

**THE SIXTY-SEVENTH DAY**

---

CARSON CITY (Thursday), April 12, 2007

Assembly called to order at 11:05 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Marie Hanson.

I invite you to give this moment this morning, give it to one another—joining together our hearts and minds, recognizing the Oneness of all that is, all that is present in each of us, all that is good is God. Being one with spirit and with each other we relax, we let go, we let God. For it is in this acknowledgment we attract exactly what is needed for us and for our sisters and brothers. For this we give great thanks. And so it is.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

## REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 329, 366, 468, 560, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bills Nos. 2, 7, 24, 41, 56, 89, 114, 128, 178, 215, 224, 294, 303, 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chair*

*Madam Speaker:*

Your Committee on Education, to which was re-referred Assembly Bill No. 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Ways and Means.

Also, your Committee on Education, to which was referred Assembly Bill No. 334, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

*Madam Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 1 of the 22nd Special Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chair*

*Madam Speaker:*

Your Concurrent Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

HARRY MORTENSON, *Chair*

*Madam Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bill No. 324, 486, 598 has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

*Madam Speaker:*

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

*Madam Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 190, 359, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 58, 72, 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

*Madam Speaker:*

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chair*

*Madam Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which were referred Assembly Bills Nos. 368, 587, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

KATHY MCCLAIN, *Chair*

*Madam Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 29, 54, 71, 76, 176, 265, 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

*Madam Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 102, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 9, 2007

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 40, 481, 490; Senate Joint Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 16, 30, 35, 133.

SHERRY L. RODRIGUEZ

*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, April 10, 2007

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 155, 243, 303, 320; Senate Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 20, 93, 142, 342.

SHERRY L. RODRIGUEZ

*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, April 11, 2007

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 300.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 14, 31, 89, 129, 143, 288, 289.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 18.

SHERRY L. RODRIGUEZ

*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

## NOTICE OF EXEMPTION

April 12, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 295, 590 and 608.

MARK STEVENS

*Fiscal Analysis Division*

April 12, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 586.

MARK STEVENS

*Fiscal Analysis Division*

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

Motion carried.

Assemblyman Ocegüera moved that CBS NEWS: Blake Hottle, Douglas Longhini, Scott Osterman; RENO SPARKS VIDEO PRODUCTIONS: William G. Pearce, Jr. be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 277 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 318 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 324 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 368 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 486 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 587 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 598 be rereferred to the Committee on Ways and Means.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 14.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 16.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 20.

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

Motion carried.

Senate Bill No. 30.

Assemblyman Ocegüera moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 31.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 35.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 40.

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

Motion carried.

Senate Bill No. 89.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 93.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 129.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 133.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 142.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 143.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 155.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 243.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 288.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 289.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 300.

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

Motion carried.

Senate Bill No. 303.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 320.

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

Motion carried.

Senate Bill No. 342.

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

Motion carried.

Senate Bill No. 481.

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

Motion carried.

Senate Bill No. 490.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 6.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Joint Resolution No. 8.

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

Motion carried.

Senate Concurrent Resolution No. 18.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 198.

AN ACT relating to civil actions; revising **certain** provisions providing immunity from civil liability for certain medical facilities and certain medical professionals who render certain emergency ~~(obstetrical)~~ care or assistance under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

**Existing law provides immunity from civil liability to certain medical professionals who provide certain services at the scene of an emergency or during the transportation of a person from the scene of an emergency. (Subsection 1 of NRS 41.505) Sections 2 and 5 of this bill move that immunity into a new separate section.**

~~[Under existing law,]~~ **Existing law provides immunity from civil liability to certain medical professionals who provide emergency obstetrical care or assistance to a pregnant woman during the birth of a child and the medical facilities in which such care or assistance is rendered ~~(are immune from civil liability)~~ for damages caused by the care or assistance if certain conditions are satisfied. [One of the required conditions is that the damages must be reasonably related to or primarily caused by a lack of prenatal care received by the woman. (NRS 41.505) This bill eliminates that condition as a**

~~requirement to obtaining immunity from civil liability.]~~ (Subsection 3 of NRS 41.505) Sections 3 and 5 of this bill move that immunity into a new separate section.

Existing law provides immunity from civil liability to physicians and nurses who render emergency care or assistance gratuitously and in good faith in an emergency in certain circumstances. An exception is included in that provision so that it does not apply if the provision concerning immunity to physicians who provide obstetrical care or assistance to a pregnant woman during labor or the delivery of a child applies. Section 5 of this bill removes that exception and specifies that the immunity applies to emergency obstetrical care or assistance which is provided gratuitously and in good faith.

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

*Section 1.* Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

*Sec. 2. 1. Any physician or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision.*

*2. An emergency medical attendant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.*

*Sec. 3. 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:*

*(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;*

*(b) The person has not previously provided prenatal or obstetrical care to the woman; and*

*(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.*

*2. A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is*



**not liable for any civil damages pursuant to subsection 1 and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.**

**Sec. 4. NRS 41.503 is hereby amended to read as follows:**

41.503 1. Except as otherwise provided in subsection 2 and NRS 41.505 ~~and~~ **and sections 2 and 3 of this act:**

(a) A hospital which has been designated as a center for the treatment of trauma by the Administrator of the Health Division of the Department of Health and Human Services pursuant to NRS 450B.237 and which is a nonprofit organization;

(b) A hospital other than a hospital described in paragraph (a);

(c) An employee of a hospital described in paragraph (a) or (b) who renders care or assistance to patients;

(d) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS who renders care or assistance in a hospital described in paragraph (a) or (b), whether or not the care or assistance was rendered gratuitously or for a fee; and

(e) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS:

(1) Whose liability is not otherwise limited pursuant to NRS 41.032 to 41.0337, inclusive; and

(2) Who renders care or assistance in a hospital of a governmental entity that has been designated as a center for the treatment of trauma by the Administrator of the Health Division of the Department of Health and Human Services pursuant to NRS 450B.237, whether or not the care or assistance was rendered gratuitously or for a fee,

that in good faith renders care or assistance necessitated by a traumatic injury demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, may not be held liable for more than \$50,000 in civil damages, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant arising out of any act or omission in rendering that care or assistance if the care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

2. The limitation on liability provided pursuant to this section does not apply to any act or omission in rendering care or assistance:

(a) Which occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the limitation on liability provided by subsection 1 applies to any act or omission in rendering care or assistance which occurs before the stabilization of the patient following the surgery; or

(b) Unrelated to the original traumatic injury.

3. If:

(a) A physician or dentist provides follow-up care to a patient to whom he

rendered care or assistance pursuant to subsection 1;

(b) A medical condition arises during the course of the follow-up care that is directly related to the original traumatic injury for which care or assistance was rendered pursuant to subsection 1; and

(c) The patient files an action for malpractice based on the medical condition that arises during the course of the follow-up care,

there is a rebuttable presumption that the medical condition was the result of the original traumatic injury and that the limitation on liability provided by subsection 1 applies with respect to the medical condition that arises during the course of the follow-up care.

4. For the purposes of this section:

(a) "Reckless, willful or wanton conduct," as it applies to a person to whom subsection 1 applies, shall be deemed to be that conduct which the person knew or should have known at the time he rendered the care or assistance would be likely to result in injury so as to affect the life or health of another person, taking into consideration to the extent applicable:

- (1) The extent or serious nature of the prevailing circumstances;
- (2) The lack of time or ability to obtain appropriate consultation;
- (3) The lack of a prior medical relationship with the patient;
- (4) The inability to obtain an appropriate medical history of the patient;

and

- (5) The time constraints imposed by coexisting emergencies.

(b) "Traumatic injury" means any acute injury which, according to standardized criteria for triage in the field, involves a significant risk of death or the precipitation of complications or disabilities.

~~[Section 1.]~~ *Sec. 5.* NRS 41.505 is hereby amended to read as follows:

41.505 1. ~~[Any physician or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.~~

~~2. Except as otherwise provided in subsection 3, any]~~ Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance , including, without limitation, emergency obstetrical care or assistance, in an emergency, gratuitously and in good

faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

~~{3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:~~

~~(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct; and~~

~~(b) The person has not previously provided prenatal or obstetrical care to the woman .} [; and~~

~~(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.]~~

~~[A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.]~~

~~{4} 2. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:~~

~~(a) Is retired or otherwise does not practice on a full-time basis; and~~

~~(b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,~~

~~is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.~~

~~{5} 3. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.~~

~~{6} 4. As used in this section:~~

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

**Sec. 6. The provisions of this act apply only to a cause of action that accrues on or after October 1, 2007.**

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 77.

SUMMARY—~~[Prohibits a person from being admitted to bail for at least 12 hours]~~ **Makes various changes concerning bail or release** after ~~[his]~~ **an** arrest for driving a vehicle or operating a vessel under the influence of intoxicating liquor or ~~[a controlled substance.]~~ **certain other substances.**  
(BDR 14-704)

AN ACT relating to ~~[driving under the influence; prohibiting a person from being admitted to bail for at least 12 hours after his arrest]~~ **criminal procedure; revising provisions governing the right to bail or release before a conviction** for driving a vehicle or operating a vessel under the influence of intoxicating liquor ~~[, or]~~ a controlled substance ~~[,]~~ **or certain other substances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a person who is arrested for driving a vehicle or operating a vessel under the influence of intoxicating liquor ~~for a controlled substance~~ from being ~~[brought before a magistrate and]~~ admitted to bail **or released on his own recognizance until the concentration of alcohol in his breath is less than 0.04. Section 1 also prohibits a person who is arrested for driving a vehicle or operating a vessel under the influence of a controlled substance or certain other substances from being admitted to bail or released on his own recognizance** for at least 12 hours after his arrest. (NRS 178.484) ~~[, 484.791]~~

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

Section 1. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail;
- (b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or
- (c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail; or
- (b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484.379, 484.3795, 484.37955, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on his own recognizance unless he has a concentration of alcohol of less than 0.04 in his breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484.379, 484.3795, 484.37955, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on his own recognizance sooner than 12 hours after his arrest.

~~{6.}~~ Z. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after his arrest. If the person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 5 of NRS 171.178, without appearing personally before a magistrate, or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

- (a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is

no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

~~{6-}~~ ~~{7-}~~ 8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS must not be admitted to bail sooner than 12 hours after his arrest if the arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm. If the person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 5 of NRS 171.178, without appearing personally before a magistrate, or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or

extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS.

The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

~~{7.}~~ ~~{8.}~~ 9. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

~~{8.}~~ ~~{9.}~~ 10. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on his behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to his own health, safety or welfare, or the health, safety or welfare of another person.

In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

~~{9.}~~ ~~{10.}~~ 11. If a person fails to comply with a condition imposed pursuant to subsection ~~{8.}~~ ~~{9.}~~ 10., the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

~~{10.}~~ ~~{11.}~~ 12. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his bail.

~~{11.}~~ ~~{12.}~~ 13. Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

~~{12.}~~ ~~{13.}~~ 14. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

~~{13.}~~ ~~{14.}~~ 15. For the purposes of subsection ~~{6.}~~ ~~{7.}~~ 8. an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 2. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that he will appear at all times and places ordered by the court.

2. In releasing a person without bail , the court may impose such conditions as it deems necessary to protect the health, safety and welfare of the community and to ensure that he will appear at all times and places ordered by the court, including, without limitation, any condition set forth in subsection ~~{8.}~~ ~~{9.}~~ 10 of NRS 178.484.

3. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.

4. Before a person may be released without bail, he must file with the clerk of the court of competent jurisdiction a signed document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;



(b) He will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If he fails to appear when so ordered and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings; and

(d) He understands that any court of competent jurisdiction may revoke the order of release without bail and may order him into custody or require him to furnish bail or otherwise ensure the protection of the health, safety and welfare of the community or his appearance.

5. If a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

6. An order issued pursuant to this section that imposes a condition on a person who is released without bail must include a provision ordering a law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his release.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 31.

AN ACT relating to business associations; revising certain fees charged by the Office of the Secretary of State; revising the provisions pertaining to the name of a foreign limited partnership; making various other changes pertaining to business associations; **providing for the correction of certain records filed with the Office of the Secretary of State**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~This~~ **Sections 2, 3 and 6 of this bill** ~~revises~~ **revise** the fees for filing and certifying certain documents with the Office of the Secretary of State. (NRS 87.4318, 87.4328, 104.9525) ~~This~~

**Section 4 of this bill** ~~also~~ allows a foreign limited partnership to abbreviate its name. (NRS 88.585)

**Section 7 of this bill authorizes the Secretary of State to adopt regulations prescribing procedures for correcting certain fraudulent or false records filed with the Office of the Secretary of State.**

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

Section 1. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the

Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

- (a) The name of the limited-liability company;
- (b) The file number of the limited-liability company, if known;
- (c) The names and titles of all of its managers or, if there is no manager, all of its managing members;
- (d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;
- (e) The name and street address of its lawfully designated resident agent in this State; and
- (f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall ~~annually~~ thereafter, on or before the last day of the month in which the anniversary date of its organization occurs, file with the Secretary of State, on a form furnished by him, an ~~amended~~ **annual** list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that the limited-liability company:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

- (a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of \$125.
- (b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of \$125.

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of \$75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2. Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 2. NRS 87.4318 is hereby amended to read as follows:

87.4318 1. A statement may be filed in the Office of the Secretary of State. A certified copy of a statement that is filed in an office in another state may be filed in the Office of the Secretary of State. Either filing has the effect provided in NRS 87.4301 to 87.4357, inclusive, with respect to partnership property located in or transactions that occur in this State.

2. A certified copy of a statement that has been filed in the Office of the Secretary of State and recorded in the office of the applicable county recorder has the effect provided for recorded statements in NRS 87.4301 to 87.4357, inclusive. A recorded statement that is not a certified copy of a statement filed in the Office of the Secretary of State does not have the effect provided for recorded statements in NRS 87.4301 to 87.4357, inclusive.

3. A statement filed by a partnership must be executed by at least two partners. Other statements must be executed by a partner or other person authorized by NRS 87.4301 to 87.4357, inclusive. A natural person who executes a statement as, or on behalf of, a partner or other person named as a partner in a statement shall personally declare under penalty of perjury that the contents of the statement are accurate. ***The fee for filing a statement of partnership authority is \$75.***

4. A person authorized by NRS 87.4301 to 87.4357, inclusive, to file a statement may amend or cancel the statement by filing an amendment or cancellation that names the partnership, identifies the statement and states the substance of the amendment or cancellation. ***The fee for filing an amendment or cancellation of a statement of partnership authority is \$175.***

5. A person who files a statement pursuant to this section shall promptly send a copy of the statement to every nonfiling partner and to any other person named as a partner in the statement. Failure to send a copy of a statement to a partner or other person does not limit the effectiveness of the statement as to a person not a partner.

Sec. 3. NRS 87.4328 is hereby amended to read as follows:

87.4328 A partner or other person named as a partner in a filed statement of partnership authority or in a list maintained by an agent pursuant to subsection 2 of NRS 87.4327 may file a statement of denial stating the name of the partnership and the fact that is being denied, which may include denial of a person's authority or status as a partner. A statement of denial is a limitation on authority as provided in subsections 4 and 5 of NRS 87.4327. ***The fee for filing a statement of denial is \$75.***

Sec. 4. NRS 88.585 is hereby amended to read as follows:

88.585 Except as otherwise provided in NRS 88.609, a foreign limited partnership may register with the Secretary of State under any name, whether or not it is the name under which it is registered in its state of organization, that ~~includes without abbreviation~~ ***contains*** the words "limited partnership"

or the abbreviation "LP" or "L.P." and that could be registered by a domestic limited partnership.

Sec. 5. NRS 92A.205 is hereby amended to read as follows:

92A.205 1. After a plan of conversion is approved as required by this chapter, if the resulting entity is a domestic entity, the constituent entity shall deliver to the Secretary of State for filing:

(a) Articles of conversion setting forth:

(1) The name and jurisdiction of organization of the constituent entity and the resulting entity; and

(2) That a plan of conversion has been adopted by the constituent entity in compliance with the law of the jurisdiction governing the constituent entity.

(b) The charter document of the domestic resulting entity required by the applicable provisions of chapter 78, 78A, ~~{82,}~~ 86, 88, 88A or 89 of NRS.

(c) A certificate of acceptance of appointment of a resident agent for the resulting entity which is signed by the resident agent.

2. After a plan of conversion is approved as required by this chapter, if the resulting entity is a foreign entity, the constituent entity shall deliver to the Secretary of State for filing articles of conversion setting forth:

(a) The name and jurisdiction of organization of the constituent entity and the resulting entity;

(b) That a plan of conversion has been adopted by the constituent entity in compliance with the laws of this State; and

(c) The address of the resulting entity where copies of process may be sent by the Secretary of State.

3. If the entire plan of conversion is not set forth in the articles of conversion, the filing party must include in the articles of conversion a statement that the complete signed plan of conversion is on file at the registered office or principal place of business of the resulting entity or, if the resulting entity is a domestic limited partnership, the office described in paragraph (a) of subsection 1 of NRS 88.330.

4. If the conversion takes effect on a later date specified in the articles of conversion pursuant to NRS 92A.240, the charter document to be filed with the Secretary of State pursuant to paragraph (b) of subsection 1 must state the name and the jurisdiction of the constituent entity and that the existence of the resulting entity does not begin until the later date.

5. Any records filed with the Secretary of State pursuant to this section must be accompanied by the fees required pursuant to this title for filing the charter document.

Sec. 6. NRS 104.9525 is hereby amended to read as follows:

104.9525 1. Except as otherwise provided in subsection ~~{5,}~~ 6, the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection 2 of NRS 104.9502, is:

(a) Forty dollars if the record is communicated in writing and consists of one or two pages;

(b) Sixty dollars if the record is communicated in writing and consists of more than two pages, and \$2 for each page over 20 pages;

(c) Twenty dollars if the record is communicated by another medium authorized by filing-office rule; and

(d) Two dollars for each additional debtor, trade name or reference to another name under which business is done.

2. The filing officer may charge and collect \$2 for each page of copy or record of filings produced by him at the request of any person.

3. Except as otherwise provided in subsection ~~{5.}~~ **6**, the fee for filing and indexing an initial financing statement of the kind described in subsection 3 of NRS 104.9502 is ~~:-~~

~~(a) Sixty dollars} \$40~~ if the financing statement indicates that it is filed in connection with a public-finance transaction ~~;- and~~

~~(b) Forty dollars if the financing statement indicates that it is filed in connection with} or~~ a manufactured-home transaction.

4. The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is:

(a) Forty dollars if the request is communicated in writing; and

(b) Twenty dollars if the request is communicated by another medium authorized by filing-office rule.

5. *The fee for certifying a copy of a financing statement, amendment or other record on file in the Office of the Secretary of State pursuant to chapter 104 of NRS is \$30.*

6. This section does not require a fee with respect to a mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 3 of NRS 104.9502. However, the fees for recording and satisfaction which otherwise would be applicable to the mortgage apply.

*Sec. 7.* NRS 225.084 is hereby amended to read as follows:

225.084 1. A person shall not willfully file, promote the filing of, or cause to be filed, or attempt or conspire to file, promote the filing of, or cause to be filed, any record in the Office of the Secretary of State if the person has actual knowledge that the record:

(a) Is forged or fraudulently altered;

(b) Contains a false statement of material fact; or

(c) Is being filed in bad faith or for the purpose of harassing or defrauding any person.

2. Any person who violates this section is liable in a civil action brought pursuant to this section for:

(a) Actual damages caused by each separate violation of this section, or \$10,000 for each separate violation of this section, whichever is greater;

(b) All costs of bringing and maintaining the action, including investigative expenses and fees for expert witnesses;

(c) Reasonable attorney's fees; and

(d) Any punitive damages that the facts may warrant.

3. A civil action may be brought pursuant to this section by:

(a) Any person who is damaged by a violation of this section, including, without limitation, any person who is damaged as the result of an action taken in reliance on a record filed in violation of this section; or

(b) The Attorney General, in the name of the State of Nevada, if the matter is referred to the Attorney General by the Secretary of State and if the Attorney General, after due inquiry, determines that a civil action should be brought pursuant to this section. Any money recovered by the Attorney General pursuant to this paragraph, after deducting all costs and expenses incurred by the Attorney General and the Secretary of State to investigate and act upon the violation, must be deposited in the State General Fund.

4. For the purposes of this section, each filing of a single record that constitutes a violation of this section shall be deemed to be a separate violation.

5. The rights, remedies and penalties provided pursuant to this section are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to NRS 239.330.

6. **The Secretary of State may adopt regulations prescribing procedures for correcting any record filed in violation of this section.**

7. As used in this section, "record" means information that is:

(a) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(b) Filed or offered for filing by a person pursuant to any provision of title 7 of NRS or Article 9 of the Uniform Commercial Code.

Assemblyman Anderson moved the adoption of the amendment.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 25 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk.

Assembly Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 46.

SUMMARY—Makes various changes relating to domestic relations. (BDR 11-421)

ACT relating to domestic relations; codifying certain common law factors that a court must consider when determining alimony; requiring the ~~Court Administrator to collect and compile certain statistical information from the clerks of courts concerning temporary and extended orders for protection against domestic violence and~~ **Director of the Department of Public Safety**

to submit ~~[(a biennial)]~~ an annual report concerning temporary and extended orders for protection against domestic violence to the Legislature; and providing other matters properly relating thereto.”

Legislative Counsel’s Digest:

Under existing case law in Nevada, a court determining whether alimony should be awarded and the appropriate amount of alimony is required to consider several relevant factors including: (1) the financial condition of the parties; (2) the nature and value of their respective property; (3) the contribution of each party to any property held by both parties as tenants by the entirety; (4) the duration of the marriage; and (5) the income, earning capacity, age and health of each party. (*Buchanan v. Buchanan*, 90 Nev. 209, 215 (1974)) Section 1 of this bill codifies those factors as well as factors from subsequent case law so that a court must consider those factors when determining alimony. (*Buchanan*, 90 Nev. at 215; *Sprenger v. Sprenger*, 110 Nev. 855, 859 (1994); *Rodriguez v. Rodriguez*, 116 Nev. 993, 999 (2000))

~~Sections 2 and 3]~~ Section 5 of this bill ~~require the Court Administrator]~~ requires the Director of the Department of Public Safety to submit a written report ~~[from information received by clerks of courts]~~ concerning the ~~total number of]~~ temporary and extended orders for protection against domestic violence issued in this State to the Director of the Legislative Counsel Bureau ~~[for transmittal to each regular session of the Legislature. The report must also address]~~ which includes the total number of temporary and extended orders granted, the number of grants of temporary custody that are included in such temporary and extended orders, the number of such orders that are issued to women and the number of such orders that are issued to men.

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

Section 1. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has

made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

- (a) The intention of the parties in placing the property in joint tenancy;
- (b) The length of the marriage; and
- (c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

As used in this subsection, "contribution" includes , *without limitation*, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce if those fees are in issue under the pleadings.

4. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

5. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

6. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

7. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a



decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony he has been ordered to pay.

8. *In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:*

- (a) *The financial condition of each spouse;*
- (b) *The nature and value of the respective property of each spouse;*
- (c) *The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;*
- (d) *The duration of the marriage;*
- (e) *The income, earning capacity, age and health of each spouse;*
- (f) *The standard of living during the marriage;*
- (g) *The career before the marriage of the spouse who would receive the alimony;*
- (h) *The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;*
- (i) *The contribution of either spouse as homemaker;*
- (j) *The award ~~of~~ of property granted by the court in the divorce, other than child support and alimony, ~~to~~ to the spouse who would receive the alimony; and*
- (k) *The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.*

9. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

- (a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and
- (b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

~~{9-}~~ 10. If the court determines that alimony should be awarded pursuant to the provisions of subsection ~~{8-}~~ 9:

- (a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.
- (b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his career; or

(III) Courses of training in skills desirable for employment.

~~{10.}~~ **II.** For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Sec. 2. ~~NRS 1.360 is hereby amended to read as follows:~~

~~1.360 Under the direction of the Supreme Court, the Court Administrator shall:~~

~~1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;~~

~~2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;~~

~~3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;~~

~~4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;~~

~~5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;~~

~~6. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;~~

~~7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;~~

~~8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 and make reports as to the cases filed in the district courts;~~

~~9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;~~

~~10. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;~~

~~11. On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:~~

~~(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;~~

~~(b) The current status of any specialty court programs to which money from the account was allocated since the last report; and~~

~~(c) Such other related information as the Court Administrator deems appropriate;~~

~~12. On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person;~~

~~13. On or before February 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons who commit domestic violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018; [and]~~

~~14. On or before February 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to section 3 of this act which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person; and~~

~~15. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law. (Deleted by amendment.)~~

Sec. 3. {Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

~~On or before January 15 of each year, the clerk of the court shall transmit a report to the Court Administrator concerning each temporary order and extended order granted by the court pursuant to NRS 33.020 during the previous calendar year. The report must include, without limitation, information concerning:~~

~~1. The total number of temporary orders and extended orders granted by the court pursuant to NRS 33.020 during the calendar year to which the report pertains;~~

~~2. The number of those temporary orders and extended orders that were granted to women;~~

~~3. The number of those temporary orders and extended orders that were granted to men; and~~

~~4. The number of those temporary orders that included a grant of temporary custody of a minor child.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 33.017 is hereby amended to read as follows:~~

~~33.017 As used in NRS 33.017 to 33.100, inclusive, and section 3 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.] (Deleted by amendment.)~~

Sec. 5. NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection Against Domestic Violence is hereby created within the Central Repository.

2. Except as otherwise provided in subsection ~~4~~, 6, the Repository for Information Concerning Orders for Protection Against Domestic Violence must contain a complete and systematic record of all temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada, in accordance with regulations adopted by the Director of the Department, including, without limitation, any information received pursuant to NRS 33.095. Information received by the Central Repository pursuant to NRS 33.095 must be entered in the Repository for Information Concerning Orders for Protection Against Domestic Violence not later than 8 hours after it is received by the Central Repository.

3. The information in the Repository for Information Concerning Orders for Protection Against Domestic Violence must be accessible by computer at all times to each agency of criminal justice.

4. On or before February 15 of each year, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection against domestic violence issued pursuant to NRS 33.020 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection Against Domestic Violence. The report must include, without limitation, information for each court

that issues temporary or extended orders for protection against domestic violence concerning:

(a) The total number of temporary and extended orders that were granted by the court pursuant to NRS 33.020 during the calendar year to which the report pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

5. The information provided pursuant to subsection 4 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

6. The Repository for Information Concerning Orders for Protection Against Domestic Violence must not contain any information concerning an event that occurred before October 1, 1998.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 105.

AN ACT relating to the administration of estates; providing for the recovery of reasonable fees and necessary expenses of the petitioner and the attorney for certain smaller estates; providing for the recovery of reasonable fees and necessary expenses of a public administrator who administers certain smaller estates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a person dies leaving an estate that does not exceed \$75,000 in value and the person is not survived by a spouse or minor child, upon good cause shown, the estate must not be administered but must be assigned and distributed in a particular order. (NRS 146.070) Section 1 of this bill amends the order of distribution for the estate by providing that ~~before~~ **after** the estate is used to pay ~~any~~ **certain** debts or expenses, **including, funeral expenses**, the estate must be used to pay the reasonable fee and necessary expenses, as determined and approved by the court, of the person or governmental agency who files the petition to settle the estate and the attorney for the estate.

Under existing law, if a person dies leaving property in this State that does not exceed \$20,000 in value, a public administrator may administer the estate of the person, without procuring letters of administration, upon filing an affidavit with the court. (NRS 253.0403) Section 2 of this bill provides that ~~before~~ **after** the estate is used to pay ~~any~~ **certain** debts or expenses, **including, funeral expenses**, the estate must be used to pay the reasonable fee and necessary expenses, as determined and approved by the court, of the public administrator.

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

Section 1. NRS 146.070 is hereby amended to read as follows:

146.070 1. If a person dies leaving an estate the gross value of which, after deducting any encumbrances, does not exceed \$75,000, and there is a surviving spouse or minor child or minor children of the decedent, the estate must not be administered upon, but the whole estate, after directing such payments as may be deemed just, must be, by an order for that purpose, assigned and set apart for the support of the surviving spouse or minor child or minor children, or for the support of the minor child or minor children, if there is no surviving spouse. Even if there is a surviving spouse, the court may, after directing such payments, set aside the whole of the estate to the minor child or minor children, if it is in their best interests.

2. If there is no surviving spouse or minor child of the decedent and the gross value of a decedent's estate, after deducting any encumbrances, does not exceed \$75,000, upon good cause shown, the court shall order that the estate not be administered upon, but the whole estate be assigned and set apart in the following order:

(a) ~~To the payment of the reasonable fee and all necessary expenses, as determined and approved by the court, of the person or governmental agency filing a petition pursuant to subsection 3 and the attorney representing the estate;~~

~~(b) To the payment of funeral expenses, expenses of last illness, money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid and creditors, if there are any; ~~and~~~~

**(b) To the payment of the reasonable fee and all necessary expenses, as determined and approved by the court, of the person or governmental agency filing a petition pursuant to subsection 3 and the attorney representing the estate; and**

~~(c) Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent ~~and~~ , if there is no valid will, pursuant to intestate succession.~~

3. Proceedings taken under this section, whether or not the decedent left a valid will, must not begin until at least 30 days after the death of the decedent and must be originated by a petition containing:

(a) A specific description of all the decedent's property.

(b) A list of all the liens and mortgages of record at the date of the decedent's death.

(c) An estimate of the value of the property.

(d) A statement of the debts of the decedent so far as known to the petitioner.

(e) The names and residences of the heirs and devisees of the decedent and the age of any who is a minor and the relationship of the heirs and devisees to the decedent, so far as known to the petitioner.

4. The clerk shall set the petition for hearing, and the petitioner shall give notice of the petition and hearing in the manner provided in NRS 155.010 to the decedent's heirs and devisees and to the Director of the Department of Health and Human Services. If a complete copy of the petition is not enclosed with the notice, the notice must include a statement setting forth to whom the estate is being set aside.

5. No court or clerk's fees may be charged for the filing of any petition in, or order of court thereon, or for any certified copy of the petition or order in an estate not exceeding \$2,500 in value.

6. If the court finds that the gross value of the estate, less encumbrances, does not exceed the sum of \$75,000, the court may direct that the estate be distributed to the father or mother of a minor heir or devisee, with or without the filing of any bond, or to a custodian under chapter 167 of NRS, or may require that a general guardian be appointed and that the estate be distributed to the guardian, with or without bond, as in the discretion of the court is deemed to be in the best interests of the minor. The court may direct the manner in which the money may be used for the benefit of the minor.

Sec. 2. NRS 253.0403 is hereby amended to read as follows:

253.0403 1. When the gross value of a decedent's property situated in this State does not exceed \$20,000, a public administrator may, without procuring letters of administration, administer the estate of that person upon filing with the court an affidavit of his right to do so.

2. The affidavit must provide:

(a) The public administrator's name and address, and his attestation that he is entitled by law to administer the estate;

(b) The decedent's place of residence at the time of his death;

(c) That the gross value of the decedent's property in this State does not exceed \$20,000;

(d) That at least 40 days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in this State;

(f) A description of the personal property of the decedent;

(g) Whether there are any heirs or next of kin known to the affiant, and if known, the name and address of each such person;

(h) If heirs or next of kin are known to the affiant, a description of the method of service he used to provide to each of them notice of the affidavit and that at least 10 days have elapsed since the notice was provided; **and**

(i) ~~{That all debts of the decedent, including funeral and burial expenses, have been paid or provided for; and~~

~~{j}~~ The name of each person to whom the affiant intends to distribute the decedent's property.

3. Before filing the affidavit with the court, the public administrator shall take reasonable steps to ascertain whether any of the decedent's heirs or next of kin exist. If the administrator determines that heirs or next of kin exist, he shall serve each of them with a copy of the affidavit. Service must be made personally or by certified mail.

4. If the affiant:

(a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property he receives or distributes is subject to all debts of the decedent, based on the priority for payment of debts and charges specified in NRS 147.195.

(b) Fails to give notice to heirs or next of kin as required by subsection 3, any money or property he holds or distributes to others shall be deemed to be held in trust for those heirs and next of kin who did not receive notice and have an interest in the property.

5. A person who receives an affidavit containing the information required by subsection 2 is entitled to rely upon such information, and if he relies in good faith, he is immune from civil liability for actions based on that reliance.

6. Upon receiving proof of the death of the decedent, an affidavit containing the information required by this section and the written approval of the public administrator to do so:

(a) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to succeed to ownership of that security.

(b) A governmental agency required to issue certificates of title, ownership or registration to personal property shall issue a new certificate of title, ownership or registration to the person claiming to succeed to ownership of the property.

**7. *If a public administrator files an affidavit pursuant to this section, the court shall order that the whole estate be assigned and set apart in the following order:***

(a) ~~{To the payment of the reasonable fee and all necessary expenses, as determined and approved by the court, of the public administrator;~~

~~{b}~~ ***To the payment of funeral expenses, expenses of last illness, money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid and creditors, if there are any; ~~and~~***

***(b) To the payment of the reasonable fee and all necessary expenses, as determined and approved by the court, of the public administrator; and***



*(c) Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent and, if there is no valid will, pursuant to intestate succession.*

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

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 84.

AN ACT relating to education; requiring the boards of trustees of school districts to prescribe a policy for the development of 4-year academic plans for pupils enrolled in high school; requiring the principals of certain larger high schools to provide for a program of a ninth grade school within a school; requiring the State Board of Education to prescribe a uniform grading scale for high schools; requiring each school district to adopt a policy setting forth the duties of school counselors; expanding the age for compulsory school attendance from 17 years to 18 years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the system of public instruction for this State and defines the different kinds of public schools in this State. (Chapter 388 of NRS) A high school is a public school in which subjects above the eighth grade are taught. (NRS 388.020)

Section 2 of this bill requires the board of trustees of each school district to adopt a policy for each public school of the school district in which ninth grade pupils are enrolled, to develop a 4-year academic plan for each of those pupils. The academic plan must be developed in consultation with the pupil, the pupil's parent or legal guardian and a school counselor. The plan must include the specific educational goals that the pupil intends to complete before graduation from high school. If the pupil does not satisfy all the goals contained in the plan, the pupil is still eligible for a diploma if he otherwise satisfies the requirements for receipt of a diploma.

Section 3 of this bill requires the board of trustees of each school district that includes at least one high school in which 1,200 pupils or more are enrolled, including ninth grade pupils, to adopt a policy for each of those high schools to provide a program of a ninth grade school within a school. The principal of each such high school must carry out the program. The program consists of the designation of a separate geographic location within the high school in which ninth grade pupils attend ~~their~~ classes, the identification of any special needs for counseling or remediation for a ninth grade pupil and the assignment of certain personnel at the high school specifically for the ninth grade pupils.

Section 4 of this bill requires the State Board of Education to prescribe a uniform grading policy for all public high schools. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the policy.

Section 5 of this bill requires the board of trustees of each school district to adopt a policy that sets forth the duties, roles and responsibilities of school counselors. The policy must be designed to ensure that school counselors are allotted sufficient time in each school year to carry out school counseling and to limit the amount of time school counselors are required to assist with the administration and coordination of tests.

Existing law establishes the ages for compulsory public school attendance at 7 to 17 years of age. (NRS 392.040) Section 6 of this bill expands the age to 18 years unless the child has graduated from high school.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. **1. *The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.***

**2. *The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:***

**(a) *Work in consultation with a school counselor to develop an academic plan for the pupil;***

**(b) *Sign the academic plan; and***

**(c) *Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.***

**3. *If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.***

**4. *An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if he otherwise satisfies the requirements for a diploma.***

Sec. 3. **1. *The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or***

more, including pupils enrolled in ninth grade, shall adopt a policy for each of those high schools to provide a program of a ninth grade school within a school. The policy must require:

(a) The designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend ~~their~~ classes;

(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

specifically for the pupils enrolled in ninth grade.

2. The principal of each high school in which 1,200 pupils or more are enrolled, including ~~ninth grade~~ pupils ~~enrolled in ninth grade~~, shall ~~carry~~:

(a) Carry out a program of a ninth grade school within a school in accordance with the policy prescribed by the board of trustees pursuant to subsection 1 ~~;~~ and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

Sec. 4. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board shall adopt regulations that prescribe a uniform grading scale for all public high schools, including, without limitation, a uniform grading scale for advanced placement courses and honors courses.

2. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the uniform grading scale.

Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district shall adopt a policy that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. The policy must:

*1. Be designed to ensure that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and*

*2. Limit the amount of time that school counselors are required to assist with test administration and test coordination at a public school.*

Sec. 6. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and ~~17~~ 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides ~~to~~ ***unless the child has graduated from high school.***

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:

(a) If he has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If he has completed kindergarten, be admitted to the first grade at the beginning of that school year,

and his enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following his sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent

or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:

(a) If he has completed kindergarten and the first grade, be admitted to the second grade.

(b) If he has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, he must be admitted to the first grade. If the district determines that the child is not so prepared, he must be admitted to kindergarten.

↳The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before September 30 of the next school year; and

(b) Whose parents waived his attendance from kindergarten pursuant to subsection 4,

↳to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. A child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade he was attending or would be attending had he remained a resident of the other state regardless of his age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 7. NRS 392.110 is hereby amended to read as follows:

392.110 1. Any child between the ages of 14 and ~~{17}~~ 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority ~~{shall}~~ **must** state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit ~~{shall}~~ **must** be kept on file by the employer ~~{}~~ and, upon the termination of employment ~~{shall}~~, **must** be returned by the employer to the board of trustees or other authority issuing it.

Sec. 8. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of his teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or principal.

2. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the Department.

5. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

6. ~~{Notwithstanding the provisions of NRS 392.040 to the contrary, the}~~  
**The** provisions of this section apply to all pupils who are ~~{less than 18 years of age and enrolled in public schools, including, without limitation, pupils}~~

~~who are 17 years of age or older but less than 18 years of age.] required to attend school pursuant to NRS 392.040.~~

Sec. 9. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of his teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130, may again be declared a habitual truant.

3. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ **The** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.] required to attend school pursuant to NRS 392.040.~~

Sec. 10. NRS 392.141 is hereby amended to read as follows:

392.141 ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ **The** provisions of NRS 392.144, 392.146 and 392.147 apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.] required to attend school pursuant to NRS 392.040.~~

Sec. 11. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ **The** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.] required to attend school pursuant to NRS 392.040.~~

Sec. 12. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

- (a) Any child between the ages of 7 and ~~{17}~~ 18 years; and
- (b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,
  - ↳ who has been reported to him by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which he is lawfully required to attend.

2. ~~{Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant any child who is 17 years of age or older but less than 18 years of age if:~~

- ~~(a) The child is enrolled in a public school; and~~
- ~~(b) A teacher, superintendent of schools or other school officer has reported the child as absent from instruction.~~

~~3.}~~ Except as otherwise provided in subsection ~~{4.}~~ 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

~~{4.}~~ 3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is ~~{17}~~ **under 18** years of age ~~{or younger}~~ **and required to attend school pursuant to NRS 392.040** for violation of any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 14. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is ~~{17}~~ **under 18** years of age ~~{or younger}~~ **and required to attend school pursuant to NRS 392.040** has violated any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other



person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 15. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is ~~17~~ under 18 years of age ~~for younger~~ and required to attend school pursuant to NRS 392.040 and who violates any of the provisions of law requiring the attendance of children in the public schools of this State.

Sec. 16. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to 392.110, inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

of a child under ~~17~~ 18 years of age who is under his control or charge, is guilty of a misdemeanor.

**Sec. 16.5.** NRS 394.145 is hereby amended to read as follows:

394.145 1. A private elementary or secondary school in this State shall not permanently admit any child until the parent or guardian of the child furnishes a birth certificate or other document suitable as proof of the child's identity and, if applicable, a copy of the child's records from the school he most recently attended.

2. Except as otherwise provided in subsection 3, a child must be admitted to a school under his name as it appears in the identifying document or records required by subsection 1, unless the parent or guardian furnishes a court order or decree authorizing a change of name or directing the principal or other person in charge of that school to admit the child under a name other than the name which appears in the identifying document or records.

3. A child who is in the custody of the agency which provides child welfare services, as defined in NRS 432B.030, may be admitted to a school under a name other than the name which appears in the identifying document or records required by subsection 1 if the court determines that to do so would be in the best interests of the child.

4. If the parent or guardian fails to furnish the identifying document or records required by subsection 1 within 30 days after the child is conditionally admitted, the principal or other person in charge of the school shall notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

5. Any parent, guardian or other person who, with intent to deceive under this section:

- (a) Presents a false birth certificate or record of attendance at school; or
- (b) Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4,  
of a child under ~~17~~ **18** years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 17. 1. On or before October 1, 2007, the board of trustees of each school district shall adopt a policy required by section 5 of this act *that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. Each board of trustees shall submit the policy to the Department of Education.*

2. *On or before December 1, 2007, the Department of Education shall submit a written report to the Legislative Committee on Education that summarizes the policies adopted by school districts pursuant to section 5 of this act.*

3. On or before December 1, 2008, the board of trustees of each school district shall submit a written report to the Department of Education that sets forth:

- (a) A description of the policy adopted pursuant to section 5 of this act;
- (b) An evaluation of the effectiveness of the policy in ensuring that school counselors *are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and*
- (c) *The percentage of time that school counselors were assigned to assist with test administration and test coordination at a public school after the adoption of the policy pursuant to section 5 of this act.*

4. *On or before February 1, 2009, the Department of Education shall compile the written reports submitted pursuant to subsection 3 and submit a written report of the compilation to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.*

Sec. 18. This act becomes effective on July 1, 2007.

Assemblyman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 103.

AN ACT relating to trespassing; revising the provisions governing the posting of warnings against trespassing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person commits the crime of trespassing if the person willfully goes or remains upon any land or in any building after having been warned not to trespass. (NRS 207.200) For the purposes of determining whether a person has been given sufficient warning not to trespass, the owner of land may choose to fence the area or may paint the area in a specific manner.

This bill changes the interval between posts, structures or natural objects that must be painted **with fluorescent orange paint** from 200 feet to ~~one-quarter mile,~~ **every 1,000 feet and at each corner of the land if the land is used for agricultural purposes or for herding or grazing livestock.** This bill also changes existing law, which requires that a post must be painted with not less than 50 square inches of paint and which requires that if the post is a metal fence post, the entire post must be painted, to provide that only the top 12 inches of any post must be painted, regardless of whether the post is made of wood, metal or other material. Furthermore, this bill requires that ~~all corners of the area and~~ **each side of** all gates, cattle guards and openings that are designed for entry must be painted with fluorescent orange paint.

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

Section 1. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:

- (a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or
- (b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass, ~~is~~ is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by ~~either~~ **any** of the following methods:

(a) ~~Painting~~ ~~at~~ ~~:~~ **If the land is used for agricultural purposes or for herding or grazing livestock, by painting with fluorescent orange paint:**

(1) ~~At intervals of not more than 200 feet~~ ~~one-quarter mile on each side~~ **1,000 feet and at each corner** of the land, upon or near the boundary, **not less than 50 square inches of the exterior portion of** a ~~post,~~ structure or natural object ~~with not less than 50 square inches of fluorescent orange paint or~~ ~~;~~ if the post is a metal fence post, painting the entire post with such paint ~~;~~ **or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material** ~~with fluorescent orange paint;~~ ~~;~~ **and**

(2) ~~All corners of the area with fluorescent orange paint; and~~

~~(3) All~~ Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area with fluorescent orange paint  
~~;~~

(b) If the land is not used in the manner specified in paragraph (a), by painting with fluorescent orange paint, at intervals of not more than 200 feet and at each corner of the land, upon or near the boundary, not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material; or

(c) Fencing the area.

3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.

4. An entryman on land under the laws of the United States is an owner within the meaning of this section.

5. As used in this section, "fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. The term does not include a barrier made of barbed wire.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 178.

~~SUMMARY—[Prohibits the enrollment of a student in the Nevada System of Higher Education without proof of immunization against meningococcal disease. (BDR 34-357)]~~ **Requires the State Board of Health to adopt regulations requiring the immunization against meningococcal disease of certain students who are enrolled in the Nevada System of Higher Education. (BDR 40-357)**

~~AN ACT relating to education; [prohibiting a student from enrolling in a university, state college or community college within the Nevada System of Higher Education unless the student submits proof that he has been immunized against meningococcal disease or is excused from obtaining the immunization because of a medical condition or religious belief;]~~ **requiring the State Board of Health to adopt regulations requiring the immunization against meningococcal disease of certain students who are enrolled in an institution within the Nevada System of Higher Education; and providing other matters properly relating thereto.**

Legislative Counsel's Digest:

The State Board of Health prohibits a student from attending the University of Nevada, Las Vegas, or the University of Nevada, Reno, unless

he submits proof to the university that he has been immunized against the communicable diseases specified by the Board or is excused from being immunized because of a medical condition or religious belief. (NAC 441A.755) This bill ~~[prohibits a student from enrolling at any]~~ **requires the Board to adopt regulations requiring the immunization of students who are enrolled in a** university, state college or community college within the Nevada System of Higher Education . ~~[unless he submits proof that]~~ **A student is exempt from the regulations if** he has been immunized against meningococcal disease or is excused from being immunized because of a medical condition or religious belief.

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

Section 1. Chapter ~~[396]~~ **441A** of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in this section, ~~[a student may not enroll in a university, state college or community college within the System unless the student submits proof that he has been immunized against meningococcal disease.]~~ the Board shall adopt regulations requiring the immunization against meningococcal disease of students who are enrolled in a university, state college or community college within the Nevada System of Higher Education for those students who:*

*(a) Reside in housing that is offered by or through the System or the institution in which the student is enrolled; or*

*(b) Are in a category of students for which the Board determines, in consultation with the Chancellor of the System, are necessary to receive the immunization.*

*2. The regulations adopted by the Board must not require the immunization of students who are enrolled in a university, state college or community college within the Nevada System of Higher Education but who do not regularly attend classes on a campus of the System, including, without limitation, students who are enrolled in distance education. The Board shall work in consultation with the Chancellor of the System to determine which students do not regularly attend classes on a campus of the System.*

*3. A student ~~[may be enrolled without proof]~~ is exempt from the requirement of immunization against meningococcal disease as required by the regulations of the Board if the student submits:*

*(a) A statement from a licensed physician that the student has a medical condition that does not permit him to be immunized against the disease; or*

*(b) A statement that the religious beliefs of the student do not permit him to be immunized.*

~~[3.—The]~~

***4. If applicable, the university, state college or community college within the Nevada System of Higher Education shall include the proof of immunization or other statement in the record of the student.***

**Sec. 2. 1. On or before December 1, 2007, the State Board of Health shall adopt regulations required by section 1 of this act. The regulations must apply to students who initially enroll in a university, state college or community college within the Nevada System of Higher Education on and after July 1, 2008.**

**2. The State Board of Health and the Board of Regents of the University of Nevada shall ensure that the students enrolled in the Nevada System of Higher Education and their parents are adequately informed of the regulations adopted by the State Board of Health pursuant to section 1 of this act.**

~~Sec. 2.]~~ **Sec. 3.** This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 102.

AN ACT relating to domestic violence; revising the list of acts that constitute domestic violence; authorizing a court to include certain protections for ~~domestic~~ animals in an order for protection against domestic violence; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts which constitute domestic violence when committed against certain specified persons. (NRS 33.018) This provision is used for purposes of determining who may obtain a temporary order for protection against domestic violence and for various other purposes. (NRS 4.373, 5.055, 33.017-33.100, 41.134, 171.227, 171.229, 228.423-228.490, 432B.157, 432B.330, 458.300) Section 1 of this bill expands the unlawful acts which constitute domestic violence to include knowingly, purposefully or recklessly injuring or killing ~~a domestic~~ **an** animal with the intent to harass the victim. (NRS 33.018) As a result of this change, a person who intentionally violates an order for protection against domestic violence by injuring or killing ~~a domestic~~ **an** animal is guilty of a misdemeanor unless a more severe penalty is prescribed for the act. (NRS 33.100) Section 2 of this bill authorizes the court, in a temporary **or extended** order for protection against domestic violence, to prohibit the adverse party from physically injuring ~~it~~ **or** threatening to injure **any animal that is owned or kept by the adverse party, the applicant for the protection order or a minor child**, or **from** taking possession of any

~~domestic~~ animal that is owned or kept by the applicant ~~for the protection order~~ or a minor child. Section 2 also authorizes the court, in an extended order for protection against domestic violence, to specify arrangements for the possession and care of any ~~domestic~~ animal owned or kept by the adverse party, the applicant for the extended order or a minor child. (NRS 33.030)

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

Section 1. NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child:

- (a) A battery.
- (b) An assault.
- (c) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.
- (d) A sexual assault.
- (e) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:
  - (1) Stalking.
  - (2) Arson.
  - (3) Trespassing.
  - (4) Larceny.
  - (5) Destruction of private property.
  - (6) Carrying a concealed weapon without a permit.
  - (7) ***Injuring or killing ~~a domestic~~ an animal.***
- (f) A false imprisonment.
- (g) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 2. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

- (a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;
- (b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order him to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant; ~~and~~

(e) ***Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any ~~domestic~~ animal that is owned or kept by the applicant or minor child, either directly or through an agent; ~~and~~***

(f) **Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and**

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary; ~~and~~

(b) ***Specify arrangements for the possession and care of any ~~domestic~~ animal owned or kept by the adverse party, applicant or minor child; and***

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence or pay for the support of the applicant or minor child if he is found to have a duty to support the applicant or minor child; and

(3) Pay all costs and fees incurred by the applicant in bringing the action.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after his arrest if the arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 289.

Bill read second time and ordered to third reading.



Assembly Bill No. 299.

Bill read second time and ordered to third reading.

Assembly Bill No. 350.

Bill read second time and ordered to third reading.

Assembly Bill No. 353.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 192.

AN ACT relating to parental rights; providing for the restoration of parental rights in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the termination of parental rights in certain circumstances. (NRS 128.010-128.160) Existing law further provides that a court cannot change, modify or set aside an order terminating parental rights. (NRS 128.120) ~~[Section 1 of this bill authorizes a court, upon its own motion or upon the petition of a child who has not been adopted or the natural parent or parents of the child, to order that the parental rights of the natural parent or parents be restored in certain circumstances if the court determines by a preponderance of the evidence that the child is not likely to be adopted and that restoration of parental rights is in the best interest of the child.] Existing law also provides for the voluntary relinquishment of parental rights. (NRS 127.040)~~

**Section 2 of this bill authorizes a child who has not been adopted and whose natural parent has had his parental rights terminated or has relinquished his parental rights to petition a court for the restoration of parental rights. In addition, the legal custodian or legal guardian of such a child may petition for the restoration of parental rights. The natural parent must consent to the petition. Section 3 of this bill provides for the notice that must be given before a hearing is held on the petition and requires that certain persons be afforded an opportunity to present evidence and testify during the hearing. Section 4 of this bill provides for the court to hold a hearing when a valid petition is filed and specifies certain findings that must be made for the court to grant the petition, including that the child is not likely to be adopted and that the restoration of parental rights is in the best interests of the child.**

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

Section 1. Chapter 128 of NRS is hereby amended by adding thereto ~~the~~ **new section to read as follows:**

**1.—A court may order the restoration of the parental rights of the natural parent or parents of a child pursuant to the provisions of this section if:**

~~(a) A court has terminated the parental rights of the natural parent or parents of the child;~~

~~(b) The child:~~

~~(1) Is 17 years of age or older and has not been adopted; or~~

~~(2) Is less than 17 years of age and has not been adopted within 3 years after the date on which the court terminated the parental rights of his natural parent or parents; and~~

~~(c) The court determines that adoption is no longer the plan for the child.~~

~~2. The court may order a hearing to determine whether the parental rights of the natural parent or parents of the child should be restored:~~

~~(a) Upon its own motion; or~~

~~(b) Upon petition by the child or the natural parent or parents of the child.~~

~~3. A child who is less than 17 years of age may file a petition to restore the parental rights of the natural parent or parents before the expiration of the 3-year period described in subsection 1 if the custodial agency that is responsible for custody and supervision of the child and the child stipulate that the child is not likely to be adopted.~~

~~4. A child over 12 years of age shall sign the petition in the absence of a showing of good cause as to why the child could not do so.~~

~~5. If it appears that the best interests of the child may be promoted by the restoration of the parental rights of the natural parent or parents, the court shall order:~~

~~(a) That a hearing be held;~~

~~(b) That notice of the hearing be given to the legal custodian or guardian of the child and the child's attorney of record or, if there is no attorney of record for the child, to the child; and~~

~~(c) That the child or legal custodian or guardian of the child provide notice of the hearing to the natural parent or parents whose parental rights were terminated.~~

~~6. The court shall order the restoration of parental rights pursuant to this section if after the hearing the court finds by a preponderance of the evidence that:~~

~~(a) The child is not likely to be adopted; and~~

~~(b) Restoration of the parental rights of the natural parent or parents is in the best interest of the child.~~

~~7. If the court restores the parental rights of the natural parent or parents of a child who is less than 12 years of age and for whom the new plan will not be reunification with a parent or legal guardian, the court shall specify the factual basis for its findings that it is in the best interest of the child to restore the parental rights of the natural parent or parents.] the provisions set forth as sections 2, 3 and 4 of this act.~~

*Sec. 2. 1. A child who has not been adopted and whose natural parent or parents have had their parental rights terminated or have relinquished their parental rights, or the legal custodian or guardian of*

such a child, may petition a court for the restoration of the parental rights of the natural parent or parents of the child.

2. The natural parent or parents for whom restoration of parental rights is sought to be restored must consent in writing to the petition.

Sec. 3. 1. Before a hearing is held on a petition that is filed pursuant to section 2 of this act, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to provide testimony or evidence concerning the petition.

2. The following persons must be personally served with the notice:

(a) The natural parent or parents for whom parental rights are sought to be restored;

(b) The legal custodian and the legal guardian of the child who is the subject of the petition;

(c) If the parental rights of the natural parent or parents for whom parental rights are sought to be restored were terminated, the person or governmental entity that petitioned for the termination if different from the persons notified pursuant to paragraph (b); and

(d) The attorney of record of the child who is the subject of the petition or, if none, the child.

3. The persons who are served with notice pursuant to subsection 2 must be provided an opportunity to present testimony and evidence during the hearing.

Sec. 4. 1. If a valid petition is filed pursuant to section 2 of this act, the court shall hold a hearing to determine whether to restore the parental rights of the natural parent or parents.

2. Before granting a petition for the restoration of parental rights, the court must find that:

(a) If any child who is the subject of the petition is 14 years of age or older, the child consents to the restoration of parental rights.

(b) The natural parent or parents for whom restoration of parental rights is sought have been informed of the legal obligations, rights and consequences of the restoration of parental rights and that the natural parent or parents are willing and able to accept such obligations, rights and consequences.

3. If the court finds the necessary facts pursuant to subsection 2, the court shall order the restoration of parental rights if the court further finds by a preponderance of the evidence that:

(a) The child is not likely to be adopted; and

(b) Restoration of parental rights of the natural parent or parents is in the best interests of the child.

4. If the court restores the parental rights of the natural parent or parents of a child who is less than 14 years of age, the court shall specify in

its order the factual basis for its findings that it is in the best interests of the child to restore the parental rights of the natural parent or parents.

5. Upon the entry of an order for the restoration of parental rights issued pursuant to this section, any child who is the subject of the petition becomes the legal child of the natural parent or parents whose rights have been restored, and they shall become his legal parents on that date with all the rights and duties of parents.

~~{Sec. 2.}~~ **Sec. 5.** NRS 128.100 is hereby amended to read as follows:

128.100 1. In any proceeding for terminating parental rights, or any rehearing or appeal thereon, **or any proceeding for restoring parental rights**, the court may appoint an attorney to represent the child as his counsel and, if the child does not have a guardian ad litem appointed pursuant to NRS 432B.500, as his guardian ad litem. The child may be represented by an attorney at all stages of any proceedings for terminating parental rights. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

2. If the parent or parents of the child desire to be represented by counsel, but are indigent, the court may appoint an attorney for them.

3. Each attorney appointed under the provisions of this section is entitled to the same compensation and expenses from the county as provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with crimes.

~~{Sec. 3.}~~ **Sec. 6.** NRS 128.120 is hereby amended to read as follows:

128.120 Any order made and entered by the court under the provisions of NRS 128.110 is conclusive and binding upon the person declared to be free from the custody and control of his parent or parents, and upon all other persons who have been served with notice by publication or otherwise, as provided by this chapter. After the making of the order, **except as otherwise provided in section ~~{}~~ 4 of this act**, the court has no power to set aside, change or modify it, but nothing in this chapter impairs the right of appeal.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 356.

Bill read second time.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 356 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 358.

Bill read second time and ordered to third reading.

Assembly Bill No. 373.

Bill read second time and ordered to third reading.

Assembly Bill No. 380.

Bill read second time and ordered to third reading.

Assembly Bill No. 381.

Bill read second time and ordered to third reading.

Assembly Bill No. 404.

Bill read second time and ordered to third reading.

Assembly Bill No. 497.

Bill read second time and ordered to third reading.

Assembly Bill No. 512.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 177.

AN ACT relating to education; requiring the board of trustees of a school district to employ certain student teachers as substitute teachers in certain schools and in certain subject areas under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a school district to enter into an agreement for the assignment of student teachers within the school district for training purposes. (NRS 391.095) This bill requires a school district which has entered into such an agreement to employ certain student teachers as substitutes in at-risk schools and in hard to fill subject areas when licensed teachers are not available to fill those positions.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. A board of trustees of a school district that has entered into an agreement pursuant to NRS 391.095 shall, before assigning a long-term substitute who is not a licensed teacher, assign a student teacher who satisfies the requirements of subsection 2 as a substitute teacher to fill positions:***

***(a) At schools in which 65 percent or more of the pupils who are enrolled in the school are children who are at risk; or***

***(b) In the field of mathematics, science, special education or English as a second language.***

***2. A student teacher who has completed not less than 4 weeks of student teaching in a school district pursuant to NRS 391.095 may apply to***

*the board of trustees of that school district for employment as a substitute teacher. The application must include the written approval of:*

*(a) The teacher who supervises the student teacher through the Nevada System of Higher Education or accredited postsecondary educational institution, as applicable; and*

*(b) The teacher who is responsible for supervising the student teacher in the classroom.*

*3. If a school district employs a student teacher as a substitute teacher pursuant to this section, the school district shall ensure that the student teacher is ~~directly~~ supervised by a licensed teacher. A licensed teacher so assigned must:*

*(a) Be available to assist the student teacher ~~during the school day;~~*

*~~(b) Observe~~ and observe the student teacher on a periodic basis; and*

*~~(c)~~ (b) Oversee the management of the classroom, instructional duties and administrative duties of the student teacher.*

*4. A student teacher who is employed as a substitute teacher pursuant to this section is entitled to the rate of pay otherwise payable to substitute teachers employed by the school district for each day the student teacher works as a substitute teacher. Nothing in this section entitles a student teacher to be paid for time spent completing his student teaching.*

*5. The board of trustees of a school district that employs a student teacher as a substitute teacher pursuant to this section shall, in consultation with the employee organization representing licensed teachers in the school district, provide for compensation of the licensed teacher who supervises the student teacher pursuant to subsection 3 that is in addition to the regular salary of the licensed teacher.*

*6. As used in this section, "student teacher" means a student of a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution who is assigned to teach for training purposes pursuant to NRS 391.095.*

Sec. 2. NRS 391.273 is hereby amended to read as follows:

391.273 1. Except as otherwise provided in subsections 4 and 10 ~~and~~ **and except for persons who are supervised pursuant to section 1 of this act**, the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.

2. Unlicensed personnel who are exempted pursuant to subsection 4 must be under administrative supervision when performing duties which are instructional in nature.

3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.

4. Except as otherwise provided in subsection 5, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant

an exemption from the provisions of subsection 1. The Superintendent shall not grant an exemption unless:

- (a) The duties are within the employee's special expertise or training;
- (b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;
- (c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;
- (d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and
- (e) The unlicensed employee submits his fingerprints for an investigation pursuant to NRS 391.033.

5. The exemption authorized by subsection 4 does not apply to a paraprofessional if the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto require the paraprofessional to be directly supervised by a licensed teacher.

6. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:

- (a) The name of the exempt employee;
- (b) The specific instructional duties he may perform;
- (c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and
- (d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.

7. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.

8. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.

9. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 8, he shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

- (a) The number of days on which the violation occurred;
  - (b) The number of pupils in the classroom taught by the teacher's aide;
- and

(c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to NRS 387.1233.

10. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school, unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 515.

Bill read second time and ordered to third reading.

Assembly Bill No. 575.

Bill read second time and ordered to third reading.

Assembly Bill No. 589.

Bill read second time and ordered to third reading.

Assembly Bill No. 601.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 10.

Resolution read second time and ordered to third reading.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Assembly Bill No. 13:

YEAS—41.

NAYS—Goedhart.

Assembly Bill No. 13 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 14 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 20:



YEAS—42.

NAYS—None.

Assembly Bill No. 20 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 55.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 55:

YEAS—42.

NAYS—None.

Assembly Bill No. 55 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 68:

YEAS—42.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 75.

Bill read third time.

Remarks by Assemblymen Gansert and Cobb.

Potential conflict of interest declared by Assemblyman Cobb.

Roll call on Assembly Bill No. 75:

YEAS—42.

NAYS—None.

Assembly Bill No. 75 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 90.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 90:

YEAS—42.

NAYS—None.

Assembly Bill No. 90 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 117:

YEAS—42.

NAYS—None.

Assembly Bill No. 117 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 148.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 148:

YEAS—42.

NAYS—None.

Assembly Bill No. 148 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 244:

YEAS—42.

NAYS—None.

Assembly Bill No. 244 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 250:

YEAS—42.

NAYS—None.

Assembly Bill No. 250 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 333:

YEAS—42.

NAYS—None.

Assembly Bill No. 333 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 493:

YEAS—42.

NAYS—None.

Assembly Bill No. 493 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 562.

Bill read third time.

Remarks by Assemblyman Settlemeyer.

Roll call on Assembly Bill No. 562:

YEAS—42.

NAYS—None.

Assembly Bill No. 562 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Joint Resolution No. 3 just reported out of committee, be placed on the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 102 just reported out of committee, be placed on the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bills Nos. 2, 7, 24, 29, 41, 54, 56, 58, 71, 72, 76, 89, 93, 114, 128, 176, 178, 190, 215, 224, 247, 265, 266, 294, 303, 307, 329, 334, 343, 359, 366, 410, 468, 483, 531, 552, 554, 560; Assembly Joint Resolution No. 9; Assembly Joint Resolution No. 1 of the 22nd Session just reported out of committee, be placed on the Second Reading File.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:16 p.m.

#### ASSEMBLY IN SESSION

At 12:17 p.m.

Madam Speaker presiding.

Quorum present.

## SECOND READING AND AMENDMENT

Assembly Bill No. 2.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 145.

AN ACT relating to automotive repairs; requiring a garage or body shop to repair a motor vehicle in accordance with the **specifications of the manufacturer of the motor vehicle and the** written estimate or statement of the cost of repairs ~~provided~~ **most recently agreed upon** by the garage ~~or~~ **or** body shop ~~for~~ **and the** person authorizing the repairs; ~~providing penalties;~~ **requiring a body shop to comply with certain other requirements relating to the repair of a motor vehicle; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Garages~~ **Under existing law, a garage is required to display a sign in a conspicuous area of the garage setting forth the rights of the customer, including, without limitation, the right to receive a written estimate of charges and to inspect all replaced parts. (NRS 597.490) In addition, garages** that perform repairs of \$50 or more on motor vehicles are required by existing law to provide the person authorizing the repairs with a written estimate of the total cost to repair the motor vehicle. (NRS 597.510) If additional charges are required to perform the repairs, the garage is required to obtain the consent of the person authorizing the repairs before it may perform the repairs for the additional charges. (NRS 597.520, 597.540) A person authorizing repairs of a motor vehicle may waive the requirement for a written estimate or approval of additional charges. (NRS 597.530)

~~Sections 1 and 6~~ **Section 1** of this bill ~~require~~ **requires** garages and body shops to perform repairs to a motor vehicle in accordance with the **specifications of the manufacturer of the motor vehicle, if any, and the** written estimate or statement of the cost of the repairs ~~. If the garage or body shop is unable to perform the repairs in accordance with the written estimate or statement, the garage or body shop is required to notify the person authorizing the repairs and obtain the person's consent before performing any repairs to the motor vehicle.~~ **that is most recently agreed upon by the body shop or garage and the person authorizing the repairs.**

Sections 2-10 of this bill make existing provisions of law that are applicable to garages and garagemen also apply to body shops. Those provisions include, without limitation, the requirement to post a sign in a conspicuous area of the body shop setting forth the rights of customers of the body shop.

Sections 11 and 12 of this bill authorize injunctive relief and civil penalties for a violation of the provisions of section 1 of this bill. Section 16 of this bill authorizes the Department of Motor Vehicles to refuse to issue a license or to

suspend, revoke or refuse to renew the license of a body shop for willful failure to comply with the provisions of section 1 of this bill.

~~{ Sections 1 and 9 of this bill make the violation of any provision of section 1 or 6 of this bill a misdemeanor. }~~

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

~~{ 1.—A }~~ **If a body shop or garage** ~~{that accepts}~~ **performs repairs on a motor vehicle** ~~{for repairs}~~ **, the body shop or garage shall perform the repairs in accordance with** ~~{the}~~ **any specifications of the manufacturer of the motor vehicle, and the** ~~{provided}~~ **written estimate or statement of the cost of the repairs that is** ~~{or}~~ **most recently agreed upon by the body shop or garage** ~~{or}~~ **and the person authorizing repairs.**

~~{ 2.— If the garage is not able to perform the repairs in accordance with the written estimate or statement, it shall notify the person authorizing repairs of that fact and the reasons therefor and shall not perform any repairs to the motor vehicle unless it obtains the consent of that person. }~~

~~{ 3.— Any person who violates any provision of this section is guilty of a misdemeanor. }~~

Sec. 2. NRS 597.480 is hereby amended to read as follows:

597.480 As used in NRS 597.480 to 597.590, inclusive, ***and section 1 of this act***, unless the context otherwise requires:

1. **"Body shop" has the meaning ascribed to it in NRS 487.600.**

2. **"Garage" has the meaning ascribed to it in NRS 487.540.**

~~{ 2 }~~ **3. "Garageman" has the meaning ascribed to it in NRS 487.545.**

~~{ 3 }~~ **4. "Motor vehicle" means:**

- (a) A motorcycle as defined in NRS 482.070;
- (b) A motortruck as defined in NRS 482.073 if the gross weight of the vehicle does not exceed 10,000 pounds;
- (c) A passenger car as defined in NRS 482.087;
- (d) A mini motor home as defined in NRS 482.066;
- (e) A motor home as defined in NRS 482.071; and
- (f) A recreational vehicle as defined in NRS 482.101.

~~{ 4 }~~ **5. "Person authorizing repairs" means a person who uses the services of a garage. The term includes an insurance company, its agents or representatives, authorizing repairs to motor vehicles under a policy of insurance.**

**Sec. 3. NRS 597.490 is hereby amended to read as follows:**

597.490 1. Each garageman shall display conspicuously in those areas of his place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA  
REGISTERED GARAGETHIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF  
MOTOR VEHICLESNEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS  
AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is **REGISTERED** with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 597.490)

YOU have the right to receive a **WRITTEN ESTIMATE** of charges for repairs made to your vehicle which exceed \$50. (NRS 597.510)

YOU have the right to read and understand all documents and warranties **BEFORE YOU SIGN THEM.** (NRS 597.490)

YOU have the right to **INSPECT ALL REPLACED PARTS** and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty **BE RETURNED TO YOU AT THE TIME OF SERVICE.** (NRS 597.550)

YOU have the right to require authorization **BEFORE** any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or \$100, whichever is less. (NRS 597.520)

YOU have the right to receive a **COMPLETED STATEMENT OF CHARGES** for repairs made to your vehicle. (NRS 487.035)

YOU have the right to a **FAIR RESOLUTION** of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF BUSINESS AND INDUSTRY

CONSUMER AFFAIRS DIVISION

IN CLARK COUNTY: (702) 486-7355

ALL OTHER AREAS TOLL-FREE: 1-800-326-5202

2. **Each body shop shall display conspicuously in those areas of its place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:**

STATE OF NEVADA  
LICENSED BODY SHOP

THIS BODY SHOP IS LICENSED BY THE DEPARTMENT OF MOTOR  
VEHICLES

NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS

AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is LICENSED with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 597.490)

YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed \$50. (NRS 597.510)

YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN THEM. (NRS 597.490)

YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (NRS 597.550)

YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or \$100, whichever is less. (NRS 597.520)

YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle. (NRS 487.035)

YOU have the right to a FAIR RESOLUTION of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF BUSINESS AND INDUSTRY

CONSUMER AFFAIRS DIVISION

IN CLARK COUNTY: (702) 486-7355

ALL OTHER AREAS TOLL-FREE: 1-800-326-5202

3. The sign required pursuant to the provisions of subsection 1 or 2 must include a replica of the great seal of the State of Nevada. The seal must be 2 inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."

~~3.~~ 4. Any person who violates the provisions of this section is guilty of a misdemeanor.

**Sec. 4. NRS 597.500 is hereby amended to read as follows:**

597.500 Whenever any body shop or garageman accepts or assumes control of a motor vehicle for the purpose of making or completing any

repair, ~~he~~ the body shop or garageman shall comply with the provisions of NRS 597.510 to 597.570, inclusive ~~and~~, and section 1 of this act.

**Sec. 5. NRS 597.510 is hereby amended to read as follows:**

597.510 1. Except as otherwise provided in NRS 597.530, a person requesting or authorizing the repair of a motor vehicle that is more than \$50 must be furnished an estimate or statement signed by the person making the estimate or statement on behalf of the body shop or garageman, indicating the total charge for the performance of the work necessary to accomplish the repair, including the charge for labor and all parts and accessories necessary to perform the work.

2. If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:

- (a) Diagnosis and disassembly; and
- (b) Reassembly, if the person does not authorize the repair.

3. The provisions of this section do not require a body shop or garageman to reassemble a motor vehicle if he determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.

**Sec. 6. NRS 597.520 is hereby amended to read as follows:**

597.520 Except as otherwise provided in NRS 597.530, if it is determined that additional charges are required to perform the repair authorized, and those additional charges exceed, by 20 percent or \$100, whichever is less, the amount set forth in the estimate or statement required to be furnished pursuant to the provisions of NRS 597.510, the body shop or garageman shall notify the ~~person authorizing the repairs~~ owner and insurer of the motor vehicle of the amount of those additional charges.

**Sec. 7. NRS 597.540 is hereby amended to read as follows:**

597.540 1. ~~A person authorizing repairs~~ An owner or insurer of a motor vehicle who has been notified of additional charges pursuant to NRS 597.520 shall:

- (a) Authorize the performance of the repair at the additional expense; or
- (b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle.

2. Until the election provided for in subsection 1 has been made, the body shop or garageman shall not undertake any repair which would involve such additional charges.

3. If the person elects to take possession of the motor vehicle but fails to take possession within a 24-hour period after ~~such~~ the election, the body shop or garageman may charge for storage of the vehicle.

**Sec. 8. NRS 597.550 is hereby amended to read as follows:**

597.550 1. Whenever the repair work performed on a motor vehicle requires the replacement of any parts or accessories, the body shop or garageman shall, at the request of the person authorizing the repairs or any person entitled to possession of the motor vehicle, deliver to ~~such~~ the person all parts and accessories replaced as a result of the work done.



2. The provisions of subsection 1 do not apply to parts or accessories which must be returned to a manufacturer or distributor under a warranty arrangement or which are subject to exchange, but the customer on request is entitled to be shown ~~such~~ the warranty parts for which a charge is made.

**Sec. 9. NRS 597.560 is hereby amended to read as follows:**

597.560 The body shop or garageman shall retain copies of any estimate, statement or waiver required by NRS 597.510 to 597.550, inclusive, as an ordinary business record of the body shop or garage, for a period of not less than 1 year ~~from~~ after the date ~~such~~ the estimate, statement or waiver is signed.

**Sec. 10. NRS 597.570 is hereby amended to read as follows:**

597.570 In every instance where charges are made for the repair of a motor vehicle ~~by~~ by a garageman, the garageman making the repairs shall comply with the provisions of NRS 487.035 as well as the provisions of NRS 597.510 to 597.550, inclusive. ~~He~~ A garageman is not entitled to detain a motor vehicle by virtue of any common law or statutory lien, or otherwise enforce such a lien, ~~nor shall he have the right~~ or to sue on any contract for repairs made by him, unless he has complied with the requirements of NRS 597.510 to 597.550, inclusive, in addition to those of NRS 487.035.

~~Sec. 3.~~ **Sec. 11. NRS 597.580 is hereby amended to read as follows:**

597.580 The Attorney General or any district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Commissioner of Consumer Affairs or of any person allegedly aggrieved by such violation to enjoin any violation of the provisions of NRS 597.510 to 597.570, inclusive ~~and~~ , and section 1 of this act.

~~Sec. 4.~~ **Sec. 12. NRS 597.590 is hereby amended to read as follows:**

597.590 Any person who knowingly violates any provision of NRS 597.500 to 597.570, inclusive, and section 1 of this act is liable, in addition to any other penalty or remedy which may be provided by law, to a civil penalty of not more than \$500 for each offense, which may be recovered by civil action on complaint of the Commissioner of Consumer Affairs, the Director of the Department of Business and Industry or the district attorney.

~~Sec. 5.~~ **Sec. 13. NRS 598.990 is hereby amended to read as follows:**

598.990 The Division shall:

1. Establish and maintain a toll-free telephone number for persons to report to the Division information concerning alleged violations of NRS 487.035, 487.530 to 487.570, inclusive, 597.480 to 597.590, inclusive, and section 1 of this act, and 598.0903 to 598.0999, inclusive.

2. Develop a program to provide information to the public concerning:

(a) The duties imposed on a body shop by the provisions of NRS 487.035, 487.610 to 487.690, inclusive, and 597.480 to 597.590, inclusive, and section 1 of this act;

*(b) The duties imposed on a* garageman by the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and 597.480 to 597.590, inclusive ~~;~~, and section 1 of this act;

~~(b)~~ *, and section 1 of this act;*

*(c)* The rights and protections established for a person who uses the services of a garage;

~~(c)~~ *(d)* The repair of motor vehicles; and

~~(d)~~ *(e)* Deceptive trade practices relating to the repair of motor vehicles by a garage.

~~[Sec. 6.]~~ **Sec. 14.** ~~[Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A body shop that accepts a motor vehicle for repairs shall perform the repairs in accordance with the written estimate or statement of the cost of the repairs that is provided by the body shop or the person authorizing repairs.~~

~~2. If the body shop is not able to perform the repairs in accordance with the written estimate or statement, it shall notify the person authorizing repairs of that fact and the reasons therefor and shall not perform any repairs to the motor vehicle unless it obtains the consent of that person.~~

~~3. As used in this section, "person authorizing repairs" means a person who uses the services of a body shop. The term includes an insurance company, its agents or representatives, authorizing repairs to motor vehicles under a policy of insurance.] (Deleted by amendment.)~~

~~[Sec. 7.]~~ **Sec. 15.** ~~[NRS 487.600 is hereby amended to read as follows:~~

~~487.600 As used in NRS 487.610 to 487.690, inclusive, and section 6 of this act, "body shop" means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.] (Deleted by amendment.)~~

~~[Sec. 8.]~~ **Sec. 16.** NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or, after notice and hearing, may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, 487.610 to 487.690, inclusive, ~~[and section 6 of this act,]~~ or 597.480 to 597.590, inclusive ~~[-]~~, *and section 1 of this act.*

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.610 to 487.690, inclusive, ~~and section 6 of this act~~ or to determine the suitability of an applicant or a licensee for ~~such~~ licensure.

3. As used in this section, “salvage vehicle” has the meaning ascribed to it in NRS 487.770.

~~[Sec. 9.] Sec. 17. [NRS 487.690 is hereby amended to read as follows:~~

~~487.690—Any person who violates any of the provisions of NRS 487.610 to 487.680, inclusive, and section 6 of this act is guilty of a misdemeanor.]~~

**(Deleted by amendment.)**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 134.

AN ACT relating to public utilities; providing that certain electric and natural gas utilities applying to the Public Utilities Commission of Nevada to clear deferred accounts or to recover costs for purchased fuel and power have

the burden of proving reasonableness and prudence in such applications; prohibiting the Commission from allowing natural gas utilities to recover costs for purchases made imprudently; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain electric utilities to use deferred accounting to account for increases in the costs of power or fuel purchased by the electric utility. (NRS 704.110, 704.187) An electric utility is only allowed to recover increases in the costs of power or fuel purchased by the electric utility if the costs were not the result of practices or transactions that were imprudently undertaken by the electric utility. (NRS 704.110) The Nevada Supreme Court has ruled, in the absence of a statute to the contrary, that in a deferred accounting proceeding there is a presumption that the practices and transactions of an electric utility were reasonable and prudent. (*Nevada Power Company v. Public Utilities Commission of Nevada*, 122 Nev. Adv. Op. 72 (2006)) Section ~~1~~ 2 of this bill provides by specific statute that there is no presumption that the practices and transactions of an electric utility were undertaken prudently and that the burden is on the electric utility to prove that its practices and transactions were prudent.

Existing law authorizes certain natural gas utilities to use deferred accounting to account for increases in the costs of natural gas purchased by the utility. (NRS 704.185) Section ~~2~~ 3 of this bill provides that a natural gas utility is only allowed to recover increases in the costs of natural gas purchased by the natural gas utility if the costs were not the result of practices or transactions that were imprudently undertaken by the natural gas utility. Section ~~2~~ 3 also provides that there is no presumption that the practices and transactions of a natural gas utility were undertaken prudently and that the burden is on the natural gas utility to prove that its practices and transactions were prudent.

**Section 4 of this bill provides that the changes made by this bill apply to all applications of a public utility seeking to clear its deferred accounts pursuant to NRS 704.185 or 704.187 that are: (1) pending before the Public Utilities Commission of Nevada on or after the effective date of this act; (2) pending on appeal in a district court or the Supreme Court pursuant to NRS 703.373 to 703.376, inclusive, on or after the effective date of this act; or (3) filed with the Public Utilities Commission of Nevada on or after the effective date of this act.**

**Section 1 of this bill provides that the Legislature in enacting this bill determined that: (1) a public utility should have the burden of proving that its practices and transactions were reasonable and prudent; and (2) the holding in *Nevada Power Company v. Public Utilities Commission of Nevada* should be superseded. Additionally, the Legislature indicates in section 1 that this bill is not intended to abrogate or change any rule of evidence or procedure other than the presumption of reasonableness that the Nevada Supreme Court established.**

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

**Section 1.** The Legislature hereby finds and declares that:

1. In proceedings involving deferred energy accounting where a public utility seeks to recover from its ratepayers costs recorded in its deferred accounts pursuant to NRS 704.185 or 704.187, it is just and reasonable to require a public utility to prove that the costs recorded in its deferred accounts were incurred prudently. Therefore, to ensure that ratepayers do not pay for costs incurred as a result of any practices or transactions that were undertaken, managed or performed imprudently, the public utility should have the burden of proving that its practices and transactions were reasonable and prudent.

2. In *Nevada Power Company v. Public Utilities Commission of Nevada*, 122 Nev. Adv. Op. 72 (2006), the Nevada Supreme Court held that, in the absence of a statute to the contrary, the controlling procedure in proceedings involving deferred energy accounting is the rebuttable presumption of prudence adopted by the Public Utilities Commission of Nevada in the 1986 rate case of *Re Nevada Power Company*, 74 Pub. Util. Rep. 4th 703 (Nev. Pub. Serv. Comm'n May 30, 1986).

3. The provisions of this act are intended to supersede the holding of the Nevada Supreme Court in *Nevada Power Company v. Public Utilities Commission of Nevada*, 122 Nev. Adv. Op. 72 (2006), to the extent that the Court determined that the rebuttable presumption of prudence is the controlling procedure in proceedings involving deferred energy accounting.

4. Because the rebuttable presumption of prudence is a rule of procedure, this act applies to all applications of a public utility seeking to clear its deferred accounts that are:

- (a) Pending before the Public Utilities Commission of Nevada on or after the effective date of this act;
- (b) Pending on appeal in a district court or the Supreme Court pursuant to NRS 703.373 to 703.376, inclusive, on or after the effective date of this act; or
- (c) Filed with the Public Utilities Commission of Nevada on or after the effective date of this act.

5. The provisions of this act are not intended to abrogate or change any other rule of procedure or evidence followed by the Public Utilities Commission of Nevada in proceedings involving deferred energy accounting. Therefore, the provisions of this act do not abrogate or change the Commission's regulations which provide that:

- (a) A public utility must comply with certain minimum filing requirements when it files an application seeking to clear its deferred accounts; and

**(b) If the public utility meets those requirements, the public utility has established a prima facie case in support of its application.**

**6. Under the provisions of this act, in proceedings involving deferred energy accounting, if any party challenges the prudence of particular costs incurred by a public utility based on evidence entered into the record, the public utility is required to answer such challenge, and no presumption of prudence applies. However, if no party challenges the prudence of particular costs and the public utility has established a prima facie case regarding those costs, the Commission has the authority to approve those costs for recovery by the public utility in its rates.**

~~Section 1.~~ *Sec. 2.* NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68904 to 704.68984, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsections 3 and 13, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes:

(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and

(b) For all other public utilities, not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months,

but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every 24 months based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, and at least once every 24 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, and at least once every 24 months thereafter.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility which purchases natural gas for resale may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate

application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187;  
or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;



(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:

(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.

(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.

10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for

purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility. *There is no presumption that any practice or transaction was undertaken, managed or performed prudently by an electric utility applying to the Commission to clear its deferred accounts or to recover costs for purchased fuel and purchased power, and the electric utility has the burden of proving that the practices and transactions of the electric utility were reasonable and prudent.*

11. If an electric utility files an application to clear its deferred accounts pursuant to subsection 9 while a general rate application is pending, the electric utility shall:

(a) Submit with its application to clear its deferred accounts information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

12. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

13. A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.

14. As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.187.

(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.

~~{Sec. 2}~~ **Sec. 3.** NRS 704.185 is hereby amended to read as follows:

704.185 1. Except as otherwise provided in subsection 8 of NRS 704.110, a public utility which purchases natural gas for resale may record upon its books and records in deferred accounts all cost increases or decreases in the natural gas purchased for resale. Any public utility which uses deferred accounting to reflect changes in costs of natural gas purchased for resale shall include in its annual report to the Commission a statement showing the allocated rate of return for each of its operating departments in Nevada which uses deferred accounting.

2. If the rate of return for any department using deferred accounting pursuant to subsection 1 is greater than the rate of return allowed by the Commission in the last rate proceeding, the Commission shall order the utility which recovered any costs of natural gas purchased for resale through rates during the reported period to transfer to the next energy adjustment period that portion of such recovered amounts which exceeds the authorized rate of return.

3. A public utility which purchases natural gas for resale may request approval from the Commission to record upon its books and records in deferred accounts any other cost or revenue which the Commission deems appropriate for deferred accounting and which is not otherwise subject to the provisions of subsections 1 and 2. If the Commission approves such a request, the Commission shall determine the appropriate requirements for reporting and recovery that the public utility must follow with regard to each such deferred account.

~~4. The Commission shall not allow a public utility which purchases natural gas for resale to clear its deferred accounts or to recover any costs for purchased natural gas that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the public utility. There is no presumption that any practice or transaction was undertaken, managed or performed prudently by a public utility applying to the Commission to recover costs for purchased natural gas, and the public utility has the burden of proving that the practices and transactions of the public utility were reasonable and prudent.]~~

**4. When a public utility which purchases natural gas for resale files an application to clear its deferred accounts, the proceeding regarding the application must include a review of the transactions and recorded costs of natural gas included in the application. There is no presumption of reasonableness or prudence for any transactions or recorded costs of natural gas included in the application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.**

**Sec. 4.** This act applies to all applications of a public utility seeking to clear its deferred accounts pursuant to NRS 704.185 or 704.187 that are:

1. Pending before the Public Utilities Commission of Nevada on or after the effective date of this act;
2. Pending on appeal in a district court or the Supreme Court pursuant to NRS 703.373 to 703.376, inclusive, on or after the effective date of this act; or
3. Filed with the Public Utilities Commission of Nevada on or after the effective date of this act.

~~Sec. 3.]~~ **Sec. 5.** This act becomes effective upon passage and approval.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 24.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 137.

AN ACT relating to consumer reporting; prohibiting a credit reporting agency from charging certain elderly consumers a fee to release their consumer reports to specific persons or for specific periods or to place security freezes in or remove security freezes from their credit files; **reducing the amount of fees that may be charged by credit reporting agencies to other consumers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[A]~~ **Existing law authorizes** a credit reporting agency ~~[may]~~ **to** charge a fee to place a security freeze in or to remove a security freeze from the credit file of a consumer if requested by the consumer. (NRS 598C.300, 598C.320) The security freeze is designed to prevent a credit reporting agency from releasing a consumer report without the consumer's consent. (NRS 598C.310) A credit reporting agency may also charge a fee to release temporarily a credit report of a consumer to a specific person or for a specific period. (NRS 598C.320)

This bill prohibits a credit reporting agency from charging a consumer who is ~~[62]~~ **65** years of age or older a fee to release temporarily his consumer report to a specific person or for a specific period or to place a security freeze in or to remove a security freeze from his credit file ~~[ ]~~ **and reduces the maximum amount of the fees authorized for other persons.**

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

Section 1. NRS 598C.320 is hereby amended to read as follows:

598C.320 1. Except as otherwise provided in this section, ~~[ ]~~

~~(a) A reporting agency may charge a consumer a [reasonable] [fee, not to exceed \$15, to place a security freeze in his file.~~

~~(b) After a security freeze has been placed in the file of a consumer, a reporting agency may charge the consumer a [reasonable] [fee:~~

~~(1) Not to exceed \$18, to remove the security freeze from his file pursuant to NRS 598C.360.~~

~~(2) Not to exceed \$18, to temporarily release his consumer report for a specific period pursuant to NRS 598C.350.~~

~~(3) Not to exceed \$20, to temporarily release his consumer report to a specific person pursuant to NRS 598C.350.] , a reporting agency may~~

charge a consumer a fee, not to exceed \$10, to place, remove or temporarily release a security freeze on his file.

2. A reporting agency may not charge a consumer the ~~fees~~ fee set forth in subsection 1 to place a security freeze in his file, to temporarily release his consumer report for a specific period or to a specific person, or to remove a security freeze from his file if ~~the~~ :

(a) *The consumer is ~~62~~ 65 years of age or older; or*

(b) *The consumer is a victim of identity theft and the consumer submits, at the time the security freeze is requested, a valid copy of a police report, investigative report or complaint which the consumer has filed with a law enforcement agency regarding the unlawful use of the personal information of the consumer by another person.*

3. On January 1 of each year, a reporting agency may increase the fees set forth in subsection 1 based proportionally on changes to the Consumer Price Index of All Urban Consumers, as determined by the United States Department of Labor, with fractional changes rounded to the nearest 25 cents.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 29.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 68.

~~“SUMMARY—Adds certain vehicles of [the Division of Parole and Probation of the Department of Public Safety]~~ *certain governmental agencies* to the authorized emergency vehicles list. (BDR 43-557)”

~~“AN ACT relating to public safety; revising the list of authorized emergency vehicles to include certain vehicles of [the Division of Parole and Probation of the Department of Public Safety];~~ *certain governmental agencies*; and providing other matters properly relating thereto.”

Legislative Counsel’s Digest:

This bill adds certain vehicles owned and operated by ~~[the Division of Parole and Probation of the Department of Public Safety]~~ *certain governmental agencies* to the list of authorized emergency vehicles. (NRS 484.787)

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

Section 1. NRS 484.787 is hereby amended to read as follows:

484.787 1. Except as otherwise provided in NRS 484.789, authorized emergency vehicles are vehicles publicly owned and operated in the performance of the duty of:

- (a) A police or fire department.
- (b) A sheriff's office.
- (c) The Nevada Highway Patrol.
- (d) *The Division of Parole and Probation of the Department of Public Safety.*

*Safety.*

*(e) The Investigation Division of the Department of Public Safety.*

*(f) The Division of Compliance Enforcement of the Department of Motor Vehicles.*

*(g) The Department of Wildlife when the vehicles are operated by a game warden or any peace officer exercising the powers of enforcement conferred by NRS 289.280, 501.349 or 501.375.*

*(h) The State Department of Agriculture when the vehicles are operated by a field agent or an inspector exercising the powers of enforcement conferred by NRS 289.290.*

*(i) The Division of Forestry of the State Department of Conservation and Natural Resources in responding to a fire.*

~~(e)~~ ~~(f)~~ *(j) A public ambulance agency.*

~~(f)~~ ~~(g)~~ *(k) A public lifeguard or lifesaving agency.*

2. A vehicle publicly maintained in whole or in part by the State, or by a city or county, and privately owned and operated by a regularly salaried member of a police department, sheriff's office, ~~for~~ traffic law enforcement department ~~, or the Division of Parole and Probation~~ **any agency listed in subsection 1** is an authorized emergency vehicle if:

(a) The vehicle has a permit, pursuant to NRS 484.789, from the Department;

(b) The person operates the vehicle in responding to emergency calls or fire alarms, or at the request of the Nevada Highway Patrol or ~~the Division of Parole and Probation or~~ **any agency listed in subsection 1** in the pursuit of actual or suspected violators of the law; and

(c) The State, county or city does not furnish a publicly owned vehicle for the purposes stated in paragraph (b).

3. Every authorized emergency vehicle must be equipped with at least one flashing red warning lamp visible from the front and a siren for use as provided in this chapter, which lamp and siren must be in compliance with standards approved by the Department. In addition, an authorized emergency vehicle may display revolving, flashing or steady red or blue warning lights to the front, sides or rear of the vehicle.

4. An authorized emergency vehicle may be equipped with a system or device that causes the upper-beam head lamps of the vehicle to continue to flash alternately while the system or device is activated. The driver of a vehicle that is so equipped may use the system or device when responding to an emergency call or fire alarm, while escorting a funeral procession, or when in pursuit of an actual or suspected violator of the law. As used in this subsection, "upper-beam head lamp" means a head lamp or that part of a

head lamp which projects a distribution of light or composite beam meeting the requirements of subsection 1 of NRS 484.587.

5. Except as otherwise provided in subsection 4, a person shall not operate a motor vehicle with any system or device that causes the head lamps of the vehicle to continue to flash alternately or simultaneously while the system or device is activated. This subsection does not prohibit the operation of a motorcycle equipped with any system or device that modulates the intensity of light produced by the head lamp of the motorcycle, if the system or device is used only during daylight hours and conforms to the requirements of 49 C.F.R. § 571.108.

6. A person shall not operate a vehicle with any lamp or device displaying a red light visible from directly in front of the center of the vehicle except an authorized emergency vehicle, a school bus or an official vehicle of a regulatory agency.

7. A person shall not operate a vehicle with any lamp or device displaying a blue light, except a motorcycle pursuant to NRS 486.261 or an authorized emergency vehicle.

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

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 144.

**SUMMARY** — ~~[Revises provisions governing licenses to practice]~~ **Makes various changes concerning** podiatry. (BDR 54-631)

AN ACT relating to podiatry; revising provisions relating to requirements for licenses to practice podiatry; authorizing the State Board of Podiatry to adopt regulations increasing the maximum application and examination fees for such licenses; eliminating certain obsolete provisions concerning examinations for licensure; **providing that the insured under certain policies of health insurance is entitled under certain circumstances to reimbursement for the treatment of an illness by a podiatrist licensed by the Board;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 5 of this bill revise the examination requirement to obtain a license to practice podiatry to provide that a person must have passed that examination within the 5 years immediately preceding the date of his application for a license to practice podiatry or a temporary license to practice podiatry. Sections 2, 4 and 5 of this bill authorize the State Board of Podiatry to increase the fees required to be paid to apply for a license to practice podiatry or a limited or temporary license to practice podiatry.

Sections 1, 3, 6 and 11 of this bill eliminate certain obsolete provisions concerning examinations for licensure.

**Sections 7-10 of this bill provide that if a policy of health insurance, policy of group health insurance, contract for hospital or medical services, or evidence of coverage under a health care plan provides coverage for the treatment of an illness which is within the scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed by the Board.**

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

Section 1. NRS 635.020 is hereby amended to read as follows:

635.020 1. The State Board of Podiatry, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are licensed podiatric physicians in the State of Nevada.

(b) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) One member who is a representative of the general public. This member must not be:

(1) A licensed podiatric physician in the State of Nevada; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed podiatric physician in the State of Nevada.

3. The members of the Board are entitled to receive:

(a) A salary of not more than \$80 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

~~{5. If a member is not licensed under the provisions of this chapter, the member shall not participate in preparing, conducting or grading any examination required by the Board.}~~

Sec. 2. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person ~~{desiring}~~ **wishing** to practice podiatry in this State must ~~{furnish}~~, **before beginning to practice, procure from** the Board ~~{with satisfactory proof that he:}~~ **a license to practice podiatry.**



**2. A license to practice podiatry may be issued by the Board to any person who:**

- (a) Is of good moral character.
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.
- (c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.
- (d) Has completed a residency approved by the Board.
- (e) Has passed the examination given by the National Board of Podiatric Medical Examiners ~~{ }~~ **within the 5 years immediately preceding the date of his application for a license to practice podiatry.**
- (f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that he has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

~~{2.}~~ **3. An applicant ~~is entitled to be examined by~~ for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt ~~if he:~~**

- ~~(a) Pays~~ :
  - (a) If the applicant has satisfied the examination requirement set forth in paragraph (e) of subsection 2, the fee for an application for a license of not more than ~~{ \$600;~~**
  - ~~(b) Pays~~ **\$900;**
  - (b) If the applicant has not satisfied the examination requirement set forth in paragraph (e) of subsection 2, the fee for ~~the~~ an application and an examination for a license of not more than ~~{ \$200;~~**
  - ~~(c) Submits proof~~ **\$1,500;**
  - (c) Proof** satisfactory to the Board ~~is required by subsection 1; and~~
  - ~~(d) Submits all~~ **that the requirements of subsection 2 have been met;**

**and**

**(d) All other** information required **by the Board** to complete an application for a license.

The Board shall, by regulation, establish the fees required to be paid pursuant to this subsection.

~~{3.}~~ **4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.**

~~{4.}~~ **5. The Board may require such further documentation or proof of qualification as it may deem proper.**

~~{5.}~~ **6. The provisions of this section do not apply to a person who applies for ~~an~~ :**

- (a) A limited license to practice podiatry pursuant to NRS 635.075 ~~{ }~~ ; or**
- (b) A temporary license to practice podiatry pursuant to NRS 635.082.**

Sec. 3. NRS 635.070 is hereby amended to read as follows:

635.070 Without unnecessary delay , ~~{after the examination,}~~ the Board shall act ~~{on the examination,}~~ ***upon an application for a license submitted pursuant to this chapter.*** If an applicant is found qualified, he must be issued a license to practice podiatry, or as a podiatry hygienist, as the case may be.

Sec. 4. NRS 635.075 is hereby amended to read as follows:

635.075 1. The Board shall issue a limited license to practice podiatry pursuant to this section to each applicant who complies with the provisions of this section.

2. An applicant for a limited license to practice podiatry must submit to the Board:

- (a) An application on a form provided by the Board;
- (b) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection ~~{2}~~ 3 of NRS 635.050; and
- (c) Satisfactory proof that he:
  - (1) Is of good moral character;
  - (2) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
  - (3) For not less than 25 years:
    - (I) Was licensed to practice podiatry in one or more states or the District of Columbia and practiced podiatry during the period each such license was in effect; and
    - (II) Remained licensed in good standing at all times during the period he was licensed to practice podiatry; and
  - (4) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this subparagraph, an affidavit signed by the applicant stating that he has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a limited license is not required to be licensed to practice podiatry in another state or the District of Columbia when he submits the application for a limited license to the Board.

4. A person who is issued a limited license pursuant to this section may practice podiatry only under the direct supervision of a podiatric physician who is licensed pursuant to this chapter and who does not hold a limited license issued pursuant to this section.

5. A limited license issued pursuant to this section:

- (a) Is effective upon issuance; and
- (b) May be renewed in the manner prescribed in NRS 635.110.

6. The Board may:

- (a) Place such restrictions and conditions upon a limited license issued pursuant to this section as the Board deems appropriate; and
- (b) Adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 635.082 is hereby amended to read as follows:

635.082 1. A graduate of an accredited school of podiatry may, during his residency, be granted a temporary license to practice podiatry under the direct supervision of a podiatric physician licensed to practice in this State. A

temporary license must not be effective for more than 1 year and is not renewable.

2. ~~{An applicant for a}~~ A temporary license ~~{must furnish}~~ **to practice podiatry may be issued by** the Board ~~{with satisfactory proof that he:}~~ **to any person who:**

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(b) Has received the degree of D.P.M. (Doctor of Podiatric Medicine) from an accredited school of podiatry.

(c) Has passed the examination given by the National Board of ~~{Podiatry Examiners.~~

3. ~~Upon payment of a fee, not exceeding \$600, which}~~ **Podiatric Medical Examiners within the 5 years immediately preceding the date of his application for a temporary license to practice podiatry.**

3. **An applicant for a temporary license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:**

(a) **If the applicant has satisfied the examination requirement set forth in paragraph (c) of subsection 2, the fee for an application for a temporary license of not more than \$900;**

(b) **If the applicant has not satisfied the examination requirement set forth in paragraph (c) of subsection 2, the fee for an application and an examination for a temporary license of not more than \$1,500;**

(c) **Proof satisfactory to the Board that the requirements of subsection 2 have been met; and**

(d) **All other information required by the Board to complete an application for a temporary license.**

4. **The fees required pursuant to subsection 3** must be established by regulation of the Board . ~~{, and the presentation of satisfactory proof as required by subsection 2, an applicant is entitled to be examined by the Board or a committee thereof pursuant to such regulations as the Board may adopt.~~

4.} 5. The Board may by regulation govern the issuance and conditions of the temporary license.

Sec. 6. NRS 635.093 is hereby amended to read as follows:

635.093 ~~{1.}~~ Any person ~~{desiring}~~ **wishing** to be licensed as a podiatry hygienist in this State must ~~{furnish}~~ :

1. **Furnish** the Board with satisfactory proof that he:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has satisfactorily completed a course for podiatry hygienists approved by the Board or has had 6 months or more of training in a podiatric physician's office as approved by the Board.

2. ~~{Upon payment of a fee, not exceeding \$100, which must be established by regulation of the Board, presenting satisfactory proof as~~

required by subsection 1 and submitting} *Submit* all information required to complete an application for a license . ~~[, an applicant, not exempted under subsection 3, must be examined by the Board or a committee thereof under such regulations as the Board may adopt.~~

~~3.—The Board may, without examination, admit to practice as a podiatry hygienist a person who is employed by a podiatric physician and is:~~

~~(a) A registered nurse; or~~

~~(b) A licensed practical nurse whom the Board or any of its members have interviewed and observed in the use of practical skills.]~~

3. *Pay to the Board a fee, not exceeding \$100, which must be established by regulation of the Board.*

Sec. 7. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.*

2. *The terms of the policy must not limit:*

(a) *Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.*

(b) *Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.*

Sec. 8. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If any group policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.*

2. *The terms of the policy must not limit:*

(a) *Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.*

(b) *Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.*

Sec. 9. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If any contract for hospital or medical services provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.*

2. *The terms of the policy must not limit:*

(a) *Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.*

(b) *Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.*

**Sec. 10.** Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

**1. If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.**

**2. The terms of the policy must not limit:**

**(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.**

**(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.**

~~{Sec. 7.}~~ **Sec. 11.** NRS 635.060 is hereby repealed.

~~{Sec. 8.}~~ **Sec. 12.** This act becomes effective on July 1, 2007.

#### TEXT OF REPEALED SECTION

635.060 Examination: Time; place; subjects; regulations to establish passing requirements.

1. The Board shall hold at least one examination each year to examine applicants under this chapter. The Board shall establish the time and place for the examination.

2. The Board shall provide such books, blanks and forms as may be necessary to conduct the examination.

3. The examination for licensure under this chapter must be in the English language, written, oral or clinical, as the Board may determine. The examination for podiatric physicians may include the following subjects: Anesthesia and medications, bacteriology, clinical podiatry, dermatology, diagnosis and treatment, laboratory, neurology, orthopedics, pathology, pharmacology, including pharmacodynamics and materia medica, sterilization and sterile technique, surgery, surgical anatomy, X ray, and such other subjects pertaining to the treatment of the foot and leg as the Board may determine.

4. The Board shall establish by regulation the requirements for passing the examination.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 23.

AN ACT relating to motor vehicles; requiring an applicant requesting the design, preparation and issuance of a special license plate to pay an

application fee; providing for the refund of the application fee in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires a person submitting an application to the Department of Motor Vehicles for the design, preparation and issuance of a special license plate to submit a fee in the amount of \$5,000 with the application. (NRS 482.367002) The Department is required to refund the fee to the applicant if the Department or the Commission on Special License Plates decides not to issue the plate, or after at least 1,000 plates are issued.

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

Section 1. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) ~~Must be accompanied by a petition containing the signatures of at least 1,000 persons who wish to obtain the special license plate;~~

~~(c)~~ Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization; ~~and~~

~~(d)~~ (c) May be accompanied by suggestions for the design of and colors to be used in the special license plate ~~;~~ **and**

~~(e)~~ (d) **Must be accompanied by a fee in the amount of \$5,000.**

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection 8 of NRS 482.270,

for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for

personalized prestige license plates in addition to the fees for the special license plate.

5. *Except as otherwise provided in subsection 6, the application fee submitted pursuant to subsection 2 must be deposited in the Revolving Account for the Issuance of Special License Plates created pursuant to NRS 482.1805.*

6. *The Department must promptly refund the application fee submitted pursuant to subsection 2:*

(a) *If the Department or the Commission on Special License Plates determines not to issue the special license plate; or*

(b) *If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.*

~~{6-}~~ 7. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

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

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 143.

SUMMARY—~~{Provides for the suspension or revocation of a contractor's license}~~ **Revises the administrative penalties that may be imposed against contractors** for certain offenses. (BDR 54-880)

AN ACT relating to contractors; ~~{providing for the suspension or revocation of the license of}~~ **revising the administrative penalties that may be imposed against** a contractor who knowingly enters into a contract with an unlicensed contractor ; ~~{or bids to contract or enters into a contract with a contractor in excess of that contractor's limit or beyond the scope of that contractor's license;}~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a contractor who ~~{commits certain acts, including knowingly entering}~~ **knowingly enters** into a contract with an unlicensed contractor ~~{or bidding to contract or entering into a contract with a~~

~~contractor in excess of that contractor's limit or beyond the scope of that contractor's license,] may be punished by the imposition of [a fine, the suspension or refusal to renew his license, or the taking of other disciplinary action.] an administrative fine of not more than \$50,000. (NRS 624.300, 624.3015) This bill [provides that] **revises the administrative penalties that may be imposed against** a contractor who enters into such a contract ~~[or bids to do so, shall be punished by the suspension of his license for 6 months for a first offense and for 1 year for a second offense and by the revocation of his license for a third offense.]~~ **by requiring the imposition of an administrative fine and providing for the suspension or revocation of his license.**~~

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

Section 1. NRS 624.300 is hereby amended to read as follows:

624.300 1. Except as otherwise provided in subsections 3 ~~and 4,~~ ~~4~~ ~~and 6,~~ 5, the Board may:

- (a) Suspend or revoke licenses already issued;
- (b) Refuse renewals of licenses;
- (c) Impose limits on the field, scope and monetary limit of the license;
- (d) Impose an administrative fine of not more than \$10,000;
- (e) Order a licensee to repay to the account established pursuant to NRS 624.470, any amount paid out of the account pursuant to NRS 624.510 as a result of an act or omission of that licensee;
- (f) Order the licensee to take action to correct a condition resulting from an act which constitutes a cause for disciplinary action, at the licensee's cost, that may consist of requiring the licensee to:
  - (1) Perform the corrective work himself;
  - (2) Hire and pay another licensee to perform the corrective work; or
  - (3) Pay to the owner of the construction project a specified sum to correct the condition; or
- (g) Issue a public reprimand or take other less severe disciplinary action, including, without limitation, increasing the amount of the surety bond or cash deposit of the licensee, ~~if~~ if the licensee commits any act which constitutes a cause for disciplinary action.

2. If the Board suspends or revokes the license of a contractor for failure to establish financial responsibility, the Board may, in addition to any other conditions for reinstating or renewing the license, require that each contract undertaken by the licensee for a period to be designated by the Board, not to exceed 12 months, be separately covered by a bond or bonds approved by the Board and conditioned upon the performance of and the payment of labor and materials required by the contract.

3. If a licensee violates ~~the~~ :



(a) The provisions of NRS 624.3014, subsection 2 or 3 of NRS 624.3015, subsection 1 of NRS 624.302 or subsection 1 of NRS 624.305, the Board may impose for each violation an administrative fine in an amount that is not more than \$50,000.

(b) The provisions of subsection 4 of NRS 624.3015:

(1) For a first offense, the Board shall impose an administrative fine of not less than \$1,000 and not more than \$50,000, and may suspend the license of the licensee for 6 months;

(2) For a second offense, the Board shall impose an administrative fine of not less than \$5,000 and not more than \$50,000, and shall suspend the license of the licensee for 1 year; and

(3) For a third or subsequent offense, the Board shall impose an administrative fine of not less than \$10,000 and not more than \$50,000, and shall revoke the license of the licensee.

4. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to ~~this subsection.~~ subsection 3. The standards must include, without limitation, provisions requiring the Board to consider:

- (a) The gravity of the violation;
- (b) The good faith of the licensee; and
- (c) Any history of previous violations of the provisions of this chapter committed by the licensee.

~~4.~~ 5. If a licensee is prohibited from being awarded a contract for a public work pursuant to NRS 338.017, the Board may suspend the license of the licensee for the period of the prohibition.

~~5.~~ 6. If a licensee commits a fraudulent act which is a cause for disciplinary action under NRS 624.3016, the correction of any condition resulting from the act does not preclude the Board from taking disciplinary action.

~~6.~~ If a licensee violates the provisions of subsection 3 of NRS 624.3015, the Board shall:

- ~~(a) For a first offense, suspend the license of the licensee for 6 months;~~
- ~~(b) For a second offense, suspend the license of the licensee for 1 year;~~
- and
- ~~(c) For a third offense, revoke the license of the licensee.~~

7. If the Board finds that a licensee has engaged in repeated acts that would be cause for disciplinary action, the correction of any resulting conditions does not preclude the Board from taking disciplinary action pursuant to this section.

~~7.~~ 8. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license by a licensee, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

~~8.~~ 9. The Board shall not issue a private reprimand to a licensee.

~~{9.}~~ **10.** An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

~~{10.}~~ **11.** An administrative fine imposed pursuant to this section, NRS 624.341 or 624.710 plus interest at a rate that is equal to the prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, as appropriate, immediately preceding the date of the order imposing the administrative fine, plus 4 percent, must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State. The interest must be collected from the date of the order until the date the administrative fine is paid.

~~{11.}~~ **12.** All fines and interest collected pursuant to this section must be deposited with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.

**Sec. 2. NRS 624.3015 is hereby amended to read as follows:**

624.3015 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Acting in the capacity of a contractor beyond the scope of the license.
2. Bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board.
3. **Bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license.**

~~4.~~ **4.** Knowingly entering into a contract with a contractor while that contractor is not licensed, ~~or bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license.~~

~~4.}~~ **5.** Constructing or repairing a mobile home, manufactured home or commercial coach, unless the contractor:

- (a) Is licensed pursuant to NRS 489.311; or
- (b) Owns, leases or rents the mobile home, manufactured home or commercial coach.

~~{5.}~~ **6.** Engaging in any work or activities that require a contractor's license while the license is placed on inactive status pursuant to NRS 624.282.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 200.

AN ACT relating to crimes; providing that murder committed in the perpetration or attempted perpetration of ~~{child neglect or}~~ abuse ~~{or neglect}~~

of an older person or vulnerable person constitutes murder of the first degree; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that murder of the first degree includes murder committed in the perpetration or attempted perpetration of sexual assault, kidnapping, arson, robbery, burglary, invasion of the home, sexual abuse of a child, sexual molestation of a child under the age of 14 years or child abuse. (NRS 200.030) This bill expands that list to provide that murder of the first degree also includes murder committed in the perpetration or attempted perpetration of ~~child neglect, or~~ abuse ~~for neglect~~ of an older person or vulnerable person.

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

Section 1. NRS 200.030 is hereby amended to read as follows:

200.030 1. Murder of the first degree is murder which is:

(a) Perpetrated by means of poison, lying in wait or torture, or by any other kind of willful, deliberate and premeditated killing;

(b) Committed in the perpetration or attempted perpetration of sexual assault, kidnapping, arson, robbery, burglary, invasion of the home, sexual abuse of a child, sexual molestation of a child under the age of 14 years, ~~for~~ child abuse ~~or~~ ~~neglect, or~~ **abuse ~~for neglect~~ of an older person or vulnerable person pursuant to NRS 200.5099;**

(c) Committed to avoid or prevent the lawful arrest of any person by a peace officer or to effect the escape of any person from legal custody;

(d) Committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person; or

(e) Committed in the perpetration or attempted perpetration of an act of terrorism.

2. Murder of the second degree is all other kinds of murder.

3. The jury before whom any person indicted for murder is tried shall, if they find him guilty thereof, designate by their verdict whether he is guilty of murder of the first or second degree.

4. A person convicted of murder of the first degree is guilty of a category A felony and shall be punished:

(a) By death, only if one or more aggravating circumstances are found and any mitigating circumstance or circumstances which are found do not outweigh the aggravating circumstance or circumstances, unless a court has made a finding pursuant to NRS 174.098 that the defendant is mentally retarded and has stricken the notice of intent to seek the death penalty; or

(b) By imprisonment in the state prison:

- (1) For life without the possibility of parole;
- (2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or
- (3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

A determination of whether aggravating circumstances exist is not necessary to fix the penalty at imprisonment for life with or without the possibility of parole.

5. A person convicted of murder of the second degree is guilty of a category A felony and shall be punished by imprisonment in the state prison:

- (a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or
- (b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

6. As used in this section:

- (a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415;
- (b) "Child abuse" means physical injury of a nonaccidental nature to a child under the age of 18 years;
- (c) ~~"Child neglect" means the negligent treatment or maltreatment of a child under the age of 18 years as set forth in NRS 432B.140;~~
- ~~(d)~~ "School bus" has the meaning ascribed to it in NRS 483.160;
- (d) ~~(e)~~ "Sexual abuse of a child" means any of the acts described in NRS 432B.100; and
- (e) ~~(f)~~ "Sexual molestation" means any willful and lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions or sexual desires of the perpetrator or of the child.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 71.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 73.

AN ACT relating to traffic laws; making various changes to procedures when a vehicle is involved in a traffic accident; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a driver of a vehicle involved in a traffic accident that results only in property damage to stop his vehicle at the scene of the accident or, if his vehicle is obstructing traffic, at a location as close to the scene as possible. (NRS 484.221) ~~Section 1 of this~~ This bill clarifies that

after stopping his vehicle at the scene of an accident, the driver is required to move his vehicle or cause the vehicle to be moved, as soon as reasonably practicable, if the vehicle is obstructing traffic and can be moved safely. ~~In addition, sections 1-3 of this bill provide that a person who moves or causes his vehicle to be moved is not required to file a report with the police or the Department of Motor Vehicles. (NRS 484.223, 484.229)~~

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

Section 1. NRS 484.221 is hereby amended to read as follows:

484.221 ~~{1}~~ The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall ~~{immediately}~~ :

~~{(a)}~~ **1.** *Immediately* stop his vehicle at the scene of the accident ~~{or, if}~~ ;  
*and*

~~{(b)}~~ **2.** *As soon as reasonably practicable, if* his vehicle is obstructing traffic ~~{, at}~~ *and can be moved safely, move the vehicle or cause the vehicle to be moved to* a location as close thereto as possible that does not obstruct traffic ~~{, and shall forthwith}~~ *and* return to and remain at the scene of the accident until he has fulfilled the requirements of NRS 484.223.

~~{2.}—A driver who moves or causes his vehicle to be moved in compliance with subsection 1 is not required to file a report pursuant to NRS 484.223 or 484.229. The exception to the reporting requirement does not apply to a person who complies with subsection 1 without moving his vehicle.~~

Sec. 2. ~~{NRS 484.223 is hereby amended to read as follows:~~

~~484.223—1. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall:~~

~~(a) Give his name, address and the registration number of the vehicle he is driving, and shall, upon request and if available, exhibit his license to operate a motor vehicle to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident;~~

~~(b) Give such information and upon request manually surrender such license to any police officer at the scene of the accident or who is investigating the accident; and~~

~~(c) Render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.~~

~~2. ~~{If}~~ Except as otherwise provided in NRS 484.221, if no police officer is present, the driver of any vehicle involved in such accident, after fulfilling all other requirements of subsection 1 and NRS 484.219, insofar as possible on his part to be performed, shall forthwith report such accident to the nearest~~

office of a police authority or of the Nevada Highway Patrol and submit thereto the information specified in subsection 1. *(Deleted by amendment.)*

Sec. 3. ~~[NRS 484.229 is hereby amended to read as follows:~~

~~484.229 1. Except as otherwise provided in subsections 2, 3 and 4 [,] and NRS 484.221, the driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of \$750 or more, shall, within 10 days after the accident, forward a written report of the accident to the Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the accident report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written reports whenever the original report is insufficient in the opinion of the Department.~~

~~2. A report is not required from any person if the accident was investigated by a law enforcement agency and the report of the investigating officer contains:~~

- ~~(a) The name and address of the insurance company providing coverage to each person involved in the accident;~~
- ~~(b) The number of each policy; and~~
- ~~(c) The dates on which the coverage begins and ends.~~

~~3. The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the Transportation Services Authority need not submit in his report the information requested pursuant to subsection 3 of NRS 484.247 until the 10th day of the month following the month in which the accident occurred.~~

~~4. A written accident report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of his incapacity. Whenever the driver is physically incapable of making a written report of an accident as required in this section and he is not the owner of the vehicle, the owner shall, within 10 days after knowledge of the accident, make the report not made by the driver.~~

~~5. All written reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in accidents are without prejudice to the person so reporting and are for the confidential use of the Department or other state agencies having use of the records for accident prevention, except that the Department may disclose to a person involved in an accident or to his insurer the identity of another person involved in the accident when his identity is not otherwise known or when he denies his presence at the accident. The Department may also disclose the name of his insurer and the number of his policy.~~

~~6.—A written report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of an accident except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law [.] and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484.236.]~~ *(Deleted by amendment.)*

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 49.

**ASSEMBLYMEN Gansert, ALLEN, ANDERSON, CARPENTER, COBB, CONKLIN, GERHARDT, GOEDHART, HORNE, MABEY, MANENDO, MORTENSON, OCEGUERA, OHRENSCHALL AND SEGERBLOM**

AN ACT relating to crimes; specifying that the crime of luring a child includes luring a person believed to be a child; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from luring a child who is less than 16 years of age and who is at least 5 years younger than the person. (NRS 201.560) This bill amends existing law to specify that a person violates this provision when he knowingly contacts or communicates with or attempts to contact or communicate with someone whom he believes to be a child less than 16 years of age and at least 5 years younger than the person.

A violation of the amendatory provisions of this bill constitutes the crime of luring a child and is considered a "sexual offense" or "sexual offense against a child" in certain circumstances for the purposes of several provisions of existing law. Such provisions include, without limitation, provisions requiring registration of sex offenders, community notification of sex offenders, lifetime supervision of sex offenders and special restrictions and conditions concerning parole of sex offenders as well as provisions specifically authorizing disciplinary action against a teacher or other licensed employee of a school convicted of the crime of luring a child. (NRS 62C.120, 62F.100, 62H.010, 62H.220, 176.0931, 176.133, 178.5698, 179.245, 179.460, 179A.073, 179A.280, 179D.410, 179D.620, 200.366, 213.107, 213.1214, 213.1245, 213.1255, 213.1258, 391.311, 391.314, 391.330) Thus, for example, NRS 176.0931 would require a court to impose lifetime supervision upon a person convicted of luring or attempting to lure a person

whom he believed to be a child. Further, NRS 213.1258 would provide that if the State Board of Parole Commissioners grants parole to a person convicted of luring or attempting to lure a person whom he believed to be a child through the use of a computer, system or network, the Board, under certain circumstances, must impose as a condition of the parole that the parolee not own or use a computer. In addition, NRS 391.330 would provide that a conviction for luring or attempting to lure a person believed to be a child constitutes grounds for the State Board of Education to suspend or revoke the license of a teacher, administrator or any other licensed employee.

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

Section 1. NRS 201.560 is hereby amended to read as follows:

201.560 1. Except as otherwise provided in subsection 3, a person ~~shall not knowingly contact or communicate with or attempt~~ **commits the crime of luring a child if the person knowingly contacts or communicates with or attempts** to contact or communicate with ~~a~~ :

(a) A child who is less than 16 years of age and who is at least 5 years younger than the person with the intent to persuade, lure or transport the child away from his home or from any location known to his parent or guardian or other person legally responsible for the child to a place other than where the child is located, for any purpose:

~~{(a)}~~ (1) Without the express consent of the parent or guardian or other person legally responsible for the child; and

~~{(b)}~~ (2) With the intent to avoid the consent of the parent or guardian or other person legally responsible for the child ~~}; or~~

**(b) Another person whom he believes to be a child who is less than 16 years of age and who is at least 5 years younger than him, regardless of the actual age of that other person, with the intent to commit an act described in paragraph (a) against that other person.**

2. Except as otherwise provided in subsection 3, a person ~~shall not knowingly contact or communicate~~ **commits the crime of luring a mentally ill person if he knowingly contacts or communicates** with a mentally ill person with the intent to persuade, lure or transport the mentally ill person away from his home or from any location known to any person legally responsible for the mentally ill person to a place other than where the mentally ill person is located:

(a) For any purpose that a reasonable person under the circumstances would know would endanger the health, safety or welfare of the mentally ill person;

(b) Without the express consent of the person legally responsible for the mentally ill person; and

(c) With the intent to avoid the consent of the person legally responsible for the mentally ill person.



3. The provisions of this section do not apply if the contact or communication is made or attempted with the intent to prevent imminent bodily, emotional or psychological harm to the child, *person believed to be a child* or mentally ill person.

4. A person who violates or attempts to violate the provisions of this section through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child, *person believed to be a child* or mentally ill person or to cause the child, *person believed to be a child* or mentally ill person to engage in sexual conduct, 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 10 years and may be further punished by a fine of not more than \$10,000;

(b) By providing the child, *person believed to be a child* or mentally ill person with material that is harmful to minors or requesting the child, *person believed to be a child* or mentally ill person to provide the person with material that is harmful to minors, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

5. A person who violates or attempts to violate the provisions of this section in a manner other than through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child, *person believed to be a child* or mentally ill person or to cause the child, *person believed to be a child* or mentally ill person to engage in sexual conduct, 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 2 years and a maximum term of not more than 15 years and may be further punished by a fine of not more than \$10,000;

(b) By providing the child, *person believed to be a child* or mentally ill person with material that is harmful to minors or requesting the child, *person believed to be a child* or mentally ill person to provide the person with material that is harmful to minors, 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 \$10,000; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

(b) "Harmful to minors" has the meaning ascribed to it in NRS 201.257.

(c) "Material" means anything that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or in any other manner.

(d) "Mentally ill person" means a person who has any mental dysfunction leading to impaired ability to maintain himself and to function effectively in his life situation without external support.

(e) "Network" has the meaning ascribed to it in NRS 205.4745.

(f) "Sexual conduct" has the meaning ascribed to it in NRS 201.520.

(g) "System" has the meaning ascribed to it in NRS 205.476.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 17.

AN ACT relating to motor vehicles; providing for a portion of the money in the Account for License Plates for the Support of the Education of Children in the Arts to be distributed to ~~the~~ VSA arts of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles, in cooperation with the Nevada Arts Council, to design, prepare and issue license plates for the support of the education of children in the arts and to impose a fee for such license plates. (NRS 482.3792) The fees collected must be deposited in the Account for License Plates for the Support of the Education of Children in the Arts administered by the Nevada Arts Council. (NRS 233C.094) This bill provides that one-half of the money received from those special license plates, which must be deposited in the Account for License Plates for the Support of the Education of Children in the Arts, be distributed ***on a quarterly basis*** to ~~the~~ VSA arts of Nevada.

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

Section 1. NRS 233C.094 is hereby amended to read as follows:

233C.094 1. The Account for License Plates for the Support of the Education of Children in the Arts is hereby created in the State General Fund. The Division shall administer the Account.

2. The money in the Account does not lapse to the State General Fund at the end of any fiscal year.

3. ~~The [Except as otherwise provided in subsection 4, the]~~ money in the Account must be used only for the support of programs for the education of children in the arts and must not be used to replace or supplant funding available from other sources.

4. ***The Division shall retain one-half of the money deposited in the Account to use pursuant to subsection 3. The Division shall remit quarterly***

*one-half of the money deposited in the Account to ~~the~~ VSA arts of Nevada ~~for its successor for the support of programs and activities of the VSA arts of Nevada or its successor.~~ to use pursuant to subsection 3. If ~~the~~ VSA arts of Nevada ceases to exist, ~~and there is no successor,~~ the Division shall retain all the money credited to the Account to use pursuant to subsection 3.*

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 89.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 142.

SUMMARY—Revises provisions regarding industrial injuries and occupational diseases to include ~~certain park rangers~~ as police officers ~~in~~ **certain employees of the Department of Public Safety and the State Department of Conservation and Natural Resources.** (BDR 53-849)

AN ACT relating to public employees; including certain **employees of the Department of Public Safety and certain** park rangers and employees of the Division of State Parks of the State Department of Conservation and Natural Resources in the definition of “police officer” for various purposes relating to industrial injuries, occupational diseases and programs for public employees; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for certain police officers suffering from certain occupational diseases to receive disability benefits. (NRS 617.135, 617.455, 617.457, 617.485, 617.487) Existing law **defines “police officer” for the purpose of providing those disability benefits to include various law enforcement officers in this State. (NRS 617.135)** Existing law also grants the powers of peace officers to certain park rangers and employees of the Division of State Parks of the State Department of Conservation and Natural Resources. (NRS 289.260) Section 1 of this bill expands the definition of police officer to make ~~those~~ **certain employees of the Department of Public Safety and certain** park rangers and division employees of the **State Department of Conservation and Natural Resources** eligible for the disability benefits provided to police officers . ~~for certain occupational diseases.~~ Section 2 of this bill makes an appropriation to the Division for physical examinations for those park rangers and division employees.

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

Section 1. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city policeman;
2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;
3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;
4. *A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;*
5. *A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;*
6. *A chief or investigator of the Department of Public Safety whose duties include, without limitation:*
  - (a) *The execution, administration or enforcement of the provisions of chapter 179A of NRS; and*
  - (b) *The provision of technology support services to the Director and the divisions of the Department of Public Safety;*
7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;
- ~~5~~ 8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;
- ~~6~~ 9. A member of the police department of the Nevada System of Higher Education;
- ~~7~~ 10. A:
  - (a) Uniformed employee of; or
  - (b) Forensic specialist employed by,
 

the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;
- ~~8~~ 11. A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;
- ~~9~~ 12. A forensic specialist or correctional officer employed by the Division of Mental Health and Developmental Services of the Department of Health and Human Services at facilities for mentally disordered offenders;
- ~~10~~ 13. The State Fire Marshal, his assistant and his deputies; ~~and~~
- ~~11~~ 14. A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280 ~~;~~ *and*
- ~~12~~ 15. *A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260.*

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources, for the physical examinations required pursuant to NRS 617.454, 617.455, 617.457, 617.485 and 617.487 for rangers or employees of the Division who are police officers pursuant to NRS 617.135 as amended by section 1 of this act:

For the Fiscal Year 2007-2008 .....	<del>[\$16,312]</del>	\$31,391.05
For the Fiscal Year 2008-2009 .....	<del>[\$16,312]</del>	\$13,109.20

2. Any balance of the sums appropriated by subsection 1 ~~(must not be committed for expenditure after June 30 of the respective fiscal years)~~ **remaining at the end of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.**

*Sec. 3. 1.* A person who, on July 1, 2007, is employed as a ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260 shall submit to a physical examination pursuant to NRS 617.454, 617.455 and 617.457 and a blood test to screen for Hepatitis C pursuant to NRS 617.487 on or after July 1, 2007, but on or before September 30, 2007. Each physical examination and blood test must be paid for by the Department.

2. Notwithstanding the provisions of NRS 617.455, 617.457 and 617.487, if a person fails to submit to a physical examination or blood test required pursuant to subsection 1, the conclusive presumption relating to diseases of the lungs created by NRS 617.455, diseases of the heart created by NRS 617.457 and infections of hepatitis C pursuant to NRS 617.487 shall be deemed, with regard to that person and for the purposes of those sections, to create a rebuttable presumption that the disease of the lungs or heart or infection of hepatitis C arose out of and in the course of the employment of the person as a ranger or employee specified in subsection 1.

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

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Assemblyman Ocegueda moved that upon return from the printer Assembly Bill No. 89 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 93.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 89.

AN ACT relating to taxation; providing exemptions from certain taxes for surviving spouses of members of the Nevada National Guard who are killed while on active service in full-time National Guard duty; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various property may be exempt from taxation. For example, property of surviving spouses may be exempt up to \$1,000 of assessed valuation, property of veterans may be exempt up to \$2,000 of assessed valuation and property of disabled veterans may be exempt up to \$20,000 of assessed valuation. (NRS 361.080, 361.090, 361.091) Similar exemptions from the governmental services tax on vehicles are provided for surviving spouses, veterans and disabled veterans. (NRS 371.101, 371.103, 371.104)

Section 1 of this bill provides that 100 percent of the assessed value of the primary residence of the surviving spouse of a member of the Nevada National Guard who was killed while on active service in full-time National Guard duty may be exempt from the property tax for the residence. If such a tax exemption is allowed, the claimant is not entitled to an exemption under NRS 361.080 or 361.091 or section 6 of this bill. If any person files a false affidavit or provides false proof of his qualifications for a tax exemption pursuant to section 1 and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

Section 6 of this bill provides that 100 percent of the assessed value of any one vehicle of the surviving spouse of a member of the Nevada National Guard who was killed while on active service in full-time National Guard duty may be exempt from the governmental services tax. If such a tax exemption is allowed, the claimant is not entitled to an exemption under NRS 371.101 or 371.104 or section 1 of this bill. If any person files a false affidavit or provides false proof of his qualifications for a tax exemption pursuant to section 6 and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. Except as otherwise provided in section 6 of this act, a bona fide resident of the State of Nevada who is the surviving spouse of a member of the Nevada National Guard who was killed while on active service in full-***

*time National Guard duty [as defined in 10 U.S.C. § 101(d)(5)] is entitled to a surviving spouse's exemption equal to 100 percent of the assessed value of the primary residence of the surviving spouse.*

*2. For the purposes of this section, real property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.*

*3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155.*

*4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that the affiant meets all the other requirements of this section and that the affiant has not claimed the exemption in any other county in this State for that fiscal year. After the filing of the original affidavit, the county assessor shall mail a form for:*

*(a) The renewal of the exemption; and*

*(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,*

*to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.*

*5. The county assessor may require such reasonable proof of the qualifications of the claimant for the exemption as the county assessor determines is necessary.*

*6. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after the remarriage of the surviving spouse, even if that marriage is later annulled.*

*7. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.080 or 361.091 or section 6 of this act.*

*8. If any person files a false affidavit or provides false proof of his qualifications for a tax exemption pursuant to this section to the county assessor and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.*

Sec. 2. NRS 361.080 is hereby amended to read as follows:

361.080 1. ~~{The}~~ *Except as otherwise provided in section 1 of this act, the property of surviving spouses, not to exceed the amount of \$1,000 assessed valuation, is exempt from taxation, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State to the same family.*

*2. For the purpose of this section, property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.*

*3. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of this State and*

that the exemption has been claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after ~~any remarriage, even if~~ the remarriage **of the surviving spouse, even if that marriage** is later annulled.

5. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

6. Beginning with the 2006-2007 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2004 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 3. NRS 361.0905 is hereby amended to read as follows:

361.0905 1. Any person who qualifies for an exemption pursuant to NRS 361.090 or 361.091 **or section 1 of this act** may, in lieu of claiming ~~his~~ **the** exemption:

(a) Pay to the county assessor all or any portion of the amount by which the tax would be reduced if he claimed ~~his~~ **the** exemption; and

(b) Direct the county assessor to deposit that amount for credit to the Gift Account for Veterans' Homes established pursuant to NRS 417.145.

2. Any person who wishes to waive ~~his~~ **an** exemption pursuant to this section shall designate the amount to be credited to the Account on a form provided by the Nevada Tax Commission.

3. The county assessor shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for Veterans' Homes established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of \$2,000,000 for credit to the Account pursuant to this section and NRS 371.1035 during any fiscal year.

Sec. 4. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or , **except as otherwise provided in section 1 of this act**, his surviving spouse, is entitled to a disabled veteran's exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption



for total permanent disability is the first \$20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of \$15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of \$10,000 assessed value.

For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require him to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability; or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090 ~~+~~ **or section 1 of this act.**

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

10. Beginning with the 2006-2007 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2004 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 5. NRS 361.160 is hereby amended to read as follows:

361.160 1. Personal property in transit through this State is personal property:

(a) Which is moving in interstate commerce through or over the territory of the State of Nevada; or

(b) Which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward.

↪Such property is deemed to have acquired no situs in Nevada for purposes of taxation. Such property is not deprived of exemption because while in the warehouse the property is assembled, bound, joined, manufactured, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged, or because the property is being held for resale to customers outside the State of Nevada. The exemption granted ~~shall~~ **must** be liberally construed to effect the purposes of NRS 361.160 to 361.185, inclusive.

2. Personal property within this State as mentioned in NRS 361.030 and 361.045 to 361.155, inclusive, **and section 1 of this act** does not include personal property in transit through this State as defined in this section.

Sec. 6. Chapter 371 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in section 1 of this act, a bona fide resident of the State of Nevada who is the surviving spouse of a member of the Nevada National Guard who was killed while on active service in full-time National Guard duty [as defined in 10 U.S.C. § 101(d)(5),] is entitled to a surviving spouse's exemption from the payment of governmental services taxes on any one vehicle of the surviving spouse equal to 100 percent of the assessed value of the vehicle.*

2. *For the purposes of this section, a vehicle in which the surviving spouse has any interest shall be deemed to belong entirely to the surviving spouse.*

3. *The surviving spouse claiming the exemption shall file with the Department in the county where the exemption is claimed an affidavit declaring the residency of the affiant, that the affiant satisfies all the other requirements of this section and that the affiant has not claimed the exemption on any other vehicle or in any other county in this State for that year. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.*

4. *The Department may require such reasonable proof of the qualifications of the claimant for the exemption as the Department determines is necessary.*

5. *A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after the remarriage of the surviving spouse, even if that marriage is later annulled.*

6. *If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 371.101 or 371.104 or section 1 of this act.*

7. *If any person files a false affidavit or provides false proof of his qualifications for a tax exemption pursuant to this section to the Department and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.*

Sec. 7. NRS 371.101 is hereby amended to read as follows:

371.101 1. ~~Vehicles~~ *Except as otherwise provided in section 6 of this act, vehicles* registered by surviving spouses, not to exceed the amount of \$1,000 determined valuation, are exempt from taxation, but the exemption must not be allowed to anyone but actual bona fide residents of this State, and must be filed in but one county in this State to the same family.

2. For the purpose of this section, vehicles in which the surviving spouse has any interest shall be deemed to belong entirely to that surviving spouse.

3. The person claiming the exemption shall file with the Department in the county where the exemption is claimed an affidavit declaring his residency and that the exemption has been claimed in no other county in this State for that year. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after ~~any remarriage, even if~~ the remarriage *of the surviving spouse, even if that marriage* is later annulled.

5. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 8. NRS 371.1035 is hereby amended to read as follows:

371.1035 1. Any person who qualifies for an exemption pursuant to NRS 371.103 or 371.104 *or section 6 of this act* may, in lieu of claiming ~~his~~ *the* exemption:

(a) Pay to the Department all or any portion of the amount by which the tax would be reduced if he claimed ~~his~~ *the* exemption; and

(b) Direct the Department to deposit that amount for credit to the Gift Account for Veterans' Homes established pursuant to NRS 417.145.

2. Any person who wishes to waive ~~his~~ *an* exemption pursuant to this section shall designate the amount to be credited to the Account on a form provided by the Department.

3. The Department shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for Veterans' Homes established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of \$2,000,000 for credit to the Account pursuant to this section and NRS 361.0905 during any fiscal year.

Sec. 9. NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or , *except as otherwise provided in section 6 of this act*, his surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he has a disability of 100 percent, the first \$20,000 of determined valuation.

(b) If he has a disability of 80 to 99 percent, inclusive, the first \$15,000 of determined valuation.

(c) If he has a disability of 60 to 79 percent, inclusive, the first \$10,000 of determined valuation.

2. For the purpose of this section, the first \$20,000 of determined valuation of vehicles in which an applicant has any interest ~~{}~~ shall be deemed to belong entirely to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the applicant's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

5. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death; and

(c) The surviving spouse has not remarried.

The affidavit required by this subsection is in addition to the certification required pursuant to subsections 3 and 4. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

6. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 371.103 ~~{} or section 6 of this act.~~

7. If any person makes a false affidavit or produces false proof to the Department ~~{} and~~ , as a result of the false affidavit or false proof , the

person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 10. NRS 371.105 is hereby amended to read as follows:

371.105 Claims pursuant to NRS 371.101, 371.102, 371.103 or 371.104 **or section 6 of this act** for tax exemption on the governmental services tax and designations of any amount to be credited to the Gift Account for Veterans' Homes pursuant to NRS 371.1035 must be filed annually at any time on or before the date when payment of the tax is due. All exemptions provided for in this section must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.

Sec. 11. NRS 371.106 is hereby amended to read as follows:

371.106 1. Whenever any vehicle ceases to be exempt from taxation under NRS 371.101, 371.102, 371.103 or 371.104 **or section 6 of this act** because the owner no longer meets the requirements for the exemption provided in those sections, its owner shall immediately notify the Department of ~~the~~ **that** fact.

2. If a person fails to notify the Department as required by subsection 1 and as a result ~~of such failure~~ is allowed a tax exemption to which he is not entitled, there ~~shall~~ **must** be added to and collected with the tax otherwise due a penalty equal to double the amount of the tax. If the person's failure is fraudulent and results in his receiving a tax exemption to which he is not entitled, the person is also guilty of a gross misdemeanor.

Sec. 12. This act becomes effective on July 1, 2007.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 141.

AN ACT relating to personal identifying information; requiring solicitors to verify addresses on applications for credit when offering credit cards by mail; providing for a civil action for crimes involving the theft of personal identifying information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires solicitors that make firm offers of credit by mail, and subsequently receive an acceptance to an offer listing an address for the person that is different from the address to which the offer was sent, to verify that the person replying to the offer is the same person to whom the offer was made. Section 1 enumerates the different methods a solicitor may use to verify that the person accepting the offer is the same person to whom the offer was made. Section 2 of this bill expands existing law related to crimes involving theft and misuse of personal identifying information to allow a victim of identity theft to bring a civil suit seeking recovery of damages and costs related to the theft of personal identifying information by a public officer or employee and the possession and sale of personal identifying information. (NRS 41.1345)

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

Section 1. Chapter 97A of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *If a solicitor makes a firm offer of credit for a credit card to a person by mail and receives an acceptance of that offer which has a substantially different address listed for the person than the address to which the solicitor sent the offer, the solicitor shall verify that the person accepting the offer is the same person to whom the offer was made before sending the person the credit card.***

**2. *A solicitor shall be deemed to have verified the address of a person pursuant to subsection 1 if the solicitor:***

**(a) *Telephones the person at a telephone number appearing in a publicly available directory or database as the telephone number of the person to whom the solicitation was made and the person acknowledges his acceptance of the solicitation;***

**(b) *Receives from the person accepting the offer of credit proof of identity in the form of an identification document, including, without limitation, a driver's license ~~[, social security card]~~ or passport, which confirms that the person accepting the solicitation is the person to whom the solicitation was made; or***

**(c) *Uses any other commercially reasonable means to confirm that the person accepting the solicitation is the person to whom the solicitation was made, including, without limitation, any means adopted in federal regulations.***

**3. *For the purposes of this section:***

**(a) *"Firm offer of credit" has the meaning ascribed to it in 15 U.S.C. § 1681a(1).***

**(b) *"Solicitor" means a person who makes a firm offer of credit for a credit card by mail solicitation, but does not include an issuer or other creditor when that issuer or creditor relies on an independent third party to provide the solicitation services.***

Sec. 2. NRS 41.1345 is hereby amended to read as follows:

41.1345 1. A person who has suffered injury as the proximate result of a violation of the provisions of NRS 205.463 , **205.464 or 205.465** may commence an action for the recovery of his actual damages, costs and reasonable attorney's fees and for any punitive damages that the facts may warrant.

2. An action described in subsection 1 must be commenced not later than 2 years after the person who suffered the injury discovers the facts constituting the violation of the provisions of NRS 205.463 ~~+~~ , **205.464 or 205.465**.

Sec. 3. NRS 598B.115 is hereby amended to read as follows:

598B.115 If a creditor *other than a creditor subject to the provisions of section 1 of this act* mails a solicitation for the extension of credit to a person and the person applies for such credit, the creditor shall mail the extension of credit to the person to the same address as the solicitation, unless the creditor verifies any change of address of the person using a reliable method.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 140.

"SUMMARY—Revises provisions relating to prescription drugs. (BDR ~~48-108~~) **54-108**)"

AN ACT relating to prescription drugs; requiring certain wholesalers and manufacturers of prescription drugs to file annually with the ~~Office of the Attorney General~~ **State Board of Pharmacy** a report disclosing certain economic benefits that the wholesalers and manufacturers have provided to certain persons; ~~clarifying provisions concerning the confidentiality of the contents of a prescription;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from manufacturing or engaging in the wholesale distribution of certain drugs unless the person is licensed to do so by the State Board of Pharmacy. (NRS 639.100, 639.233) Section 1 of this bill requires wholesalers and manufacturers who are licensed by the Board to file with the ~~Office of the Attorney General~~ **Board** an annual report disclosing certain gifts and other economic benefits that the wholesaler or manufacturer has provided to certain persons. Section 1 requires that the annual report identify information which is a trade secret and prohibits the ~~Office of the Attorney General~~ **Board** from disclosing such information. **Section 1 requires a wholesaler or manufacturer to include in its annual**



report the name of each person to whom it provides economic benefits whose aggregate value exceeds \$1,000, but also requires that the wholesaler or manufacturer notify the person before the value of the economic benefits provided to him exceeds that amount. Section 1 also requires the ~~{Office of the Attorney General to provide to the Governor and the Legislature}~~ **Board to prepare** a compilation of the information contained in the annual reports, excluding trade secrets, ~~{ }~~ **and to make the compilation available on the Internet.** Section 1 further authorizes the imposition of civil penalties for wholesalers and manufacturers who fail to comply with the reporting requirements.

~~{Existing law provides that prescriptions filed with a pharmacy are not a public record and prohibits, with certain exceptions, a pharmacist from divulging the contents of a prescription. (NRS 639.238) Section 2 of this bill clarifies that this prohibition applies to the divulgence of the name of the prescribing medical practitioner.}~~

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

Section 1. Chapter ~~{228}~~ **639** of NRS is hereby amended by adding thereto a new section to read as follows:

*1. On or before December 31 of each year, ~~{a wholesaler or manufacturer who is licensed pursuant to chapter 639 of NRS}~~ **each wholesaler and manufacturer** shall file with the ~~{Office of the Attorney General,}~~ **Board,** on a form prescribed by the ~~{Attorney General,}~~ **Board,** a report that discloses the value, nature and purpose of any economic benefit which:*

*(a) During the 12-month period ending on June 30 of the year in which the report is due, the wholesaler or manufacturer or its agent provided, directly or indirectly, to a practitioner, pharmacist, administrator of a health care facility or plan or any other person authorized to purchase wholesale, prescribe or dispense prescription drugs in this State;*

*(b) Has no direct benefit to a patient; and*

*(c) Exceeds \$100.*

*2. The report:*

*(a) Must include:*

*(1) If the wholesaler or manufacturer or its agent has provided one or more economic benefits in excess of an aggregate value of \$1,000 during the period to which the report pertains to a practitioner, pharmacist, administrator of a health care facility or plan or any other person authorized to purchase wholesale, prescribe or dispense prescription drugs in this State, the name of the recipient and the value, nature and purpose of each such economic benefit.*

*(2) The identification of any information contained in the report that is a trade secret.*

*(b) Must not include the disclosure of:*

(1) Any free sample of a product of the wholesaler or manufacturer that is provided for distribution to patients;

(2) Any payment of reasonable compensation and reimbursement of expenses in connection with a bona fide clinical trial or study;

(3) Any scholarship or other support for a medical student, resident or fellow to attend a significant educational, scientific or policymaking conference of a national, regional or specialty medical or other professional association, if the recipient of the scholarship or other support is selected by the professional association; or

(4) Any fees, honoraria or reimbursement for expenses paid to a person providing a presentation at an educational or scientific conference on behalf of the wholesaler or manufacturer.

3. A wholesaler or manufacturer is not required to file a report pursuant to this section if the wholesaler, manufacturer or its agent has not provided an economic benefit to a practitioner, pharmacist, administrator of a health care facility or plan or any other person authorized to purchase wholesale, prescribe or dispense prescription drugs in this State during the 12-month period ending on June 30 of the year in which the report would otherwise be due.

4. A wholesaler or manufacturer or its agent shall, before providing an economic benefit to a practitioner, pharmacist, administrator of a health care facility or plan or any other person authorized to purchase wholesale, prescribe or dispense prescription drugs in this State that would, if accepted by the person, result in his receiving economic benefits from the wholesaler or manufacturer or its agent in excess of an aggregate value of \$1,000 during the 12-month period ending on June 30 of the year in which the benefit is provided, inform the person that if he accepts the economic benefit:

(a) The economic benefits provided to him by the wholesaler or manufacturer or its agent will be in excess of an aggregate value of \$1,000 during the period; and

(b) The person's name and the value, nature and purpose of each economic benefit provided to him by the wholesaler or manufacturer or its agent during the period will be included in the report for the period filed by the wholesaler or manufacturer pursuant to this section.

5. Any information identified as a trade secret in a report filed pursuant to this section is confidential and must not be disclosed by the [Office of the Attorney General.

4-] **Board.**

6. On or before October 1 of each year, [a wholesaler or manufacturer licensed pursuant to chapter 639 of NRS] each wholesaler and manufacturer shall disclose in writing to the [Office of the Attorney General] Board the name and address of the person responsible for ensuring that the wholesaler or manufacturer complies with the provisions of this section.

~~{5.}~~ 7. The ~~{Office of the Attorney General}~~ Board shall, on or before January 15 of each ~~{odd-numbered}~~ year, or on or before such other date each year as the Board prescribes by regulation, prepare ~~{and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature}~~ a compilation of the information contained in the reports received by the ~~{Office of the Attorney General}~~ Board pursuant to this section, other than any information identified as a trade secret in such a report.

~~{6.}~~ The Board shall:

(a) Make the compilation available on its website; or

(b) Provide the compilation to the Office for Consumer Health Assistance which shall make the compilation available on its website.

8. If a wholesaler or manufacturer fails to file a report required pursuant to this section in a timely manner or knowingly and willfully fails to disclose in such a report any information that is required pursuant to this section, the wholesaler or manufacturer is subject to a civil penalty of not more than \$500 for each day that such a violation persists. The Attorney General may bring a civil action in the name of the State of Nevada to enforce the provisions of this section. If a court finds the wholesaler or manufacturer liable for the civil penalty, the court shall also order the wholesaler or manufacturer to pay:

(a) Court costs; and

(b) Reasonable costs of the investigation and prosecution of the civil action, including, without limitation, attorney's fees.

~~{7. The Attorney General}~~

9. The Board may adopt such regulations as are necessary and convenient ~~{for}~~ :

(a) For the enforcement of the provisions of this section, including, without limitation, a schedule of civil penalties for violations of this section

~~{~~

~~8.}~~; and

(b) To otherwise carry out the provisions of this section.

10. As used in this section:

(a) "Administrator of a health care facility or plan" means a person who is authorized to direct, control or supervise the policies or practices of an entity providing health care or an entity operating or administering any type of facility, program or plan relating to the provision of health care, including, without limitation, a third-party administrator.

(b) "Economic benefit" includes, without limitation, a gift, fee, payment or subsidy. The term does not include a contract or other agreement between persons authorized to purchase wholesale, prescribe or dispense prescription drugs in this State.

(c) "Health care facility" has the meaning ascribed to it in NRS 449.800.

(d) ~~{~~"Practitioner" has the meaning ascribed to it in NRS 639.0125.

~~(e)} "Trade secret" has the meaning ascribed to it in NRS 600A.030.~~

Sec. 2. ~~[NRS 639.238 is hereby amended to read as follows:~~

~~639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 639.2357, a pharmacist shall not divulge the contents of any prescription, including, without limitation, the name of the prescribing practitioner, or provide a copy of any prescription, except to:~~

- ~~(a) The patient for whom the original prescription was issued;~~
- ~~(b) The practitioner who originally issued the prescription;~~
- ~~(c) A practitioner who is then treating the patient;~~
- ~~(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;~~
- ~~(e) An agency of state government charged with the responsibility of providing medical care for the patient;~~
- ~~(f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;~~
- ~~(g) Any person authorized by an order of a district court;~~
- ~~(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;~~
- ~~(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:
 
  - ~~(1) Misusing prescriptions to obtain excessive amounts of drugs; or~~
  - ~~(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person; [or]~~~~
- ~~(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:
 
  - ~~(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or~~
  - ~~(2) To carry out a search warrant or subpoena issued pursuant to a court order [.] ; or~~~~
- ~~(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:
 
  - ~~(1) Identifying a deceased person;~~
  - ~~(2) Determining a cause of death; or~~
  - ~~(3) Performing other duties authorized by law.~~~~

~~2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:~~

- ~~(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or~~

~~(b) The deceased person whose cause of death is being determined.~~

~~3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.~~

~~4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.~~

~~5. As used in this section, "peace officer" does not include:~~

~~(a) A member of the Police Department of the Nevada System of Higher Education;~~

~~(b) A school police officer who is appointed or employed pursuant to NRS 391.400.] (Deleted by amendment.)~~

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 94.

AN ACT relating to property; providing for the automatic transfer of ownership of certain vehicles and motorboats to designated beneficiaries on the death of the owner of such a vehicle or motorboat; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for nonprobate transfers of certain property from the owner to a named beneficiary, including, without limitation, nonprobate transfers of registered securities and securities registered in beneficiary form. (NRS 111.480-111.650) Section 1 of this bill amends chapter 482 of NRS which governs the licensing and registration of motor vehicles to provide that certain owners who hold certificates of title to registered motor vehicles, trailers or semitrailers may apply to the Department of Motor Vehicles for a certificate of title in beneficiary form which directs the Department to transfer the title to the designated beneficiary on the death of the present owner or on the deaths of all joint owners. Section 1 also provides procedures for obtaining and revoking a certificate of title in beneficiary form. In addition, section 1 specifies that a transfer of ownership made by a certificate of title in beneficiary form is not subject to the statutes generally governing probate matters.

Section 5 of this bill similarly amends chapter 488 of NRS which governs the licensing and registration of motorboats so that certain owners who hold certificates of ownership to numbered and titled motorboats may apply to the Department of Wildlife for a certificate of ownership in beneficiary form which directs the Department to transfer the ownership to the designated beneficiary on the death of the present owner or on the deaths of all joint owners. Section 5 also provides procedures for obtaining and revoking a certificate of ownership in beneficiary form. Further, section 5 exempts transfers made pursuant to such certificates of ownership from the statutes which generally govern probate matters.

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

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

**1. *The ~~registered~~ owner or joint owners of a motor vehicle, trailer or semitrailer may request the Department to issue a certificate of title in beneficiary form for the motor vehicle, trailer or semitrailer, as applicable, which includes a directive to the Department to transfer the certificate of title upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of title.***

**2. *A request made pursuant to subsection 1 must be submitted on an application made available by the Department and accompanied by the fee for the issuance of a certificate of title.***

**3. *A certificate of title in beneficiary form may not be issued to a person who holds his interest in a motor vehicle, trailer or semitrailer as a tenant in common with another person.***

**4. *A certificate of title in beneficiary form must include after the name of the owner or after the names of joint owners the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.***

**5. *During the lifetime of a sole owner or before the death of the last surviving joint owner:***

**(a) *The signature or consent of the beneficiary is not required for any transaction relating to a motor vehicle, trailer or semitrailer for which a certificate of title in beneficiary form has been issued; and***

**(b) *The certificate of title in beneficiary form may be revoked or the beneficiary changed at any time by:***

**(1) *Sale of the motor vehicle, trailer or semitrailer with proper assignment and delivery of the certificate of title to another person; or***

**(2) *Filing an application with, and paying a fee to, the Department to reissue the certificate of title with no designation of a beneficiary or with the designation of a different beneficiary.***

**6. *The interest of the beneficiary in a motor vehicle, trailer or semitrailer on the death of the sole owner or on the death of the last***

*surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the motor vehicle, trailer or semitrailer were subject during their lifetime.*

*7. Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of title in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.*

*8. The Department shall, upon:*

*(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner;*

*(b) Surrender of the outstanding certificate of title in beneficiary form; and*

*(c) Application and payment of the fee for a certificate of title, issue a new certificate of title for the motor vehicle, trailer or semitrailer to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.*

*9. For the purposes of complying with the provisions of subsection 8, the Department may rely on a death certificate, record or report that constitutes prima facie evidence of death.*

*10. The transfer on death of a motor vehicle, trailer or semitrailer pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.*

*11. As used in this section:*

*(a) "Beneficiary" means a person or persons designated to become the owner or owners of a motor vehicle, trailer or semitrailer on the death of the preceding owner or owners.*

*(b) "Certificate of title in beneficiary form" means a certificate of title of a motor vehicle, trailer or semitrailer that indicates the present owner or owners of the motor vehicle, trailer or semitrailer and designates a beneficiary.*

Sec. 2. NRS 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain upon the face thereof the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department.

2. The certificate of title must contain upon the face thereof the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, a reading of the vehicle's odometer as provided to the Department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle, *the information required pursuant to subsection 3 of section 1 of this act if the certificate of title is a certificate of title in beneficiary form pursuant to section 1 of this act* and such other

statement of facts as may be determined by the Department. The reverse side of the certificate of title must contain forms for notice to the Department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.

Sec. 3. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 2, 5 and 6, *and section 1 of this act*, upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of title issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. The Department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. The Department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of title issued for a vehicle, the form becomes a part of that certificate of title. The Department may charge a fee not to exceed the cost to provide the form.

3. Except as otherwise provided in subsections 4, 5 and 6, the transferee shall immediately apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

4. If the transferee is a dealer who intends to resell the vehicle, he is not required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

5. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of title for the vehicle.



(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 4. The wholesale vehicle auctioneer is not required to comply with subsection 1 if he:

- (1) Does not take an ownership interest in the vehicle;
- (2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is licensed as such in this or any other state; and
- (3) Stamps his name, his identification number as a vehicle dealer and the date of the auction on the certificate of title and the bill of sale and any other documents of transfer for the vehicle.

6. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the Department or its agent the certificate of registration and the license plate or plates for the vehicle, if the license plate or plates have not been removed from the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply for registration as provided in NRS 482.215 and pay the governmental services taxes due.

7. As used in this section, “wholesale vehicle auctioneer” means a dealer who:

- (a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and
- (b) Does not in the ordinary course of his business buy, sell or own the vehicles he auctions.

Sec. 4. NRS 482.420 is hereby amended to read as follows:

482.420 1. Except as *otherwise* provided in subsection 2, in the event of the transfer by operation of law of the title or interest of an owner in and to a vehicle as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, *transfer on death pursuant to section 1 of this act*, or otherwise, the registration thereof ~~shall expire~~ *expires* and the vehicle ~~shall~~ *must* not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain the registration thereof.

2. An administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, or any person repossessing the vehicle under the terms of a conditional sales contract, lease ~~or~~ or other security agreement, or the assignee or legal representative of any such person, may operate or cause to be operated any vehicle upon the highways for a distance ~~of not exceeding~~ *not to exceed* 75 miles from the place of repossession or place where formerly kept by the owner to a garage, warehouse or other place of keeping or storage, either upon displaying upon such vehicle the number plate issued to the former owner or without a number plate attached thereto but under written permission first obtained from the Department or the local police authorities having jurisdiction over such highways, and upon

displaying in plain sight a placard bearing the name and address of the person authorizing and directing such movement and plainly readable from a distance of 100 feet during daylight.

Sec. 5. Chapter 488 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The ~~registered~~ owner or joint owners of a motorboat may request the Department to issue a certificate of ownership in beneficiary form for the motorboat which includes a directive to the Department to transfer the certificate of ownership upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of ownership.*

2. *A request made pursuant to subsection 1 must be submitted on an application made available by the Department and accompanied by the fee for the issuance of a certificate of ownership.*

3. *A certificate of ownership in beneficiary form may not be issued to a person who holds his interest in a motorboat as a tenant in common with another person.*

4. *A certificate of ownership in beneficiary form must include after the name of the owner, or after the names of joint owners, the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.*

5. *During the lifetime of a sole owner or before the death of the last surviving joint owner:*

*(a) The signature or consent of the beneficiary is not required for any transaction relating to a motorboat for which a certificate of ownership in beneficiary form has been issued; and*

*(b) The certificate of ownership in beneficiary form may be revoked or the beneficiary changed at any time by:*

*(1) Sale of the motorboat with proper assignment and delivery of the certificate of ownership to another person; or*

*(2) Filing an application with, and paying a fee to, the Department to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary.*

6. *The interest of the beneficiary in a motorboat on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the motorboat were subject during their lifetime.*

7. *Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of ownership in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.*

8. *The Department shall, upon:*

*(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner;*

*(b) Surrender of the outstanding certificate of ownership in beneficiary form; and*

*(c) Application and payment of the fee for a certificate of ownership, issue a new certificate of ownership for the motorboat to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.*

**9. For the purposes of complying with the provisions of subsection 8, the Department may rely on a death certificate, record or report that constitutes prima facie evidence of death.**

**10. The transfer on death of a motorboat pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.**

**11. As used in this section:**

**(a) "Beneficiary" means a person or persons designated to become the owner or owners of a motorboat on the death of the preceding owner or owners.**

**(b) "Certificate of ownership in beneficiary form" means a certificate of ownership of a motorboat that indicates the present owner or owners of the motorboat and designates a beneficiary.**

Sec. 6. NRS 488.1793 is hereby amended to read as follows:

488.1793 Except as otherwise provided for the creation or transfer of a security interest ~~{,}~~ **or the transfer on death of a certificate of ownership pursuant to section 5 of this act**, no transfer of title to or any interest in any motorboat required to be numbered under this chapter is effective until one of the following conditions is fulfilled:

1. The transferor has properly endorsed and delivered the certificate of ownership and has delivered the certificate of number to the transferee as provided in this chapter, and the transferee has, within the prescribed time, delivered the documents to the Department or placed them in the United States mail addressed to the Department with the transfer fee.

2. The transferor has delivered to the Department or placed in the United States mail addressed to the Department the appropriate documents for the transfer of ownership pursuant to the sale or transfer.

Sec. 7. NRS 488.1801 is hereby amended to read as follows:

488.1801 ~~{Any}~~ **Except for transfers to a beneficiary pursuant to the provisions of section 5 of this act**, any owner of any motorboat numbered under this chapter who sells or transfers his title or any interest in the motorboat shall within 10 days notify the Department of the sale or transfer and furnish the following information:

1. The name and address of the legal owner and transferee; and

2. Such description of the motorboat as may be required by the Department.

Sec. 8. NRS 488.1807 is hereby amended to read as follows:

488.1807 ~~{Upon}~~ **Except for transfers to a beneficiary pursuant to the provisions of section 5 of this act**, upon transfer of the title or any interest of

any legal owner in any motorboat numbered under this chapter, the transferor shall write his signature, and the transferee shall write his signature and address, in the appropriate spaces provided upon the reverse side of the certificate of ownership issued for such motorboat.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 178.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 139.

AN ACT relating to energy; revising various provisions relating to net metering; providing for the establishment of the Wind Energy Systems Demonstration Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a customer of an electric utility to use a net metering system on the customer's premises to generate electricity to offset part or all of the customer's requirements for electricity. The net metering system must use renewable energy as its primary source of energy to generate electricity, and the system is allowed to have a generating capacity of not more than 150 kilowatts. (NRS 704.766-704.775)

Section 1 of this bill **provides that one of the purposes and policies of the Legislature in enacting the net metering statutes is to streamline the process for customers of a utility to apply for and install net metering systems.**

**Section 1.5 of this bill provides for a general increase in the permissible capacity of net metering systems and allows a customer-generator to use a net metering system of not more than ~~15,000 kilowatts~~ 1 megawatt. However, section 1.5 also places specific limitations on the capacity of net metering systems under certain circumstances.**

Section 2 of this bill ~~revises the process for a customer-generator to obtain authorization from a utility to engage in net metering.~~ **requires the Public Utilities Commission of Nevada to adopt regulations regarding a net metering tariff and a standard net metering contract.** Section 3 of this bill changes the method for calculating the value of the electricity generated by certain net metering systems.

Under the Solar Energy Systems Demonstration Program Act, certain entities, such as schools and public agencies, which install solar energy systems are entitled to participate in a demonstration program and receive incentives for such participation. (Chapter 331, Statutes of Nevada 2003, p. 1868) The Solar Energy Systems Demonstration Program Act expires by

limitation on June 30, 2010. (Chapter 2, Statutes of Nevada 2005, 22nd Special Session, p. 90)

Sections 5-29 of this bill enact the Wind Energy Systems Demonstration Program Act, a similar demonstration program for wind energy systems. Under this bill, the Wind Energy Systems Demonstration Program Act expires by limitation on June 30, 2011.

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

**Section 1. NRS 704.766 is hereby amended to read as follows:**

704.766 It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to 704.775, inclusive, to:

1. Encourage private investment in renewable energy resources;
2. Stimulate the economic growth of this State; ~~and~~
3. Enhance the continued diversification of the energy resources used in

this State ~~};~~ **and**

**4. Streamline the process for customers of a utility to apply for and install net metering systems.**

~~Section 1.5.~~ **Sec. 1.5.** NRS 704.771 is hereby amended to read as follows:

704.771 **1.** "Net metering system" means a facility or energy system for the generation of electricity that:

~~1.1~~ **(a)** Uses renewable energy as its primary source of energy to generate electricity;

~~1.2~~ **(b)** Has a generating capacity of not more than ~~150~~ **5,000** kilowatts;

~~1.3~~ **1 megawatt;**

**(c)** Is located on the customer-generator's premises;

~~1.4~~ **(d)** Operates in parallel with the utility's transmission and distribution facilities; and

~~1.5~~ **(e)** Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

**2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:**

**(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or**

**(b) One hundred fifty percent of the peak demand of the customer.**

Sec. 2. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer ~~:-~~

~~(a) Develop a net metering tariff and standard net metering contract by which the customers within its service area may engage in~~ net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until [as customer-generators pursuant to NRS 704.766 to 704.775, inclusive; and

~~(b) Make copies of the net metering tariff and standard net metering contract and all other necessary applications and forms to engage in net metering as a customer-generator available:~~

~~(1) Upon request by a customer; and~~

~~(2) Through the Internet in a form that may be downloaded by a customer.~~

~~2.—Except as otherwise provided in subsection 3, a utility shall allow a customer to engage in net metering as a customer-generator if the customer:~~

~~(a) Submits completed applications to the utility in accordance with this section and the procedures set forth in the utility's net metering tariff; and~~

~~(b) Enters into an interconnection agreement and net metering contract with the utility.~~

~~3.—A utility may deny an application from a customer to engage in net metering as a customer-generator if} the cumulative capacity of all such net metering systems {operating within the utility's service area} is equal to {or greater than} 1 percent of the utility's peak capacity.~~

~~2. [4.—Except as otherwise provided in this subsection, after a customer submits a completed application to a utility to enter into an interconnection agreement, the utility shall process the application and respond to the customer not later than 30 days after the date the utility receives the completed application. If the utility is unable to process the application within the 30-day period, the utility shall notify the customer and the Commission of the reason for the delay and the expected date the process will be completed.~~

~~5.—After the customer enters into an interconnection agreement with the utility, the customer must submit to the utility a completed application to begin net metering. The completed application must include the signed interconnection agreement and an electric inspection clearance certificate from the governmental authority having jurisdiction over the location of the net metering system.~~

~~6.—Except as otherwise provided in this subsection, after the customer submits a completed application to begin net metering pursuant to subsection 5, the utility shall process the application and respond to the customer within a period not to exceed the lesser of:~~

~~(a) The average time it takes the utility to respond to similarly situated customers requesting new electric service; or~~

~~(b) Thirty days from the date the utility receives the completed application.~~

~~If the utility is unable to process the application within the applicable period, the utility shall notify the customer and the Commission of the reason for the delay and the expected date the process will be completed.~~

~~7.] If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than {30} [1,000] 100 kilowatts, the utility:~~

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than ~~30~~ 100 kilowatts, the utility ~~may~~:

~~(a) Require~~;

(a) May require the customer-generator to install at its own cost ~~an~~;

(1) An energy meter that is capable of measuring generation output and customer load ~~;~~ and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) ~~Charge~~ Except as otherwise provided in paragraph (c), may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

4. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 3. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering must be a monthly period.

2. ~~If a customer generator's net metering system has a capacity of not more than~~ [30] [1,000 kilowatts, the] **The** net energy measurement must be calculated in the following manner:

(a) The utility shall measure, ~~for~~:

~~(1) Measure,~~ in kilowatt-hours, the net electricity produced or consumed ~~amount of electricity supplied by the utility to the customer-generator~~ during the billing period in accordance with normal metering practices, ~~and calculate its value using the tariff or contract that would be applicable if the customer-generator did not use a net metering system; and~~

~~(2) Measure,~~ in kilowatt hours, the amount of electricity generated by the customer generator which is fed back to the utility during the billing period and calculate its value at a rate that is consistent with the rate used to calculate the value of the electricity supplied by the utility. ~~If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the value of the electricity generated by the customer-generator must be calculated at the same price per kilowatt hour which the utility would charge the customer-generator for each kilowatt hour of usage by the customer-generator during that same time-of-use period.~~

(b) If the ~~value of the~~ electricity supplied by the utility exceeds the ~~value of the~~ electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net ~~value of the~~ electricity supplied by the utility.

(c) If the ~~value of the~~ electricity generated by the customer-generator which is fed back to the utility exceeds the ~~value of the~~ electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for ~~the value of~~ **the** electricity provided to the other during the billing period.

(2) The ~~value of the~~ excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt - hours ~~value of the electricity~~ generated by the customer-generator in ~~during~~ that ~~next~~ billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.

(3) Excess ~~for as a subtraction from the value of the electricity supplied by the utility during that next billing period, whichever is more appropriate.~~

~~(3) The value of the excess~~ electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any ~~portion of the value of the~~ excess electricity that remains if:



(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The value of the excess electricity [~~measured in kilowatt hours, which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.~~

~~3. If a customer-generator's net metering system has a capacity of more than] [30] [1,000 kilowatts, the net energy measurement must be calculated in the following manner:~~

~~(a) The utility shall:~~

~~(1) Measure, in kilowatt hours, the amount of electricity supplied by the utility to the customer-generator during the billing period and calculate its value using the tariff or contract that would be applicable if the customer-generator did not use a net metering system; and~~

~~(2) Measure, in kilowatt hours, the amount of electricity generated by the customer-generator which is fed back to the utility during the billing period and calculate its value at a rate that is consistent with the rate used to calculate the value of the electricity supplied by the utility.~~

~~(b) If the value of electricity supplied by the utility exceeds the value of the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net value of the electricity supplied by the utility.~~

~~(c) If the value of the electricity generated by the customer-generator which is fed back to the utility exceeds the value of the electricity supplied by the utility during the billing period:~~

~~(1) Neither the utility nor the customer-generator is entitled to compensation for the value of the electricity provided to the other during the billing period.~~

~~(2) The value of the excess electricity:~~

~~(d) Must not be shown as a credit on the customer-generator's bill for that billing period but must be reflected as a credit that is carried forward to offset the value of the electricity supplied by the utility during a subsequent billing period. At the discretion of the utility, the credit may be in a dollar amount or in kilowatt hours. If the credit is reflected as excess electricity and the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods. Excess electricity may be carried~~

~~forward to subsequent billing periods indefinitely, but a customer generator is not entitled to receive compensation for any excess electricity that remains if the net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities, the customer generator ceases to be a customer of the utility at the premises served by the net metering system or the customer generator transfers the net metering system to another person.~~

~~(H) Does not reduce any other fee or charge imposed by the utility.~~

~~(3) The excess electricity, measured in kilowatt hours, which is fed back to the utility, ***must not be used to reduce any other fee or charge imposed by the utility.***~~

***3. If the cost of purchasing and installing a net metering system was paid for:***

***(a) In whole or in part by a utility, the electricity generated by the net metering system*** shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

***(b) Entirely by a customer-generator, the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the electricity generated by the net metering system.***

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 4. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except:

(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or

(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a generating capacity of not more than ~~{150} {5,000 kilowatts,}~~ ***1 megawatt,*** including, without limitation, a net metering system, as defined in NRS 704.771.

As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

- (a) Any incorporated city; and
- (b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 5. Sections 5 to 29, inclusive, of this act may be cited as the Wind Energy Systems Demonstration Program Act.

Sec. 6. As used in sections 5 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 21, inclusive, of this act have the meaning ascribed to them in those sections.

Sec. 7. "Agricultural property" means any real property employed for an agricultural use as defined in NRS 361A.030.

Sec. 8. "Applicant" means a person who is applying to participate in the Wind Demonstration Program.

Sec. 9. "Category" means one of the categories of participation in the Wind Demonstration Program as set forth in section 22 of this act.

Sec. 10. "Commission" means the Public Utilities Commission of Nevada.

Sec. 11. "Committee" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.

Sec. 12. "Institution of higher education" means:

1. A university, college or community college which is privately owned or which is part of the Nevada System of Higher Education; or

2. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.

Sec. 13. "Participant" means a person who has been selected by the Committee pursuant to section 26 of this act to participate in the Wind Demonstration Program.

Sec. 14. "Person" includes a governmental entity.

Sec. 15. "Program year" means the period of July 1 to June 30 of the following year.

Sec. 16. "Public property" means any real property, building or facilities owned, leased or occupied by:

1. A department, agency or instrumentality of the State or any of its political subdivisions which is used for the transaction of public or quasi-public business; or

2. A nonprofit organization that is recognized as exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) of the Internal Revenue Code, as amended, or a corporation for public benefit as defined in NRS 82.021.

Sec. 17. "School property" means any real property, building or facilities owned, leased or occupied by:

1. A public school as defined in NRS 385.007;

2. A private school as defined in NRS 394.103; or

3. An institution of higher education.

Sec. 18. "Small business" means a business conducted for profit which employs 500 or fewer full-time or part-time employees.

Sec. 19. "Utility" means a public utility that supplies electricity in this State.

Sec. 20. "Wind Demonstration Program" or "Program" means the Wind Energy Systems Demonstration Program created by section 22 of this act.

Sec. 21. "Wind energy system" means a facility or energy system for the generation of electricity that uses wind energy to generate electricity.

Sec. 22. 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The Program must have four categories as follows:

- (a) School property;
- (b) Other public property;
- (c) Private residential property and small business property; and
- (d) Agricultural property.

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to section 23 of this act;

(b) Submit an application to a utility and be selected by the Committee for inclusion in the Program pursuant to sections 25 and 26 of this act;

(c) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(d) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 23. The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in the Program in each particular category of:

- (a) School property;
- (b) Other public property;
- (c) Private residential property and small business property; and
- (d) Agricultural property.

2. The type of incentives available to participants in the Program and the level or amount of those incentives.

3. The requirements for a utility's annual plan for carrying out and administering the Program. A utility's annual plan must include, without limitation:

- (a) A detailed plan for advertising the Program;

(b) A detailed budget and schedule for carrying out and administering the Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Program, including a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's wind energy system and compliance with the Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Program; and

(f) Any other information required by the Commission.

Sec. 24. 1. Each utility shall carry out and administer the Wind Demonstration Program within its service area in accordance with its annual plan as approved by the Commission pursuant to section 25 of this act.

2. A utility may recover its reasonable and prudent costs, including, without limitation, incentives, that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 25. 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Wind Demonstration Program within its service area for the following program year.

2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the Commission shall:

(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

3. On or before November 1, 2008, and on or before November 1 of each year thereafter, each utility shall submit to the Committee the utility's recommendations as to which applications received by the utility should be approved for participation in the Program. The Committee shall review the applications to ensure that each applicant meets the qualifications and requirements to be eligible to participate in the Program.

4. Except as otherwise provided in section 26 of this act, the Committee may approve, from among the applications recommended by each utility, wind energy systems totaling:

(a) For the program year beginning July 1, 2008:

(1) 500 kilowatts of capacity for school property;

(2) 500 kilowatts of capacity for other public property;

(3) 700 kilowatts of capacity for private residential property and small business property; and

- (4) 700 kilowatts of capacity for agricultural property.
- (b) For the program year beginning July 1, 2009:
  - (1) An additional 250 kilowatts of capacity for school property;
  - (2) An additional 250 kilowatts of capacity for other public property;
  - (3) An additional 350 kilowatts of capacity for private residential property and small business property; and
  - (4) An additional 350 kilowatts of capacity for agricultural property.
- (c) For the program year beginning July 1, 2010:
  - (1) An additional 250 kilowatts of capacity for school property;
  - (2) An additional 250 kilowatts of capacity for other public property;
  - (3) An additional 350 kilowatts of capacity for private residential property and small business property; and
  - (4) An additional 350 kilowatts of capacity for agricultural property.

Sec. 26. 1. Based on the applications submitted by each utility for a program year, the Committee shall:

(a) Within the limits of the capacity allocated to each category, select applicants to be participants in the Wind Demonstration Program and place those applicants on a list of participants; and

(b) Select applicants to be placed on a prioritized waiting list to become participants in the Program if any capacity within a category becomes available.

2. Not later than 30 days after the date on which the Committee selects an applicant to be on the list of participants or the prioritized waiting list, the utility which submitted the application to the Committee on behalf of the applicant shall provide written notice of the selection to the applicant.

3. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the Committee may, in any combination it deems appropriate:

(a) Allow a utility to submit additional applications from applicants who want to participate in that category; or

(b) Reallocate any of the unused capacity in that category to any of the other categories.

4. At any time after submitting an application to participate in the Program to a utility, an applicant may energize his wind energy system if the wind energy system meets all applicable building codes and all applicable requirements of the utility as approved by the Commission. An applicant who energizes his wind energy system under such circumstances remains eligible to participate in the Program, and the energizing of the wind energy system does not alter the applicant's status on the list of participants or the prioritized waiting list.

Sec. 27. 1. Except as otherwise provided in this section, if the Committee determines that a participant has not complied with the requirements for participation in the Wind Demonstration Program, the Committee shall, after notice and an opportunity for a hearing, withdraw the participant from the Program.

2. The Committee may, without notice or an opportunity for a hearing, withdraw from the Program:

(a) A participant in the category of private residential property and small business property or a participant in the category of agricultural property if the participant does not complete the installation of a wind energy system within 12 months after the date the participant receives written notice of his selection to participate in the Program.

(b) A participant in the category of school property or a participant in the category of other public property if the participant does not complete the installation of a wind energy system within 30 months after the date the participant receives written notice of his selection to participate in the Program.

3. A participant who is withdrawn from the Program pursuant to subsection 2 forfeits any incentives.

Sec. 28. 1. After a participant installs a wind energy system included in the Wind Demonstration Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the actual or estimated kilowatt-hour production of the wind energy system.

2. All portfolio credits issued for a wind energy system installed pursuant to the Wind Demonstration Program must be assigned to and become the property of the utility administering the Program.

Sec. 29. If a wind energy system used by a participant in the Wind Demonstration Program meets the requirements of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 30. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) On October 1, 2007, for all other purposes.

2. Sections 5 to 29, inclusive, of this act expire by limitation on June 30, 2011.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 190.

Bill read second time and ordered to third reading.

Assembly Bill No. 215.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 232.





Nevada without acquiring or merging with a Nevada depository institution or a Nevada holding company.

**2. An out-of-state depository institution that on or before March 31, 2007, has, pursuant to paragraph (a) of subsection 1, established or acquired, or been approved by the Commissioner to establish or acquire, a branch in a county whose population is less than 100,000, may establish or acquire a branch in a county whose population is 100,000 or more so long as the out-of-state depository institution continues to operate a branch in a county whose population is less than 100,000.**

**Sec. 2. This bill becomes effective upon passage and approval.**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 136.

AN ACT relating to manufactured housing; exempting specialty servicemen from the requirement of taking an examination for licensure in certain circumstances; requiring a provider of services to enter into written contracts for any work he provides with each person who is pertinent to the sale, installation and occupancy of a manufactured home; requiring the Manufactured Housing Division of the Department of Business and Industry to adopt national standards and codes for the construction of factory-built housing, manufactured buildings and modular components; and providing other matters properly relating thereto.”

Legislative Counsel’s Digest:

Existing law regulates “specialty servicemen” which are persons who own or are responsible for a business that has a limited scope of work that it may perform on or in a manufactured home, mobile home or commercial coach. (NRS 489.147, 489.305-489.325) Specialty servicemen are required to pass an examination and apply for licensure. (NRS 489.321, 489.325, 489.351) Sections 1-5 of this bill provide that a specialty serviceman may be given a waiver from the examination requirement if he holds another license in this State pursuant to which he performs services that are substantially similar to those that he will perform as a specialty serviceman.

Existing law authorizes a dealer of new manufactured homes to enter into written agreements pursuant to which appropriately licensed providers of service agree to perform work pertinent to the sale, installation and occupancy of a manufactured home. (NRS 489.716) Section 6 of this bill requires such providers of service to enter into written agreements for any work they provide with each person who is pertinent to the sale, installation and occupancy of a manufactured home.

Section 7 of this bill deletes provisions of existing law which set forth standards for the construction, reconstruction and alteration of factory-built housing, manufactured buildings and modular components and instead requires the Manufactured Housing Division to adopt by regulation the nationally recognized standards and codes for such construction, reconstruction and alteration.

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

Section 1. NRS 489.321 is hereby amended to read as follows:

489.321 1. An application for a manufacturer's, dealer's, general serviceman's or specialty serviceman's license must be filed upon forms supplied by the Division and include the social security number of the applicant. The applicant must furnish:

(a) Any proof the Division may deem necessary that the applicant is a manufacturer, dealer, general serviceman or specialty serviceman.

(b) Any proof the Division may require that the applicant has an established place of business.

(c) Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought.

(d) A complete set of his fingerprints and written permission authorizing the Administrator to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Administrator may exchange with the Central Repository and the Federal Bureau of Investigation any information relating to the fingerprints of an applicant under this section.

(e) In the case of a dealer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make or makes concerned.

(f) A reasonable fee fixed by regulation.

(g) In the case of a dealer ~~or~~ **or** general serviceman, ~~for specialty serviceman,~~ proof of passing the examination required under NRS 489.351.

(h) ***In the case of a specialty serviceman, proof of passing the examination required under subsection 1 of NRS 489.351 or proof that the examination has been waived pursuant to subsection 2 of NRS 489.351.***

(i) Any additional requirements the Division may from time to time prescribe by regulation.

2. Within 60 days after the receipt of a complete application, the Division shall issue or deny the license.

3. The Administrator may issue a provisional license pending receipt of the report from the Federal Bureau of Investigation. Upon receipt of the report and a determination by the Administrator that the applicant is qualified, the Division shall issue to the applicant a dealer's, manufacturer's,

general serviceman's or specialty serviceman's license containing the applicant's name and the address of his fixed place of business.

4. Each license is valid for a period of 2 years after the date of issuance and may be renewed for like consecutive periods upon application to and approval by the Division.

Sec. 2. NRS 489.321 is hereby amended to read as follows:

489.321 1. Applications for a manufacturer's, dealer's, general serviceman's or specialty serviceman's license must be filed upon forms supplied by the Division, and the applicant shall furnish:

(a) Any proof the Division may deem necessary that the applicant is a manufacturer, dealer, general serviceman or specialty serviceman.

(b) Any proof the Division may require that the applicant has an established place of business.

(c) Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought.

(d) A complete set of his fingerprints and written permission authorizing the Administrator to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Administrator may exchange with the Central Repository and the Federal Bureau of Investigation any information respecting the fingerprints of an applicant under this section.

(e) In the case of a dealer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make or makes concerned.

(f) A reasonable fee fixed by regulation.

(g) In the case of a dealer ~~[-]~~ or general serviceman, ~~[or specialty serviceman.]~~ proof of passing the examination required under NRS 489.351.

(h) ***In the case of a specialty serviceman, proof of passing the examination required under subsection 1 of NRS 489.351 or proof that the examination has been waived pursuant to subsection 2 of NRS 489.351.***

(i) Any additional requirements the Division may from time to time prescribe by regulation.

2. Within 60 days after receipt of a complete application, the Division shall issue or deny the license.

3. The Administrator may issue a provisional license pending receipt of the report from the Federal Bureau of Investigation. Upon receipt of the report and a determination by the Administrator that the applicant is qualified, the Division shall issue to the applicant a dealer's, manufacturer's, general serviceman's or specialty serviceman's license certificate containing the applicant's name and the address of his fixed place of business.

4. Each license is valid for a period of 2 years after the date of issuance and may be renewed for like consecutive periods upon application to and approval by the Division.

Sec. 3. NRS 489.325 is hereby amended to read as follows:

489.325 1. The Administrator may adopt regulations which provide for the licensing of specialty servicemen. A person licensed as a specialty serviceman pursuant to this section must be limited in the scope of the work he may perform to installation or repair in one of the following categories:

- (a) Awnings, roofing or skirting;
- (b) Plumbing;
- (c) Heating and air-conditioning systems;
- (d) Electrical systems; or
- (e) Any other category that may be similarly licensed by the State Contractors' Board.

2. The Administrator shall provide in those regulations for:

(a) The imposition of reasonable fees for application, examination and licensure.

(b) The creation and administration of a written or oral examination for each category of limited licensure.

(c) Minimum qualifications for such a license, including, without limitation, the passage of ~~the~~ *any* applicable examination ~~[-] required pursuant to subsection 1 of NRS 489.351, unless waived pursuant to subsection 2 of NRS 489.351.~~

3. A person who is licensed as a specialty serviceman shall comply with each statute and regulation which applies to general servicemen, including, without limitation, the payment of a fee required pursuant to subparagraph 1 of paragraph (c) of subsection 2 of NRS 489.4971.

Sec. 4. NRS 489.343 is hereby amended to read as follows:

489.343 1. Every partnership doing business as a manufacturer, dealer, general serviceman or specialty serviceman in this State shall designate one of its members, and every corporation doing business as a manufacturer, dealer, general serviceman or specialty serviceman in this State shall designate one of its officers, to submit an application for a manufacturer's, dealer's, general serviceman's or specialty serviceman's license.

2. The Division shall issue a manufacturer's, dealer's, general serviceman's or specialty serviceman's license to the member or officer on behalf of the corporation or partnership ~~[-]~~ upon:

(a) The designated member or officer, in the case of a dealer, general serviceman or specialty serviceman, successfully passing the examination ~~[-] required pursuant to NRS 489.351 unless, in the case of a specialty serviceman, the examination is waived pursuant to subsection 2 of NRS 489.351;~~ and

(b) Compliance with all other requirements of law or any other additional requirements the Division may from time to time prescribe by regulation by the partnership or corporation, as well as by the designated member or officer.

3. Upon receipt of the license, the designated member or officer is entitled to perform all the acts authorized by a license issued by the Division, except:

(a) That the license issued entitles the designated member or officer to act pursuant to the terms and conditions of the license issued by the Division only as officer or agent of the partnership or corporation, and not on his own behalf; and

(b) That if the person designated by the partnership or corporation:

(1) Is refused a license by the Division; or

(2) Ceases to be connected with the partnership or corporation,

the partnership or corporation may designate another person who shall make application and qualify as in the first instance.

Sec. 5. NRS 489.351 is hereby amended to read as follows:

489.351 ~~{The}~~

**1. Except as otherwise provided in subsection 2, the** Administrator shall require an oral or written examination of each applicant for a license as a dealer, responsible managing employee, salesman, general serviceman or specialty serviceman.

**2. The Administrator may waive the examination required pursuant to subsection 1 for an applicant for a license as a specialty serviceman if:**

**(a) The applicant holds another valid license issued by this State; and**

**(b) The services performed by the applicant pursuant to that license are substantially similar to the services to be performed by the applicant as a specialty serviceman.**

Sec. 6. NRS 489.716 is hereby amended to read as follows:

489.716 1. A dealer of new manufactured homes who is licensed pursuant to chapter 624 of NRS may enter into written agreements pursuant to which appropriately licensed providers of service agree to perform work pertinent to the sale, installation and occupancy of a manufactured home. If such a dealer enters into such a written agreement, the dealer is responsible for the workmanship and completion of all parts of the project involving the sale, installation and occupancy of the manufactured home, including, without limitation, any work performed by a provider of service pursuant to the written agreement.

2. A dealer of ~~new~~ manufactured homes, regardless of whether he is licensed pursuant to chapter 624 of NRS, shall not require a buyer of a manufactured home to obtain services to be performed pertinent to the sale, installation or occupancy of the manufactured home from a specific provider. The dealer shall disclose to the buyer in writing the fact that the dealer is prohibited from requiring the buyer to obtain such services from a specific provider of services.

**3. Before performing any work, a provider of services shall enter into a written agreement with each person for whom he will perform work which is pertinent to the sale, installation or occupancy of a manufactured home, including, without limitation, a dealer of manufactured homes, a person**

*who owns a manufactured home and any person who is purchasing a manufactured home. The written agreement must include provisions specifying:*

- (a) The scope of work;*
- (b) The cost for completion of the work;*
- (c) The date on which work will begin;*
- (d) The anticipated date for completion of the work; and*
- (e) That no additional work may be performed and no additional costs may be charged unless agreed to in writing before the additional work is performed or costs are incurred.*

4. As used in this section, "provider of services" means any person who performs work pertinent to the sale, installation and occupancy of a new manufactured home.

Sec. 7. NRS 461.170 is hereby amended to read as follows:

461.170 1. ~~{Unless the Division has adopted a more recent edition pursuant to paragraph (b) of subsection 2, the following codes and standards, in the form most recently published before January 1, 1999, are hereby adopted for the purposes of this chapter:~~

- ~~(a) The Uniform Housing Code;~~
- ~~(b) The Uniform Building Code, as adopted by the International Conference of Building Officials;~~
- ~~(c) The Uniform Plumbing Code, as adopted by the International Association of Plumbing and Mechanical Officials;~~
- ~~(d) The Uniform Mechanical Code, as adopted by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;~~
- ~~(e) The National Electrical Code, as adopted by the National Fire Protection Association;~~
- ~~(f) The Uniform Building Code, Dangerous Building, as adopted by the International Conference of Building Officials;~~
- ~~(g) The Uniform Building Code Standards, as adopted by the International Conference of Building Officials; and~~
- ~~(h) The American National Standards Institute Standard No. A117.1.~~

~~2. The Division may:~~

- ~~(a) Adopt regulations necessary to carry out the provisions of this chapter and the codes and standards adopted by this section.~~
- ~~(b) Adopt, by regulation, the most recent edition of the codes and standards specified in subsection 1.~~

~~(c) Revise the regulations to conform substantially to any amendments to the codes and standards.} *The Division shall adopt by regulation nationally recognized codes and standards for the construction of factory-built housing, manufactured buildings and modular components.*~~

*2. The Division shall adopt regulations for the:*

- (a) Reconstruction; and*

*(b) Alteration, including, without limitation, alteration to a plumbing, heating or electrical system,  
~~of~~ factory-built housing, manufactured buildings and modular components that are ~~reasonably~~ consistent with nationally recognized codes and standards.*

3. If approved in writing by the Division, a local enforcement agency may impose requirements that are more stringent than the codes, standards and regulations adopted under this section.

Sec. 8. NRS 461.190 is hereby amended to read as follows:

461.190 1. Factory-built housing manufactured after the effective date of the regulations for that housing adopted pursuant to this chapter which is sold or offered for sale to a first user within this State must bear an insigne of approval issued by the Division.

2. A manufactured building ~~is~~ fabricated after the effective date of the regulations for that building adopted pursuant to this chapter ~~is~~ which is sold or offered for sale to a first user within this State must bear an insigne of approval issued by the Division.

3. The Division may issue insignia, medallions, symbols or tags issued by the appropriate certifying authority designated by the uniform codes and standards adopted pursuant to NRS 461.170 to signify compliance with all the provisions of NRS 461.170.

4. The Division may provide by regulation for the approval of any factory-built housing or manufactured building which has been inspected and approved by the appropriate certifying authorities of another jurisdiction which has adopted all the codes and standards ~~specified in~~ **adopted pursuant to** NRS 461.170 without additional inspection or issuance of additional insignia, medallions, symbols or tags by the Division.

Sec. 9. 1. This section and sections 1 and 3 to 8, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,  
~~are~~ repealed by the Congress of the United States.

3. Section 2 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,  
are repealed by the Congress of the United States.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 247.

Bill read second time.

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

Amendment No. 124.

SUMMARY—Makes various changes concerning billing for, collecting and bringing actions and enforcing judgments for delinquent payments for ~~services~~ **hospital care** rendered at a hospital. (BDR 40-819)

AN ACT relating to hospitals; limiting the amount of interest and other charges that hospitals may impose for delinquent payments; revising the limitation on the period for commencing an action against a person who has a delinquent account with a hospital; **revising provisions concerning liens placed upon the award to an injured person to pay for hospitalization**; prohibiting a hospital from assigning a lien on real property obtained in connection with a delinquent payment for services rendered at the hospital; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill provides that a hospital may not ~~charge interest on an account until at least 30 days after~~ **proceed with efforts to collect on any amount owed to the hospital, other than copayments and deductibles, if the person responsible for paying the account has or may be eligible for insurance benefits or public assistance until the insurance or public program has been billed and the amount owed by the responsible party has been established. Collection efforts and interest may begin not sooner than 30 days after the responsible party has** been sent notice of the amount that he is responsible to pay. ~~Such a bill must not be sent until the hospital has established the amount that will be paid by any health insurance company or other public program.~~ Section 5 further limits the amount of interest that a hospital may charge on a delinquent account to prime rate plus 2 percent and prohibits a hospital from imposing any other fees, including, without limitation, collection fees, attorney's fees or any other fees or costs other than **court costs and** attorney's fees awarded by a court.

Section 6 of this bill requires a hospital or other person acting on its behalf to collect any debt for any amount owed **to the hospital** for ~~health care services~~ **hospital care** rendered at the hospital in a professional, fair and lawful manner and in accordance with the federal Fair Debt Collection Practices Act.

Existing law establishes certain periods during which an action may be commenced in court which apply when no other statutes specify a different



period. (NRS 11.190) Existing law further provides that the time set forth in that statute is deemed to date from the last transaction. (NRS 11.200) Section 7 of this bill provides that the period for commencing an action against a person to recover payment for any ~~health care services~~ **amount owed to a hospital for hospital care** provided to a person at a hospital is not later than 2 years after the date on which any payment that is due for the services is not paid. The period is tolled, however, during any ~~period~~ **periods** in which the hospital is awaiting a determination concerning eligibility for or the amount of benefits from an insurer or public program, ~~and~~ **and during any period in which payments are being made.**

Existing law provides that a lien may be placed upon any amount awarded to an injured person who received hospitalization or his representative for amounts due to a hospital for the reasonable value of hospitalization rendered before the date of the judgment. (NRS 108.590) Section 8 of this bill provides that if the person who received hospitalization has health insurance or may be eligible for public assistance from a public program which may pay all or part of the bill, the lien may not be placed on the award to the injured person until the hospital has established the amount for which the person will be liable. In addition, section 8 provides that the lien may only be for the amount of that liability.

Existing law creates a lien on the real property of a person for unpaid charges incurred at a county or district hospital and establishes certain procedures that must be followed with respect to such liens. (NRS 108.662) Section 9 of this bill prohibits a county or district hospital from assigning, selling or transferring the interest of the hospital in such a lien.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~and 3~~ **to 6, inclusive**, of this act.

*Sec. 2. As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

*Sec. 3. "Hospital care" has the meaning ascribed to it in NRS 428.155.*

*Sec. 4. "Responsible party" means the person who received the hospital care, the parent or guardian of the person who received the hospital care or another natural person who has agreed to be responsible for the payment to the hospital of any charges incurred in connection with the hospital care.*

~~Sec. 2.~~ *Sec. 5. 1. Interest on any amount owed for health care services rendered at a hospital may not accrue until at least 30 days after the responsible party is sent a bill by mail stating the amount that he is responsible to pay. If **When a person receives hospital care, the hospital must not proceed with any efforts to collect on any amount owed to the***

hospital for the hospital care from the responsible party ~~{for the person who received the health care services}~~, other than for any copayment or deductible, if the responsible party has health insurance or may be eligible for Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill, ~~{the hospital must not send such a bill to the responsible party}~~ until the hospital has submitted a bill to the insurance company or public program and the insurance company or public program has made a determination concerning payment of the claim.

2. ~~{After the 30 day period set forth in subsection 1, interest}~~ Collection efforts may begin and interest may begin to accrue on any amount owed to the hospital for hospital care which remains unpaid by the responsible party not sooner than 30 days after the responsible party is sent a bill by mail stating the amount that he is responsible to pay which has been established after receiving a determination concerning payment of the claim by any insurer or public program and after applying any discounts. Interest must accrue at a rate which does not exceed the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date on which the payment becomes due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the payment is satisfied.

3. Except for the interest authorized pursuant to subsection 2 and any court costs and attorney's fees awarded by a court, no other fees may be charged concerning the amount that remains unpaid ~~{after the 30 day period,}~~ including, without limitation, collection fees, other attorney's fees or any other fees or costs.

~~{ 4. As used in this section, "responsible party" means the person who received the health care services, the parent or guardian of the person who received the health care services or other natural person who has agreed to be responsible for the payment to the hospital of any charges incurred in connection with such services.}~~

~~{Sec. 3.}~~ Sec. 6. {1.} A hospital, or any person acting on its behalf who seeks to collect a debt from a responsible party for any amount owed to the hospital for ~~{health care services rendered at the hospital,}~~ hospital care must collect the debt in a professional, fair and lawful manner. When collecting such a debt, the hospital or other person acting on its behalf must act in accordance with sections 803 to 812, inclusive, of the federal Fair Debt Collection Practices Act, as amended, 15 U.S.C. §§ 1692a to 1692j, inclusive, even if the hospital or person acting on its behalf is not otherwise subject to the provisions of that Act.

~~{ 2. As used in this section, "responsible party" has the meaning ascribed to it in section 5 of this act.}~~

~~{Sec. 4.}~~ Sec. 7. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, an action against a person to recover payment for ~~any health care services~~ any amount owed to a hospital for hospital care provided to the person at ~~at~~ the hospital must be commenced not later than 2 years after the date on which any payment that is due for the services is not paid.*

2. *The period provided in subsection 1 is tolled during any ~~period~~ periods in which the hospital is awaiting a determination concerning eligibility for or the amount of benefits from an insurer or public program ~~and~~ and during any periods in which payments are being made.*

3. *As used in this section, “hospital care” has the meaning ascribed to it in NRS 428.155.*

Sec. 8. NRS 108.590 is hereby amended to read as follows:

108.590 1. ~~Whenever~~ *Except as otherwise provided in subsection 2, whenever* any person receives hospitalization on account of any injury, and he, or his personal representative after his death, claims damages from the person responsible for causing the injury, the hospital has a lien upon any sum awarded the injured person or his personal representative by judgment or obtained by a settlement or compromise to the extent of the amount due the hospital for the reasonable value of the hospitalization rendered before the date of judgment, settlement or compromise.

2. *If the responsible party has health insurance or may be eligible for Medicaid, the Children’s Health Insurance Program or any other public program which may pay all or part of the bill:*

(a) *The hospital may not place a lien upon the award to the injured person until the hospital has complied with the provisions of section 5 of this act.*

(b) *The lien provided pursuant to this section is valid only for the amount that is owed by the responsible party to the hospital as determined by the insurance company, Medicaid, the Children’s Health Insurance Program or other public program.*

3. The lien provided by this section is:

(a) Not valid against anyone coming under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

(b) In addition to the lien provided by NRS 108.662.

4. *As used in this section, “responsible party” means the person who received the hospitalization, the parent or guardian of the person who received the hospitalization or other natural person who has agreed to be responsible for the payment to the hospital of any charges incurred in connection with such services.*

~~Sec. 5.~~ Sec. 9. NRS 108.662 is hereby amended to read as follows:

108.662 1. Except as otherwise provided in subsection 4, a county or district hospital has a lien upon the real property of a person for charges incurred and unpaid for the care of the owner of the property or a person for whose support the owner is legally responsible.

2. The notice of the lien must be served upon the owner by certified or registered mail and filed in the office of the county recorder of the county where the real property is located not sooner than 90 days nor later than:

- (a) Three years after the patient's discharge; or
- (b) One year after the patient defaults on payments made pursuant to a written contract,

whichever is later, except that the notice may be served and filed within 6 months after any default pursuant to a written contract.

3. The notice of the lien must contain:

- (a) The amount due;
- (b) The name of the owner of record of the property; and
- (c) A description of the property sufficient for identification.

4. If the amount due as stated in the notice of lien is reduced by payments and any person listed in subsection 2 of NRS 108.665 gives written notice of that reduction to the county or district hospital which recorded the lien, the county or district hospital shall amend the notice of lien stating the amount then due, within 10 days after it receives the written notice.

**5. A county or district hospital shall not assign, sell or transfer the interest of the hospital in a lien created pursuant to this section.**

~~Sec. 6.~~ **Sec. 10.** The amendatory provisions of this act apply to any debt accrued on or after October 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 265.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 71.

AN ACT relating to the Department of Motor Vehicles; authorizing the Director of the Department to enter into an agreement with certain persons for the placement of advertisements in certain areas of a building owned or occupied by the Department, in official mailings sent by the Department to the public and in material published electronically by the Department; specifying the purposes for which money, goods or services received by the Department from such agreements must be used; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for any person to erect any bulletin board or other advertising device in or upon the grounds of the State Capitol or of any state building or property. (NRS 331.200) This bill authorizes the Director of the Department of Motor Vehicles to enter into agreements with public or private entities to place advertisements in public areas of buildings owned or occupied by the Department, in its official mailings or in material

published electronically by the Department. If money is received from such agreements, it must be deposited in the Motor Vehicle Fund and used by the Department to promote alternative methods by which the public may conduct business with the Department by technological means without personal assistance from an employee of the Department. If goods and services are received from such agreements in lieu of money, the goods and services must be used toward the overall improvement or enhancement of the Department.

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

Section 1. Chapter 481 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The Director may enter into an agreement with a public or private entity or an authorized agent of a public or private entity for the placement of advertisements in:*

*(a) Areas of a building owned or occupied by the Department which are frequented by the public;*

*(b) Official mailings which the Department sends to the public; or*

*(c) Material published electronically by the Department including, without limitation, material posted on the Internet website of the Department ~~[-],~~ except for pop-up advertisements.*

*2. A person who enters into an agreement with the Department pursuant to paragraph (a) of subsection 1 shall ensure that each advertisement placed pursuant to the agreement does not inhibit or disrupt the functioning of the Department.*

*3. If money is received by the Department as payment for an agreement entered into pursuant to subsection 1, the money must be deposited with the State Treasurer to the credit of the Motor Vehicle Fund. The money must be transferred to a special account created in the Fund to be used by the Department to promote alternative methods by which the public may conduct business with the Department by technological means without personal assistance from an employee of the Department. Such alternative methods may include, without limitation, self-service kiosks, service provided through the use of the Internet or a network site and interactive voice recognition systems.*

*4. If goods or services are provided to the Department as payment for an agreement entered into pursuant to subsection 1, the goods or services must be used for the overall improvement or enhancement of the Department.*

*5. The Director may adopt regulations to carry out the provisions of this section.*

*6. As used in this section, "pop-up advertisement" means an ad that displays in a new browser window when a person accesses an Internet website.*

Sec. 2. NRS 331.200 is hereby amended to read as follows:

331.200 1. It ~~shall be~~ is unlawful for any person to commit any of the following acts upon the grounds of the State Capitol or of any other state building or property:

- (a) Willfully deface, break down or destroy any fence upon or surrounding such grounds;
- (b) ~~Erect~~ **Except as otherwise provided in section 1 of this act, erect** any bulletin board or other advertising device in or upon such grounds;
- (c) Deposit any garbage, debris or other obstruction in or upon such grounds;
- (d) Injure, break down or destroy any tree, shrub or other thing upon such grounds; or
- (e) Injure the grass upon such grounds by walking upon it.

2. Any person violating any of the provisions of this section ~~shall be~~ is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed, and in no event less than a misdemeanor.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 127.

AN ACT relating to motor vehicles; requiring the owner of a motor vehicle that has been declared a total loss to forward the endorsed **certificate of** title to the insurance company within 30 days ~~of~~ **after** accepting a settlement; requiring the Department of Motor Vehicles to issue a salvage title **or nonrepairable vehicle certificate** to an insurance company for a salvage vehicle in the absence of an endorsed **certificate of** title ~~in~~ **under** certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that when an insurance company acquires a motor vehicle as a result of a settlement in which a motor vehicle has been declared a total loss, the owner of the motor vehicle must endorse and forward the **certificate of** title to the motor vehicle to the insurance company. The insurance company must then forward the endorsed **certificate of** title, together with an application for a salvage title to the Department of Motor Vehicles within 30 days after receipt of the endorsed **certificate of** title. (NRS 487.800) Section 2 of this bill requires the owner of the motor vehicle who is relinquishing ownership to forward the endorsed **certificate of** title to the insurance company within 30 days ~~of~~ **after** accepting the settlement.

Existing law provides that if an endorsed certificate of title is not available, any applicant may apply to the Department for a salvage title. The Department may examine the circumstances and review affidavits or other information and, if satisfied the applicant is entitled to a salvage title, issue the salvage title. (NRS 487.820) Section 2 of this bill requires the Department to issue a salvage title or nonrepairable vehicle certificate to an insurance company if the insurance company submits an application, without an endorsed certificate of title, to the Department for a motor vehicle that has been declared a total loss together with certain documentation. ~~[demonstrating that the insurance company has made at least two written attempts to obtain the endorsed title from the owner of the motor vehicle.]~~

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

**Section 1.** NRS 487.480 is hereby amended to read as follows:

487.480 1. Before an operator of a salvage pool sells any vehicle subject to registration pursuant to the laws of this State, he must have in his possession the certificate of title for a vehicle obtained pursuant to subsection ~~[2]~~ **3** of NRS 487.800 or the salvage title for that vehicle. The Department shall not issue a certificate of registration or certificate of title for a vehicle with the same identification number if the vehicle was manufactured in the 5 years preceding the date on which the salvage title was issued, unless the Department authorizes the restoration of the vehicle pursuant to subsection 2 of NRS 482.553.

2. Upon sale of the vehicle, the operator of the salvage pool shall provide a salvage title to the licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder who purchased the vehicle.

~~[Section 1.]~~ **Sec. 2.** NRS 487.800 is hereby amended to read as follows:

487.800 1. ~~[Except with respect to a nonrepairable vehicle, when]~~ **When** an insurance company acquires a motor vehicle as a result of a settlement in which the motor vehicle is determined to be a salvage vehicle, the owner of the motor vehicle who is relinquishing ownership of the motor vehicle shall endorse the certificate of title of the motor vehicle and forward the endorsed certificate of title to the insurance company ~~[ ]~~ **within 30 days** ~~[of]~~ **after accepting the settlement from the insurance company.** The insurance company or its authorized agent shall forward the endorsed certificate of title, together with an application for a salvage title or nonrepairable vehicle certificate, to the state agency within ~~[30]~~ **60** days after receipt of the endorsed certificate of title.

2. **If the owner of the motor vehicle who is relinquishing ownership does not provide the endorsed certificate of title to the insurance company within 30 days** ~~[following acceptance of]~~ **after accepting the settlement pursuant to subsection 1, the insurance company shall, within** ~~[a reasonable time,]~~ **60 days after the expiration of that 30-day period, forward**

*an application for a salvage title or nonrepairable vehicle certificate to the state agency. The state agency shall issue a salvage title or nonrepairable vehicle certificate to the insurance company for the vehicle upon receipt of:*

*(a) The application ~~and endorsed title; or~~*

*~~(b) The application and documentation showing~~ ;*

*(b) A motor vehicle inspection certificate signed by a representative of the Department or, as one of the authorized agents of the Department, by a peace officer, dealer, rebuilder, automobile wrecker, operator of a salvage pool or garageman; and*

*(c) Documentation that the insurance company has made at least two written attempts by certified mail, return receipt requested, or by use of a delivery service with a tracking system, to obtain the endorsed certificate of title.*

3. Except as otherwise provided in ~~subsection 1,~~ subsections 1 and 2, before any ownership interest in a salvage vehicle, except a nonrepairable vehicle, may be transferred, the owner or other person to whom the motor vehicle is titled:

(a) If the person has possession of the certificate of title to the vehicle, shall forward the endorsed certificate of title, together with an application for salvage title to the state agency within 30 days after the vehicle becomes a salvage vehicle.

(b) If the person does not have possession of the certificate of title to the vehicle and the certificate of title is held by a lienholder, shall notify the lienholder within 10 days after the vehicle becomes a salvage vehicle that the vehicle has become a salvage vehicle. The lienholder shall, within 30 days after receiving such notice, forward the certificate of title, together with an application for salvage title, to the state agency.

~~3.~~ 4. An insurance company or its authorized agent may sell a vehicle for which a total loss settlement has been made with the properly endorsed certificate of title if the total loss settlement resulted from the theft of the vehicle and the vehicle, when recovered, was not a salvage vehicle.

~~4.~~ 5. An owner who has determined that a vehicle is a total loss salvage vehicle may sell the vehicle with the properly endorsed certificate of title obtained pursuant to this section, without making any repairs to the vehicle, to a salvage pool, automobile auction, rebuilder, automobile wrecker or a new or used motor vehicle dealer.

~~5.~~ 6. Except with respect to a nonrepairable vehicle, if a salvage vehicle is rebuilt and restored to operation, the vehicle may not be licensed for operation, displayed or offered for sale, or the ownership thereof transferred, until there is submitted to the state agency with the prescribed salvage title, an appropriate application, other documents, including, without limitation, an affidavit from the state agency attesting to the inspection and verification of the vehicle identification number and the identification numbers, if any, for parts used to repair the motor vehicle and fees required, together with a certificate of inspection completed pursuant to NRS 487.860.



~~{6.}~~ 7. Except with respect to a nonrepairable vehicle, if a total loss insurance settlement between an insurance company and any person results in the retention of the salvage vehicle by that person, before the execution of the total loss settlement, the insurance company or its authorized agent shall:

(a) Obtain, upon an application for salvage title, the signature of the person who is retaining the salvage vehicle;

(b) Append to the application for salvage title the *certificate of* title to the motor vehicle or an affidavit stating that the original *certificate of* title has been lost; and

(c) Apply to the state agency for a salvage title on behalf of the person who is retaining the salvage vehicle.

~~{7.}~~ 8. If the state agency determines that a salvage vehicle retained pursuant to subsection ~~{5.}~~ 6 is titled in another state or territory of the United States, the state agency shall notify the appropriate authority of that state or territory that the owner has retained the salvage vehicle.

~~{8.}~~ 9. A person who retains a salvage vehicle pursuant to subsection ~~{6.}~~ 7 may not transfer any ownership interest in the vehicle unless he has received a salvage title.

~~{Sec. 2.}~~ **Sec. 3.** NRS 487.820 is hereby amended to read as follows:

487.820 1. ~~{H}~~ ***Except as otherwise provided in subsection 2 of NRS 487.800, if*** the applicant for a salvage title is unable to furnish the certificates of title and registration last issued for the vehicle, the state agency may accept the application, examine the circumstances of the case and require the filing of suitable affidavits or other information or documents. If satisfied that the applicant is entitled to a salvage title, the state agency may issue the salvage title.

2. No duplicate certificate of title or registration may be issued when a salvage title is applied for, and no fees are required for the affidavits of any stolen, lost or damaged certificate, or duplicates thereof, unless the vehicle is subsequently registered.

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

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 294.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 151.

AN ACT relating to communicable diseases; revising provisions governing the testing of certain governmental employees who may have been exposed to a contagious disease while performing their official duties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain governmental employees, including law enforcement and correctional officers, emergency medical attendants and firefighters, who may have been exposed to a contagious disease while performing their official duties, or the employers of such persons, may petition a court for an order requiring the testing for exposure to the human immunodeficiency virus and the hepatitis B surface antigen of the person who may have caused the exposure to the contagious disease. (NRS 441A.195) Section 1 of this bill expands those protections to county coroners and medical examiners and their employees, **and other public employees whose duties may require them to come into contact with human blood or bodily fluids** and also provides that the order issued by the court may extend to the testing of a decedent who may have caused the exposure to the contagious disease. **Section 1 also expands the contagious diseases for which a test may be ordered to include hepatitis C and tuberculosis.**

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

Section 1. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. A law enforcement officer, correctional officer, emergency medical attendant, firefighter ~~for any other~~, **county coroner or medical examiner or any of their employees, for any other** person who is ~~otherwise~~ employed by an agency of criminal justice ~~or~~ **or any other public employee whose duties may require him to come into contact with human blood or bodily fluids**, who may have been exposed to a contagious disease while performing his official duties, or the employer of such a person, may petition a court for an order requiring the testing of a person **or decedent** for exposure to the human immunodeficiency virus, ~~and~~ the hepatitis B surface antigen, **hepatitis C and tuberculosis** if the person **or decedent** may have exposed the officer, medical attendant, firefighter, **county coroner or medical examiner or their employee, for other** person ~~otherwise~~ employed by an agency of criminal justice **or other public employee whose duties may require him to come into contact with human blood or bodily fluids** to a contagious disease.

2. When possible, before filing a petition pursuant to subsection 1, the person or employer petitioning shall submit information concerning the possible exposure to a contagious disease to the designated health care officer for the employer ~~or~~ or, if there is no designated health care officer, the person designated by the employer to document and verify possible exposure to contagious diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer to document and verify possible exposure to contagious diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person *or decedent* who possibly exposed him to a contagious disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred, the court shall ~~order~~ :

(a) **Order** the person who possibly exposed the petitioner *or the person on whose behalf the petition was filed* to a contagious disease to submit two specimens of blood to a local hospital or medical laboratory for testing for exposure to the human immunodeficiency virus, ~~and~~ the hepatitis B surface antigen ~~;~~ ~~;~~ **hepatitis C and tuberculosis; or**

(b) **Order that two specimens of blood be drawn from the decedent who possibly exposed the petitioner or the person on whose behalf the petition was filed to a contagious disease and be submitted to a local hospital or medical laboratory for testing for exposure to the human immunodeficiency virus, ~~and~~ the hepatitis B surface antigen ~~;~~, hepatitis C and tuberculosis.**

↪The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. The employer of a person who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer shall pay the cost of performing the test pursuant to subsection 3.

5. As used in this section:

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

Sec. 2. NRS 629.069 is hereby amended to read as follows:

629.069 1. A provider of health care shall disclose the results of all tests performed pursuant to NRS 441A.195 to:

(a) The person who was tested ~~;~~ **and, upon request, a member of the family of a decedent who was tested;**

(b) The law enforcement officer, correctional officer, emergency medical attendant, firefighter, **county coroner or medical examiner or their employee, ~~for~~ other** person who is ~~otherwise~~ employed by an agency of criminal justice **or other public employee whose duties may require him to come into contact with human blood or bodily fluids** who filed the petition or on whose behalf the petition was filed pursuant to NRS 441A.195;

(c) The designated health care officer for the employer of the person described in paragraph (b) or, if there is no designated health care officer, the

person designated by the employer to document and verify possible exposure to contagious diseases; and

(d) If the person who was tested is incarcerated or detained, the person in charge of the facility in which the person is incarcerated or detained and the chief medical officer of the facility in which the person is incarcerated or detained, if any.

2. A provider of health care and an agent or employee of a provider of health care are immune from civil liability for a disclosure made in accordance with the provisions of this section.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 231.

AN ACT relating to insurance; requiring insurers to provide notice to policyholders or prospective policyholders , **or their primary care physicians**, of **potentially** serious medical conditions detected during required medical examinations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the requirements and procedures regarding the issuance, renewal, reinstatement and reevaluation of the terms of policies and certificates of insurance and annuity contracts. (Title 57 of NRS) This bill provides that if an insurer requires a medical examination of a policyholder or prospective policyholder before the insurer will issue, renew, reinstate or reevaluate the terms of a contract of insurance or annuity contract and a **potentially** serious medical condition is detected as a result of that medical examination, the insurer must notify the policyholder or prospective policyholder , **or his primary care physician**, of that **potentially** serious medical condition within 30 days after the date on which the **potentially** serious medical condition is detected.

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

Section 1. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. If an insurer requires a medical examination of an applicant or an insured before the issuance, renewal, reinstatement or reevaluation of the terms of any policy or certificate of insurance or annuity contract, the insurer shall ~~notify~~ :*

*(a) If the applicant or insured has a primary care physician, notify:*

(1) The physician of any potentially serious medical condition that is detected as a result of that medical examination ~~[not later than 30 days after the date on which the serious medical condition is detected. The insurer shall send the notice to the]~~ ; and

(2) The applicant or insured that his primary care physician has been notified of a potentially serious medical condition detected as a result of that medical examination.

(b) If the applicant or insured does not have a primary care physician, notify the applicant or insured of any potentially serious medical condition that is detected as a result of that medical examination.

Any notice required pursuant to this section must be sent by registered or certified mail [–] not later than 30 days after the date on which the potentially serious medical condition is detected.

2. *The Commissioner may adopt regulations to carry out the provisions of this section.*

3. *The provisions of this section do not apply to a policy of workers' compensation insurance or industrial insurance.*

4. *As used in this section, [–] “potentially serious medical condition” includes, without limitation, any medical condition that:*

*(a) Is life-threatening or potentially life-threatening if it is not treated immediately or is not closely monitored; or*

*(b) Causes the insurer to refuse to issue, renew, reinstate or reevaluate the terms of a policy or certificate of insurance or annuity contract.*

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 201.

AN ACT relating to crimes; prohibiting the use of certain lasers and other light sources to interfere with the operation of an aircraft; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits the willful use of a laser device or other similar light source with the intent to interfere with the operation of an aircraft. A violation of the provisions of this bill that does not result in injury to any person on the aircraft or damage to the aircraft is a misdemeanor. A violation that does result in injury to any person on the aircraft or damage to the aircraft **or any equipment used to assist in the navigation or operation of the aircraft** is a category E felony.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. A person shall not willfully direct at an aircraft any light emitted from a laser device or other source which is capable of interfering with the vision of a person operating the aircraft with the intent to interfere with the operation of the aircraft.**

**2. A person who violates this section:**

**(a) If the violation does not result in injury to any person on the aircraft or damage to the aircraft, is guilty of a misdemeanor.**

**(b) If the violation results in injury to any person on the aircraft or damage to the aircraft ~~to~~ or any equipment used to assist in the navigation or operation of the aircraft, is guilty of a category E felony and shall be punished as provided in NRS 193.130.**

**3. As used in this section:**

**(a) "Aircraft" means any contrivance intended for and capable of transporting persons through airspace.**

**(b) "Laser device" means a device that uses the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation in the ultraviolet, visible or infrared region of the spectrum and when discharged exceeds one milliwatt continuous wave.**

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 329.

Bill read second time and ordered to third reading.

Assembly Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 253.

AN ACT relating to education; creating a school district for charter schools sponsored by the State Board of Education for federal law purposes; revising provisions governing the closure of a charter school; clarifying certain provisions governing the payments of money to a charter school for the enrollment of certain pupils; revising provisions governing the employment of administrators for a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district may sponsor charter schools and the State Board of Education may sponsor charter schools. (NRS 386.515) Section 2 of this bill creates a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools. The School District is created for the sole purpose of federal law governing charter schools.

Section 3 of this bill provides that upon closure of a charter school, an administrator of the charter school shall act as a trustee of certain records during the process of closure and for 1 year after the date of closure. If an administrator is not available, the governing body of the charter school shall appoint a qualified person to perform the duties of trustee.

Under existing law, a charter school must accept for enrollment in certain classes, if space is available, children who are otherwise enrolled in a public school or a private school or homeschooled children. (NRS 386.580) Under existing law, these children are included in the count of pupils for the purposes of the basic support guarantee of the State Distributive School Account. (NRS 387.123, 387.1233) Section 5 of this bill clarifies the legislative declaration concerning the formation of charter schools to provide that the declaration does not preclude the payment of money to a charter school for the enrollment of these children in classes at a charter school. (NRS 386.505)

Under existing law, a charter school may employ administrators for the school who meet certain eligibility requirements. (NRS 386.590) Section 6 of this bill revises provisions governing the employment of those administrators and revises the eligibility requirements.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *There is hereby created a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools. The School District comprises only those charter schools that are sponsored by the State Board. The State Board is hereby deemed the board of trustees of the School District. The School District is created for the sole purpose of providing local educational agency status to the District for purposes of federal law governing charter schools.*

Sec. 3. 1. *Except as otherwise provided in subsection 2, if a charter school ceases to operate voluntarily or upon revocation of its written charter, the governing body of the charter school shall appoint an administrator of the charter school to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure. The administrator shall assume the responsibility for the records of the:*

- (a) Charter school;*
- (b) Employees of the charter school; and*
- (c) Pupils enrolled in the charter school.*

2. *If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 1, the governing body of the charter school shall appoint a qualified person to assume those duties.*

Sec. 4. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, *and sections 2 and 3 of this act*, a pupil is “at risk” if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 5. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. The conversion of an existing public school, home school or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude ~~the~~ :

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.500 to 386.610, inclusive ~~and~~, *and sections 2 and 3 of this act*.

(b) *The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 5 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.*

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 6. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(c) In addition to the requirements of paragraphs (a) and (b):



(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full time.

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not “initially hired” if he has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, possess the qualifications required by 20 U.S.C. § 6319(a) if he teaches one or more of the following subjects:

- (a) English, reading or language arts;
- (b) Mathematics;
- (c) Science;
- (d) Foreign language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

- (a) A degree, a license or a certificate in the field for which he is employed to teach at the charter school; and
- (b) At least 2 years of experience in that field.

6. Except as otherwise provided in NRS 386.588, a charter school ~~may~~ **shall** employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

- (a) A valid teacher’s license issued pursuant to chapter 391 of NRS with an administrative endorsement;
- (b) A master’s degree in school administration, public administration or business administration; or

(c) ~~If the person has at~~ At least 5 years of experience in *school administration, public administration or business administration*  ~~and~~ and a baccalaureate degree.

7. **The portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary of the highest paid administrator in a comparable position in the school district, the salary of the superintendent of schools of that school district must not be included in the determination.**

8. A charter school shall not employ a person pursuant to this section if his license to teach or provide other educational services has been revoked or suspended in this State or another state.

~~§~~ 9. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each licensed employee who is employed by the governing body on October 1 of that year:

(a) The amount of salary of the employee  ~~is~~ , including, without limitation, verification of compliance with subsection 7, if applicable to that employee; and

(b) The designated assignment, as that term is defined by the Department, of the employee.

Sec. 7. If a person is employed by a charter school as an administrator before July 1, 2007, and he qualified for that position pursuant to paragraph (c) of subsection 6 of NRS 386.590, the person may continue employment in that position even if he does not satisfy the qualifications set forth in section 6 of this act.

**Sec. 8. If a person is employed by a charter school as an administrator before July 1, 2007, and the contract of employment with the administrator provides for a salary that violates subsection 7 of NRS 386.590, as amended by section 6 of this act, the administrator may continue to receive that salary only through the term of the existing contract of employment. Any new contract or renewal of the existing contract with that administrator must comply with subsection 7 of NRS 386.590, as amended by section 6 of this act.**

~~Sec. 8.~~ **Sec. 9.** This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 203.

AN ACT relating to wildlife; decreasing the amount of time a person who is 65 years of age or older must reside in this State to qualify for a reduced fee for hunting and fishing licenses; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires any person 65 years of age or older to have resided in this State continuously for 5 years to qualify for reduced license fees. (NRS 502.245) This bill decreases that period of residency to 6 months.

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

Section 1. NRS 502.245 is hereby amended to read as follows:

502.245 1. The Department shall issue any hunting or fishing license or combined hunting and fishing license authorized under the provisions of this chapter, upon proof satisfactory of the requisite facts and payment of the applicable fee, to any person who has resided in this State ~~for~~

~~(a) For~~ **for** the 6-month period immediately preceding the date of his application for a license and ~~for~~

~~(1)}~~ **who:**

~~(a)~~ Has a severe physical disability; ~~for~~

~~(2)}~~

~~(b)~~ Has attained his 12th birthday but has not attained his 16th birthday; or ~~{(b) Continuously for 5 years immediately preceding the date of this application for a license and is}~~

~~(c)~~ **Is** 65 years of age or older.

2. The Department shall charge and collect a fee of:

- For a hunting license..... \$9
- For a fishing license..... \$9
- For a combined hunting and fishing license ..... \$17

3. ~~For the purposes of~~ **If the Department incurs a deficiency caused by the issuance of licenses pursuant to this section, the Department may request an allocation from the Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269 to reimburse the Department for the amount of the deficiency.**

**4. As used in** this section, “severe physical disability” means a physical disability which materially limits the person’s ability to engage in gainful employment.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Assemblyman Oceguela moved that upon return from the printer Assembly Bill No. 343 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 359.

Bill read second time and ordered to third reading.

Assembly Bill No. 366.

Bill read second time and ordered to third reading.

Assembly Bill No. 410.

Bill read second time and ordered to third reading.

Assembly Bill No. 468.

Bill read second time and ordered to third reading.

Assembly Bill No. 483.

Bill read second time and ordered to third reading.

Assembly Bill No. 531.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 233.

AN ACT relating to private investigators; making certain changes concerning the membership of the Private Investigator's Licensing Board; **removing the Executive Director of the Board from the unclassified service of the State**; creating the Fund for the Private Investigator's Licensing Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Private Investigator's Licensing Board to license and regulate private investigators, private patrolmen, process servers, dog handlers, security consultants and polygraphic examiners. (Chapter 648 of NRS) Further, existing law provides that the Attorney General serves as Chairman of the Board and that money received by the Board pursuant to the provisions of chapter 648 of NRS must be deposited in the Attorney General's Special Fund. (NRS 648.020, 648.040) Section 1 of this bill removes the Attorney General from the membership of the Board and adds another member to the Board who is a representative of the general public. (NRS 648.020) Section 1 also requires the members of the Board to elect a Chairman from among the members. The Chairman serves a 2-year term beginning on July 1 of each year. Section 2 of this bill removes the Executive Director of the Board from the unclassified service of the State. (NRS 648.025) **Section 2 also authorizes the Board to employ an Executive Director who serves at the pleasure of the Board and requires the Board to establish the compensation of the Executive Director.** Section ~~2~~ **3** of this bill creates the Fund for the Private Investigator's Licensing Board and provides that any money received by the Board pursuant to the provisions of chapter 648 of NRS must be deposited in the State Treasury for credit to the Fund. Money in the Fund must be used by the Board for the administration of the provisions of chapter 648 of NRS and to

pay the expenses and salary of members, agents and employees of the Board.  
(NRS 648.040)

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

Section 1. NRS 648.020 is hereby amended to read as follows:

648.020 1. The Private Investigator's Licensing Board, consisting of ~~the Attorney General or his deputy and four~~ **five** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

- (a) One member who is a private investigator.
- (b) One member who is a private patrolman.
- (c) One member who is a polygraphic examiner.

(d) ~~One member who is a representative~~ **Two members who are representatives** of the general public. ~~This member~~ **These members** must not be:

(1) A licensee; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensee.

3. The **members of the Board shall elect a** Chairman of the Board ~~is the Attorney General or a deputy attorney general designated by the Attorney General to act in that capacity.~~ **from among its members by majority vote. After the initial election, the Chairman shall hold office for a term of 2 years beginning on July 1 of each year. If a vacancy occurs in the chairmanship, the members of the Board shall elect a Chairman from among its members for the remainder of the unexpired term.**

4. Each member of the Board ~~except the Chairman,~~ is entitled to receive:

(a) A salary of not more than \$80, as fixed by the Board, for each day or portion of a day during which he attends a meeting of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

6. ~~The~~ A member who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

**Sec. 2. NRS 648.025 is hereby amended to read as follows:**

648.025 **I.** The Board may:

~~1. Appoint~~

**(a) Employ** an Executive Director who:

~~(a) Is in the unclassified service of the State; and~~

~~(b)~~ **(1) Is the chief administrative officer of the Board;**

**(2) Serves at the pleasure of the Board; and**

**(3) Shall perform such duties as the Board may prescribe; and**

~~(2)~~ **(b) Employ investigators and clerical personnel necessary to carry out the provisions of this chapter.**

**2. The Board shall establish the compensation of the Executive Director.**

~~(Sec. 2)~~ **Sec. 3.** NRS 648.040 is hereby amended to read as follows:

648.040 1. ***There is hereby created in the State General Fund the Fund for the Private Investigator's Licensing Board, to be administered by the Board.***

2. Except as otherwise provided in subsection ~~{6,}~~ 7, all money received pursuant to the provisions of this chapter must be deposited in the State Treasury for credit to the ~~{Attorney General's Special}~~ **Fund for the Private Investigator's Licensing Board** and must be used by the Board for the administration of this chapter and to pay the expenses and salary of members, agents and employees of the Board.

~~{2,}~~ 3. ***All claims against the Fund must be paid as other claims against the State are paid.*** Any amount remaining in the Fund at the end of a fiscal year must be carried forward into the next fiscal year.

~~{3,}~~ 4. The Board through majority vote controls exclusively the expenditures from the Fund. The Board may not make expenditures or incur liabilities in a total amount greater than the amount of money actually available in the Fund.

~~{4,}~~ 5. Except as otherwise provided in subsection ~~{6,}~~ 7, the money in this Fund may be used to:

(a) Pay the expenses of the Board in connection with the investigation of the background of an applicant;

(b) Finance a substantive investigation of a licensee or of unlicensed activity; and

(c) Pay the operational and administrative expenses of the Board and its Secretary,

and for such other expenses as the Board deems appropriate to regulate the persons subject to its supervision.

~~{5,}~~ 6. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in the State Treasury for credit to the ~~{Attorney General's Special Fund}~~

~~6,}~~ ***Fund for the Private Investigator's Licensing Board.***

7. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection ~~{5,}~~ 6, the Board shall deposit the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund. In such a case, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance

Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

~~{Sec. 3}~~ **Sec. 4.** On July 1, 2007:

1. The State Controller shall transfer all money received pursuant to the provisions of chapter 648 of NRS and remaining in the Attorney General's Special Fund to the Fund for the Private Investigator's Licensing Board created pursuant to NRS 648.040, as amended by this act.

2. All assets and liabilities of the Attorney General's Special Fund which concern the activities of the Private Investigator's Licensing Board become the assets and liabilities of the Fund for the Private Investigator's Licensing Board.

~~{Sec. 4}~~ **Sec. 5.** This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 552.

Bill read second time and ordered to third reading.

Assembly Bill No. 554.

Bill read second time and ordered to third reading.

Assembly Bill No. 560.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 9.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 1 of the 22nd Special Session.

Bill read second time and ordered to third reading.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 102.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 102:

YEAS—42.

NAYS—None.

Assembly Bill No. 102 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Joint Resolution No. 3:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 3 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

UNINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Senate Joint Resolution No. 1; Senate Concurrent Resolution No. 21.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda van Fosson and Christina van Fosson.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Liberty Baptist Academy: Sarah Kercher, William Barragan, Alizabeth Bigger, Nicolette McGrath, Kevin Parades, Stephanie Rhodes, James Webb, Crystal Webb, Chrissy Webb, Thomas Webb, Tierra Webb, Berlyn Webb, Brenden Webb, John Berg, Debbie Berg, Steven Berg, Rebecca Berg, David Berg, Michael Berg, Jennifer Berg, Jesse Machuca, Trish Machuca, Faith Machuca, Tonya Piazza, Jessica Piazza, April Glass, Jessica Glass, Robert Horton and William Horton.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Damele and Melissa Damele.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Thom, Dorsey Thom, Jr., and Trinity Thom.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of Carson City Leadership 2007: Neila Abbott, Jane Auerswald, Bonnie Betts, Bruce Bullock, Paul Carignan, Jenny Casselman, Donna Curtis, Carol English, Rick Frewert, Dianne Hilliard, Alana Ladd-Ross, Bob Morin, Le Ann Morris, Brian Olson, Buck Potts, John Procaccini, Lisa Stirgus, Ralph Swagler, Carol Swanson, and Mikel Trejo.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of Reno/Sparks Leadership 2007: Freeman Holbrook, Annemarie Huisman, Victoria Jakubowski, Jesse H. Jones, KC Krichbaum, Job B. Lazar, James Lowey, Kristine A. Olsen, Lauren Sankovich, Rick Schettler, Jaime Schroeder, Nyleen Smith, Lisa Speth-Jones, Jim Stanhouse, Steve Strickland, Tania Violette-Brouker, and Tim Young.



Assemblyman Ocegüera moved that the Assembly adjourn until Friday, April 13, 2007, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:01 p.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL  
*Chief Clerk of the Assembly*