NEVADA LEGISLATURE
Seventy-Eighth Session, 2015

SENATE DAILY JOURNAL

THE FIFTIETH DAY

CARSON CITY (Monday), March 23, 2015

Senate called to order 11:49 a.m.
President Hutchison presiding.
Roll called.
All present except Senators Segerblom and Smith, who were excused.
Prayer by the Chaplain, Pastor Bruce Henderson.
Heavenly Father,
Well, here we are in a new work week, the beginning of our eighth here. Unfortunately, in the midst of this newness, there continues to be a lot of old issues that keep surfacing. Some of these issues are legislative, and we ask you help in handling them with consideration and kindness. But, Lord, some of these issues are personal and can be distracting from our work here. I ask, God, that you see in each of our hearts and minister to our own individual circumstances in a way that only You can do. I pray in the Name of Jesus who sets us free.

AMEN.

Pledge of Allegiance to the Flag.

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

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:54 a.m.

SENATE IN SESSION

At 12:11 p.m.
President Hutchison presiding.
Quorum present.
REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was referred Assembly Bill No. 265, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BEN KIECKHEFER, Chair

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 20, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 22.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

March 23, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 308, 332, 347. Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 59, 203, 213, 214, 220, 230, 235, 236, 240, 252, 253, 254, 258.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that the secretary dispense with reading the titles of all bills and resolutions for introduction and referral in order to accommodate the Committee introductions deadline today.

Motion carried.

By the Committee on Finance:

Senate Concurrent Resolution No. 7—Authorizing the State Public Works Division of the Department of Administration to receive and use federal grant money for the demolition of the field maintenance shop at the Nevada National Guard Henderson Armory.

Senator Kieckhefer moved that the resolution be referred to the Committee on Finance.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Operations and Elections:

Senate Bill No. 421—AN ACT relating to elections; providing in certain circumstances for a presidential preference primary election to be held in conjunction with the statewide primary election; revising the date of the statewide primary election to the Tuesday immediately preceding the last Tuesday in January of each even-numbered year; requiring the Secretary of State, under certain circumstances and with the approval of the Legislative Commission, to select an earlier date for the statewide primary election; making corresponding changes to various pre-election deadlines; revising requirements for the reporting of campaign contributions and expenditures;
establishing requirements for participation by major political parties and candidates in a presidential preference primary election; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 422—AN ACT relating to Medicaid; repealing the prospective expiration of provisions governing the list of preferred prescription drugs to be used for the Medicaid program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 423—AN ACT relating to modification of weather; making an appropriation to the State Department of Conservation and Natural Resources for the awarding of grants to support certain cloud seeding operations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 424—AN ACT relating to public financial administration; creating the K-12 Public Education Stabilization Account; reallocating money reverted from the State Distributive School Account; revising provisions governing the setting aside of reserves out of appropriated or other funds to meet emergencies; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Revenue and Economic Development:

Senate Bill No. 425—AN ACT relating to taxation; revising provisions relating to the imposition of the tax on live entertainment on facilities located at licensed gaming establishments; revising provisions governing the exemptions and exclusions from the Live Entertainment Tax; revising the rate of the tax on live entertainment; and providing other matters properly relating thereto.
Senator Roberson moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By the Committee on Revenue and Economic Development:

Senate Bill No. 426—AN ACT relating to taxation; revising provisions governing the tax on live entertainment; establishing an excise tax on certain admission and amusement services; providing for the rate and imposition of the Luxury Discretionary Spending tax on admission and amusement services; revising the exemptions from the tax on live entertainment to establish certain exemptions from the tax on admission and amusement services; providing that the tax on admission and amusement services does not apply to admission to a place of amusement or entertainment located at a licensed gaming establishment; providing that the tax on live entertainment applies to live entertainment that is provided at a licensed gaming establishment; revising the rate of the tax on live entertainment that is provided at a licensed gaming establishment; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By the Committee on Finance:

Senate Bill No. 427—AN ACT making a supplemental appropriation to the Office of the Attorney General for projected extradition costs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 428—AN ACT making appropriations to the State Department of Conservation and Natural Resources for the replacement of emergency response, firefighting and other critical equipment and vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 429—AN ACT making a supplemental appropriation to the State Distributive School Account for a shortfall resulting from an unanticipated increase in K-12 enrollment for the 2013-2014 and 2014-2015 school years; and providing other matters properly relating thereto.
Senator Kieckhefer moved that the bill be referred to the Committee on Finance.
Motion carried.

By the Committee on Finance:
Senate Bill No. 430—AN ACT relating to education; making an appropriation to provide certain programs and services at Zoom elementary, middle, junior high and high schools and at other schools that enroll children who are limited English proficient or who are eligible for such a designation; requiring the State Board of Education to develop for recommendation as proposed legislation a definition of and procedure for reporting pupils who are identified as long-term limited English proficient; and providing other matters properly relating thereto.
Senator Kieckhefer moved that the bill be re-referred to the Committee on Education.
Motion carried.

By the Committee on Finance:
Senate Bill No. 431—AN ACT relating to state financial administration; authorizing the Supreme Court of Nevada to enter into a long-term lease for office space in Clark County which extends beyond the 2016-2017 biennium; and providing other matters properly relating thereto.
Senator Kieckhefer moved that the bill be referred to the Committee on Finance.
Motion carried.

By the Committee on Finance:
Senate Bill No. 432—AN ACT relating to education; making an appropriation for Fiscal Years 2015-2016 and 2016-2017 for distribution to public schools designated as Victory schools because they have high numbers of pupils living in poverty and performing low academically; requiring an assessment of the needs of the pupils at such schools; requiring Victory schools to use the money received to offer certain programs and services; authorizing the Department of Education to withhold money if a Victory school demonstrates unsatisfactory pupil achievement and school performance; and providing other matters properly relating thereto.
Senator Kieckhefer moved that Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Education.
Motion carried.

By the Committee on Legislative Operations and Elections:
Senate Bill No. 433—AN ACT relating to elections; requiring the county clerk and city clerk to publish the voter turnout for each day of early voting by midnight of the following day; prohibiting an election board officer from displaying a political preference or party allegiance while serving; requiring the county clerk and city clerk to use certain criteria in determining polling
places for early voting; revising the hours and days for early voting; and providing other matters properly relating thereto.

Senator Farley moved that the bill be referred to the Committee on Legislative Operations and Elections. Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 434—AN ACT relating to ballot questions; requiring the filing of a proposed petition for an initiative or referendum, and the preparation of a title and description of effect for the petition, as a prerequisite to the filing and circulation of a petition; establishing the process by which the title and description of effect are prepared; requiring the Secretary of State to prepare a handbook for the circulators of certain petitions; requiring the proponent of such a petition to file with the Secretary of State a list of paid circulators; revising the single-subject requirement applicable to such a petition; revising the process by which a person may assert certain challenges to a petition; and providing other matters properly relating thereto.

Senator Farley moved that the bill be referred to the Committee on Legislative Operations and Elections. Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 435—AN ACT relating to elections; requiring a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; requiring the preparation and use of electronic election board registers; requiring an election board register to be prepared in an electronic format; and providing other matters properly relating thereto.

Senator Farley moved that the bill be referred to the Committee on Legislative Operations and Elections. Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 436—AN ACT relating to elections; providing that an inactive voter must provide proof of residence or a written affirmation before voting; providing that certain absent ballots received after the day of an election must be counted; extending the deadline for counties and cities to canvass election returns; requiring certain persons conducting a voter registration drive to register with the Secretary of State; increasing the penalty for certain crimes related to a person who registers to vote; and providing other matters properly relating thereto.

Senator Farley moved that the bill be referred to the Committee on Legislative Operations and Elections. Motion carried.
By the Committee on Legislative Operations and Elections:
Senate Bill No. 437—AN ACT relating to elections; requiring the Department of Motor Vehicles and certain courts to provide to the Secretary of State and relevant county clerks certain information related to persons who may not be citizens of the United States; requiring a county clerk to cancel the voter registration of persons who may not be citizens of the United States; requiring the Department to submit information to the Secretary of State relating to persons who have a driver's license, identification card or driver's authorization card that expires on a date other than the person's birthday; requiring the Department to use certain federal programs to verify the accuracy of information in an application to register to vote; requiring the Secretary of State to request certain information from and provide certain information to other states; requiring a person who claims that he or she is not qualified to act as a juror because he or she is not a citizen of the United States to submit a written affirmation; and providing other matters properly relating thereto.

Senator Farley moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

By the Committee on Commerce, Labor and Energy:
Senate Bill No. 438—AN ACT relating to the regulation of air pollution; requiring the State Department of Conservation and Natural Resources to develop and adopt a proposed state emissions plan for the purpose of complying with future requirements of the federal Clean Air Act relating to the reduction in certain carbon-dioxide emissions; requiring the Legislature or the Legislative Commission, as applicable, to approve or disapprove the plan; requiring the Department to enforce the plan upon approval of the plan by the United States Environmental Protection Agency; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

By the Committee on Commerce, Labor and Energy:
Senate Bill No. 439—AN ACT relating to transportation services; providing for the regulation by the Public Utilities Commission of Nevada of transportation network companies; requiring the establishment of fees and annual assessments for a transportation network company; authorizing a transportation network company that holds a valid permit issued by the Commission to enter into an agreement with one or more drivers to receive connections to passengers from the company; establishing requirements concerning the qualifications of, the provision of insurance for and the operation and maintenance of motor vehicles operated by drivers who
provide transportation services; prohibiting a local government from imposing on a transportation network company or a driver for such a company any additional tax or fee or requirement as a condition of providing transportation services; providing that a transportation network company or driver who provides transportation services pursuant to a valid permit issued by the Commission is not subject to certain provisions of law governing motor carriers; providing penalties; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:
Senate Bill No. 440—AN ACT relating to insurance; revising provisions relating to casualty insurance for certain uses of motor vehicles; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:
Senate Bill No. 441—AN ACT relating to cottage food operations; adding certain pickled foods to the list of foods which may be prepared and sold by a cottage food operation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:
Senate Bill No. 442—AN ACT relating to arbitration; authorizing the removal of an arbitrator from an arbitral proceeding under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:
Senate Bill No. 443—AN ACT relating to gaming; revising provisions governing the acceptance of race book and sports pool wagers; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.
By the Committee on Judiciary:

Senate Bill No. 444—AN ACT relating to civil actions; revising provisions governing the dismissal of certain claims based on the right to petition and the right to free speech under certain circumstances; revising provisions relating to special motions to dismiss such claims; repealing provisions authorizing certain monetary awards in proceedings related to special motions to dismiss such claims; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 445—AN ACT relating to gaming; requiring the Nevada Gaming Commission to adopt regulations relating to certain risk management by an operator of a race book or sports pool; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 446—AN ACT relating to business entities; establishing procedures for the ratification or validation of certain noncompliant corporate acts; providing that a trust company may be formed as a corporation; revising provisions governing the stock ledger maintained by the registered agent of a corporation; revising provisions setting forth the required officers of a corporation; revising provisions governing transactions involving interested directors or officers; revising provisions governing the stock of corporations; revising provisions governing meetings of stockholders of corporations; revising provisions governing certain transactions between corporations and interested stockholders; revising provisions relating to articles and certificates of incorporation; revising provisions establishing the time of organization of certain business entities; revising provisions governing the allocation of certain liabilities after a merger of business entities; revising provisions governing notarial acts; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 447—AN ACT relating to marijuana; revising the crime of counterfeiting or forging a registry identification card for the medical use of marijuana; revising the definition of marijuana for certain purposes; requiring the State Board of Pharmacy to include certain substances, chemical
compounds and isomers of chemical compounds on the list of schedule I controlled substances; revising certain exemptions from state prosecution for marijuana related offenses; revising provisions governing the return of seized marijuana, paraphernalia or related property from certain persons; providing that certain records created by the Division of Public and Behavioral Health of the Department of Health and Human Services relating to the medical use of marijuana are not confidential; authorizing law enforcement agencies to adopt policies and procedures governing the medical use of marijuana by a peace officer; and providing other matters properly relating thereto.

Senator Brower moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By the Committee on Judiciary:
Senate Bill No. 448—AN ACT relating to public money; authorizing a county treasurer to deposit county money in certain insured deposit accounts in insured banks, insured credit unions or insured savings and loan associations; providing for the redeposit of money under the control of the State Treasurer, county money, city money or money under the control of the treasurer of an incorporated city or other local government into insured deposit accounts in one or more other insured banks, insured credit unions or insured savings and loan associations under certain circumstances; and providing other matters properly relating thereto.

Senator Brower moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By the Committee on Judiciary:
Senate Bill No. 449—AN ACT relating to the criminal justice system; revising the membership of the Advisory Commission on the Administration of Justice; requiring the Advisory Commission to appoint a subcommittee to conduct an interim study concerning parole; and providing other matters properly relating thereto.

Senator Brower moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By the Committee on Judiciary:
Senate Bill No. 450—AN ACT relating to gaming; requiring the Nevada Gaming Commission to create the Sports Pool Telecast Access Committee; establishing provisions relating to the appointment of members to the Committee; establishing provisions relating to the rights and duties of the Committee; authorizing the Commission to adopt regulations relating to the Committee; and providing other matters properly relating thereto.
Senator Brower moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By the Committee on Judiciary:
Senate Bill No. 451—AN ACT relating to public defenders; creating the Indigent Defense Commission; prescribing the duties and powers of the Commission; authorizing the Commission to establish certain standards governing public defenders; requiring the Commission to determine the appropriate structure for providing public defender services in certain smaller counties; revising provisions governing the State Public Defender; revising provisions relating to county offices of public defender; and providing other matters properly relating thereto.
Senator Brower moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By the Committee on Judiciary:
Senate Bill No. 452—AN ACT relating to juvenile justice; authorizing a case excluded from the jurisdiction of the juvenile court to be transferred to the juvenile court under certain circumstances; and providing other matters properly relating thereto.
Senator Brower moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By the Committee on Judiciary:
Senate Bill No. 453—AN ACT relating to real property; revising provisions governing certain actions to enforce an obligation or debt secured by a mortgage or deed of trust; revising provisions governing the election to participate in mediation in a judicial foreclosure action; revising provisions governing deficiency judgments; and providing other matters properly relating thereto.
Senator Brower moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By the Committee on Judiciary:
Senate Bill No. 454—AN ACT relating to criminal justice; requiring the use of a uniform pretrial risk assessment tool in any criminal proceeding; requiring the State Controller to collect fines, administrative assessments, fees and restitution from persons convicted of certain criminal offenses; requiring the Director of the Department of Corrections to provide to an offender a duplicate driver's license or identification card upon the release of an offender; authorizing the Director of the Department of Corrections to release certain personal information of an offender to the Office of the
Attorney General under certain circumstances; providing that a county is eligible for reimbursement for the cost of a sexual assault examination from the Fund for the Compensation of Victims of Crime; requiring the Advisory Commission on the Administration of Justice to study and report on certain issues; requiring the Central Repository for Nevada Records of Criminal History to develop recommended policies and procedures related to certain issues; requiring the Division of Parole and Probation of the Department of Public Safety to study and report on certain issues; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Revenue and Economic Development:

Senate Bill No. 455—AN ACT relating to taxation; increasing the rate of the excise tax on cigarettes; providing for the distribution of the increased rate of the tax; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 175.

Bill read third time.

The following amendment was proposed by Senator Parks.

Amendment No. 149.

AN ACT relating to public safety; revising provisions governing justifiable homicide; prohibiting a person convicted in this State or any other state of a misdemeanor crime of domestic violence from owning or having in his or her possession or under his or her custody or control any firearm; requiring the Department of Public Safety to make certain determinations before issuing a list of states for purposes of reciprocity; prohibiting a person against whom an extended order for protection against domestic violence is issued from subsequently purchasing or otherwise acquiring any firearm during the period the extended order is in effect; revising provisions governing civil liability in actions involving the use of force; expanding the rights and powers reserved for the Legislature relating to the regulation of firearms and ammunition; requiring the governing bodies of certain political subdivisions of this State to repeal certain ordinances and regulations; authorizing a person adversely affected by the enforcement of such an ordinance or regulation to seek declarative and injunctive relief and damages; providing that such a person is entitled to certain damages; deleting certain provisions relating to the registration of firearms capable of being concealed; revising the applicability of certain provisions pertaining to
the regulation of firearms by local governments; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that justifiable homicide is the killing of a human being in necessary self-defense, or in defense of habitation, property or person against a person who manifestly intends or endeavors to commit a felony or to enter the habitation of another for the purpose of assaulting a person who is in the habitation. (NRS 200.120) Section 1 of this bill revises the definition of “justifiable homicide” to include specifically the killing of a person in defense of an occupied motor vehicle or in defense against any person who manifestly intends and endeavors to enter the occupied motor vehicle of another for the purpose of assaulting a person who is in the motor vehicle.

Existing law also provides that a killing is justifiable if the circumstances were sufficient to excite the fears of a reasonable person and the person killing really acted under the influence of those fears and not in a spirit of revenge. (NRS 200.130) Section 2 of this bill establishes a rebuttable presumption that a killing is justifiable under the standard set forth in NRS 200.130 if the person killing: (1) knew or reasonably believed that the person who was killed was entering unlawfully and with force, or attempting to enter unlawfully and with force, the habitation or property of another; (2) knew or reasonably believed that the person who was killed was committing or attempting to commit a crime of violence; and (3) did not provoke the person who was killed.

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm. A person who violates such a provision is guilty of a category B felony. (NRS 202.360) Section 3 of this bill adds to such a list of persons a person who has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in federal law.

Existing law authorizes a court to issue an extended order for protection against domestic violence. (NRS 33.030) Section 5 of this bill provides that if such an extended order is issued, the adverse party is prohibited from purchasing or otherwise acquiring any firearm during the period that the extended order is in effect. A person who violates such a provision is guilty of a category B felony.

Existing law provides that in a civil action brought by or on behalf of a person against whom force which is intended or likely to cause death or bodily injury was used: (1) there is a presumption that the person who used such force had a reasonable fear of imminent death or bodily injury to himself or herself or another person if the person against whom such force was used was committing burglary or invasion of the home; and (2) that presumption must be overcome by clear and convincing evidence to the contrary for the civil action to be maintained. (NRS 41.095) Section 7 of this bill extends that presumption to circumstances in which the person who used
such force was in his or her motor vehicle and the other person was
committing grand larceny of the motor vehicle with the use or threatened use
of a deadly weapon. Section 7 also enacts a provision, based upon Texas law,
which provides that a person is immune to civil liability for using force
which is intended or likely to cause death or bodily injury if the person was
justified in using such force under the applicable provisions of Nevada
criminal law. (Texas Civil Practice and Remedies Code § 83.001)

Existing law requires the Department of Public Safety to prepare annually
a list of states that have: (1) requirements for the issuance of a permit to carry
a concealed firearm that are substantially similar to or more stringent than the
requirements set forth in this State; and (2) an electronic database which
identifies each individual who possesses a valid permit to carry a concealed
firearm by that state and which a law enforcement officer in this State may
access at all times. Additionally, a state may only be included in the list if the
Nevada Sheriffs’ and Chiefs’ Association agrees with the Department’s
inclusion of the state. (NRS 202.3689) Existing law also authorizes a person
who possesses a permit to carry a concealed firearm that was issued by a
state included in the list to carry a concealed firearm in this State in
accordance with the laws of this State unless the person: (1) becomes a
resident of this State; and (2) has not been issued a permit from the sheriff of
the county in which he or she resides within 60 days after becoming a
resident of this State. (NRS 202.3688)

[Existing law requires the Department to annually prepare a list of states
which it determines are substantially similar to or more stringent than this
State for purposes of issuing a permit to carry a concealed firearm. (NRS 202.3689)] Section 4.5 of this bill [instead] requires the Department to
determine whether each state requires a person to complete any training,
class or program for purposes of preparing the list.

Existing law provides that, except as otherwise provided by specific
statute, the Legislature reserves for itself such rights and powers as are
necessary to regulate the transfer, sale, purchase, possession, ownership,
transportation, registration and licensing of firearms and ammunition in this
State, and further provides that no county, city or town may infringe upon
those rights and powers. (NRS 244.364, 268.418, 269.222) Sections 8-10 of
this bill expand such rights and powers of the Legislature to include those
necessary to: (1) regulate the carrying and storage of firearms, firearm
accessories and ammunition; and (2) define all such terms. Sections 8-10
provide that certain ordinances or regulations which are inconsistent with
these rights and powers of the Legislature are null and void and require the
governing bodies of certain political subdivisions of this State to repeal any
such ordinance or regulation. [Sections 8-10 also authorize any person who is
adversely affected by the enforcement of any such ordinance or regulation on
or after October 1, 2015, to file suit in the appropriate court for declarative
and injunctive relief and damages. Such a person is entitled to certain damages]
depending on whether and when the relevant governing body of a political subdivision repeals such an ordinance or a regulation.)

Existing law also requires certain political subdivisions of this State in a county whose population is 700,000 or more (currently Clark County), which adopted ordinances or regulations before June 13, 1989, that require the registration of firearms capable of being concealed, to make certain amendments to such registration provisions. (NRS 244.364, 268.418, 269.222) Sections 8-10 additionally delete the provisions requiring certain political subdivisions of this State to make such amendments.

Assembly Bill No. 147 of the 1989 Legislative Session (A.B. 147) reserved for the Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State. (Chapter 308, Statutes of Nevada 1989, p. 652) However, section 5 of A.B. 147 provided that the preemptive effect of the bill applied only to ordinances or regulations adopted by certain political subdivisions on or after June 13, 1989. Section 11 of this bill amends section 5 of A.B. 147 to include and preempt ordinances or regulations adopted by certain political subdivisions before June 13, 1989.

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

Section 1. NRS 200.120 is hereby amended to read as follows:

200.120 1. Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of an occupied habitation, [property] an occupied motor vehicle or person, against one who manifestly intends or endeavors [by violence or surprise] to commit a [felony, a crime of violence,] or against any person or persons who manifestly intend and endeavor, in a violent, riotous, tumultuous or surreptitious manner, to enter the occupied habitation or occupied motor vehicle of another for the purpose of assaulting or offering personal violence to any person dwelling or being therein.

2. A person is not required to retreat before using deadly force as provided in subsection 1 if the person:
   (a) Is not the original aggressor;
   (b) Has a right to be present at the location where deadly force is used; and
   (c) Is not actively engaged in conduct in furtherance of criminal activity at the time deadly force is used.

3. As used in this section:
   (a) “Crime of violence” means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.
   (b) “Motor vehicle” means every vehicle which is self-propelled.
Sec. 2. NRS 200.130 is hereby amended to read as follows:

200.130 1. A bare fear of any of the offenses mentioned in NRS 200.120, to prevent which the homicide is alleged to have been committed, [shall not be] is not sufficient to justify the killing. It must appear that the circumstances were sufficient to excite the fears of a reasonable person and that the [party] person killing really acted under the influence of those fears and not in a spirit of revenge.

2. There is a rebuttable presumption that the circumstances were sufficient to excite the fears of a reasonable person and that the person killing really acted under the influence of those fears and not in a spirit of revenge if the person killing:
   (a) Knew or reasonably believed that the person who was killed was entering unlawfully and with force, or attempting to enter unlawfully and with force, the occupied habitation or occupied motor vehicle, of another;
   (b) Knew or reasonably believed that the person who was killed was committing or attempting to commit a crime of violence; and
   (c) Did not provoke the person who was killed.

3. As used in this section:
   (a) "Crime of violence" means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.
   (b) "Motor vehicle" means every vehicle which is self-propelled.

Sec. 3. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:
   (a) Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33);
   (b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;
   (c) Is a fugitive from justice; or
   (d) Is an unlawful user of, or addicted to, any controlled substance. A person who violates the provisions of this subsection is guilty of a category B felony and 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 6 years, and may be further punished by a fine of not more than $5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:
   (a) Has been adjudicated as mentally ill or has been committed to any mental health facility; or
   (b) Is illegally or unlawfully in the United States.
A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:
   (a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. 802(6).
   (b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 4. NRS 202.3688 is hereby amended to read as follows:

202.3688 1. Except as otherwise provided in subsection 2, a person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to NRS 202.3689 may carry a concealed firearm in this State in accordance with the requirements set forth in NRS 202.3653 to 202.369, inclusive.

2. A person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to NRS 202.3689 may not carry a concealed firearm in this State if the person:
   (a) Becomes a resident of this State; and
   (b) Has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State.

[3. A person who carries a concealed firearm pursuant to this section is subject to the same legal restrictions and requirements imposed upon a person who has been issued a permit by a sheriff in this State.]

Sec. 4.5. NRS 202.3689 is hereby amended to read as follows:

202.3689 1. On or before July 1 of each year, the Department shall:
   (a) [Examine the requirements for the] Determine whether each state requires a person to complete any training, class or program before the issuance of a permit to carry a concealed firearm in [each] that state, and determine whether the requirements of each state are substantially similar to or more stringent than the requirements set forth in NRS 202.3653 to 202.369, inclusive.
   (b) Determine whether each state has an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm issued by that state and which a law enforcement officer in this State may access at all times through a national law enforcement telecommunications system.
   (c) Prepare a list of states that meet the requirements of paragraphs (a) and (b). A state must not be included in the list unless the Nevada Sheriffs’ and Chiefs’ Association agrees with the Department that the state should be included in the list.
   (d) Provide a copy of the list prepared pursuant to paragraph (c) to each law enforcement agency in this State.

2. The Department shall, upon request, make the list prepared pursuant to subsection 1 available to the public.
Sec. 5. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a court issues an extended order pursuant to NRS 33.030, the adverse party shall not subsequently purchase or otherwise acquire any firearm during the period that the extended order is in effect.

2. A person who violates the provisions of subsection 1 is guilty of a category B felony and 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 6 years, and may be further punished by a fine of not more than $5,000.

Sec. 6. NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, and section 5 of this act, unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.

2. "Temporary order" means a temporary order for protection against domestic violence.

Sec. 7. NRS 41.095 is hereby amended to read as follows:

41.095 1. For the purposes of NRS 41.085 and 41.130, any person who uses [while], while:

(a) While lawfully in his or her residence, or in transient lodging, or in a motor vehicle that is not his or her residence, force which is intended or likely to cause death or bodily injury is presumed to have had a reasonable fear of imminent death or bodily injury to himself or herself or another person lawfully in the residence, or in transient lodging or motor vehicle if the force is used against a person who is committing burglary, invasion of the home or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon and the person using the force knew or had reason to believe that burglary, invasion of the home or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon was being committed. An action to recover damages for personal injuries to or the wrongful death of the person who committed burglary, invasion of the home or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon may not be maintained against the person who used such force unless the presumption is overcome by clear and convincing evidence to the contrary.

(b) Force which is intended or likely to cause death or bodily injury is immune from civil liability in an action to recover damages for personal injuries to or the wrongful death of a person against whom such force was used if the use of such force was justified under the applicable provisions of chapter 200 of NRS relating to the use of such force.

2. As used in this section ["residence"]:

(a) "Deadly weapon" has the meaning ascribed to it in NRS 193.165.

(b) "Motor vehicle" means every vehicle which is self-propelled.
"Residence" means any house, room, apartment, tenement or other building, vehicle, vehicle trailer, semitrailer, house trailer or boat designed or intended for occupancy as a residence.

Sec. 8. NRS 244.364 is hereby amended to read as follows:

244.364 1. The Legislature hereby declares that:
(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.
(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.
(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No county may infringe upon those rights and powers. [As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

3. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

[3] 3. If a board of county commissioners in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:
(a) A period of at least 60 days of residency in the county before registration of such a firearm is required.
(b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.
5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed. 

6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

   (a) Reimbursement of actual damages, reasonable attorney’s fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

   (b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney’s fees and costs incurred by the person if more than 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

   (c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney’s fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

   (a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

   (b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

   (c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee’s official duties.

   (d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the county, including, without limitation, an indoor or outdoor shooting range.
(e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

8. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or an explosive, other form of combustion.

(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.

(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand or expanding gases.

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and

(III) Is subject to the county ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency,
Sec. 9. NRS 268.418 is hereby amended to read as follows:

268.418 1. The Legislature hereby declares that:
   (a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to bear arms, which is recognized by the United States Constitution and the Nevada Constitution.
   (b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.
   (c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada, to define such terms. No city may infringe upon those rights and powers. [As used in this subsection, “firearm” means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

3. The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. If the governing body of a city in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require:
   (a) A period of at least 60 days of residency in the city before registration of such a firearm is required.
   (b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a city in violation of this section is void.
5. The governing body of a city shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the city must be removed.

6. The governing body of a city shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the city or any city agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney’s fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney’s fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney’s fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee’s official duties.

(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects
a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.

d) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.

e) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

f) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

g) As used in this section:

(a) “Ammunition” includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) “Firearm” includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or an explosive, other form of combustion.

c) “Firearm capable of being concealed” includes all firearms having a barrel less than 12 inches in length.

d) “Pistol” means a firearm capable of being concealed that is intended to be aimed and fired with one hand or expanding gases.

(c) “Firearm accessories” means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) “Person” includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a city; and

(III) Is subject to the city ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.
Sec. 10. NRS 269.222 is hereby amended to read as follows:

269.222  1. The Legislature hereby declares that:
   (a) The purpose of this section is to establish state control over the
   regulation of and policies concerning firearms, firearm accessories and
   ammunition to ensure that such regulation and policies are uniform
   throughout this State and to ensure the protection of the right to keep and
   bear arms, which is recognized by the United States Constitution and the
   Nevada Constitution.
   (b) The regulation of the transfer, sale, purchase, possession, carrying,
   ownership, transportation, storage, registration and licensing of firearms,
   firearm accessories and ammunition in this State and the ability to define
   such terms is within the exclusive domain of the Legislature, and any other
   law, regulation, rule or ordinance to the contrary is null and void.
   (c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature
reserves for itself such rights and powers as are necessary to regulate the
transfer, sale, purchase, possession, carrying, ownership, transportation,
storage, registration and licensing of firearms, firearm accessories and
ammunition in Nevada and to define such terms. No town may
infringe upon those rights and powers. [As used in this subsection, “firearm”
means any weapon from which a projectile is discharged by means of an
explosive, spring, gas, air or other force.

3. A town board may proscribe by ordinance or regulation the unsafe
discharge of firearms.

3. If a town board in a county whose population is 700,000 or more has
required by ordinance or regulation adopted before June 13, 1989, the
registration of a firearm capable of being concealed, the town board shall
amend such an ordinance or regulation to require:
   (a) A period of at least 60 days of residency in the town before registration
   of such a firearm is required.
   (b) A period of at least 72 hours for the registration of a pistol by a
   resident of the town upon transfer of title to the pistol to the resident by
   purchase, gift or any other transfer.

4. Except as otherwise provided in subsection 1, as

4. Any ordinance or regulation which is inconsistent with this section or
which is designed to restrict or prohibit the sale, purchase, transfer,
manufacture or display of firearms, firearm accessories or ammunition that
is otherwise lawful under the laws of this State is null and void, and any
official action taken by an employee or agent of a town in violation of this
section is void.
5. A town board shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the town must be removed.

6. A town board shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the town or any town agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:
   (a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.
   (b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.
   (c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:
   (a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.
   (b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.
   (c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee’s official duties.
   (d) The enactment of enforcement of a town zoning or business ordinance which is generally applicable to businesses within the town and thereby affects a firearms business within the town, including, without limitation, an indoor or outdoor shooting range.
   (e) A town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the town.
(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to be used as a weapon from which, able to or able to be readily converted to expel a projectile through the barrel by the action of any explosion or an explosive, other form of combustion.

(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.

(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand or expanding gases.

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(i) Can legally possess a firearm under state and federal law;

(ii) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a town; and

(iii) Is subject to the town ordinance or regulation at issue;

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.
Sec. 11. Section 5 of chapter 308, Statutes of Nevada 1989, as amended by chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to read as follows:

Sec. 5. [1. Except as otherwise provided in subsection 2, the provisions of this act apply to ordinances or regulations adopted on or after June 13, 1989.

2. The provisions of this act [as amended on October 1, 2007] apply to ordinances or regulations adopted before, on or after June 13, 1989.

Sec. 12. 1. The provisions of NRS 202.360, as amended by section 3 of this act, apply to an offense committed before, on or after the effective date of this act.

2. The provisions of section 5 of this act apply to an extended order pursuant to NRS 33.030 issued on or after the effective date of this act.

Sec. 12.5. Records relating to the registration of any firearm capable of being concealed pursuant to any ordinance or regulation adopted by a political subdivision before June 13, 1989, must be destroyed within 1 year after the effective date of this act.

Sec. 13. (Deleted by amendment.)

Sec. 14. This act becomes effective upon passage and approval.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks:

Amendment No. 149 deletes from S.B. 175, as amended, provisions in Sections 8 through 10 authorizing a person adversely affected by the enforcement of a prohibited ordinance or regulation to file suit for declarative or injunctive relief. The amendment also deletes provisions setting forth the damages allowable under such a suit, as well as provisions defining a “person” for the purposes of the deleted sections.

You don’t have to do much digging to figure out what’s going here. We’re creating a special cause of action under State law for national political groups to come into Nevada and file lawsuits against our cities and counties. The way “person” is currently defined in Sections 8 through 10 of Senate Bill 175 includes “membership organizations” as parties who may file suit against local government entities. These provisions are inserted into law under the guise of protecting 2nd Amendment rights, but they only truly exist for the sole purpose of allowing national political groups and out-of-state lawyers to make money off local governments. In fact, this legislation, and the subsequent lawsuits, are happening across the country as part of a national campaign led by the National Rifle Association. It’s happening currently in Pennsylvania, where in January, the NRA, taking advantage of a new law similar to the one we’re considering here today, announced it was filing suit against the cities of Pittsburgh, Philadelphia and Lancaster.

Senate Bill No. 175, if passed as currently amended, could allow for these national political organizations to collect up to double or even triple damages plus attorney’s fees and costs. This creates a potentially large financial incentive to sue Nevada counties, cities and towns, and it is more expensive language than has been passed anywhere else in this country.

We don’t need to turn Nevada’s court system into a feeding trough for national political groups and out-of-state special interests. Our local tax dollars are spread thin as it is, and passing this amendment will remove the incentive for frivolous political lawsuits created under this bill as amended. I ask that you support Amendment No. 149. Thank you.

Amendment failed.

Senator Ford moved to request a roll call vote.

Sustained by Senators Manendo and Woodhouse.
Roll call vote on Amendment No. 149 to Senate Bill No. 175.

YEAS—8.

NAYS—Brower, Farley, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Lipparelli, Roberson, Settelmeyer—11.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 175.

Bill read third time.

The following amendment was proposed by Senator Parks:

Amendment No. 150.

AN ACT relating to public safety; revising provisions governing justifiable homicide; prohibiting a person convicted in this State or any other state of a misdemeanor crime of domestic violence from owning or having in his or her possession or under his or her custody or control any firearm; requiring the Department of Public Safety to make certain determinations before issuing a list of states for purposes of reciprocity; prohibiting a person against whom an extended order for protection against domestic violence is issued from subsequently purchasing or otherwise acquiring any firearm during the period the extended order is in effect; revising provisions governing civil liability in actions involving the use of force; expanding the rights and powers reserved for the Legislature relating to the regulation of firearms and ammunition; requiring the governing bodies of certain political subdivisions of this State to repeal certain ordinances and regulations; authorizing a person adversely affected by the enforcement of such an ordinance or regulation to seek declarative and injunctive relief and damages; providing that such a person is entitled to certain damages; deleting certain provisions relating to the registration of firearms capable of being concealed; revising the applicability of certain provisions pertaining to the regulation of firearms by local governments; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that justifiable homicide is the killing of a human being in necessary self-defense, or in defense of habitation, property or person against a person who manifestly intends or endeavors to commit a felony or to enter the habitation of another for the purpose of assaulting a person who is in the habitation. (NRS 200.120) Section 1 of this bill revises the definition of “justifiable homicide” to include specifically the killing of a person in defense of an occupied motor vehicle or in defense against any person who manifestly intends and endeavors to enter the occupied motor vehicle of another for the purpose of assaulting a person who is in the motor vehicle.

Existing law also provides that a killing is justifiable if the circumstances were sufficient to excite the fears of a reasonable person and the person killing really acted under the influence of those fears and not in a spirit of revenge. (NRS 200.130) Section 2 of this bill establishes a rebuttable presumption that a killing is justifiable under the standard set forth in
NRS 200.130 if the person killing: (1) knew or reasonably believed that the person who was killed was entering unlawfully and with force, or attempting to enter unlawfully and with force, the habitation or property of another; (2) knew or reasonably believed that the person who was killed was committing or attempting to commit a crime of violence; and (3) did not provoke the person who was killed.

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm. A person who violates such a provision is guilty of a category B felony. (NRS 202.360) Section 3 of this bill adds to such a list of persons a person who has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in federal law.

Existing law authorizes a court to issue an extended order for protection against domestic violence. (NRS 33.030) Section 5 of this bill provides that if such an extended order is issued, the adverse party is prohibited from purchasing or otherwise acquiring any firearm during the period that the extended order is in effect. A person who violates such a provision is guilty of a category B felony.

Existing law provides that in a civil action brought by or on behalf of a person against whom force which is intended or likely to cause death or bodily injury was used: (1) there is a presumption that the person who used such force had a reasonable fear of imminent death or bodily injury to himself or herself or another person if the person against whom such force was used was committing burglary or invasion of the home; and (2) that presumption must be overcome by clear and convincing evidence to the contrary for the civil action to be maintained. (NRS 41.095) Section 7 of this bill extends that presumption to circumstances in which the person who used such force was in his or her motor vehicle and the other person was committing grand larceny of the motor vehicle with the use or threatened use of a deadly weapon. Section 7 also enacts a provision, based upon Texas law, which provides that a person is immune to civil liability for using force which is intended or likely to cause death or bodily injury if the person was justified in using such force under the applicable provisions of Nevada criminal law. (Texas Civil Practice and Remedies Code § 83.001)

Existing law requires the Department of Public Safety to prepare annually a list of states that have: (1) requirements for the issuance of a permit to carry a concealed firearm that are substantially similar to or more stringent than the requirements set forth in this State; and (2) an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm by that state and which a law enforcement officer in this State may access at all times. Additionally, a state may only be included in the list if the Nevada Sheriffs’ and Chiefs’ Association agrees with the Department’s inclusion of the state. (NRS 202.3689) Existing law also authorizes a person
who possesses a permit to carry a concealed firearm that was issued by a state included in the list to carry a concealed firearm in this State in accordance with the laws of this State unless the person: (1) becomes a resident of this State; and (2) has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State. (NRS 202.3688)

Existing law requires the Department to annually prepare a list of states which it determines are substantially similar to or more stringent than this State for purposes of issuing a permit to carry a concealed firearm. (NRS 202.3689) Section 4.5 of this bill [instead] requires the Department to determine whether each state requires a person to: (1) complete any training, class or program that includes, without limitation, certain live fire training; (2) be 21 years of age; and (3) be not otherwise prohibited from possessing a firearm or otherwise denied a permit pursuant to laws similar to or more stringent than Nevada, for purposes of preparing the list.

Existing law provides that, except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State, and further provides that no county, city or town may infringe upon those rights and powers. (NRS 244.364, 268.418, 269.222) Sections 8-10 of this bill expand such rights and powers of the Legislature to include those necessary to: (1) regulate the carrying and storage of firearms, firearm accessories and ammunition; and (2) define all such terms. Sections 8-10 provide that certain ordinances or regulations which are inconsistent with these rights and powers of the Legislature are null and void and require the governing bodies of certain political subdivisions of this State to repeal any such ordinance or regulation. Sections 8-10 also authorize any person who is adversely affected by the enforcement of any such ordinance or regulation on or after October 1, 2015, to file suit in the appropriate court for declarative and injunctive relief and damages. Such a person is entitled to certain damages depending on whether and when the relevant governing body of a political subdivision repeals such an ordinance or a regulation.

Existing law also requires certain political subdivisions of this State in a county whose population is 700,000 or more (currently Clark County), which adopted ordinances or regulations before June 13, 1989, that require the registration of firearms capable of being concealed, to make certain amendments to such registration provisions. (NRS 244.364, 268.418, 269.222) Sections 8-10 additionally delete the provisions requiring certain political subdivisions of this State to make such amendments.

Assembly Bill No. 147 of the 1989 Legislative Session (A.B. 147) reserved for the Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State. (Chapter 308, Statutes of Nevada 1989, p. 652) However, section 5 of A.B. 147 provided
that the preemptive effect of the bill applied only to ordinances or regulations adopted by certain political subdivisions on or after June 13, 1989. Section 11 of this bill amends section 5 of A.B. 147 to include and preempt ordinances or regulations adopted by certain political subdivisions before June 13, 1989.

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

Section 1. NRS 200.120 is hereby amended to read as follows:

200.120 1. Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of an occupied habitation, an occupied motor vehicle or person, against one who manifestly intends or endeavors to commit a crime of violence, or against any person or persons who manifestly intend and endeavor, in a violent, riotous, tumultuous or surreptitious manner, to enter the occupied habitation or occupied motor vehicle, of another for the purpose of assaulting or offering personal violence to any person dwelling or being therein.

2. A person is not required to retreat before using deadly force as provided in subsection 1 if the person:
   (a) Is not the original aggressor;
   (b) Has a right to be present at the location where deadly force is used; and
   (c) Is not actively engaged in conduct in furtherance of criminal activity at the time deadly force is used.

3. As used in this section:
   (a) "Crime of violence" means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.
   (b) "Motor vehicle" means every vehicle which is self-propelled.

Sec. 2. NRS 200.130 is hereby amended to read as follows:

200.130 1. A bare fear of any of the offenses mentioned in NRS 200.120, to prevent which the homicide is alleged to have been committed, is not sufficient to justify the killing. It must appear that the circumstances were sufficient to excite the fears of a reasonable person and that the person killing really acted under the influence of those fears and not in a spirit of revenge.

2. There is a rebuttable presumption that the circumstances were sufficient to excite the fears of a reasonable person and that the person killing really acted under the influence of those fears and not in a spirit of revenge if the person killing:
   (a) Knew or reasonably believed that the person who was killed was entering unlawfully and with force, or attempting to enter unlawfully and with force, the occupied habitation or occupied motor vehicle, of another;
   (b) Knew or reasonably believed that the person who was killed was committing or attempting to commit a crime of violence; and
   (c) Did not provoke the person who was killed.
3. As used in this section:
   (a) "Crime of violence" means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.
   (b) "Motor vehicle" means every vehicle which is self-propelled.

Sec. 3. NRS 202.360 is hereby amended to read as follows:
202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:
   (a) Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33);
   (b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;
   (c) Is a fugitive from justice; or
   (d) Is an unlawful user of, or addicted to, any controlled substance.

A person who violates the provisions of this subsection is guilty of a category B felony and 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 6 years, and may be further punished by a fine of not more than $5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:
   (a) Has been adjudicated as mentally ill or has been committed to any mental health facility; or
   (b) Is illegally or unlawfully in the United States.

A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:
   (a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).
   (b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 4. NRS 202.3688 is hereby amended to read as follows:
202.3688 1. Except as otherwise provided in subsection 2, a person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to NRS 202.3689 may carry a concealed firearm in this State in accordance with the requirements set forth in NRS 202.3653 to 202.369, inclusive.

2. A person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to NRS 202.3689 may not carry a concealed firearm in this State if the person:
   (a) Becomes a resident of this State; and
   (b) Has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State.
A person who carries a concealed firearm pursuant to this section is subject to the same legal restrictions and requirements imposed upon a person who has been issued a permit by a sheriff in this State.

Sec. 4.5. NRS 202.3689 is hereby amended to read as follows:
202.3689 1. On or before July 1 of each year, the Department shall:
(a) [Examine the requirements for the] Determine whether each state requires a person to complete any training, class or program that includes, without limitation, live fire training which meets any standards that are established by the Nevada Sheriffs’ and Chiefs’ Association or, if the Nevada Sheriffs’ and Chiefs’ Association ceases to exist, its legal successor, before the issuance of a permit to carry a concealed firearm in [each] that state.
(b) Determine whether the requirements of each state are substantially similar to or more stringent than the requirements set forth in NRS 202.3653 to 202.369, inclusive.
(c) [d] Prepare a list of states that meet the requirements of paragraphs (a), (b) and (c). A state must not be included in the list unless the Nevada Sheriffs’ and Chiefs’ Association agrees with the Department that the state should be included in the list.
(d) [e] Provide a copy of the list prepared pursuant to paragraph (d) to each law enforcement agency in this State.
2. The Department shall, upon request, make the list prepared pursuant to subsection 1 available to the public.

Sec. 5. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:
1. If a court issues an extended order pursuant to NRS 33.030, the adverse party shall not subsequently purchase or otherwise acquire any firearm during the period that the extended order is in effect.
2. A person who violates the provisions of subsection 1 is guilty of a category B felony and 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 6 years, and may be further punished by a fine of not more than $5,000.

Sec. 6. NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, and section 5 of this act, unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.

2. "Temporary order" means a temporary order for protection against domestic violence.

Sec. 7. NRS 41.095 is hereby amended to read as follows:

41.095 1. For the purposes of NRS 41.085 and 41.130, any person who uses [while]:

(a) While lawfully in his or her residence, in transient lodging or in a motor vehicle that is not his or her residence, force which is intended or likely to cause death or bodily injury is presumed to have had a reasonable fear of imminent death or bodily injury to himself or herself or another person lawfully in the residence, transient lodging or motor vehicle if the force is used against a person who is committing burglary, invasion of the home or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon and the person using the force knew or had reason to believe that burglary, invasion of the home or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon was being committed. An action to recover damages for personal injuries to or the wrongful death of the person who committed burglary, invasion of the home or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon may not be maintained against the person who used such force unless the presumption is overcome by clear and convincing evidence to the contrary.

(b) Force which is intended or likely to cause death or bodily injury is immune from civil liability in an action to recover damages for personal injuries to or the wrongful death of a person against whom such force was used if the use of such force was justified under the applicable provisions of chapter 200 of NRS relating to the use of such force.

2. As used in this section:

(a) "Deadly weapon" has the meaning ascribed to it in NRS 193.165.

(b) "Motor vehicle" means every vehicle which is self-propelled.

(c) "Residence" means any house, room, apartment, tenement or other building, vehicle, vehicle trailer, semitrailer, house trailer or boat designed or intended for occupancy as a residence.

Sec. 8. NRS 244.364 is hereby amended to read as follows:

244.364 1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and
bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada, to define such terms. No county may infringe upon those rights and powers.

2.

3. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

3.

4. If a board of county commissioners in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:

(a) A period of at least 60 days of residency in the county before registration of such a firearm is required.

(b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

4. Except as otherwise provided in subsection 1, any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.

5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed.

6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership
records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:
   (a) Reimbursement of actual damages, reasonable attorney’s fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.
   (b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney’s fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.
   (c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney’s fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:
   (a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.
   (b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.
   (c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee’s official duties.
   (d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the county, including, without limitation, an indoor or outdoor shooting range.
   (e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.
   (f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.
(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:
   (a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.
   (b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to be used as a weapon from which, able to or able to be readily converted to expel a projectile through the barrel by the action of any explosion or an explosive, other form of combustion.
   (b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.
   (c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.
   (c) "Firearm accessories" means:
      (1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or
      (2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.
   (d) "Person" includes, without limitation:
      (1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.
      (2) Any person who:
         (I) Can legally possess a firearm under state and federal law;
         (II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and
         (III) Is subject to the county ordinance or regulation at issue.
      (3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.
   (e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.
   (f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 9. NRS 268.418 is hereby amended to read as follows:

268.418 1. The Legislature hereby declares that:
   (a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to bear arms,
which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No city may infringe upon those rights and powers. [As used in this subsection, “firearm” means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

3. The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. If the governing body of a city in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require:

(a) A period of at least 60 days of residency in the city before registration of such a firearm is required.

(b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

4. Except as otherwise provided in subsection 1, any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a city in violation of this section is void.

5. The governing body of a city shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the city must be removed.

6. The governing body of a city shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the city or any city agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this
The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney’s fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney’s fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney’s fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee’s official duties.

(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.

(e) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.
(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" means includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to be used as a weapon from which, able to or able to be readily converted to expel a projectile through the barrel by the action of any explosion or an explosive, other form of combustion.

(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.

(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a city; and

(III) Is subject to the city ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 10. NRS 269.222 is hereby amended to read as follows:

269.222 1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and
bear arms, which is recognized by the United States Constitution and the
Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying,
ownership, transportation, storage, registration and licensing of firearms,
firearm accessories and ammunition in this State and the ability to define
such terms is within the exclusive domain of the Legislature, and any other
law, regulation, rule or ordinance to the contrary is null and void.
(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature
reserves for itself such rights and powers as are necessary to regulate the
transfer, sale, purchase, possession, carrying, ownership, transportation,
storage, registration and licensing of firearms, firearm accessories and
ammunition in Nevada and to define such terms. No town may
infringe upon those rights and powers. [As used in this subsection, “firearm”
means any weapon from which a projectile is discharged by means of an
explosive, spring, gas, air or other force.

3. A town board may proscribe by ordinance or regulation the unsafe
discharge of firearms.

4. Any ordinance or regulation which is inconsistent with this section or
which is designed to restrict or prohibit the sale, purchase, transfer,
manufacture or display of firearms, firearm accessories or ammunition that
is otherwise lawful under the laws of this State is null and void, and any
official action taken by an employee or agent of a town in violation of this
section is void.

5. A town board shall repeal any ordinance or regulation described in
subsection 4, and any such ordinance or regulation that is posted within the
town must be removed.

6. A town board shall cause to be destroyed any ownership records of
firearms owned by private persons which are kept or maintained by the town or
any town agency, board or commission, including, without limitation, any
law enforcement agency, for the purposes of compliance with any ordinance
or regulation that is inconsistent with this section. The provisions of this
subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:
   (a) Reimbursement of actual damages, reasonable attorney’s fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.
   (b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney’s fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.
   (c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney’s fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:
   (a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.
   (b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.
   (c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee’s official duties.
   (d) The enactment of enforcement of a town zoning or business ordinance which is generally applicable to businesses within the town and thereby affects a firearms business within the town, including, without limitation, an indoor or outdoor shooting range.
   (e) A town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the town.
   (f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.
(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:
   (a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.
   (b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to be used as a weapon from which, able to or able to be readily converted to expel a projectile through the barrel by the force of any explosion or an explosive, other form of combustion.
   (b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.
   (c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand or expanding gases.
   (c) "Firearm accessories" means:
      (1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or
      (2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.
   (d) "Person" includes, without limitation:
      (1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.
      (2) Any person who:
         (I) Can legally possess a firearm under state and federal law;
         (II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a town; and
         (III) Is subject to the town ordinance or regulation at issue.
      (3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.
   (e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.
   (f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 11. Section 5 of chapter 308, Statutes of Nevada 1989, as amended by chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to read as follows:

Sec. 5. [1. Except as otherwise provided in subsection 2, the provisions of this act apply to ordinances or regulations adopted on or after June 13, 1989.
2. The provisions of this act [as amended on October 1, 2007,] apply to ordinances or regulations adopted before, on or after June 13, 1989.

Sec. 12. 1. The provisions of NRS 202.360, as amended by section 3 of this act, apply to an offense committed before, on or after the effective date of this act.

2. The provisions of section 5 of this act apply to an extended order pursuant to NRS 33.030 issued on or after the effective date of this act.

Sec. 12.5. Records relating to the registration of any firearm capable of being concealed pursuant to any ordinance or regulation adopted by a political subdivision before June 13, 1989, must be destroyed within 1 year after the effective date of this act.

Sec. 13. (Deleted by amendment.)

Sec. 14. This act becomes effective upon passage and approval.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Senate Bill 175 alters the requirements for automatic reciprocity for concealed carry permits issued in other states. As the text currently reads, it appears to at least double the number of states from which Nevada would be required to automatically accept a concealed carry permit, although I’ve heard some estimates that S.B. 175 would allow automatic reciprocity for as many as 40 other states.

Automatically accepting a concealed carry permit is a high standard of trust to place in another state, especially considering that there are a whole range of states that simply don’t take concealed carry safety as seriously as Nevada does. And it’s my understanding that, under the bill before us, at least some of those other states’ permits would automatically be valid in Nevada.

I’m offering Amendment No. 150 because I see a fundamental weakness in the reciprocity provisions of this bill, as currently drafted. This weakness leaves Nevada open to some potentially bad situations. It could very well mean that people from out-of-state, who lack adequate firearms training and who are potentially dangerous individuals, may think it is perfectly legal for them to carry a concealed weapon into Nevada simply because they have a license in another state on the reciprocity list.

Amendment No. 150 proposes to ensure that states that do not meet the same concealed carry standards to which we hold ourselves, will not make it onto the Department of Public Safety’s automatic reciprocity list at all. The amendment revises Section 4.5 of S.B. 175 to provide that, in regard to the list the Department of Public Safety must maintain concerning other states’ concealed weapon permits, the Department must determine whether each state:
1. Requires a person to take any class or program that included live fire training which meets standards developed by the Nevada Sheriffs’ and Chiefs’ Association;
2. Requires that a person be 21 years of age;

Amendment failed.

Senator Ford moved to request a roll call vote.

Sustained by Senators Manendo and Woodhouse.

Roll call vote on Amendment No. 150 to Senate Bill No. 175.

YEAS—8.

NAYS—Brower, Farley, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Lliparelli, Roberson, Settelmeyer—11.

EXCUSED—Segerblom, Smith—2.
Senate Bill No. 175.
Bill read third time.
Remarks by Senator Brower:
Senate Bill No. 175 essentially does four things. First of all, it expands the list of prohibited persons who can possess a firearm in Nevada to include any person convicted of a domestic violence misdemeanor, as defined by Federal Law, at 18 USC, Section 921.a33. In addition, that part of the bill provides that anyone who is the subject of an extended protective order for domestic violence cannot acquire a firearm during the duration of that protective order.

The second component of S.B. 175 clarifies that justifiable homicide under Nevada law includes the defense of an occupied habitation or vehicle.

The third part of the Bill deals with the reciprocity provision and it redefines Nevada Law CCW reciprocity criteria to require that a person complete training in their home state.

Finally, the fourth part of S.B. 175 deals with the preemption issue. A little bit of background, in 2007, is legislature previously preempted local governments from regulating many aspects of firearms possession, etc. This bill adds to the list of regulations to include carrying storage and the regulation of firearms accessories. It provides that any local government that violates this preemption provision, that those regulations are null and void. This bill did receive unanimous support in the Judiciary Committee, and I urge the bodies support today.

Roll call on Senate Bill No. 175:
YEAS—14.
NAYS—Atkinson, Denis, Manendo, Parks, Spearman—5.
EXCUSED—Segerblom, Smith—2.

Senate Bill No. 175 having received a constitutional majority,
Mr. President declared it passed, as amended. 
Bill ordered transmitted to the Assembly.

Senate Bill No. 209.
Bill read third time.
Remarks from Senator Brower.
Senate Bill No. 209 removes the requirement that an honorably discharged veteran of the Armed Forces of the United States submit a copy of the DD Form 214 in order to have a designation of veteran status placed on his or her driver’s license or instruction permit. Instead, this bill requires a veteran to submit satisfactory evidence of an honorable discharge or other document of honorable separation to Nevada’s Department of Motor Vehicles.

This bill is effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out its provisions, and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 209:
YEAS—19.
NAYS—None.
EXCUSED—Segerblom, Smith—2.

Senate Bill No. 209 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Remarks by Senator Brower.
Senate Bill 209 removes the requirement that an honorably discharged veteran of the Armed Forces of the United States submit a copy of the DD Form 214 in order to have a designation of veteran status placed on his or her driver’s license or instruction permit. Instead, this bill
requires a veteran to submit satisfactory evidence of an honorable discharge or other document of honorable separation to Nevada’s Department of Motor Vehicles.

This bill is effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out its provisions, and on January 1, 2016, for all other purposes.

Assembly Bill No. 155.
Bill read third time.

Remarks by Senator Denis.

Assembly Bill 155 allows for the issuance of a special license plate recognizing professional firefighters to a retired firefighter who has earned creditable service in any jurisdiction outside of the State of Nevada. The applicant must provide proof of his or her former employment that is acceptable to the Department of Motor Vehicles. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 155:
YEAS—19.
NAYS—None.
EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 155 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Senator Roberson announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:41 p.m.

SENATE IN SESSION

At 12:42 p.m.
President Hutchison presiding.
Quorum present.

Senator Roberson moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate Bill No. 252 and various revenue plans with Senator Roberson as Chair and Senator Brower as Vice Chair of the Committee of the Whole.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess until 4 p.m.
Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that the Senate resolve itself into a Committee of the Whole at 4 p.m. today for the purpose of considering Senate Bill No. 252 and various revenue plans. with Senator Roberson as Chair and Senator Brower as Vice Chair of the Committee of the Whole in Room 1214.

Senate in recess at 12:45 p.m.
IN COMMITTEE OF THE WHOLE

At 4:38 p.m.
Senator Roberson presiding.
Quorum present.

Senate Bill No. 252 considered.

(The Committee of the Whole remarks will be entered into the Journal when transcribed).

On the motion of Senator Keickhefer and second by Senator Denis, the Committee did rise, and report back to the Senate.

SENATE IN SESSION

At 7:11 p.m.
President Pro Tempore Hardy presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved to refer Senate Bill No. 252 to the Committee on Revenue and Economic Development.
Motion carried.

By the Committee on Transportation:

Senate Bill No. 456—AN ACT relating to roads; revising provisions authorizing the Attorney General to bring an action to vindicate the rights of certain persons or governmental entities with respect to certain roads which cross certain federal lands; and providing other matters properly relating thereto.

Senator Hammond moved that the bill be referred to the Committee on Transportation.
Motion carried.

By the Committee on Transportation:

Senate Bill No. 457—AN ACT relating to trains; revising provisions relating to the Super Speed Ground Transportation System to provide for the Nevada High-Speed Rail System; and providing other matters properly relating thereto.

Senator Hammond moved that the bill be referred to the Committee on Transportation.
Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 458—AN ACT relating to mammography; revising the language of certain notices provided to patients who undergo mammography; and providing other matters properly relating thereto.
Senator Hardy moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

By the Committee on Health and Human Services:
Senate Bill No. 459—AN ACT relating to controlled substances; enacting the Good Samaritan Drug Overdose Act; authorizing certain health care professionals to prescribe and dispense an opioid antagonist to certain persons under certain circumstances; providing immunity from civil and criminal liability and professional discipline for such prescribing and dispensing of an opioid antagonist; providing criminal and other immunity for persons who seek medical assistance for a person who is experiencing a drug or alcohol overdose under certain circumstances; requiring each person registered by the State Board of Pharmacy to receive annual training concerning the misuse and abuse of controlled substances; authorizing the suspension or revocation of a registration for failure to complete such training; requiring that certain information concerning a prescription for a controlled substance be uploaded to the database of a certain computerized program; revising requirements for certain persons to access a certain computerized program before initiating a prescription for a controlled substance; providing a penalty; and providing other matters properly relating thereto.
Senator Hardy moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

By the Committee on Education:
Senate Bill No. 460—AN ACT relating to education; providing an alternative performance framework to evaluate certain schools which serve certain populations; providing the manner in which a school may apply to be rated using the alternative performance framework; revising provisions relating to the revocation or termination of written charters or charter contracts; prohibiting the Department of Education from considering a school's annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year when imposing consequences on public schools; and providing other matters properly relating thereto.
Senator Harris moved that the bill be referred to the Committee on Education.
Motion carried.

By the Committee on Education:
Senate Bill No. 461—AN ACT relating to education; providing for the establishment of an individual graduation plan for certain pupils to allow them to remain in high school for an additional period to work towards graduation; requiring the Superintendent of Public Instruction to determine
certain requirements for eligibility for such a plan; and providing other matters properly relating thereto.

Senator Harris moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Senate Bill No. 462—AN ACT relating to education; requiring money which is apportioned or otherwise available to each school district to be distributed in a certain manner; authorizing a certain percentage of the money apportioned to a public school that is not expended by the end of a fiscal year to be carried over into the next fiscal year; and providing other matters properly relating thereto.

Senator Harris moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Education:

Senate Bill No. 463—AN ACT relating to education; requiring certain providers of electronic applications used for educational purposes to provide written disclosures concerning personally identifiable information that is collected; requiring such a provider to allow certain persons to review and correct personally identifiable information about a pupil maintained by the provider; limiting the circumstances under which such a provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil; requiring such a provider to establish and carry out a detailed plan for the security of data concerning pupils; requiring teachers and other licensed personnel employed by a school district or charter school to complete certain professional development; requiring certain disciplinary action against a teacher or administrator for breaches in security or confidentiality of certain examinations; providing a civil penalty for certain violations; and providing other matters properly relating thereto.

Senator Harris moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 464—AN ACT relating to crimes; exempting a person under 21 years of age from criminal liability for the consumption or possession of alcohol when the person requests emergency medical assistance for himself, herself or another person in certain circumstances; exempting a person for whom such assistance is requested from such criminal liability; and providing other matters properly relating thereto.

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

Motion carried.
By the Committee on Transportation:

Senate Bill No. 465—AN ACT relating to motor carriers; revising provisions relating to audits and examinations of certain motor carriers conducted by the Department of Motor Vehicles; revising provisions relating to violations by a motor carrier of certain international agreements; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Senate Bill No. 466—AN ACT relating to transportation; creating the Innovation in Surface Transportation Selection Panel; prescribing the membership and duties of the Panel; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 467—AN ACT making appropriations from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety to replace fleet vehicles and motorcycles that have exceeded the mileage threshold; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 468—AN ACT making a supplemental appropriation to the Department of Business and Industry for a shortfall in projected personnel costs of the Nevada Transportation Authority; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 469—AN ACT making a supplemental appropriation to the Supreme Court of Nevada for an unanticipated shortfall in revenue for Fiscal Year 2014-2015 resulting from a deficit in the collection of administrative assessments; and providing other matters properly relating thereto.

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

Motion carried.
By the Committee on Finance:
Senate Bill No. 470—AN ACT making supplemental appropriations to the Department of Motor Vehicles for certain projected costs for print on demand services, personnel costs, and costs for electronic payments and printing; and providing other matters properly relating thereto.
Senator Kieckhefer moved that the bill be referred to the Committee on Finance.
Motion carried.

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

Senate in recess at 7:19 p.m.

SENATE IN SESSION

At 7:19 p.m.
President Pro Tempore Hardy presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:
Senate Bill No. 471—AN ACT relating to benefits for public employees; requiring the payment of a subsidy from the State Retirees' Health and Welfare Benefits Fund on behalf of a retired person whose coverage is provided through the federal TRICARE program; and providing other matters properly relating thereto.
Senator Kieckhefer moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By the Committee on Finance:
Senate Bill No. 472—AN ACT relating to public employees; revising provisions governing the eligibility of newly hired public officers and employees for participation in the Public Employees' Benefits Program; and providing other matters properly relating thereto.
Senator Kieckhefer moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By the Committee on Finance:
Senate Bill No. 473—AN ACT relating to financial administration; revising provisions relating to the Office of Grant Procurement, Coordination and Management of the Department of Administration; and providing other matters properly relating thereto.
Senator Kieckhefer moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By the Committee on Finance:
Senate Bill No. 474—AN ACT relating to education; creating the Great Teaching and Leading Fund; prescribing the administration and use of money in the Fund; authorizing certain entities to submit an application to the Superintendent of Public Instruction for a grant of money from the Fund; revising provisions governing the provision of training by the regional training programs for the professional development of teachers and administrators; and providing other matters properly relating thereto.
Senator Kieckhefer moved that the bill be referred to the Committee on Education.
Motion carried.

By the Committee on Government Affairs:
Senate Bill No. 475—AN ACT relating to local financial administration; authorizing a county or city to file a petition in bankruptcy under certain circumstances; and providing other matters properly relating thereto.
Senator Goicoechea moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By the Committee on Government Affairs:
Senate Bill No. 476—AN ACT relating to local districts; making legislative declarations; requiring the imposition of a fee on parcels in a conservation district upon voter approval; authorizing the increase, decrease or elimination of the fee upon voter approval; requiring that money collected from the fee be expended only for the purposes of the conservation district; authorizing the supervisors of a conservation district to serve ex officio as directors of a weed control district upon agreement with a board of county commissioners; providing a penalty; and providing other matters properly relating thereto.
Senator Goicoechea moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

By the Committee on Government Affairs:
Senate Bill No. 477—AN ACT relating to buildings; authorizing the governing body of a county or incorporated city in this State to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in certain larger single-family residences; providing limitations on the authority of the governing body of a county or incorporated city in this State to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in
certain other single-family residences; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By the Committee on Government Affairs:
Senate Bill No. 478—AN ACT relating to regional transportation commissions; limiting the liability of a private operator who contracts with such a commission to operate a public transit system; and providing other matters properly relating thereto.
Senator Goicoechea moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

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

Senate in recess at 7:22 p.m.

SENATE IN SESSION

At 7:23 p.m.
President Pro Tempore Hardy presiding.
Quorum present.

By the Committee on Government Affairs:
Senate Bill No. 479—AN ACT relating to the redevelopment of communities; revising certain provisions relating to the termination of certain redevelopment plans; and providing other matters properly relating thereto.
Senator Goicoechea moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By the Committee on Government Affairs:
Senate Bill No. 480—AN ACT relating to county government; revising the membership of the county fair and recreation board of certain counties; and providing other matters properly relating thereto.
Senator Goicoechea moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By the Committee on Government Affairs:
Senate Bill No. 481—AN ACT relating to local governments; prohibiting a county or incorporated city from requiring a public utility to provide to the county or city information relating to the location of the facilities or critical infrastructure of the public utility unless the county or city demonstrates to the utility a compelling need for the information and that the county or city
will maintain the information securely and confidentially; prohibiting a county or city from requiring certain information to be submitted in a digital format or from digitizing such information for certain purposes; providing that such information is not a public record and that the information is subject to disclosure by a county or city only under certain circumstances; providing for the indemnification of the public utility by a county or city for any damages, loss or other harm as the result of the improper disclosure of such information by the county or city; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:
Senate Bill No. 482—AN ACT relating to public officers; increasing the compensation of elected county officers; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Revenue and Economic Development:
Senate Bill No. 483—AN ACT relating to governmental financial administration; revising provisions governing the rate of the payroll tax imposed on certain businesses engaged in mining in this State; revising provisions governing the rate and distribution of the excise tax on cigarettes; extending the prospective expiration of certain requirements regarding the advance payment and computation of the tax on the net proceeds from certain mining operations conducted in this State; removing the prospective expiration of certain requirements regarding the imposition of the local school support tax; temporarily extending the allocation of a portion of the proceeds of the basic governmental services tax to the State General Fund; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By the Committee on Judiciary:
Senate Bill No. 484—AN ACT relating to personal financial administration; revising provisions relating to the distribution and administration of the estate of a deceased person; revising provisions governing certain nonprobate transfers; revising provisions relating to the creation and administration of trusts; providing for the creation and administration of public benefit trusts; revising provisions relating to directed trusts; revising provisions relating to the jurisdiction of a court in cases concerning the administration of the estate of a deceased person and the
administration of trusts; and providing other matters properly relating thereto.

Senator Brower moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By the Committee on Government Affairs:
Senate Bill No. 485—AN ACT relating to water; revising provisions relating to the adjudication of vested water rights; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

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

Senate in recess at 7:26 p.m.

SENATE IN SESSION

At 10:20 p.m.
President Pro Tempore Hardy presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:
Senate Joint Resolution No. 20—Urging the President and Congress of the United States to support the participation of the Republic of China on Taiwan in the Trans-Pacific Partnership.

Senator Settelmeyer moved that the resolution be referred to the Committee on Legislative Operations and Elections.
Motion carried.

By the Committee on Legislative Operations and Elections:
Senate Joint Resolution No. 21—Urging Congress to enact comprehensive immigration reform.

Senator Settelmeyer moved that the resolution be referred to the Committee on Legislative Operations and Elections.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:
Senate Bill No. 486—AN ACT making supplemental appropriations to the State Department of Conservation and Natural Resources for unanticipated employee retirement buyouts and terminal leave payments; and providing other matters properly relating thereto.
Senator Keickhefer moved that the bill be referred to the Committee on Finance.
Motion carried.

By the Committee on Finance:
Senate Bill No. 487—AN ACT relating to criminal procedure; requiring counties to pay for the expense of the commitment of certain persons to the Division of Public and Behavioral Health of the Department of Health and Human Services; and providing other matters properly relating thereto.
Senator Keickhefer moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By the Committee on Finance:
Senate Bill No. 488—AN ACT relating to animals; requiring the registration of certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes with the State Department of Agriculture; providing penalties; and providing other matters properly relating thereto.
Senator Keickhefer moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

By the Committee on Finance:
Senate Bill No. 489—AN ACT relating to health; requiring the licensure of peer support recovery organizations by the Division of Public and Behavioral Health of the Department of Health and Human Services and to pay an application fee for the license; and providing other matters properly relating thereto.
Senator Keickhefer moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

By the Committee on Finance:
Senate Bill No. 490—AN ACT relating to state financial administration; revising provisions governing transfers to and from the Account to Stabilize the Operation of the State Government; and providing other matters properly relating thereto.
Senator Keickhefer moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By the Committee on Finance:
Senate Bill No. 491—AN ACT making an appropriation for Fiscal Year 2015-2016 and Fiscal Year 2016-2017 for distribution to a nonprofit organization; requiring the nonprofit organization that receives such money to match the money awarded and use the money awarded to promote the
establishment of high quality charter schools to serve families with the greatest needs; requiring the nonprofit organization that receives such money to prepare an annual report; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Finance.
Motion carried.

By the Committee on Finance:
Senate Bill No. 492—AN ACT relating to off-highway vehicles; providing a fee for the issuance of special plates to certain off-highway vehicle dealers, lessors and manufacturers by the Department of Motor Vehicles; revising provisions relating to fees collected by the Department for the titling and registration of off-highway vehicles; and providing other matters properly relating thereto.

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

By the Committee on Education:
Senate Bill No. 493—AN ACT relating to economic development; creating the STEM Workforce Challenge Grant Fund; creating the Committee to Oversee the STEM Workforce Challenge Grant Fund; providing for the Committee to award grants from the Fund to certain consortia of community colleges and state colleges, nonprofit organizations and private businesses; authorizing the Committee to award a grant only if 100 percent of the amount of the grant is matched; making an appropriation; and providing other matters properly relating thereto.

Senator Harris moved that the bill be referred to the Committee on Education.
Motion carried.

By the Committee on Education:
Senate Bill No. 494—AN ACT relating to education; creating the College Grant Program; providing for the calculation and award of grants under the Program to qualified students enrolled in community colleges and state colleges of the Nevada System of Higher Education; requiring the Board of Regents of the University of Nevada to submit to the Legislature a biennial report on the Program; making an appropriation; and providing other matters properly relating thereto.

Senator Harris moved that the bill be referred to the Committee on Education.
Motion carried.
By the Committee on Finance:

Senate Bill No. 495—AN ACT relating to agriculture; requiring the licensing of commercial animal feed in this State by the State Department of Agriculture; establishing labeling requirements for commercial animal feed sold in this State; establishing labeling requirements for pet food and specialty pet food sold in this State; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Senate Bill No. 496—AN ACT relating to economic development; creating the Workforce Development Rapid Response Investment Fund; creating the Committee to Oversee the Workforce Development Rapid Response Investment Fund; providing for the Committee to award grants from the Fund to community colleges; making an appropriation; and providing other matters properly relating thereto.

Senator Harris moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Finance:

Senate Bill No. 497—AN ACT making appropriations to restore the balances in the State Claims Account, Emergency Account, Reserve for Statutory Contingency Account and Contingency Account; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 498—AN ACT relating to health; requiring the licensure of community health worker pools by the Division of Public and Behavioral Health of the Department of Health and Human Services and to pay an application fee for the license; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 499—AN ACT relating to elections; creating a modified blanket primary election system for partisan offices; authorizing any person who files a declaration or acceptance of candidacy and pays a filing fee to be a candidate for a partisan office at a primary election; providing, with limited
exceptions, that the two candidates at a primary election for a partisan office who receive the highest number of votes must be declared nominees and have their names placed on the ballot for the general election; providing, with limited exceptions, that the two nominees on the ballot for the general election must not be affiliated with the same political party unless all of the candidates at the primary election are affiliated with the same political party; providing that the two nominees on the ballot for the general election may not be independent candidates unless all of the candidates at the primary election are independent candidates; eliminating provisions that prohibit a voter from casting a ballot in a primary election for partisan office for a candidate with a political affiliation different than that of the voter; making various conforming changes; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

By the Committee on Finance:
Senate Bill No. 500—AN ACT relating to public health; revising the requirements for licensure as a facility for the treatment of abuse of alcohol or drugs; and providing other matters properly relating thereto.
Senator Kieckhefer moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

By the Committee on Finance:
Senate Bill No. 501—AN ACT relating to public health; authorizing the State Dental Health Officer and the State Public Health Dental Hygienist to serve in the unclassified service of the State or as a contractor for the Division of Public and Behavioral Health of the Department of Health and Human Services; requiring the State Dental Health Officer and the State Public Health Dental Hygienist to work collaboratively; and providing other matters properly relating thereto.
Senator Kieckhefer moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

By the Committee on Finance:
Senate Bill No. 502—AN ACT relating to the Department of Motor Vehicles; creating an account in the Motor Vehicle Fund for system modernization; authorizing the Department to collect a technology fee; making an appropriation; and providing other matters properly relating thereto.
Senator Kieckhefer moved that the bill be referred to the Committee on Transportation.
Motion carried.

By the Committee on Finance:
Senate Bill No. 503—AN ACT relating to education; providing for the creation and implementation of the Breakfast After the Bell Program; requiring public schools with a certain percentage of pupils from low-income families to participate in the Program; prescribing certain powers and duties of the State Department of Agriculture with respect to implementing and enforcing the Program; establishing the disbursements that may be made to a participating school; prescribing the manner in which money received under the Program may be used by a participating school; requiring the Department to prepare an annual report with respect to the implementation and effectiveness of the Program and to submit the report annually to the Governor and the Legislature; and providing other matters properly relating thereto.

Senator Kieckhefer moved to suspend Standing Rule 40 and that the bill be referred to the Committee on Education.
Motion carried.

By the Committee on Finance:
Senate Bill No. 504—AN ACT relating to education; providing for disciplinary and licensure proceedings against administrators, teachers and other employees of a public school for failure to comply with certain provisions of law regarding bullying and cyber-bullying; providing for a cause of action related thereto; creating the Office for a Safe and Respectful Learning Environment within the Department of Education; providing for the appointment of the Director of the Office; providing the duties of the Office; amending provisions relating to reports of and investigations into incidents of bullying; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Education.
Motion carried.

By the Committee on Finance:
Senate Bill No. 505—AN ACT relating to programs for public personnel; providing for the temporary suspension of the collection of the subsidies to be paid to the Public Employees' Benefits Program for group insurance for certain active public officers and employees; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Government Affairs.
Motion carried.
By the Committee on Finance:
Senate Bill No. 506—AN ACT relating to state financial administration; requiring the transfer of certain money to the State General Fund; revising various provisions relating to the authority for such transfers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Revenue and Economic Development:
Senate Bill No. 507—AN ACT relating to economic development; authorizing the Executive Director of the Office of Economic Development and the Board of Economic Development to approve and issue transferable tax credits to certain businesses intending to locate or expand in this State; revising certain reporting requirements regarding economic development; clarifying certain provisions governing grants or loans of money from the Catalyst Account in the State General Fund to promote economic development; allowing certain counties and cities approved for grants or loans of money from the Catalyst Account to surrender the grants or loans in exchange for the issuance of transferable tax credits under certain circumstances; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By the Committee on Finance:
Senate Bill No. 508—AN ACT relating to education; revising provisions governing the Nevada Plan; removing the provisions requiring a single annual count of pupils enrolled in public schools and requiring school districts to make quarterly reports of average daily enrollment; prospectively removing the provision of funding through the use of special education program units and including a multiplier to the basic support guarantee for pupils with disabilities; revising provisions governing the inclusion of pupils enrolled in kindergarten; revising provisions governing the hold harmless provisions for school districts and charter schools; creating the Contingency Account for Special Education; revising provisions governing certain persons with disabilities; and providing other matters properly relating thereto.

Senator Harris moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:
Senate Bill No. 509—AN ACT relating to education; revising provisions relating to the employees and duties of the State Public Charter School Authority; authorizing and requiring certain sponsors of charter schools to make certain agreements with the Authority and other sponsors of charter
schools; revising provisions governing applications to form a charter school; revising provisions governing amendments to a written charter or charter contract; authorizing the consolidation of the operations of multiple charter schools under certain circumstances; revising the circumstances under which the sponsor of a charter school is authorized or required to revoke a written charter or terminate a charter contract; authorizing a sponsor to reconstitute the governing body of a charter school in such circumstances; authorizing the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to take certain measures to attempt to replace the charter school; revising certain other provisions governing the operation of a charter school; authorizing a charter school to receive certain money; and providing other matters properly relating thereto.

Senator Harris moved that the bill be referred to the Committee on Education.

Motion carried.

REMARKS FROM THE FLOOR

Senator Denis requested that his remarks be entered into the Journal.

Today is Boy Scout Government Day. The Boy Scouts of America is one of the largest youth organizations in the United States with 2.7 million youth members and over one million adult volunteers. Since its founding in 1910, as part of the International Scout Movement, more than 110 million Americans have been members of the BSA’s goal is to train youth in responsible citizenship, character development and self-reliance through participation in a wide range of outdoor activities, educational programs and at older age levels; career oriented programs in partnership with community organizations.

For younger members, the Scout Method is part of the program to inculcate typical scouting values such as trustworthiness, good citizenship and outdoor skills through a variety of activities such as camping, aquatics and hiking. Having earned the rank of Eagle as a youth, I learned that the Scout Laws which are that a Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent. The world would be a better place if our youth can learn by these laws. Please welcome the Boy Scouts to our Chambers today.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to the Boy Scouts of America Nevada Area Council: Isaiah Abel, Frank Bond, Eddie Cebreros, Dallin Denis, Dustin Denis, Diane Euler, Jesse Euler, Jim Euler, Haut Euler, Roberto Hernandez, Thomas Hernandez, Woody Phelps, Ikaika Pulotu, Alfredo Saliva, Ian Zemp, Frank Bond, James Downs, Jesse Euler, Ethan Ewait, Joe Fronk, Michel Galgiani, Dylan Hassman, Jacob Hughes, Pravan Landry, Sam Langer, Harrison Morris, Zachery Newman, Jordan Price, Connor Taylor, Jennifer Walker, Victor Valdez and Skyler Walker, Ian Zemp.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Andrew Davey.

Senator Roberson moved that the Senate adjourn until Tuesday, March 24, 2015, at 11:30 a.m.

Motion carried.
Senate adjourned at 10:32 p.m.

Approved: JOSEPH P. HARDY
President Pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate

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