the information required pursuant to paragraph ~~[(d)]~~ ***(c)*** of subsection ~~[5.~~ ~~7.]~~ ***6; or***

(g) Any other information exempted from disclosure by the Attorney General of the United States pursuant to federal law.

8. For each inquiry to the community notification website, the Central Repository shall maintain a log of the information provided by the requester to the Central Repository and the information provided by the Central Repository to the requester.

~~[8.]~~ ***9.*** A person may not use information obtained through the community notification website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.

~~[9.]~~ ***10.*** The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.

11. As used in this section, "Tier I offender" has the meaning ascribed to it in section 22 of this act.

Sec. 14. NRS 179C.010 is hereby amended to read as follows:

179C.010 1. Except as otherwise provided in subsection 2, as used in this chapter, unless the context otherwise requires, "convicted person" means:

(a) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of two or more offenses punishable as felonies.

(b) A person convicted in the State of Nevada of an offense punishable as a category A felony.

(c) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of a crime that would constitute a category A felony if committed in this State on July 1, 2003.

2. For the purposes of this chapter, "convicted person" does not include:

(a) A person who has been convicted of a crime against a child, as defined in ~~[NRS 179D.210,]~~ ***section 16 of this act,*** or a sexual offense, as defined in ~~[NRS 179D.410;]~~ ***section 21 of this act;*** or

(b) Except as otherwise provided in this chapter, a person whose conviction is or has been set aside in the manner provided by law.

Sec. 15. Chapter 179D of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 30, inclusive, of this act.

Sec. 16. ***"Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:***

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. An offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340, inclusive.

4. An attempt to commit an offense listed in this section.

5. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

6. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 17. ***"Nonresident offender or sex offender who is a student or worker within this State" or "nonresident offender or sex offender" means an offender or sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender or sex offender pursuant to subsection 2 or 3 of NRS 179D.460.***

Sec. 18. ***1. "Offender convicted of a crime against a child" or "offender" means a person who, after July 1, 1956, is or has been:***

(a) Convicted of a crime against a child that is listed in section 16 of this act; or

(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a crime against a child that is listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the crime.

2. The term includes, without limitation, an offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 19. ***"Registration" means registration as an offender or sex offender pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

Sec. 20. 1. ***"Sex offender" means a person who, after July 1, 1956, is or has been:***

(a) Convicted of a sexual offense listed in section 21 of this act; or

(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a sexual offense listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the offense.

2. The term includes, without limitation, a sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 21. ***1. "Sexual offense" means any of the following offenses:***

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(k) Open or gross lewdness pursuant to NRS 201.210.

(l) Indecent or obscene exposure pursuant to NRS 201.220.

(m) Lewdness with a child pursuant to NRS 201.230.

(n) Sexual penetration of a dead human body pursuant to NRS 201.450.

(o) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

(p) Any other offense that has an element involving a sexual act or sexual conduct with another;

(q) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (p), inclusive.

(r) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(s) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(t) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 22. *"Tier I offender" means an offender convicted of a crime against a child or a sex offender other than a Tier II offender or Tier III offender.*

Sec. 23. *"Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:*

1. If committed against a child, constitutes:

(a) Luring a child pursuant to NRS 201.560, if punishable as a felony;

(b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(c) An offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340, inclusive;

(d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or

(e) Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States; or

4. Is committed after the person becomes a Tier I offender if ~~[the crime committed by the person for which he became a Tier I offender is]~~ any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 24. ***"Tier III offender" means an offender convicted of a crime against a child or a sex offender who has been convicted of:***

1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030;

2. Sexual assault pursuant to NRS 200.366;

3. ***Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400;***

4. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and if the victim of the offense was less than 13 years of age when the offense was committed;

5. ***Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, if the victim of the offense was less than 18 years of age when the offense was committed, unless the offender is the parent or guardian of the victim;***

6. Any sexual offense or crime against a child after the person becomes a Tier II offender;

7. Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(4);

8. An attempt or conspiracy to commit an offense described in subsections 1 to 7, inclusive; or

9. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States.

Sec. 25. ***Each offender convicted of a crime against a child and each sex offender shall:***

1. Register initially with the local law enforcement agency of the jurisdiction in which the offender or sex offender was convicted as required pursuant to section 27 of this act;

2. Register with the appropriate law enforcement agency as required pursuant to NRS 179D.460 and 179D.480; and

3. Keep his registration current as required pursuant to section 28 of this act.

Sec. 26. ***When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.460 or 179D.480 or section 27 of this act, or updates his registration as required pursuant to section 28 of this act:***

1. The offender or sex offender shall provide the local law enforcement agency with the following:

(a) The name of the offender or sex offender and all aliases that he has used or under which he has been known;

(b) The social security number of the offender or sex offender;

(c) The address of any residence or location at which the offender or sex offender resides or will reside;

(d) The name and address of any place where the offender or sex offender is a worker or will be a worker;

(e) The name and address of any place where the offender or sex offender is a student or will be a student;

(f) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

(g) Any other information required by federal law.

2. The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

(a) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(b) The text of the provision of law defining each offense for which the offender or sex offender is required to register;

(c) The criminal history of the offender or sex offender, including, without limitation:

(1) The dates of all arrests and convictions of the offender or sex offender;

(2) The status of parole, probation or supervised release of the offender or sex offender;

(3) The status of the registration of the offender or sex offender; and

(4) The existence of any outstanding arrest warrants for the offender or sex offender;

(d) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913;

(e) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

(f) Any other information required by federal law.

Sec. 27. ***1. In addition to any other registration that is required pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act, each offender or sex offender who, on or after October 1, 2007, is or has been convicted of a crime against a child or a sexual offense shall register initially with the appropriate local law enforcement agency of the jurisdiction in which the offender or sex offender was convicted pursuant to the provisions of this section.***

2. An offender or sex offender shall initially register with a local law enforcement agency as required pursuant to subsection 1:

(a) If the offender or sex offender is sentenced to a term of imprisonment for the crime, before completing the term of imprisonment for the crime; and

(b) If the offender or sex offender is not sentenced to a term of imprisonment for the crime, not later than 3 business days after the date on which the offender or sex offender was sentenced for the crime.

Sec. 28. ***1. An offender convicted of a crime against a child or a sex offender convicted of a sexual offense who changes his name, residence, employment or student status shall, not later than 3 business days after such change of name, residence, employment or student status:***

(a) Appear in person in at least one of the jurisdictions in which the offender or sex offender resides, is a student or worker; and

(b) Provide all information concerning such change to the appropriate local law enforcement agency.

2. The local law enforcement agency shall immediately provide the updated information provided by an offender or sex offender pursuant to subsection 1 to the Central Repository and to all other jurisdictions in which the offender or sex offender is required to register.

Sec. 29. ***1. Except as otherwise provided in subsection 3, the Central Repository shall immediately provide all updated information obtained pursuant to NRS 179D.460 or 179D.480 or section 27 or 28 of this act to:***

(a) The Attorney General of the United States;

(b) The appropriate local law enforcement agencies for each jurisdiction in which the offender or sex offender resides or is a student or worker;

(c) Each jurisdiction in which the offender or sex offender now resides or is a student or worker and the jurisdiction in which he most recently resided or was a student or worker, if he changes the address at which he resides or is a student or worker; ~~*[and]*~~

(d) ***Any agency responsible for conducting employment-related background checks pursuant to 42 U.S.C. § 5119a; and***

(e) Any organization, company or person who requests such notification.

2. Except as otherwise provided in subsection 3, a local law enforcement agency:

(a) Shall immediately provide all updated information obtained from the Central Repository pursuant to subsection 1 to:

(1) Each school, religious organization, youth organization and public housing authority in which the offender or sex offender resides or is a student or worker;

(2) Each agency which provides child welfare services as defined in NRS 432B.030;

(3) Volunteer organizations in which contact with children or other vulnerable persons might occur; and

(4) If the offender or sex offender is a Tier III offender, members of the public who are likely to encounter the offender or sex offender; and

(b) May provide any updated information obtained from the Central Repository pursuant to subsection 1 to any other person or entity whom the law enforcement agency determines warrants such notification.

3. An entity or person described in paragraph [(d)] (e) of subsection 1 or subparagraph (1) of paragraph (a) of subsection 2 may request to receive the updated information obtained pursuant to subsection 1 not less frequently than once every 5 business days.

Sec. 30. ***If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act has been convicted of an offense described in paragraph (p) of subsection 1 of section 21 of this act, paragraph (e) of subsection 1 or subsection 3 of section 23 of this act or subsection 7 or 9 of section 24 of this act, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.***

Sec. 31. NRS 179D.010 is hereby amended to read as follows:

179D.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179D.020 to 179D.120, inclusive, ***and sections 16 to 24, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 32. NRS 179D.030 is hereby amended to read as follows:

179D.030 "Community notification" means notification of a community pursuant to the ~~[guidelines and procedures established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.]~~ ***provisions of section 29 of this act.***

Sec. 33. NRS 179D.035 is hereby amended to read as follows:

179D.035 "Convicted" includes, but is not limited to, an adjudication of delinquency ~~[or a finding of guilt]~~ by a court having jurisdiction over juveniles if ~~[the]~~ ***:***

1. ***The*** adjudication of delinquency ~~[or the finding of guilt]~~ is for the commission of ~~[any of the following offenses:~~

~~1. A crime against a child that is listed in subsection 6 of NRS 179D.210.~~

~~2. A sexual offense that is listed in subsection 19 of NRS 179D.410.~~

~~3. A]~~ ***a*** sexual offense that is listed in ~~[paragraph (b) of subsection 2 of NRS 62F.260.]~~ ***NRS 62F.200; and***

2. The offender was 14 years of age or older at the time of the offense.

Sec. 34. NRS 179D.110 is hereby amended to read as follows:

179D.110 "Student" means a person who is enrolled in and attends, on a full-time or part-time basis within this State, any course of academic or vocational instruction conducted by a public or private educational institution or school, including, but not limited to, any of the following institutions or schools:

1. An institution of higher education.

2. A trade school or vocational school.

3. A ~~[public school, as defined in NRS 385.007, or a private school, as defined in NRS 394.103.]~~ ***secondary school.***

Sec. 35. NRS 179D.120 is hereby amended to read as follows:

179D.120 ~~[1.]~~ "Worker" means a person who ***is self-employed or who*** engages in or who knows or reasonably should know that he will engage in any type of occupation, employment, work or volunteer service ***,*** ~~[on a full-time or part-time basis within this State for:~~

~~(a) Any period exceeding 14 days; or~~

~~(b) More than 30 days, in the aggregate, during any calendar year,~~

~~➥]~~ whether or not the person engages in or will engage in the occupation, employment, work or volunteer service for compensation ***.*** ~~[or for the purposes of a governmental or educational benefit.~~

~~2. The term includes, but is not limited to:~~

~~(a) A person who is self-employed.~~

~~(b) An employee or independent contractor.~~

~~(c) A paid or unpaid intern, extern, aide, assistant or volunteer.]~~

Sec. 36. NRS 179D.150 is hereby amended to read as follows:

179D.150 ~~[Except as otherwise provided in NRS 179D.530, a]~~ ***A*** record of registration must include, if the information is available:

1. Information identifying the offender ~~[,]~~ ***or sex offender,*** including, but not limited to:

(a) The name of the offender ***or sex offender*** and all aliases that he has used or under which he has been known;

(b) A complete physical description of the offender ~~[,]~~ ***or sex offender,*** a current photograph of the offender ***or sex offender*** and the fingerprints ***and palm prints*** of the offender ~~[,]~~ ***or sex offender;***

(c) The date of birth and the social security number of the offender ~~[,]~~ ***or sex offender;***

(d) The identification number from a driver's license or an identification card issued to the offender ***or sex offender*** by this State or any other

jurisdiction ~~[,]~~ and ***a photocopy of such driver's license or identification card;***

(e) ***A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913; and***

(f) Any other information that identifies the offender ~~[.]~~ ***or sex offender.***

2. Information concerning the residence of the offender ~~[.]~~ ***or sex offender,*** including, but not limited to:

(a) The address at which the offender ***or sex offender*** resides;

(b) The length of time he has resided at that address and the length of time he expects to reside at that address;

(c) The address or location of any other place where he expects to reside in the future and the length of time he expects to reside there; and

(d) The length of time he expects to remain in the county where he resides and in this State.

3. Information concerning the offender's ***or sex offender's*** occupations, employment or work or expected occupations, employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender ~~[.]~~ ***or sex offender.***

4. Information concerning the offender's ***or sex offender's*** volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.

5. Information concerning the offender's ***or sex offender's*** enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

6. Information concerning whether:

(a) The offender ***or sex offender*** is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The offender ***or sex offender*** is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,

➥ including, but not limited to, the name, address and type of each such institution of higher education.

7. The license ***plate*** number and a description of all motor vehicles registered to or frequently driven by the offender ~~[.]~~ ***or sex offender.***

8. The level of ***registration and*** community notification ~~[assigned to]~~ ***of*** the offender ~~[.]~~ ***or sex offender.***

9. ***The criminal history of the offender or sex offender, including, without limitation:***

(a) The dates of all arrests and convictions of the offender or sex offender;

(b) The status of parole, probation or supervised release of the offender or sex offender;

(c) The status of the registration of the offender or sex offender; and

(d) The existence of any outstanding arrest warrants for the offender or sex offender.

10. The following information for each offense for which the offender ***or sex offender*** has been convicted:

(a) The court in which he was convicted;

(b) ***The text of the provision of law defining each offense;***

(c) The name under which he was convicted;

~~[(c)]~~ ***(d)*** The name and location of each penal institution, school, hospital, mental facility or other institution to which he was committed;

~~[(d)]~~ ***(e)*** The specific location where the offense was committed;

~~[(e)]~~ ***(f)*** The age, the gender, the race and a general physical description of the victim; and

~~[(f)]~~ ***(g)*** The method of operation that was used to commit the offense, including, but not limited to:

(1) Specific sexual acts committed against the victim;

(2) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

(3) The type of injuries inflicted on the victim;

(4) The types of instruments, weapons or objects used;

(5) The type of property taken; and

(6) Any other distinctive characteristic of the behavior or personality of the offender ~~[.]~~ ***or sex offender.***

11. Any other information required by federal law.

Sec. 37. NRS 179D.170 is hereby amended to read as follows:

179D.170 Upon receiving from a local law enforcement agency, pursuant to NRS 179D.010 to 179D.550, inclusive ~~[:]~~ ***, and sections 16 to 30, inclusive, of this act:***

1. A record of registration;

2. Fingerprints ***, palm prints*** or a photograph of an offender ~~[;]~~ ***or sex offender;***

3. A new address of an offender ~~[;]~~ ***or sex offender;*** or

4. Any other updated information,

➥ the Central Repository shall immediately provide the record of registration, fingerprints, ***palm prints,*** photograph, new address or updated information to the Federal Bureau of Investigation.

Sec. 38. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the Central Repository receives notice from a court pursuant to NRS ***176.0926 that an offender has been convicted of a crime against a child pursuant to NRS*** 176.0927 ***,*** that a sex offender has been convicted of a sexual offense or pursuant to NRS ~~[62F.250]~~ ***62F.220*** that a juvenile ~~[sex offender]~~ has been ~~[deemed to be an adult sex offender,]~~ ***adjudicated delinquent for an offense for which he is subject to registration***

and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act, the Central Repository shall:

(a) If a record of registration has not previously been established for the ***offender or*** sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the ***offender or*** sex offender, update the record of registration for the ***offender or*** sex offender and notify the appropriate local law enforcement agencies.

2. If the ***offender or*** sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined ~~[or if the sex offender named in the notice has been deemed to be an adult sex offender pursuant to NRS 62F.250 and is not otherwise incarcerated or confined:~~

~~(a) The~~ ***, the*** Central Repository shall ~~[immediately]~~ ***:***

(a) Immediately provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies and, if the ***offender or*** sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and

(b) ~~[If the sex offender is subject to community notification, the Central Repository shall arrange for the assessment of the risk of recidivism of]~~ ***Immediately provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.]~~ ***provisions of section 29 of this act.***

3. If ~~[a]~~ ***an offender or*** sex offender is incarcerated or confined and has previously been convicted of ***a crime against a child as described in section 16 of this act or*** a sexual offense as described in ~~[NRS 179D.410,]~~ ***section 21 of this act,*** before the ***offender or*** sex offender is released:

(a) The Department of Corrections or a local law enforcement agency in whose facility the ***offender or*** sex offender is incarcerated or confined shall:

(1) Inform the ***offender or*** sex offender of the requirements for registration, including, but not limited to:

(I) ***The duty to register initially with the appropriate law enforcement agency in the jurisdiction in which the offender or sex offender was convicted if the offender or sex offender is not a resident of that jurisdiction pursuant to section 27 of this act;***

(II) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.460;

~~[(II)]~~ ***(III)*** The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

~~[(III)]~~ ***(IV)*** If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

~~[(IV)]~~ ***(V)*** The duty to notify the local law enforcement agency for the jurisdiction in which he now resides, in person, and the jurisdiction in which he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

~~[(V)]~~ ***(VI)*** The duty to notify immediately the appropriate local law enforcement agency if the ***offender or*** sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the ***offender or*** sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education; and

(2) Require the ***offender or*** sex offender to read and sign a form ~~[confirming]~~ ***stating*** that the requirements for registration have been explained to him ***and that he understands the requirements for registration,*** and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the ***offender or*** sex offender;

(2) ~~[If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of]~~ ***Provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive;]~~ ***provisions of section 29 of this act;*** and

(3) Provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies and, if the ***offender or*** sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. The failure to provide ~~[a]~~ ***an offender or*** sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the ***offender or*** sex offender to register and to comply with all other provisions for registration.

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that ~~[a]~~ ***an offender or*** sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the ***offender or*** sex offender; and

(c) ~~[If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of]~~ ***Immediately provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.]~~ ***provisions of section 29 of this act.***

Sec. 39. NRS 179D.460 is hereby amended to read as follows:

179D.460 1. In addition to any other registration that is required pursuant to NRS 179D.450, each ***offender or*** sex offender who, after July 1, 1956, is or has been convicted of a ***crime against a child or a*** sexual offense shall register with a local law enforcement agency pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the ***offender or*** sex offender resides or is present for 48 hours or more within:

(a) A county; or

(b) An incorporated city that does not have a city police department,

➥ the ***offender or*** sex offender shall be deemed a resident ***offender or*** sex offender and shall register with the sheriff's office of the county or, if the county or the city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence within the county or the city.

3. If the ***offender or*** sex offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the ***offender or*** sex offender shall be deemed a resident ***offender or*** sex offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

4. If the ***offender or*** sex offender is a nonresident ***offender or*** sex offender who is a student or worker within this State, the ***offender or*** sex offender shall register with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction he is a student or worker not later than 48 hours after becoming a student or worker within this State.

5. A resident or nonresident ***offender or*** sex offender shall immediately notify the appropriate local law enforcement agency if:

(a) The ***offender or*** sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The ***offender or*** sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

➥ The ***offender or*** sex offender shall provide the name, address and type of each such institution of higher education.

6. To register with a local law enforcement agency pursuant to this section, the ***offender or*** sex offender shall:

(a) Appear personally at the office of the appropriate local law enforcement agency;

(b) Provide all information that is requested by the local law enforcement agency, including, but not limited to, fingerprints and a photograph; and

(c) Sign and date the record of registration or some other proof of registration of the local law enforcement agency in the presence of an officer of the local law enforcement agency.

7. When ~~[a]~~ ***an offender or*** sex offender registers, the local law enforcement agency shall:

(a) Inform the ***offender or*** sex offender of the duty to notify the local law enforcement agency if the ***offender or*** sex offender changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(b) Inform the ***offender or*** sex offender of the duty to register with the local law enforcement agency in whose jurisdiction the sex offender relocates.

8. After the ***offender or*** sex offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints and a photograph of the ***offender or*** sex offender.

9. If the Central Repository has not previously established a record of registration for ~~[a]~~ ***an offender or*** sex offender described in subsection 8, the Central Repository shall:

(a) Establish a record of registration for the ***offender or*** sex offender;

(b) Provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies; and

(c) ~~[If the sex offender is subject to community notification and has not otherwise been assigned a level of notification, arrange for the assessment of the risk of recidivism of]~~ ***Provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.]~~ ***provisions of section 29 of this act.***

10. When ~~[a]~~ ***an offender or*** sex offender notifies a local law enforcement agency that:

(a) The ***offender or*** sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The ***offender or*** sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,

➥ and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that

information to the Central Repository and to the appropriate campus police department.

Sec. 40. NRS 179D.480 is hereby amended to read as follows:

179D.480 1. Except as otherwise provided in ~~[subsections 2 and 5, each year, on the anniversary of the date that the Central Repository establishes a record of registration for the sex offender, the Central Repository shall mail to the sex offender, at the address last registered by the sex offender, a nonforwardable verification form. The sex offender shall complete and sign the form and mail the form to the Central Repository not later than 10 days after receipt of the form to verify that he still resides at the address he last registered.~~

~~2. Except as otherwise provided in subsection 5, if a sex offender has been declared to be a sexually violent predator, every 90 days, beginning on the date that the Central Repository establishes a record of registration for the sex offender, the Central Repository shall mail to the sex offender, at the address last registered by the sex offender, a nonforwardable verification form. The sex offender shall complete and sign the form and mail the form to the Central Repository not later than 10 days after receipt of the form to verify that he still resides at the address he last registered.~~

~~3. A sex offender shall include with each verification form]~~ ***subsection 3, an offender convicted of a crime against a child or sex offender shall appear in person in at least one jurisdiction in which the offender or sex offender resides or is a student or worker:***

(a) Not less frequently than annually, if the offender or sex offender is a Tier I offender;

(b) Not less frequently than every 180 days, if the offender or sex offender is a Tier II offender; or

(c) Not less frequently than every 90 days, if the offender or sex offender is a Tier III offender,

➥ ***and shall allow the appropriate local law enforcement agency to collect*** a current set of fingerprints ~~[,]~~ ***and palm prints,*** a current photograph and all other information that is relevant to updating his record of registration, including, but not limited to, any change in his name, occupation, employment, work, volunteer service or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by him. ~~[The Central Repository shall provide all updated information to the appropriate local law enforcement agencies.~~

~~4. If the Central Repository does not receive a verification form from a]~~

2. If an offender or sex offender ~~[and otherwise cannot verify the address or location of the sex offender,]~~ ***does not comply with the provisions of subsection 1,*** the Central Repository shall ~~[immediately]~~ ***:***

(a) Immediately notify the appropriate local law enforcement agencies ~~[.~~

~~5. The Central Repository]~~ ***and the Attorney General of the United States; and***

(b) Update the record of registration for the sex offender to reflect his failure to comply with the provisions of subsection 1.

3. An offender or sex offender is not required to ~~[complete the mailing pursuant to]~~ ***comply with the provisions of*** subsection 1 ~~[or 2:~~

~~(a) During]~~ ***during*** any period in which ~~[a]~~ ***the offender or*** sex offender is incarcerated or confined ***.*** ~~[or has changed his place of residence from this State to another jurisdiction; or~~

~~(b) For a nonresident sex offender who is a student or worker within this State.]~~

Sec. 41. NRS 179D.490 is hereby amended to read as follows:

179D.490 1. ~~[A]~~ ***An offender convicted of a crime against a child or a*** sex offender shall comply with the provisions for registration for as long as the ***offender or*** sex offender resides or is present within this State or is a nonresident ***offender or*** sex offender who is a student or worker within this State, unless the ***period of time during which the offender or sex offender has the*** duty ~~[of the sex offender]~~ to register is ~~[terminated]~~ ***reduced*** pursuant to the provisions of this section.

2. Except as otherwise provided in subsection ~~[5, if a]~~ ***3, the full period of registration is:***

(a) Fifteen years, if the offender or sex offender is a Tier I offender;

(b) Twenty-five years, if the offender or sex offender is a Tier II offender; and

(c) The life of the offender or sex offender, if the offender or sex offender is a Tier III offender,

➥ exclusive of any time during which the offender or sex offender is incarcerated or confined.

3. If an offender or sex offender complies with the provisions for registration ~~[for]~~ ***:***

(a) For an interval of at least ~~[15]~~ ***10*** consecutive years ***, if the offender or sex offender is a Tier I offender; or***

(b) For an interval of at least 25 consecutive years, if the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender,

➥ during which he is not convicted of an offense ~~[that poses a threat to the safety or well-being of others,]~~ ***for which imprisonment for more than 1 year may be imposed, is not convicted of a sexual offense, successfully completes any periods of supervised release, probation or parole, and successfully completes a sex offender treatment program certified by the State or by the Attorney General of the United States,*** the ***offender or*** sex offender may file a petition to ~~[terminate his]~~ ***reduce the period of time during which the offender or sex offender has a*** duty to register with the district court in whose jurisdiction he resides or, if he is a nonresident ***offender or*** sex offender, in whose jurisdiction he is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository ***or appropriate agency of another jurisdiction*** establishes

a record of registration for the ***offender or*** sex offender or the date that the ***offender or*** sex offender is released, whichever occurs later.

~~[3.]~~ ***4.*** If the ***offender or*** sex offender satisfies the requirements of subsection ~~[2,]~~ ***3,*** the court shall hold a hearing on the petition at which the ***offender or*** sex offender and any other interested person may present witnesses and other evidence. If the court determines from the evidence presented at the hearing that the ***offender or*** sex offender ~~[is not likely to pose a threat to the safety of others,]~~ ***satisfies the requirements of subsection 3,*** the court shall ~~[terminate the duty of]~~ ***:***

(a) If the offender or sex offender is a Tier I offender, reduce the period of time during which the ***offender or*** sex offender ***is required*** to register ~~[.~~

~~4. If the court does not terminate the duty of the sex offender to register after a petition is heard pursuant to subsections 2 and 3, the sex offender may file another petition after each succeeding interval of 5 consecutive years if the sex offender is not convicted of an offense that poses a threat to the safety or well-being of others.~~

~~5. A sex offender may not file a petition to terminate his duty to register pursuant to this section if the sex offender:~~

~~(a) Is subject to community notification or to lifetime supervision pursuant to NRS 176.0931;~~

~~(b) Has been declared to be a sexually violent predator; or~~

~~(c) Has been convicted of:~~

~~(1) One or more sexually violent offenses;~~

~~(2) Two or more sexual offenses against persons less than 18 years of age;~~

~~(3) Two or more crimes against a child, as defined in NRS 179D.210; or~~

~~(4) At least one of each offense listed in subparagraphs (2) and (3).]~~ ***by 5 years; and***

(b) If the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender, reduce the period of time during which the offender or sex offender is required to register from the life of the offender or sex offender to that period of time for which the offender or sex offender meets the requirements of subsection 3.

Sec. 42. NRS 179D.550 is hereby amended to read as follows:

179D.550 1. Except as otherwise provided in subsection 2, ~~[a]~~ ***an offender or*** sex offender who:

(a) Fails to register with a local law enforcement agency;

(b) Fails to notify the local law enforcement agency of a change of ~~[address;]~~ ***name, residence, employment or student status as required pursuant to section 28 of this act;***

(c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

(d) Otherwise violates the provisions of NRS ~~[179D.350]~~ ***179D.010*** to 179D.550, inclusive, ***and sections 16 to 30, inclusive, of this act,***

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~[A]~~ ***An offender or*** sex offender who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.

3. If a local law enforcement agency is aware that an offender or sex offender in its jurisdiction has failed to comply with a provision of NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act, the local law enforcement agency must take any appropriate action to ensure his compliance.

Sec. 43. NRS 179D.570 is hereby amended to read as follows:

179D.570 1. The Central Repository shall, in accordance with the requirements of this section, share information concerning sex offenders and offenders convicted of a crime against a child with:

(a) The State Gaming Control Board to carry out the provisions of NRS 463.335 pertaining to the registration of a gaming employee who is a sex offender or an offender convicted of a crime against a child. The Central Repository shall, at least once each calendar month, provide the State Gaming Control Board with the name and other identifying information of each offender who is not in compliance with the provisions of this chapter, in the manner and form agreed upon by the Central Repository and the State Gaming Control Board.

(b) The Department of Motor Vehicles to carry out the provisions of NRS 483.283, 483.861 and 483.929.

2. The information shared by the Central Repository pursuant to this section must indicate whether a sex offender or an offender convicted of a crime against a child is in compliance with the provisions of this chapter.

3. The Central Repository shall share information pursuant to this section as expeditiously as possible under the circumstances.

4. The Central Repository may adopt regulations to carry out the provisions of this section.

~~[5. As used in this section:~~

~~(a) "Offender convicted of a crime against a child" has the meaning ascribed to it in NRS 179D.216.~~

~~(b) "Sex offender" has the meaning ascribed to it in NRS 179D.400.]~~

Sec. 44. NRS 40.770 is hereby amended to read as follows:

40.770 1. Except as otherwise provided in subsection 6, in any sale, lease or rental of real property, the fact that the property is or has been:

(a) The site of a homicide, suicide or death by any other cause, except a death that results from a condition of the property;

(b) The site of any crime punishable as a felony other than a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(c) Occupied by a person exposed to the human immunodeficiency virus or suffering from acquired immune deficiency syndrome or any other disease that is not known to be transmitted through occupancy of the property,

➥ is not material to the transaction.

2. In any sale, lease or rental of real property, the fact that a sex offender, as defined in ~~[NRS 179D.400,]~~ ***section 20 of this act,*** resides or is expected to reside in the community is not material to the transaction, and the seller, lessor or landlord or any agent of the seller, lessor or landlord does not have a duty to disclose such a fact to a buyer, lessee or tenant or any agent of a buyer, lessee or tenant.

3. In any sale, lease or rental of real property, the fact that a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS is located near the property being sold, leased or rented is not material to the transaction.

4. A seller, lessor or landlord or any agent of the seller, lessor or landlord is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the seller, lessor or landlord or agent of the seller, lessor or landlord had no actual knowledge.

5. Except as otherwise provided in an agreement between a buyer, lessee or tenant and his agent, an agent of the buyer, lessee or tenant is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the agent of the buyer, lessee or tenant had no actual knowledge.

6. For purposes of this section, the fact that the property is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine is not material to the transaction if:

(a) All materials and substances involving methamphetamine have been removed from or remediated on the property by an entity certified or licensed to do so; or

(b) The property has been deemed safe for habitation by a governmental entity.

7. As used in this section, "facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

Sec. 45. NRS 62A.030 is hereby amended to read as follows:

62A.030 1. "Child" means:

(a) A person who is less than 18 years of age;

(b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or

(c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions of NRS 62F.200 ~~[to 62F.260, inclusive.]~~ ***, 62F.220 and 62F.260.***

2. The term does not include a person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330 or a person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

Sec. 46. NRS 62F.200 is hereby amended to read as follows:

62F.200 ***1.*** As used in NRS 62F.200 ~~[to 62F.260, inclusive,]~~ ***, 62F.220 and 62F.260,*** unless the context otherwise requires, "sexual offense" means:

~~[1.]~~ ***(a)*** Sexual assault pursuant to NRS 200.366;

~~[2.]~~ ***(b)*** Battery with intent to commit sexual assault pursuant to NRS 200.400;

~~[3. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720;~~

~~4.]~~ ***(c)*** Lewdness with a child pursuant to NRS 201.230; or

~~[5.]~~ ***(d)*** An attempt ***or conspiracy*** to commit an offense listed in this section.

2. The term does not include an offense involving consensual sexual conduct if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 47. NRS 62F.220 is hereby amended to read as follows:

62F.220 1. ~~[In addition to any other action authorized or required pursuant to the provisions of this title, if]~~ ***If*** a child ***who is 14 years of age or older*** is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult ***,*** ~~[or is adjudicated delinquent for a sexually motivated act,]~~ the juvenile court shall:

(a) Notify the ~~[Attorney General of the adjudication, so the Attorney General may arrange for the assessment of the risk of recidivism of the child pursuant to the guidelines and procedures for community notification;~~

~~(b) Place the child under the supervision of a probation officer or parole officer, as appropriate, for a period of not less than 3 years;~~

~~(c)]~~ ***Central Repository of the adjudication of the child, so the Central Repository may carry out any provisions for registration of the child pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act;***

(b) Inform the child and the parent or guardian of the child that the child is subject to ~~[community notification as a juvenile sex offender and may be subject to]~~ registration and community notification ~~[as an adult sex offender]~~ pursuant to NRS ~~[62F.250; and~~

~~(d) Order the child, and the parent or guardian of the child during the minority of the child, while the child is subject to community notification as a juvenile sex offender, to inform the probation officer or parole officer, as appropriate, assigned to the child of a change of the address at which the child resides not later than 48 hours after the change of address.]~~ ***179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

2. The juvenile court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions of NRS 62F.200 ~~[to 62F.260, inclusive,]~~ ***, 62F.220 and 62F.260*** until the child is no longer subject to ***registration and*** community notification as a juvenile sex offender pursuant to NRS 62F.200 ~~[to 62F.260, inclusive.]~~ ***, 62F.220 and 62F.260.***

Sec. 48. NRS 62F.260 is hereby amended to read as follows:

62F.260 ~~[1.]~~ The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to ***registration and*** community notification as a juvenile sex offender ~~[.~~

~~2. If a child is deemed to be an adult sex offender pursuant to NRS 62F.250, is convicted of a sexual offense, as defined in NRS 179D.410, before reaching 21 years of age or is otherwise subject to registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive, before reaching 21 years of age:~~

~~(a) The records relating to the child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive; and~~

~~(b) Each delinquent act committed by the child that would have been a sexual offense, as defined in NRS 179D.410 if committed by an adult, shall be deemed to be a criminal conviction for the purposes of:~~

~~(1) Registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive; and~~

~~(2) The statewide registry established within the Central Repository pursuant to chapter 179B of NRS.]~~ ***pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

Sec. 49. NRS 213.1099 is hereby amended to read as follows:

213.1099 1. Except as otherwise provided in this section and NRS 213.1214 and 213.1215, the Board may release on parole a prisoner who is otherwise eligible for parole pursuant to NRS 213.107 to 213.157, inclusive.

2. In determining whether to release a prisoner on parole, the Board shall consider:

(a) Whether there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws;

(b) Whether the release is incompatible with the welfare of society;

(c) The seriousness of the offense and the history of criminal conduct of the prisoner;

(d) The standards adopted pursuant to NRS 213.10885 and the recommendation, if any, of the Chief; and

(e) Any documents or testimony submitted by a victim notified pursuant to NRS 213.130.

3. When a person is convicted of a felony and is punished by a sentence of imprisonment, he remains subject to the jurisdiction of the Board from the time he is released on parole under the provisions of this chapter until the expiration of the maximum term of imprisonment imposed by the court less any credits earned to reduce his sentence pursuant to chapter 209 of NRS.

4. Except as otherwise provided in NRS 213.1215, the Board may not release on parole a prisoner whose sentence to death or to life without possibility of parole has been commuted to a lesser penalty unless it finds that the prisoner has served at least 20 consecutive years in the state prison, is not under an order to be detained to answer for a crime or violation of parole or probation in another jurisdiction, and that he does not have a history of:

(a) Recent misconduct in the institution, and that he has been recommended for parole by the Director of the Department of Corrections;

(b) Repetitive criminal conduct;

(c) Criminal conduct related to the use of alcohol or drugs;

(d) Repetitive sexual deviance, violence or aggression; or

(e) Failure in parole, probation, work release or similar programs.

5. In determining whether to release a prisoner on parole pursuant to this section, the Board shall not consider whether the prisoner will soon be eligible for release pursuant to NRS 213.1215.

6. The Board shall not release on parole an offender convicted of an offense listed in ~~[NRS 179D.410]~~ ***section 21 of this act*** until the ~~[law enforcement agency in whose jurisdiction the offender will be released on parole]~~ ***Central Repository for Nevada Records of Criminal History*** has been provided an opportunity to give the notice required ~~[by the Attorney General]~~ pursuant to ~~[NRS 179D.600 to 179D.800, inclusive.]~~ ***section 29 of this act.***

Sec. 50. NRS 213.1245 is hereby amended to read as follows:

213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in ~~[NRS 179D.620,]~~ ***section 21 of this act,*** the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

(a) Reside at a location only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of his current address;

(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer;

(c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee;

(d) Participate in and complete a program of professional counseling approved by the Division;

(e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance;

(f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee;

(g) Abstain from consuming, possessing or having under his control any alcohol;

(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the parole and probation officer assigned to the parolee, and a written agreement is entered into and signed in the manner set forth in subsection 2;

(i) Not use aliases or fictitious names;

(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee;

(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in ~~[NRS 179D.410]~~ ***section 21 of this act*** is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact;

(l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend;

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee;

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee;

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee; and

(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The parolee;

(c) The parole and probation officer assigned to the parolee;

(d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

Sec. 51. NRS 391.314 is hereby amended to read as follows:

391.314 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and he is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Notwithstanding the provisions of NRS 391.312, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, he must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension.

2. Within 5 days after a suspension becomes effective, the superintendent shall begin proceedings pursuant to the provisions of NRS 391.312 to 391.3196, inclusive, to effect the employee's dismissal. The employee is entitled to continue to receive his salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.312.

3. If sufficient grounds for dismissal do not exist, the employee must be reinstated with full compensation, plus interest.

4. A licensed employee who furnishes to the school district a bond or other security which is acceptable to the board as a guarantee that he will repay any amounts paid to him pursuant to this subsection as salary during a period of suspension is entitled to continue to receive his salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept security other than a bond. An employee who receives salary pursuant to this subsection shall repay it if he is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to NRS ~~[179D.200 to 179D.290, inclusive, or 179D.350]~~ ***179D.010*** to 179D.550, inclusive, ***and sections 16 to 30, inclusive, of this act,*** or is convicted of an act forbidden by NRS 200.508,

201.190, 201.265, 201.540, 201.560 or 207.260 forfeits all rights of employment from the date of his arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his arrest or the date on which his employment terminated, whichever is later.

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if he is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in NRS 391.312.

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in NRS 391.312. An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

Sec. 52. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is:

(a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;

(b) A crime against a child as defined in ~~[NRS 179D.210;]~~ ***section 16 of this act;***

(c) A sexual offense as defined in ~~[NRS 179D.410;]~~ ***section 21 of this act;*** or

(d) An act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484.379, 484.3795 or 484.37955;

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

Sec. 53. NRS 483.283 is hereby amended to read as follows:

483.283 1. The Department shall not issue a driver's license to an offender or renew the driver's license of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:

(a) Shall not issue a driver's license to the offender or renew the driver's license of the offender; and

(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.

3. A driver's license issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original license, or a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes an "offender convicted of a crime against a child" as defined in ~~[NRS 179D.216]~~ ***section 18 of this act*** and a "sex offender" as defined in ~~[NRS 179D.400.]~~ ***section 20 of this act.***

Sec. 54. NRS 483.861 is hereby amended to read as follows:

483.861 1. The Department shall not issue an identification card to an offender or renew the identification card of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:

(a) Shall not issue an identification card to the offender or renew the identification card of the offender; and

(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.

3. An identification card issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original identification card, a renewal identification card and a renewal of an expired identification card, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes ***, without limitation,*** an "offender convicted of a crime against a child" as defined in ~~[NRS 179D.216]~~ ***section 18 of this act*** and a "sex offender" as defined in ~~[NRS 179D.400.]~~ ***section 20 of this act.***

Sec. 55. NRS 483.929 is hereby amended to read as follows:

483.929 1. The Department shall not issue a commercial driver's license to an offender or renew the commercial driver's license of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:

(a) Shall not issue a commercial driver's license to the offender or renew the commercial driver's license of the offender; and

(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.

3. A commercial driver's license issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes ***, without limitation,*** an "offender convicted of a crime against a child" as defined in ~~[NRS 179D.216]~~ ***section 18 of this act*** and a "sex offender" as defined in ~~[NRS 179D.400.]~~ ***section 20 of this act.***

Sec. 56. NRS 62A.050, 62F.210, 62F.230, 62F.240, 62F.250, 179D.055, 179D.060, 179D.200, 179D.210, 179D.214, 179D.216, 179D.220, 179D.230, 179D.240, 179D.250, 179D.260, 179D.270, 179D.290, 179D.350, 179D.360, 179D.365, 179D.370, 179D.380, 179D.390, 179D.400, 179D.410, 179D.420, 179D.430, 179D.510, 179D.530, 179D.600, 179D.605, 179D.610, 179D.620, 179D.630, 179D.640, 179D.650, 179D.660, 179D.700, 179D.710, 179D.720, 179D.730, 179D.740, 179D.750, 179D.760, 179D.770 and 179D.800 are hereby repealed.

Sec. 57. This act becomes effective on July 1, 2008.

LEADLINES OF REPEALED SECTIONS

62A.050 "Community notification" defined.

62F.210 Applicability of provisions.

62F.230 Notification to local law enforcement agency.

62F.240 Power of juvenile court to relieve child of being subject to community notification.

62F.250 Hearing to determine whether to deem child adult sex offender; termination of registration and community notification.

179D.055 "Nonconsensual" defined.

179D.060 "Offense that poses a threat to the safety or well-being of others" defined.

179D.200 Definitions.

179D.210 "Crime against a child" defined.

179D.214 "Nonresident offender who is a student or worker within this State" and "nonresident offender" defined.

179D.216 "Offender convicted of a crime against a child" and "offender" defined.

179D.220 "Registration" defined.

179D.230 Registration after conviction; duties and procedure; offender informed of duty to register; effect of failure to inform; duties and procedure upon receipt of notification from another jurisdiction or Federal Bureau of Investigation.

179D.240 Registration with local law enforcement agency within 48 hours; duties of offender and procedure; local law enforcement agency to inform offender of his duties after registration; establishment of record of registration; duty of local law enforcement agency when notified of certain information about offender who enrolls in or works at institution of higher education.

179D.250 Offender to notify appropriate agencies of change of address and provide updated information; duties and procedure.

179D.260 Verification form.

179D.270 Duration of duty to register; termination of duty; procedure; exceptions.

179D.290 Prohibited acts; penalties.

179D.350 Definitions.

179D.360 "Mental disorder" defined.

179D.365 "Nonresident sex offender who is a student or worker within this State" and "nonresident sex offender" defined.

179D.370 "Personality disorder" defined.

179D.380 "Qualified professional" defined.

179D.390 "Registration" defined.

179D.400 "Sex offender" defined.

179D.410 "Sexual offense" defined.

179D.420 "Sexually violent offense" defined.

179D.430 "Sexually violent predator" defined.

179D.510 Petition by prosecuting attorney; procedure; access to records of sex offender; rights of confidentiality and privileges deemed waived.

179D.530 Contents of record of registration for sexually violent predator.

179D.600 Definitions.

179D.605 "Nonresident sex offender who is a student or worker within this State" and "nonresident sex offender" defined.

179D.610 "Sex offender" defined.

179D.620 "Sexual offense" defined.

179D.630 "Sexually violent predator" defined.

179D.640 "Tier 1 level of notification" defined.

179D.650 "Tier 2 level of notification" defined.

179D.660 "Tier 3 level of notification" defined.

179D.700 Advisory Council for Community Notification; creation; members; vacancies; recommendations concerning notification.

179D.710 Attorney General to establish guidelines and procedures; uniform application; scope.

179D.720 Assessment of risk of recidivism; factors considered; access to records of sex offender; rights of confidentiality and privileges deemed waived.

179D.730 Levels of notification; persons notified; when notification to include photograph; mandatory level of notification for certain sex offenders; existence of community notification website does not affect responsibility to provide notification.

179D.740 Notice to sex offender of level of notification assigned and procedure for reconsideration; exceptions.

179D.750 Change in level of notification after unlawful or harmful act.

179D.760 Reassessment of risk of recidivism; termination of notification; procedure; exceptions.

179D.770 Disclosure of information by law enforcement agencies.

179D.800 Attorney General to establish guidelines and procedures; disclosure of information; access to records of juvenile sex offender; rights of confidentiality and privileges deemed waived.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

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

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 88.

The following Senate amendment was read:

Amendment No. 678.

AN ACT relating to collection agencies; providing that ~~[certain violations]~~ **a violation** of the Fair Debt Collection Practices Act ~~[are]~~ **is** a violation of certain provisions governing collection agencies; ~~[requiring a collection agency to send a written notice to a debtor within a certain period after the initial communication with the debtor; requiring a collection agency to verify~~

~~a debt by obtaining or attempting to obtain certain documents;]~~ **prohibiting a collection agency, or a manager, agent or employee of a collection agency, from collecting or attempting to collect a debt under certain circumstances;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1.5]~~ **1** of this bill provides that a violation of ~~[certain provisions]~~ **any provision** of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ ~~[1692g and 1692h,]~~ **1692 et seq., or any regulation adopted pursuant thereto,** shall be deemed to be a violation of chapter 649 of NRS governing collection agencies.

~~[Section 2 of this bill requires a collection agency, within 5 days after the initial communication with a debtor in connection with the collection of a debt, to send to the debtor a written notice setting forth a statement indicating that the payment or agreement to pay the debt may be construed as an acknowledgment of the debt and as a waiver of the statute of limitations applicable to the collection of the debt. Section 2 also provides that, to verify a debt, a collection agency is required to obtain certain documents from the creditor and mail those documents to the debtor.]~~

Section 5 of this bill makes the provisions of ~~[sections 1.5 and 2]~~ **section 1** of this bill applicable to a foreign collection agency.

Section 7 of this bill prohibits a collection agency, or a manager, agent or employee of a collection agency, from collecting or attempting to collect a debt or any portion of a debt if an applicable statute of limitations regarding the debt has expired. Section 7 also prohibits a collection agency, or the manager, agent or employee of a collection agency, from obtaining or attempting to obtain from the debtor an acknowledgement of the debt or a promise to pay the debt.

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

Section 1. Chapter 649 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 1.5 and 2 of this act.]~~ **a new section to read as follows:**

A violation of any provision of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter.

Sec. 1.5. ~~*[A violation of any provision of section 809 or 810 of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692g and 1692h, or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~*[1. Within 5 days after the initial communication with a debtor in connection with the collection of a debt, a collection agency shall, unless the following information is included in the initial communication, send a written notice to the debtor that includes a statement indicating that:*~~

~~*(a) If the debtor pays or agrees to pay the debt or any portion of the debt, the payment or agreement to pay may be construed as:*~~

~~*(1) An acknowledgment of the debt by the debtor; and*~~

~~*(2) A waiver by the debtor of any applicable statute of limitations set forth in NRS 11.190 that otherwise precludes the collection of the debt; and*~~

~~*(b) If the debtor does not understand or has questions concerning his legal rights or obligations relating to the debt, the debtor should seek legal advice.*~~

~~*2. To verify a debt, a collection agency shall:*~~

~~*(a) Obtain or attempt to obtain from the creditor any document that is not in the possession of the collection agency and is reasonably responsive to the dispute of the debtor, if any; and*~~

~~*(b) If such a document is obtained, mail the document to the debtor.]*~~

(Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 649.171 is hereby amended to read as follows:

649.171 1. A person who is not licensed in this State as a collection agency may apply to the Commissioner for a certificate of registration as a foreign collection agency.

2. To be issued and to hold a certificate of registration as a foreign collection agency, a person:

(a) Must hold a license or permit to do business as a collection agency in another state;

(b) Must meet the qualifications to do business as a collection agency in this State;

(c) Must not have any employees or agents present in this State who engage in the collection of claims and must not maintain any business locations in this State as a collection agency;

(d) Must submit proof to the Commissioner, upon application and upon each annual renewal of the ~~[certification]~~ ***certificate*** of registration, that the person and his employees and agents will not, in this State:

(1) Engage in the business of soliciting the right to collect or receive payment for another of any claim; or

(2) Advertise or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim;

(e) When collecting claims against debtors who are present in this State, must:

(1) Limit his activities and those of his employees and agents to interstate communications by telephone, mail or facsimile; and

(2) Comply with the requirements of NRS 649.305 to 649.375, inclusive, ***and*** ~~*[sections 1.5 and 2]*~~ ***section 1 of this act,*** with regard to his activities and those of his employees and agents;

(f) Must pay:

(1) A fee to apply for a certificate of registration of not less than $200 and not more than $600, prorated on the basis of the registration year as determined by the Commissioner; and

(2) An annual renewal fee of not more than $200;

(g) Must deposit and maintain a bond or an appropriate substitute for the bond in the same manner as an applicant or licensee pursuant to NRS 649.105, 649.115 and 649.119;

(h) Must maintain his accounts, books and records in accordance with generally accepted accounting principles and in accordance with the requirements of subsection 1 of NRS 649.335; and

(i) Must pay any fees related to any examination of his accounts, books and records conducted by the Commissioner pursuant to subsection 3.

3. The Commissioner may conduct an annual examination and any additional examinations pursuant to NRS 649.335 of the accounts, books and records of each person who holds a certificate of registration as a foreign collection agency.

4. The Commissioner may take disciplinary action pursuant to NRS 649.385, 649.390 and 649.395 against a person who holds a certificate of registration as a foreign collection agency for any act or omission that would be grounds for taking such disciplinary action under those sections.

5. The Commissioner shall adopt:

(a) Regulations establishing the amount of the fees required pursuant to this section; and

(b) Any other regulations as may be necessary to carry out the provisions of this section.

Sec. 6. (Deleted by amendment.)

Sec. 7. **NRS 649.375 is hereby amended to read as follows:**

649.375 A collection agency, or its manager, agents or employees, shall not:

1. Use any device, subterfuge, pretense or deceptive means or representations to collect any debt, nor use any collection letter, demand or notice which simulates a legal process or purports to be from any local, city, county, state or government authority or attorney.

2. Collect or attempt to collect any interest, charge, fee or expense incidental to the principal obligation unless:

(a) Any such interest, charge, fee or expense as authorized by law or as agreed to by the parties has been added to the principal of the debt by the creditor before receipt of the item of collection;

(b) Any such interest, charge, fee or expense as authorized by law or as agreed to by the parties has been added to the principal of the debt by the collection agency and described as such in the first written communication with the debtor; or

(c) The interest, charge, fee or expense has been judicially determined as proper and legally due from and chargeable against the debtor.

3. Assign or transfer any claim or account upon termination or abandonment of its collection business unless prior written consent by the customer is given for the assignment or transfer. The written consent must contain an agreement with the customer as to all terms and conditions of the assignment or transfer, including the name and address of the intended assignee. Prior written consent of the Commissioner must also be obtained for any bulk assignment or transfer of claims or accounts, and any assignment or transfer may be regulated and made subject to such limitations or conditions as the Commissioner by regulation may reasonably prescribe.

4. Operate its business or solicit claims for collection from any location, address or post office box other than that listed on its license or as may be prescribed by the Commissioner.

5. Harass a debtor's employer in collecting or attempting to collect a claim, nor engage in any conduct that constitutes harassment as defined by regulations adopted by the Commissioner.

6. Advertise for sale or threaten to advertise for sale any claim as a means to enforce payment of the claim, unless acting under court order.

7. Publish or post, or cause to be published or posted, any list of debtors except for the benefit of its stockholders or membership in relation to its internal affairs.

8. Conduct or operate, in conjunction with its collection agency business, a debt counseling or prorater service for a debtor who has incurred a debt primarily for personal, family or household purposes whereby the debtor assigns or turns over to the counselor or prorater any of his earnings or other money for apportionment and payment of his debts or obligations. This section does not prohibit the conjunctive operation of a business of commercial debt adjustment with a collection agency if the business deals exclusively with the collection of commercial debt.

9. If an applicable statute of limitations for commencing an action regarding a debt has expired:

(a) Collect or attempt to collect the debt or any portion of the debt; or

(b) Obtain or attempt to obtain from the debtor an acknowledgement of the debt or a promise to pay the debt.

Assemblyman Oceguera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 88.

Remarks by Assemblyman Oceguera.

Motion carried.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:48 p.m.

ASSEMBLY IN SESSION

At 1:49 p.m.
Madam Speaker presiding.
Quorum present.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Koivisto moved that the Assembly recede from its action on Senate Bill No. 87.

Remarks by Assemblywoman Koivisto.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Lopez, Dominique Lopez, and Mario Lopez.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Don E. Hadyen Elementary School: Ada Martinez, Alex Velasco, Alexis Tuiletfuega, Aliyah Taylor, Andrea Alanis, Andrew Harlan, Andrew Heuser, Anthony Vereen, Asante Govan, Ashley Hogan, Aundrea Cornwell, Austin Barker, Ayela Moya, Brandon Herrera, Caesar Allen, Cord’e Sweets, Darielle-Joy Rios, Elysa Rodriguez, Indya Bruce, Jasmine Diaz, Jonaha Thomas, Jordan Davis, Justin Bottazzi, Kaitlyn Braithwaite, Kimberly Raible, Lamiricle Cleveland, Laura Duran, Leilah Shepard, Lexi Lee, Mark Ellis-Edralin, Matt Almodovar, Matthew DiFronzo, Matthew Hansen, Maxwell Eadeh, Mia Russell, Michael Link, Nicole Brianas, Paul DeMange, Quintin Swanson, Rachel Horath, Sadyna Barnes, Sam DeSousa, Shakirah McCants, Shanice Paulino, Sydnee King, Taylor Truman, Tea Rivera, Toni Van Tuyl, Tre’mar Moore, Truli Sweet, Tyler Ornelas, Vanessa Krebs, and Victor Comacho; teacher Barry Bosacker; chaperones Alma Hatzenbuhler, Betsy Eadeh, Jill Heuser, Jonathan Truman, Naelli Burciaga, Nicolle Cantiero Nicki Hone, Paul Braithwaite, Rachel Mitson, , Tammy Herrera, Toni Van Tuyl, and Tracie Horath.

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

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Churchill County High School: Alicia Perazzo, Adam Perazzo, Jakob Wiley, Steven Hyde, Tyler Westover, Nicholas Greve, Rebecca Winder, Melissa Thomas, Mike Bloomfield, Kara Brockman, Shelby Frandsen, Michael Bueno, Destiny Keller, Kurt Itskin, Josh Williams; chaperones Kelly Frost and Carolyn Ross.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Arnie Altman and Corrine Altman.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Sorenson and Kim Sorenson.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Gene Segerblom.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Kayla Aikins, Jacob Bertocchi, Cameron Brown, Cheyanne Duve, Skyler Fitch, Casey Glisson, Michael Irvin, Erick Jacquez, Kiana Jiron, Jake Jones, Audrey Kessler, Samantha Lowe, Chase Morse, Garrett Nicholson, Levi Perez, Victor Ramirez, Ricky Salas, Alyssa Sisson, Zachary Thompson, Luis Cardenas, Francisco Chavez, Corey Castro, Jaremiah Abbott, Saania Ahmad, Elizabeth Bracamontes, Christian Burrows, Mhervin Dagdagan, J.J. Depew, Krystal Hanson, Madison Hart, Danny Manning, Arlette Mariscal, Jessee Medina, Rosario Perez, Desiree Pope, Brent Roberts, Haley Thompson, Danielle Myers, Nicole Vargas, Sadie Janssens, Matthew Romero, Mikaila Phillips, Michael Deleon, Gregory Martin, Dominick Harris, Jake Alferes, Gardenia Bracamontes-Villamar, Kyle Brazil, Cameron Cooper, Alejandro Cortez-Ramirez, Rossnel Dagdagan, Brittany Duerr, Jordan Geist, Bryan Harris, Shania Hicks, Daisy Lopez, Juan Mendoza-Meda, Donavon Morgan, Mariah Olvera, Lynsie Powell, Alexandra Reid, Diego Rodriguez-Gaytan, Danielle Sandage, Casey Stevens, Chantal Torres, Frank Villa, Samuel White, Tavin Williams, Jacob Withrow, Ethan Brockmeier, Teresa Boehmer, Nathan Brown, Destanee Cachucha, Ana Canales, Ernesto Chavez, Conrad Franz, Nathaniel Gomez, Angelina Gonzales, Gezzery Hammons, Mason Harmon, Caden Lehman, Brandon Maffei, Jennifer Olney, Analie Alvarez-Orozco, Preston Pheasant, Chelsea Phillips, Jesse Radosevich, Ashtyn Shepard, Kevin Sisson, Allan Vargas-Avalos; teacher Mary Berge; chaperones Jeri Jones, Asha Ahmad, Sandra Martin, Mario Bracamontes, Patricia Valdespino, Carolyn Cook, Silia Maguire, and Rob Boehmer; Flora Hill, Betsy Hill and Rachel Pilliod.

Assemblyman Oceguera moved that the Assembly adjourn until May 22, 2007, at 11 a.m. and that it do so in memory of Sergeant Anthony J. Schober and Army Private 1st Class Alexandro Varela.

Motion carried.

Assembly adjourned at 1:50 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly