

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), April 10, 2007

Senate called to order at 11:14 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Peggy Locke.

Grace, peace and blessings to You!

O Most High, You are our light and our salvation. As we wait for You, You give us courage and You strengthen our hearts when we are afraid. We pray for our families and loved ones today and ask You to bless them with Your goodness and Your peace.

Lord, You have said,

Blessed are the poor in spirit, for theirs is the kingdom of heaven.

Blessed are those who mourn, for they will be comforted.

Blessed are the meek, for they will inherit the earth.

Blessed are those who hunger and thirst for righteousness, for they will be filled.

Blessed are the merciful, for they will be shown mercy.

Blessed are the pure in heart, for they will see God.

Blessed are the peacemakers, for they will be called sons of God.

Blessed are those who are persecuted because of righteousness, for theirs is the kingdom of heaven.

Blessed are You when people insult You, persecute You and falsely say all kinds of evil against You.

So, dear God, according to Your Word, may we be a blessed people as we set ourselves to walk, worthy of all that we have been called upon to do for the people of Nevada. May we do all things well, and may we be a blessing to others, giving glory to You.

AMEN.

Pledge of Allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDOLPH J. TOWNSEND, *Chair*

Mr. President:

Your Committee on Finance, to which was referred Assembly Bill No. 607, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were referred Senate Bills Nos. 282, 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 163, 419, 515, 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WARREN B. HARDY II, *Chair*

Mr. President:

Your Committee on Human Resources and Education, to which were referred Senate Bills Nos. 228, 398, 415, 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Human Resources and Education, to which was referred Senate Concurrent Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MAURICE E. WASHINGTON, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 33, 131, 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 9, 2007

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 18, 30, 92, 112, 364, 482.

LUCINDA BENJAMIN
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 9, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 390.

GARY GHIGGERI
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Nolan, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse:

Senate Resolution No. 5—Commemorating the presentation of the Nevada State Flag to the Army and Navy Academy for display at its Hall of Flags.

WHEREAS, On November 23, 1910, Thomas A. Davis founded what is now known as the Army and Navy Academy, a university preparatory, military, residential and day school whose mission is to educate and develop young men of good character to lead lives of service and excellence; and

WHEREAS, At the Academy, cadets cultivate strength of character, individual excellence and responsible leadership, and by graduation are prepared to lead lives of academic, personal and professional achievement; and

WHEREAS, The Academy has educated many notable men from the State of Nevada, including Jeffrey S. Corrao, Bert Ford, Michael S. Frey, Gregg Geissler, Clark J. Guild Jr., Daniel Guild, Joe Guild, Steven E. Katzmann, Bill A. Ligon, David W. McLaughlin, David J. Reese, Clark Russell, John G. Scott and Lawrence J. Semenza; and

WHEREAS, In 1971, the First Classmen created the Hall of Flags, a display of state flags which serves as a splendid rendition of the great heritage of history and justice and a significant reminder of the balance between state and federal responsibilities; and

WHEREAS, The Army and Navy Academy requested a Nevada State Flag from then Governor Mike O'Callaghan, but the request was denied because of a policy wherein the only flags that were to be donated were to Nevada servicemen in Vietnam; and

WHEREAS, Louis Wiener, Jr., an attorney at law and former law partner of Senator William J. Raggio, and the father of Senator Valerie Wiener, was well known for his generosity and, when he heard of the Governor's denial, responded by sending a personal check for \$20 to cover the purchase of a Nevada State Flag for the Hall of Flags; and

WHEREAS, Current cadet, Sergeant Joey Nolan, son of Senator Dennis Nolan, uncovered the story behind the outdated Nevada State Flag presently being displayed in the Hall of Flags and discovered the letters of correspondence between the Academy, Governor O'Callaghan and Louis Wiener, Jr.; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the Nevada State Senate acknowledges the special circumstances that have brought us to the provision of two Nevada State Flags to be presented to the Army and Navy Academy to replace the outdated flag that now hangs in the Hall of Flags; and be it further

RESOLVED, That these flags, which have flown over the Nevada State Capitol, are hereby presented to Brigadier General Stephen Bliss and Lieutenant Colonel David Witwer for display in the Hall of Flags and for use in special presentations; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Army and Navy Academy.

Senator Nolan moved the adoption of the resolution.

Remarks by Senator Nolan.

Senator Nolan requested that his remarks be entered in the Journal.

Thank you, Mr. President. My son Joe first shared the letters with me including a letter from Patricia Nixon to each of the states' Governors along with the response from Governor Mike O'Callaghan citing that at that time it was the State's policy to only give flags to active service members. The former Governor indicated the State did not have the budget to contribute the requested flags. A letter followed where Lou Wiener stepped in and sent the school a check for \$20. Since then, flags have increased in price considerably. As the story goes, Lou Wiener took any opportunity he could to help in any charitable cause, often stumping his other law partners by providing \$20 checks to people in need.

The connection between this resolution and this Legislature goes far beyond my son. You heard in the resolution the names of a number of individuals who I will later introduce who also attended the Army and Navy Academy in southern California.

I attended a meeting where General Bliss spoke to parents. He indicated that ROTC and military schools do not compete with public schools. They complement them. These schools provide an alternative for students and parents who may want a more structured learning environment. In some cases, the students are drawn to a career in the military. Sometimes these schools are a last resort for some students who need to get their lives back on track. In any case, these schools teach cadets who attend ROTC schools self confidence, and they build character.

Resolution adopted unanimously.

Senator Raggio moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: CBS NEWS: Blake Hottle, Douglas Longhini, Scott Osterman; RENO SPARKS VIDEO PRODUCTIONS: William G. Pearce Jr.

Motion carried.

Senator Cegavske has approved the addition of Senators Heck, Horsford, Nolan, Washington, Wiener and Woodhouse as sponsors of Senate Bill No. 5.

Senator Amodei moved that Senate Bill No. 48 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Amodei.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 18.

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

Motion carried.

Assembly Bill No. 30.

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

Motion carried.

Assembly Bill No. 92.

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

Motion carried.

Assembly Bill No. 112.

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

Motion carried.

Assembly Bill No. 364.

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

Motion carried.

Assembly Bill No. 482.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Rhoads moved that Senate Joint Resolution No. 8 be taken from the Secretary's desk and placed at the bottom of the General File.

Remarks by Senator Rhoads.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 44.

"SUMMARY—Includes marijuana in the provision which prohibits persons from intentionally allowing children to be present at certain locations where certain crimes involving controlled substances are committed. (BDR 40-223)"

"AN ACT relating to controlled substances; including marijuana in the provision which prohibits persons from intentionally allowing children to be present at certain locations where certain crimes involving controlled substances are committed; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a person from intentionally allowing a child to be present in any conveyance or upon any premises where a controlled substance is being unlawfully used, sold or manufactured, but marijuana is specifically excluded from the scope of this prohibition. (NRS 453.3325) This bill amends existing law to include marijuana within the scope of the prohibition against unlawfully selling ~~for manufacturing~~ controlled substances in the presence of a child. ~~but~~ In addition, this bill amends existing law to include within the scope of the prohibition against unlawfully manufacturing controlled substances in the presence of a child the unlawful production of certain quantities of marijuana and the unlawful cultivation of a certain number of marijuana plants in the presence of a child. This bill does not amend existing law to include marijuana within the scope of the prohibition against unlawfully using marijuana in the presence of a child.

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

Section 1. NRS 453.3325 is hereby amended to read as follows:

453.3325 1. A person shall not intentionally allow a child to be present in any conveyance or upon any premises wherein ~~a~~ :

(a) A controlled substance other than marijuana ~~is~~

~~is~~ is being used in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity;

(b) ~~is~~ is A controlled substance is being sold, exchanged, bartered, supplied, prescribed, dispensed, given away or administered in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity; ~~or~~

(c) ~~is~~ is A controlled substance other than marijuana is being or has been manufactured or compounded in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity. ~~or~~ ; or

(d) More than 1 ounce of marijuana is being or has been produced at any one time, or more than three mature marijuana plants or four immature marijuana plants are being or have been planted, cultivated, grown or harvested at any one time, in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity.

2. Unless a greater penalty is provided by specific statute:

(a) A person who violates the provisions of paragraph (a) of subsection 1:

(1) If the violation does not proximately cause substantial bodily harm or death to the child, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If the violation proximately causes substantial bodily harm to the child other than death, 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 6 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than \$20,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

(b) A person who violates the provisions of paragraph (b) of subsection 1:

(1) If the violation does not proximately cause substantial bodily harm or death to the child, 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 3 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not more than \$10,000.

(2) If the violation proximately causes substantial bodily harm to the child other than death, 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 6 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than \$20,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

(c) A person who violates the provisions of paragraph (c) or (d) of subsection 1:

(1) If the violation does not proximately cause substantial bodily harm or death to the child, 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 5 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than \$15,000.

(2) If the violation proximately causes substantial bodily harm to the child other than death, is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(I) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(II) For a definite term of 40 years, with eligibility for parole beginning when a minimum of 10 years has been served,

↳ and shall be further punished by a fine of not more than \$50,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

3. Except as otherwise provided in NRS 453.3363, the court shall not grant probation to or suspend the sentence of a person convicted pursuant to this section.

4. As used in this section:

(a) "Child" means a person who is less than 18 years of age.

(b) "Conveyance" means any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car, or other means of conveyance.

(c) "Premises" means any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent, whether located aboveground or underground and whether inhabited or not.

Senator Heck moved the adoption of the amendment.

Remarks by Senators Heck and Care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 58.

"SUMMARY—~~Provides that~~ *Prohibits* a minor ~~who possesses tobacco products or falsely represents his age to obtain tobacco products is subject to the jurisdiction of the juvenile court as a child in need of supervision.~~ *from committing certain acts relating to the possession and use of tobacco products.* (BDR 5-76)"

"AN ACT relating to tobacco; ~~providing that~~ *prohibiting* a minor ~~who possesses tobacco products or falsely represents his age to obtain tobacco products is subject to the jurisdiction of the juvenile court as a child in need of supervision.~~ *from committing certain acts relating to the possession and use of tobacco products;* and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[This] Section 11 of this bill provides that~~ *prohibits* a minor ~~who possesses tobacco products or who falsely represents his age to obtain tobacco products is subject to the jurisdiction of the juvenile court as a child in need of supervision. Under existing law, a child who is alleged to be in need of supervision may be placed under the informal supervision of a probation officer for up to 180 days. (NRS 62C.200) For a first offense, the~~

~~juvenile court must not adjudicate the child as being in need of supervision, but must instead admonish the child to obey the law, maintain a record of that admonition and refer the child for counseling, behavior modification and social adjustment. (NRS 62E.410) The juvenile court may also order the child to perform community service or to complete certain alternative programs and may suspend the driver's license of the child. (NRS 62E.180, 62E.210, 62E.250) from purchasing or attempting to purchase tobacco products, possessing or attempting to possess tobacco products, using tobacco products or falsely representing his age to purchase, possess or obtain tobacco products. Section 5 of this bill provides that a child may be issued a citation for violating the provisions of section 11, while section 4 of this bill provides that a probation officer may act as a master of the juvenile if the proceeding involves such a citation.~~

~~Section 6 of this bill sets forth the punishment for a violation of section 11 of this bill, which includes a \$25 fine for a first offense, a \$50 fine for a second offense, a \$75 fine for a third offense, and a \$75 fine plus the requirement to attend a tobacco awareness and cessation program for a fourth or subsequent offense. Fines collected under section 6 must be deposited in the Account for Health Education for Minors.~~

~~Section 9 of this bill provides that if a child who is ordered to attend and complete a tobacco awareness and cessation program pursuant to section 6 of this bill successfully completes that program, the juvenile court shall enter an order sealing all records pertaining to any offense related to tobacco that was committed by the child before the date on which the court ordered the child to attend and complete the program.~~

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

Section 1. [NRS 62B.320 is hereby amended to read as follows:

62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child ~~is~~:

~~(a) Is} engages in any of the following acts:~~

~~(a) The child is} subject to compulsory school attendance and is a habitual truant from school =};~~

~~(b) Habitually}~~

~~(b) The child is} under the age of 18 years and possesses cigarettes, cigarette paper, tobacco of any description or products made from tobacco or falsely represents that he is 18 years of age or older to purchase or obtain cigarettes, cigarette paper, tobacco of any description or products made from tobacco. The provisions of this paragraph do not apply to a child assisting in an inspection pursuant to NRS 202.2496.~~

~~(c) The child habitually} disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable =}; or~~

~~(e) Deserts,}~~

~~(d) The child deserts,~~ abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.] (Deleted by amendment.)

Sec. 2. Chapter 62A of NRS is hereby amended by adding thereto a new section to read as follows:

"Offense related to tobacco" means a violation of section 11 of this act.

Sec. 3. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 4. NRS 62B.020 is hereby amended to read as follows:

62B.020 1. Except as otherwise provided in this section, the juvenile court or the chief judge of the judicial district may appoint any person to act as a master of the juvenile court if the person is qualified by previous experience, training and demonstrated interest in the welfare of children to act as a master of the juvenile court.

2. A probation officer shall not act as a master of the juvenile court unless the proceeding concerns:

- (a) A minor traffic offense; ~~or~~
- (b) An offense related to tobacco; or
- (c) A child who is alleged to be a habitual truant.

3. If a person is appointed to act as a master of the juvenile court, the person shall attend instruction at the National College of Juvenile and Family Law in Reno, Nevada, in a course designed for the training of new judges of the juvenile court on the first occasion when such instruction is offered after the person is appointed.

4. If, for any reason, a master of the juvenile court is unable to act, the juvenile court or the chief judge of the judicial district may appoint another qualified person to act temporarily as a master of the juvenile court during the period that the master who is regularly appointed is unable to act.

5. The compensation of a master of the juvenile court:

- (a) May not be taxed against the parties.
- (b) Must be paid out of appropriations made for the expenses of the district court, if the compensation is fixed by the juvenile court.

Sec. 5. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a child is stopped or otherwise detained by a peace officer for an offense related to tobacco, the peace officer may prepare and issue a citation in the same manner in which a traffic citation is prepared and issued pursuant to NRS 62C.070.

2. If a child who is issued a citation for an offense related to tobacco executes a written promise to appear in court by signing the citation, the peace officer:

- (a) Shall deliver a copy of the citation to the child; and*
(b) Shall not take the child into physical custody for the violation.

Sec. 6. Chapter 62E of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a child is found to have committed an offense related to tobacco, the juvenile court shall:

- (a) For the first offense, order the child to pay a fine of \$25.*
(b) For the second offense, order the child to pay a fine of \$50.
(c) For the third offense, order the child to pay a fine of \$75.
(d) For the fourth offense or any subsequent offense, order the child:
(1) To pay a fine of \$75; and
(2) To attend and complete a tobacco awareness and cessation program. The juvenile court may order the child or the parent or guardian of the child, or both, to pay the reasonable cost for the child to attend the program.

2. In addition to the fine imposed pursuant to this section, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270.

3. If, because of financial hardship, the child is unable to pay a fine imposed pursuant to this section, the juvenile court may order the child to perform community service.

4. The money collected from any fine imposed pursuant to this section must be deposited with the State Treasurer for credit to the Account for Health Education for Minors created pursuant to NRS 202.24925.

Sec. 7. NRS 62E.270 is hereby amended to read as follows:

62E.270 1. If the juvenile court imposes a fine against:

- (a) A delinquent child pursuant to NRS 62E.730;
 (b) A child who has committed a minor traffic offense, except an offense related to metered parking, pursuant to NRS 62E.700; ~~for~~
 (c) A child who has committed an offense related to tobacco; or
 (d) A child in need of supervision because the child is a habitual truant pursuant to NRS 62E.430,

↳ the juvenile court shall order the child or the parent or guardian of the child to pay an administrative assessment of \$10 in addition to the fine.

2. The juvenile court shall state separately on its docket the amount of money that the juvenile court collects for the administrative assessment.

3. If the child is found not to have committed the alleged act or the charges are dropped, the juvenile court shall return to the child or the parent or guardian of the child any money deposited with the juvenile court for the administrative assessment.

4. On or before the fifth day of each month for the preceding month, the clerk of the court shall pay to the county treasurer the money the juvenile court collects for administrative assessments.

5. On or before the 15th day of each month, the county treasurer shall deposit the money in the county general fund for credit to a special account

for the use of the county's juvenile court or for services to delinquent children.

Sec. 8. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive, ~~and~~ and section 6 of this act:

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

(c) Except as otherwise provided in section 6 of this act, do not apply to the disposition of a case involving a child who is found to have committed an offense related to tobacco.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 9. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

If a child who is ordered to attend and complete a tobacco awareness and cessation program pursuant to section 6 of this act successfully completes that program, the juvenile court shall enter an order sealing all records pertaining to any offense related to tobacco that was committed by the child before the date on which the court ordered the child to attend and complete the program.

Sec. 10. NRS 62H.100 is hereby amended to read as follows:

62H.100 1. As used in NRS 62H.100 to 62H.170, inclusive, and section 9 of this act, unless the context otherwise requires, "records" means any records relating to a child who is within the purview of this title and who:

(a) Is taken into custody by a peace officer or a probation officer or is otherwise taken before a probation officer; or

(b) Appears before the juvenile court or any other court pursuant to the provisions of this title.

2. The term includes records of arrest.

Sec. 11. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a child who is under the age of 18 years shall not:

(a) Purchase or attempt to purchase tobacco products;

(b) Possess or attempt to possess tobacco products;

(c) Use tobacco products; or

(d) Falsely represent that he is 18 years of age or older to purchase, possess or obtain tobacco products.

2. A child who is under the age of 18 years and who violates the provisions of this section commits an offense related to tobacco and is subject to the provisions of section 6 of this act.

3. The provisions of this section do not apply to a child who is under the age of 18 years and who is:

(a) Assisting in an inspection pursuant to NRS 202.2496;

(b) Handling or transporting tobacco products in the course of his lawful employment; or

(c) Handling or transporting tobacco products in the presence of the child's parent, spouse or legal guardian who is 18 years of age or older.

4. As used in this section, "tobacco products" means cigarettes, cigarette paper, tobacco of any description or products made from tobacco.

Sec. 12. NRS 202.2485 is hereby amended to read as follows:

202.2485 As used in NRS 202.2485 to 202.2497, inclusive ~~§§~~, and section 11 of this act:

1. "Distribute" includes furnishing, giving away or providing products made from tobacco or samples thereof at no cost to promote the product, whether or not in combination with a sale.

2. "Health authority" means the district health officer in a district, or his designee, or, if none, the State Health Officer, or his designee.

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 31.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 37.

"SUMMARY—Makes various changes to provisions governing records of criminal history. (BDR 14-595)"

"AN ACT relating to records of criminal history; requiring an agency of criminal justice to disseminate records of criminal history to the Aging Services Division of the Department of Health and Human Services; requiring a law enforcement agency to provide to the Aging Services Division information relating to persons suspected of a crime against an older ~~for vulnerable~~ person; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill expands the list of persons and governmental entities entitled to receive records of criminal history from an agency of criminal justice to include the Aging Services Division of the Department of Health and Human Services. (NRS 179A.100)

Section 2 of this bill provides that when the Aging Services Division is investigating a report of a crime against an older ~~for vulnerable~~ person, a law enforcement agency must, upon request, provide certain information relating to a person suspected of the crime. (NRS 200.50982)

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

Section 1. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and
(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives his written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person requesting the notice on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated

purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative.

(q) *The Aging Services Division of the Department of Health and Human Services or its designated representative.*

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

~~{(+)}~~ (s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

~~{(s)}~~ (t) The Commissioner of Insurance.

~~{(+)}~~ (u) The Board of Medical Examiners.

~~{(u)}~~ (v) The State Board of Osteopathic Medicine.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 2. NRS 200.50982 is hereby amended to read as follows:

200.50982 1. The provisions of NRS 200.5091 to 200.50995, inclusive, do not prohibit an agency which is investigating a report of abuse, neglect, exploitation or isolation, or which provides protective services, from disclosing data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person to other federal, state or local agencies or the legal representatives of the older person or vulnerable person on whose behalf the investigation is being conducted if:

~~{1-}~~ (a) The agency making the disclosure determines that the disclosure is in the best interest of the older person or vulnerable person; and

~~{2-}~~ (b) Proper safeguards are taken to ensure the confidentiality of the information.

2. *If the Aging Services Division of the Department of Health and Human Services is investigating a report of abuse, neglect, exploitation or isolation of an older ~~person or a vulnerable~~ person, a law enforcement agency shall, upon request of the Aging Services Division, provide information relating to*

any suspect in the investigation as soon as possible. The information must include, when possible:

- (a) *The records of criminal history of the suspect;*
- (b) ~~*The current address of the suspect;*~~ *Whether or not the suspect resides with or near the older person; and*
- (c) ~~*Any other information relating to the suspect that will assist in the investigation;*~~ *A summary of any events, incidents or arrests which have occurred at the residence of the suspect or the older person within the past 90 days and which involve physical violence or concerns related to public safety or the health or safety of the older person.*

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

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 38.

"SUMMARY—Amends the Uniform Interstate Family Support Act. (BDR 11-755)"

"AN ACT relating to support; amending the Uniform Interstate Family Support Act; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, Nevada has enacted the Uniform Interstate Family Support Act. (NRS 130.0902-130.802) The Uniform Act establishes the procedures and jurisdictional requirements regarding the issuance, enforcement and modification of interstate child-support and spousal-support orders. Because the United States Congress has made the enactment of the Uniform Interstate Family Support Act a condition for states to receive federal funding for child support enforcement efforts, every jurisdiction in the United States has enacted the Uniform Act. This bill amends the Uniform Act by reorganizing, updating and revising various provisions to ensure that Nevada law remains consistent with the law of those other jurisdictions.

Section 4 of this bill clarifies existing provisions regarding discovery in interstate support proceedings involving a nonresident so that a tribunal of this State may receive evidence from, communicate with and obtain discovery through a tribunal of another state, including a foreign country whose support order is being recognized on the basis of comity.

Section 5 of this bill moves existing provisions regarding modification and enforcement of interstate spousal-support orders to a separate section of the Uniform Act in recognition of the fact that spousal-support orders and child-support orders are subject to different procedures and standards concerning modification and enforcement.

Section 6 of this bill authorizes a tribunal of this State with jurisdiction over the parties to modify an interstate support order issued by a tribunal of a foreign country if that tribunal is no longer willing or able to modify the order under the laws of the foreign country.

Sections 7-54 of this bill revise and clarify various powers, duties and procedures under the Uniform Act, including: (1) how a party may register and seek enforcement of an interstate support order; (2) when a tribunal may exercise personal jurisdiction over a nonresident; (3) when a tribunal may exercise subject matter jurisdiction over an interstate support order issued by a tribunal of a foreign country; (4) when a tribunal must recognize an interstate support order as the controlling support order; (5) when a tribunal may modify or enforce an interstate support order; (6) when a tribunal may determine parentage in an interstate support proceeding; (7) when a tribunal may retain jurisdiction over an interstate support order after the parties have moved to other jurisdictions; (8) when a tribunal must protect identifying information; (9) when a party may challenge the jurisdiction of a tribunal or the validity of an interstate support order; and (10) when a support-enforcement agency must assist a party in the enforcement of an interstate support order.

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

Section 1. Chapter 130 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"Person" means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, government or governmental subdivision, agency or instrumentality, public corporation or any other legal or commercial entity.*

Sec. 3. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 4. *A tribunal of this State exercising personal jurisdiction over a nonresident in a proceeding under this chapter or under other law of this State relating to a support order or in a proceeding recognizing a support order of a foreign country or political subdivision on the basis of comity may receive evidence from another state pursuant to NRS 130.316, communicate with a tribunal of another state pursuant to NRS 130.317 and obtain discovery through a tribunal of another state pursuant to NRS 130.318. In all other respects, NRS 130.301 to 130.701, inclusive, do not apply and the tribunal shall apply the procedural and substantive law of this State.*

Sec. 5. 1. *A tribunal of this State issuing a spousal-support order consistent with the law of this State has continuing and exclusive jurisdiction to modify the spousal-support order throughout the existence of the support obligation.*

2. *A tribunal of this State may not modify a spousal-support order issued by a tribunal of another state having continuing and exclusive jurisdiction over that order under the law of that state.*

3. *A tribunal of this State that has continuing and exclusive jurisdiction over a spousal-support order may serve as:*

(a) *An initiating tribunal to request a tribunal of another state to enforce the spousal-support order issued in this State; or*

(b) *A responding tribunal to enforce or modify its own spousal-support order.*

Sec. 6. 1. *If a foreign country or political subdivision that is a state will not or may not modify its order pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child-support order and bind all natural persons subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child-support order otherwise required of the natural person pursuant to NRS 130.611 has been given or whether the natural person seeking modification is a resident of this State or of the foreign country or political subdivision.*

2. *An order issued pursuant to this section is the controlling order.*

Sec. 7. NRS 130.035 is hereby amended to read as follows:

130.035 1. When the Attorney General is satisfied that reciprocal provisions will be made by any foreign ~~jurisdiction~~ *country or political subdivision* for the enforcement therein of support orders made within this State, the Attorney General may declare the foreign ~~jurisdiction~~ *country or political subdivision* to be a state for the purpose of this chapter. Any such declaration may be revoked by the Attorney General. *The Attorney General may take appropriate action to provide notification of any such declaration or revocation.*

2. As used in this section, "foreign ~~jurisdiction~~" *country or political subdivision*" means a foreign sovereign nation or a political subdivision thereof.

Sec. 8. NRS 130.0904 is hereby amended to read as follows:

130.0904 ~~The~~ *In applying and construing the Uniform Interstate Family Support Act ~~must be applied and construed to effectuate its general purpose to make uniform~~, consideration must be given to the need to promote uniformity of the law with respect to ~~the subject of that Act~~ its subject matter among states ~~enacting~~ that enact it.*

Sec. 9. NRS 130.10131 is hereby amended to read as follows:

130.10131 "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under the Uniform Interstate Family Support Act or a law or procedure substantially similar to that ~~Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support~~ Act.

Sec. 10. NRS 130.10167 is hereby amended to read as follows:

130.10167 "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under the Uniform Interstate Family Support Act or a law or procedure substantially similar to that ~~[Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support]~~ Act.

Sec. 11. NRS 130.10179 is hereby amended to read as follows:

130.10179 "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

1. An Indian tribe; and
2. A foreign ~~[jurisdiction]~~ *country or political subdivision* that:
 - (a) Has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures established under the Uniform Interstate Family Support ~~[Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support]~~ Act;
 - (b) Is declared to be a foreign reciprocating *country or political subdivision* pursuant to 42 U.S.C. § 659a; or
 - (c) Is declared to be a state pursuant to NRS 130.035.

Sec. 12. NRS 130.10183 is hereby amended to read as follows:

130.10183 "Support-enforcement agency" means a public official or agency authorized to ~~[-]~~

~~1.—Seek the]~~ *seek*:

1. *The enforcement of support orders or laws relating to the duty of support;*
2. ~~[Seek the]~~ *The establishment or modification of child support;*
3. ~~[Seek a]~~ *A determination of parentage; ~~[-]~~*
4. ~~[-Locate]~~
4. *The location of obligors or their assets ~~[-]~~; or*
5. *A determination of the controlling child-support order.*

Sec. 13. NRS 130.10187 is hereby amended to read as follows:

130.10187 "Support order" means a judgment, decree ~~[or order]~~, *order or directive*, whether temporary, final or subject to modification, *issued by a tribunal* for the benefit of a child, spouse or former spouse, which provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest, the withholding of income, attorney's fees and other relief.

Sec. 14. NRS 130.103 is hereby amended to read as follows:

130.103 1. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law ~~[-]~~, *including the recognition of a support order of a foreign country or political subdivision on the basis of comity.*

2. *This chapter does not:*

(a) Provide the exclusive method of establishing or enforcing a support order under the law of this State; or

(b) Grant a tribunal of this State jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this chapter.

Sec. 15. NRS 130.201 is hereby amended to read as follows:

130.201 1. In a proceeding to establish ~~[-enforce or modify]~~ or enforce a support order or to determine parentage, a tribunal of this State may exercise personal jurisdiction over a nonresident if:

~~{1-}~~ (a) He is personally served with a summons or other notice of the proceeding within this State;

~~{2-}~~ (b) He submits to the jurisdiction of this State by consent ~~{-}~~ in a record, by entering a general appearance or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

~~{3-}~~ (c) He resided with the child in this State;

~~{4-}~~ (d) He resided in this State and provided prenatal expenses or support for the child;

~~{5-}~~ (e) The child resides in this State as a result of the acts or directives of the nonresident;

~~{6-}~~ (f) He engaged in sexual intercourse in this State, and the child may have been conceived by that act of intercourse; or

~~{7-}~~ (g) There is any other basis consistent with the Constitution of this State and the Constitution of the United States for the exercise of personal jurisdiction.

2. The bases of personal jurisdiction set forth in subsection 1 or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of the State to modify a child support order of another state unless the requirements of NRS 130.611 or section 6 of this act are met.

Sec. 16. NRS 130.202 is hereby amended to read as follows:

130.202 ~~{A-}~~ Personal jurisdiction acquired by a tribunal of this State ~~[exercising personal jurisdiction over a nonresident under NRS 130.201 may apply NRS 130.316 to receive evidence from another state and NRS 130.318 to obtain discovery through a tribunal of another state. In all other respects, NRS 130.301 to 130.701, inclusive, do not apply and the tribunal shall apply the procedural and substantive law of this State, including the rules on choice of law other than those established by this chapter.]~~ in a proceeding under this chapter or other law of this State relating to a support order continues as long as a tribunal of this State has continuing and exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by NRS 130.205 and 130.206 and section 5 of this act.

Sec. 17. NRS 130.205 is hereby amended to read as follows:

130.205 1. A tribunal of this State ~~[issuing a support]~~ that has issued a child-support order consistent with the law of this State has and shall exercise continuing and exclusive jurisdiction ~~[over a]~~ to modify its child-support order ~~{-}~~ if the order is the controlling order and:

(a) ~~[As long as this State remains]~~ *At the time of the filing of a request for modification, this State is the residence of the obligor, the ~~[individual]~~ obligee who is a natural person or the child for whose benefit the support order is issued; or*

(b) ~~[Until all of the parties who are natural persons have filed written consents with the tribunal of this State for a tribunal of another state to modify the order and assume continuing and exclusive jurisdiction.]~~ *Even if this State is not the residence of the obligor, the obligee who is a natural person or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this State may continue to exercise jurisdiction to modify its order.*

2. A tribunal of this State ~~[issuing]~~ *that has issued a child-support order consistent with the law of this State may not exercise ~~[its]~~ continuing and exclusive jurisdiction to modify ~~[the]~~ its child-support order if ~~[the order has been modified by a tribunal of another state pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act.~~*

~~3. If a child support order of this State is modified by a tribunal of another state pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act, a tribunal of this State loses its continuing and exclusive jurisdiction with regard to prospective enforcement of the order issued in this State and may only:~~

~~(a) Enforce the order that was modified as to amounts accruing before the modification;~~

~~(b) Enforce aspects of that order that may not be modified; and~~

~~(c) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.~~

~~4. A tribunal of this State shall recognize the continuing and exclusive jurisdiction of] :~~

~~(a) All of the parties who are natural persons file consent in a record with the tribunal of this State that a tribunal of another state that has jurisdiction over at least one of the parties who is a natural person or that is located in the state of residence of the child may modify the order and assume continuing and exclusive jurisdiction; or~~

~~(b) Its order is not the controlling order.~~

3. ~~If a tribunal of another state ~~[that]~~ has issued a child-support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act ~~[.]~~ which modifies a child-support order of a tribunal of this State, tribunals of this State shall recognize the continuing and exclusive jurisdiction of the tribunal of the other state.~~

4. ~~A tribunal of this State that lacks continuing and exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.~~

5. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing and exclusive jurisdiction in the issuing tribunal.

~~{6.—A tribunal of this State issuing a support order consistent with the law of this State has continuing and exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this State may not modify a spousal support order issued by a tribunal of another state having continuing and exclusive jurisdiction over that order under the law of that state.}~~

Sec. 18. NRS 130.206 is hereby amended to read as follows:

130.206 1. A tribunal of this State *that has issued a child-support order consistent with the law of this State* may serve as an initiating tribunal to request a tribunal of another state to enforce ~~{or modify a support order issued in that state.}~~ :

(a) *The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or*

(b) *A money judgment for arrears of support and interest on the order accrued before a determination that an order of another state is the controlling order.*

2. A tribunal of this State having continuing ~~{and exclusive}~~ jurisdiction over a support order may act as a responding tribunal to enforce ~~{or modify}~~ the order. ~~{If a party subject to the continuing and exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply NRS 130.316 to receive evidence from another state and NRS 130.318 to obtain discovery through a tribunal of another state.}~~

~~3.—A tribunal of this State which lacks continuing and exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.}~~

Sec. 19. NRS 130.207 is hereby amended to read as follows:

130.207 1. If a proceeding is brought under this chapter and only one tribunal has issued a child-support order, the order of that tribunal controls and must be so recognized.

2. If a proceeding is brought under this chapter and two or more child-support orders have been issued by tribunals of this State or another state with regard to the same obligor and *same* child, a tribunal of this State *having personal jurisdiction over both the obligor and obligee who is a natural person* shall apply the following rules ~~{in determining}~~ *and by order shall determine* which *child-support* order ~~{to recognize for purposes of continuing and exclusive jurisdiction:}~~ *controls:*

(a) If only one of the tribunals would have continuing and exclusive jurisdiction under this chapter, the order of that tribunal controls and must be so recognized.

(b) If more than one of the tribunals would have continuing and exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls, ~~{and must be so recognized,}~~ but if an order has not been issued in the current home state of the child, the order most recently issued controls. ~~{and must be so recognized.}~~

(c) If none of the tribunals would have continuing and exclusive jurisdiction under this chapter, the tribunal of this State ~~[having jurisdiction over the parties]~~ shall issue a child-support order which controls. ~~[and must be so recognized.]~~

3. If two or more child-support orders have been issued for the same obligor and same child ~~[and if the obligor or the individual obligee resides in this State,]~~, upon request of a party ~~[may request]~~ who is a natural person or a support-enforcement agency, a tribunal of this State ~~[to]~~ having personal jurisdiction over both the obligor and the obligee who is a natural person shall determine which order controls ~~[and must be so recognized]~~ under subsection 2. The request ~~[must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.]~~ may be filed with a registration for enforcement or registration for modification pursuant to NRS 130.601 to 130.614, inclusive, and section 6 of this act or may be filed as a separate proceeding.

4. A request to determine which is the controlling order must be accompanied by a copy of every child-support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

5. The tribunal that issued the controlling order under subsection 1, 2 or 3 ~~[is the tribunal that]~~ has continuing ~~[and exclusive jurisdiction under NRS 130.205.~~

~~5.]~~ jurisdiction to the extent provided in NRS 130.205 or 130.206.

6. A tribunal of this State ~~[which]~~ that determines by order ~~[the identity of]~~ which is the controlling order under paragraph (a) or (b) of subsection 2 or ~~[which]~~ subsection 3 or that issues a new controlling order under paragraph (c) of subsection 2 shall state in that order ~~[the]~~ :

(a) The basis upon which the tribunal made its determination ~~[~~

~~6.]~~;

(b) The amount of prospective support, if any; and

(c) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by NRS 130.209.

7. Within 90 days after issuance of an order determining ~~[the identity of]~~ which is the controlling order, the party obtaining the order shall file a certified copy of it ~~[with]~~ in each tribunal that issued or registered an earlier order of child support. A party ~~[who obtains]~~ or support-enforcement agency obtaining the order ~~[and]~~ that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

8. An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made

pursuant to this section must be recognized in proceedings under this chapter.

Sec. 20. NRS 130.208 is hereby amended to read as follows:

130.208 In responding to ~~multiple~~ registrations or petitions for the enforcement of two or more child-support orders in effect at the same time with regard to the same obligor and different ~~individual obligees,~~ *obligees who are natural persons*, at least one of which was issued by a tribunal of another state, a tribunal of this State shall enforce those orders in the same manner as if the ~~multiple~~ orders had been issued by a tribunal of this State.

Sec. 21. NRS 130.209 is hereby amended to read as follows:

130.209 ~~Amounts collected and credited~~ *A tribunal of this State shall credit amounts collected for a particular period pursuant to a support any child-support order against the amounts owed for the same period under any other child-support order for support of the same child issued by a tribunal of this or another state .* ~~must be credited against the amounts accruing or accrued for the same period under a support order issued by a tribunal of this State.~~

Sec. 22. NRS 130.301 is hereby amended to read as follows:

130.301 1. Except as otherwise provided in this chapter, NRS 130.301 to 130.319, inclusive, apply to all proceedings under the Uniform Interstate Family Support Act.

2. ~~The Uniform Interstate Family Support Act provides for the following proceedings:~~

(a) ~~The establishment of an order for spousal support or child support pursuant to NRS 130.401;~~

(b) ~~The enforcement of a support order and income withholding order of another state without registration pursuant to NRS 130.501 to 130.507, inclusive;~~

(c) ~~The registration of an order for spousal support or child support of another state for enforcement pursuant to NRS 130.601 to 130.614, inclusive;~~

(d) ~~The modification of an order for child support or spousal support issued by a tribunal of this State pursuant to NRS 130.203 to 130.206, inclusive;~~

(e) ~~The registration of an order for child support of another state for modification pursuant to NRS 130.601 to 130.614, inclusive;~~

(f) ~~The determination of parentage pursuant to NRS 130.701; and~~

(g) ~~The assertion of jurisdiction over nonresidents pursuant to NRS 130.201 and 130.202.~~

3. ~~An individual~~ *A petitioner who is a natural person or a support-enforcement agency may commence initiate a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.*

Sec. 23. NRS 130.303 is hereby amended to read as follows:

130.303 Except as otherwise provided in this chapter, a responding tribunal of this State:

1. Shall apply the procedural and substantive law ~~[, including the rules on choice of law.]~~ generally applicable to similar proceedings originating in this State and may exercise all powers and provide all remedies available in those proceedings; and

2. Shall determine the duty of support and the amount payable in accordance with the law of this State.

Sec. 24. NRS 130.304 is hereby amended to read as follows:

130.304 1. Upon the filing of a petition authorized by this chapter, an initiating tribunal of this State shall forward ~~[three copies of]~~ the petition and its accompanying documents:

(a) To the responding tribunal or appropriate support-enforcement agency in the responding state; or

(b) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

2. If ~~[a responding state has not enacted the Uniform Interstate Family Support Act or a law or procedure substantially similar to that Act,]~~ requested by the responding tribunal, a tribunal of this State ~~[may]~~ shall issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign ~~[jurisdiction,]~~ country or political subdivision, upon request the tribunal ~~[may]~~ shall specify the amount of support sought ~~[and]~~, convert that amount into the equivalent amount in the foreign currency under the applicable official or market exchange rate as publicly reported and provide any other documents necessary to satisfy the requirements of the responding state.

Sec. 25. NRS 130.305 is hereby amended to read as follows:

130.305 1. When a responding tribunal of this State receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection ~~[3]~~ 2 of NRS 130.301, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

2. A responding tribunal of this State, to the extent ~~[otherwise authorized]~~ not prohibited by other law, may do one or more of the following:

(a) Issue or enforce a support order, modify a child-support order, determine the controlling child-support order or ~~[render a judgment to]~~ determine parentage;

(b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(c) Order the withholding of income;

(d) Determine the amount of any arrearages and specify a method of payment;

(e) Enforce orders by civil or criminal contempt, or both;

(f) Set aside property for satisfaction of the support order;

- (g) Place liens and order execution on the obligor's property;
- (h) Order an obligor to keep the tribunal informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;
- (i) Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;
- (j) Order the obligor to seek appropriate employment by specified methods;
- (k) Award reasonable attorney's fees and other fees and costs; and
- (l) Grant any other available remedy.

3. A responding tribunal of this State shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

4. A responding tribunal of this State may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

5. If a responding tribunal of this State issues an order under this chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

6. *If requested to enforce a support order, arrears or judgment or modify a support order stated in a foreign currency, a responding tribunal of this State shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.*

Sec. 26. NRS 130.306 is hereby amended to read as follows:

130.306 If a petition or comparable pleading is received by an inappropriate tribunal of this State, ~~it~~ *the tribunal* shall forward the pleading and accompanying documents to an appropriate tribunal in this State or another state and notify the petitioner where and when the pleading was sent.

Sec. 27. NRS 130.307 is hereby amended to read as follows:

130.307 1. A support-enforcement agency of this State, upon request, shall provide services to a petitioner in a proceeding under this chapter.

2. A support-enforcement agency *of this State* that is providing services to the petitioner ~~as appropriate~~ shall:

- (a) Take all steps necessary to enable an appropriate tribunal in this State or another state to obtain jurisdiction over the respondent;
- (b) Request an appropriate tribunal to set a date, time and place for a hearing;
- (c) Make a reasonable effort to obtain all relevant information, including information as to the income and property of the parties;
- (d) Within 5 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of ~~a written~~ notice *in a record* from an initiating, responding or registering tribunal, send a copy of the notice to the petitioner;

(e) Within 5 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of ~~[-a written]~~ communication *in a record* from the respondent or his attorney, send a copy of the communication to the petitioner; and

(f) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

3. *A support-enforcement agency of this State that requests registration of a child-support order in this State for enforcement or for modification shall make reasonable efforts:*

(a) *To ensure that the order to be registered is the controlling order; or*

(b) *If two or more child-support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.*

4. *A support-enforcement agency of this State that requests registration and enforcement of a support order, arrears or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.*

5. *A support-enforcement agency of this State shall request a tribunal of this State to issue a child-support order and an income-withholding order that redirect payment of current support, arrears and interest if requested to do so by a support-enforcement agency of another state pursuant to a law similar to NRS 130.319.*

6. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support-enforcement agency or the attorney for the agency and the natural person being assisted by the agency.

Sec. 28. NRS 130.308 is hereby amended to read as follows:

130.308 If the Attorney General determines that ~~[-the]~~ a support-enforcement agency is neglecting or refusing to provide services to a natural person, the Attorney General may order the agency to perform its duties under this chapter or may provide those services directly to the person.

Sec. 29. NRS 130.310 is hereby amended to read as follows:

130.310 1. The central unit established pursuant to NRS 425.400 is the State Information Agency under this chapter.

2. The State Information Agency shall:

(a) Compile and maintain a current list, including addresses, of the tribunals in this State which have jurisdiction under this chapter and any support-enforcement agencies in this State and transmit a copy to the state information agency of every other state;

(b) Maintain a register of *names and addresses of* tribunals and support-enforcement agencies received from other states;

(c) Forward to the appropriate tribunal in the ~~[-place]~~ county in this State in which an ~~[-individual]~~ obligee *who is a natural person* or obligor resides, or in which an obligor's property is believed to be located, all documents

concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

(d) Obtain information concerning the location of an obligor and the obligor's property within this State that is not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers and examination of governmental records, including, to the extent not prohibited by other law, records relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses and social security.

Sec. 30. NRS 130.311 is hereby amended to read as follows:

130.311 1. ~~1. [A] In a proceeding under this chapter, a petitioner seeking to establish [or modify] a support order , [or] to determine parentage [in a proceeding under this chapter must verify the] or to register and modify a support order of another state must file a petition. Unless otherwise ordered pursuant to NRS 130.312, the petition or accompanying documents must provide, so far as known, the name, residential address and social security number of the obligor and the obligee [;] or the parent and alleged parent, and the name, sex, residential address, social security number and date of birth of each child for [whom] whose benefit support is sought [The] or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a [certified] copy of any support order [in effect.] known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.~~

2. The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support-enforcement agency.

Sec. 31. NRS 130.312 is hereby amended to read as follows:

130.312 ~~[Upon a finding, which may be made ex parte,] If a party alleges in an affidavit or a pleading under oath that the health, safety or liberty of a party or child would be [unreasonably put at risk] jeopardized by the disclosure of specific identifying information, [or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying] that information must be sealed and may not be disclosed [in a pleading or other document filed in a proceeding under this chapter.] to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.~~

Sec. 32. NRS 130.313 is hereby amended to read as follows:

130.313 1. Except as otherwise required pursuant to Section 16 of Article 6 of the Nevada Constitution, a petitioner must not be required to pay a filing fee or other costs.

2. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees and other costs, expenses for necessary travel and other reasonable expenses incurred by the obligee and the witnesses of the obligee. The tribunal may not assess fees, costs or expenses against the obligee or the support-enforcement agency of either the initiating or the responding state, except as otherwise provided by other law. Attorney's fees may be taxed as costs and may be ordered to be paid directly to the attorney, who may enforce the order in his own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

3. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding pursuant to NRS 130.601 to 130.614, inclusive, *and section 6 of this act*, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change. This presumption is subject to rebuttal.

4. All attorney's fees and other costs and expenses awarded to and collected by a district attorney pursuant to this section must be deposited in the general fund of the county and an equivalent amount must be allocated to augment the county's program for the enforcement of support obligations.

Sec. 33. NRS 130.314 is hereby amended to read as follows:

130.314 1. Participation by a petitioner in a proceeding *under this chapter* before a responding tribunal, whether in person, by private attorney or through services provided by ~~the~~ a support-enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

2. A petitioner is not amenable to service of civil process while physically present in this State to participate in a proceeding under this chapter.

3. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in this State to participate in the proceeding.

Sec. 34. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a ~~petitioner in a responding~~ *nonresident party who is a natural person in a* tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage.

2. ~~{A verified petition, an}~~ *An* affidavit, a document substantially complying with federally mandated forms ~~and~~ *or* a document incorporated by reference in any of them, *which would not be excluded under the hearsay rule in* NRS 51.065 if given in person, is admissible in evidence if given under ~~oath~~ *penalty of perjury* by a party or witness residing in another state.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. Documentary evidence transmitted from another state to a tribunal of this State by telephone, telecopier or other means that do not provide an original ~~[writing]~~ record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this State ~~[may]~~ shall permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means or other electronic means at a designated tribunal or other location in that state. A tribunal of this State shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between husband and wife does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

10. *A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.*

Sec. 35. NRS 130.317 is hereby amended to read as follows:

130.317 A tribunal of this State may communicate with a tribunal of another state *or foreign country or political subdivision* in ~~[writing]~~ a record, or by telephone or other means, to obtain information concerning the laws of that state ~~[]~~ *or foreign country or political subdivision*, the legal effect of a judgment, decree or order of that tribunal, and the status of a proceeding in the other state ~~[]~~ *or foreign country or political subdivision*. A tribunal of this State may furnish similar information by similar means to a tribunal of another state ~~[]~~ *or foreign country or political subdivision*.

Sec. 36. NRS 130.319 is hereby amended to read as follows:

130.319 1. A support-enforcement agency or tribunal of this State shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

2. *If neither the obligor, nor the obligee who is a natural person, nor the child resides in this State, upon request from a support-enforcement agency of this State or another state, a tribunal of this State shall:*

(a) Direct that the support payment be made to the support-enforcement agency in the state in which the obligee is receiving services; and

(b) Issue and send to the employer of the obligor a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

3. A support-enforcement agency of this State receiving redirected payments from another state pursuant to a law similar to subsection 2 shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Sec. 37. NRS 130.401 is hereby amended to read as follows:

130.401 1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this State may issue a support order if:

(a) The natural person seeking the order resides in another state; or

(b) The support-enforcement agency seeking the order is located in another state.

2. The tribunal may issue a temporary child-support order if:

~~(a) The respondent has signed a verified statement acknowledging parentage;~~

~~(b) The respondent has been determined by or pursuant to law to be the parent; or~~

~~(c) There is other clear and convincing evidence that the respondent is the parent of the child.]~~ the tribunal determines that such an order is appropriate and the natural person ordered to pay is:

(a) A presumed father of the child under subsection 1 of NRS 126.051;

(b) Petitioning to have his paternity adjudicated;

(c) Identified as the father of the child through genetic testing;

(d) An alleged father who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be the father of the child;

(f) An acknowledged father as provided by NRS 126.053;

(g) The mother of the child; or

(h) A natural person who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to NRS 130.305.

Sec. 38. NRS 130.501 is hereby amended to read as follows:

130.501 An income-withholding order issued in another state may be sent by or on behalf of the obligee or by a support-enforcement agency to an employer of an obligor in this State without first filing a petition or comparable pleading or registering the order with a tribunal of this State.

Sec. 39. NRS 130.502 is hereby amended to read as follows:

130.502 1. Upon receipt of an income-withholding order, an employer of an obligor shall immediately provide a copy of the order to the obligor.

2. The employer shall treat an income-withholding order issued in another state that appears regular on its face as if it had been issued by a tribunal of this State.

3. Except as otherwise provided in subsection 4 and NRS 130.503, the employer shall withhold and distribute the money as directed in the withholding order by complying with terms of the order which specify:

(a) The duration and amount of periodic payments of current child support, stated as a sum certain;

(b) The person ~~for agency~~ designated to receive payments and the address to which the payments are to be forwarded;

(c) Requirements for medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(d) The amount of periodic payments of fees and costs for a support-enforcement agency, the issuing tribunal and the obligee's attorney, stated as sums certain; and

(e) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

4. An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(a) The employer's fee for processing an income-withholding order;

(b) The maximum amount permitted to be withheld from the obligor's income;

(c) The times within which the employer must implement the withholding order and forward the child-support payment; and

(d) Any terms or conditions of withholding not specified in the withholding order.

Sec. 40. NRS 130.503 is hereby amended to read as follows:

130.503 If an employer of an obligor receives ~~multiple~~ *two or more* income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~multiple~~ orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for ~~multiple~~ *two or more* child-support obligees.

Sec. 41. NRS 130.506 is hereby amended to read as follows:

130.506 1. An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this State by ~~requesting, within 15 days after he receives a copy of the order pursuant to NRS 130.502,~~ *registering the order in a tribunal of this State* ~~to conduct a hearing for that purpose,~~ *and filing a contest to that order as provided in NRS 130.601 to 130.614, inclusive, and section 6 of this act or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this State.*

2. The obligor shall give notice of the contest to:

- (a) A support-enforcement agency providing services to the obligee;
- (b) Each employer that has directly received an income-withholding order ~~and~~ relating to the obligor; and
- (c) The person ~~for agency~~ designated to receive payments in the income-withholding order, or if no person ~~for agency~~ is designated, to the obligee.

3. The obligor has the burden of proving one or more of the following defenses:

- (a) The tribunal that issued the order lacked personal jurisdiction over the obligor;
- (b) The order was obtained by fraud;
- (c) The order has been vacated, suspended, stayed or modified by a later order; or
- (d) There is a mistake of fact as to the amount of the order or the identity of the obligor.

4. The provisions of NRS 130.604 apply to the contest. If the tribunal determines:

- (a) Any of the defenses presented pursuant to subsection 3 in favor of the obligor, it shall issue an order to stay the withholding.
- (b) None of the defenses presented pursuant to subsection 3 in favor of the obligor, it shall order the employer to proceed with the withholding, and may assess costs and attorney's fees against the obligor.

5. The tribunal shall provide the parties and employer with notice of its decision within 45 days after the obligor received a copy of the order pursuant to NRS 130.502.

Sec. 42. NRS 130.507 is hereby amended to read as follows:

130.507 1. A party or support-enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support-enforcement agency of this State.

2. Upon receipt of the documents, the support-enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this State to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support-enforcement agency shall register the order pursuant to this chapter.

Sec. 43. NRS 130.601 is hereby amended to read as follows:

130.601 A support order or ~~an~~ income-withholding order issued by a tribunal of another state may be registered in this State for enforcement.

Sec. 44. NRS 130.602 is hereby amended to read as follows:

130.602 1. A support order or income-withholding order of another state may be registered in this State by sending the following ~~documents~~

records and information to the ~~{State Information Agency}~~ *appropriate tribunal* in this State:

- (a) A letter of transmittal requesting registration and enforcement;
- (b) Two copies, including one certified copy, of ~~{all orders}~~ *the order* to be registered, including any modification of ~~{an}~~ *the order*;
- (c) A sworn statement by the ~~{party seeking}~~ *person requesting* registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (d) The name of the obligor and, if known:
 - (1) The address and social security number of the obligor;
 - (2) The name and address of the employer of the obligor and any other source of income of the obligor; and
 - (3) A description and the location of property of the obligor in this State that is not exempt from execution; and
- (e) ~~{The}~~ *Except as otherwise provided in NRS 130.312, the* name and address of the obligee and, if applicable, the ~~{agency or}~~ person to whom support payments are to be remitted.

2. On receipt of a request for registration, the ~~{State Information Agency}~~ *registering tribunal* shall cause the order to be filed ~~{with the registering tribunal}~~ as a foreign judgment, together with one copy of the documents and information, regardless of their form.

3. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this State may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

4. *If two or more orders are in effect, the person requesting registration shall:*

- (a) Furnish to the ~~{State Information Agency}~~ tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;*
- (b) Specify the order alleged to be the controlling order, if any; and*
- (c) Specify the amount of consolidated arrears, if any.*

5. *A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.*

Sec. 45. NRS 130.603 is hereby amended to read as follows:

130.603 1. A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this State.

2. A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this State.

3. Except as otherwise provided in NRS 130.601 to 130.614, inclusive, and section 6 of this act, a tribunal of this State shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

Sec. 46. NRS 130.604 is hereby amended to read as follows:

130.604 1. ~~The~~ Except as otherwise provided in subsection 4, the law of the issuing state governs ~~the~~ :

(a) The nature, extent, amount and duration of current payments ~~and other obligations of support and the~~ under a registered support order;

(b) The computation and payment of arrearages and accrual of interest on the arrearages under the support order ~~;~~; and

(c) The existence and satisfaction of other obligations under the support order.

2. In a proceeding for ~~arrearages,~~ arrears under a registered support order, the statute of limitation ~~under the law~~ of this State or of the issuing state, whichever is longer, applies.

3. A responding tribunal of this State shall apply the procedures and remedies of this State to enforce current support and collect arrears and interest due on a support order of another state which is registered in this State.

4. After a tribunal of this State or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this State shall prospectively apply the law of the state issuing the controlling order, including its law on interest on arrears, on current and future support and on consolidated arrears.

Sec. 47. NRS 130.605 is hereby amended to read as follows:

130.605 1. When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party and a support-enforcement agency of this State. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

2. The notice must inform the nonregistering party:

(a) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this State;

(b) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the notice;

(c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(d) Of the amount of any alleged arrearages.

3. If the registering party asserts that two or more orders are in effect, the notice must also:

(a) Identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any;

(b) Notify the nonregistering party of the right to a determination of which is the controlling order;

(c) State that the procedures provided in subsection 2 apply to the determination of which is the controlling order; and

(d) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

4. Upon registration of an income-withholding order for enforcement, the registering tribunal shall cause appropriate notice of the order to be provided to the employer of the obligor in accordance with chapter 31A of NRS.

Sec. 48. NRS 130.607 is hereby amended to read as follows:

130.607 1. A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(a) The issuing tribunal lacked personal jurisdiction over the contesting party;

(b) The order was obtained by fraud;

(c) The order has been vacated, suspended or modified by a later order;

(d) The issuing tribunal has stayed the order pending appeal;

(e) There is a defense under the law of this State to the remedy sought;

(f) Full or partial payment has been made; ~~or~~

(g) The statute of limitation applicable pursuant to NRS 130.604 precludes enforcement of some or all of the *alleged* arrearages ~~of~~; or

(h) *The alleged controlling order is not the controlling order.*

2. If a party presents evidence establishing a full or partial defense under subsection 1, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this State.

3. If the contesting party does not establish a defense under subsection 1 to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

Sec. 49. NRS 130.610 is hereby amended to read as follows:

130.610 A tribunal of this State may enforce a child-support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this State, but the registered order may be modified only if the requirements of NRS 130.611 ~~or~~, 130.613 or section 6 of this act have been met.

Sec. 50. NRS 130.611 is hereby amended to read as follows:

130.611 1. ~~After~~ If NRS 130.613 does not apply, except as otherwise provided in section 6 of this act, upon petition a tribunal of this State may modify a child-support order issued in another state ~~has been~~ which is

registered in this State ~~[, the responding tribunal of this State may modify that order only if NRS 130.613 does not apply and]~~ if , after notice and hearing ~~[it]~~, the tribunal finds that:

(a) The following requirements are met:

(1) ~~[The child, the individual obligee and]~~ Neither the child, nor the obligee who is a natural person, nor the obligor ~~[do not reside]~~ resides in the issuing state;

(2) A petitioner who is a nonresident of this State seeks modification; and

(3) The respondent is subject to the personal jurisdiction of the tribunal of this State; or

(b) ~~[The]~~ This State is the state of residence of the child, or a party who is a natural person ~~[,]~~ is subject to the personal jurisdiction of the tribunal of this State , and all of the parties who are natural persons have filed ~~[written]~~ consents in a record in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing and exclusive jurisdiction . ~~[over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures established by the Uniform Interstate Family Support Act, the consent otherwise required of a natural person residing in this State is not required for the tribunal to assume jurisdiction to modify the child support order.]~~

2. Modification of a registered child-support order is subject to the same requirements, procedures and defenses that apply to the modification of an order issued by a tribunal of this State, and the order may be enforced and satisfied in the same manner.

3. ~~[A]~~ Except as otherwise provided in section 6 of this act, a tribunal of this State may not modify any aspect of a child-support order that may not be modified under the law of the issuing state ~~[,]~~, including the duration of the obligation of support. If two or more tribunals have issued child-support orders for the same obligor and same child, the order that controls and must be so recognized under NRS 130.207 establishes the aspects of the support order which may not be modified.

4. In a proceeding to modify a child-support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this State.

5. On the issuance of an order by a tribunal of this State modifying a child-support order issued in another state, ~~[a]~~ the tribunal of this State becomes the tribunal having continuing and exclusive jurisdiction.

Sec. 51. NRS 130.612 is hereby amended to read as follows:

130.612 ~~[A]~~ If a child-support order issued by a tribunal of this State ~~[shall recognize a modification of its earlier child support order]~~ is modified by a tribunal of another state which assumed jurisdiction pursuant to the

Uniform Interstate Family Support Act ~~for a law substantially similar to that Act and, upon request, except as otherwise provided in this chapter, shall:~~

~~1. Enforce~~, a tribunal of this State:

1. ~~May enforce~~ the order that was modified only as to ~~amounts~~ arrears and interest accruing before the modification;

2. ~~Enforce only aspects of that order that may not be modified;~~

~~3. Provide other~~ ~~May provide~~ appropriate relief ~~only~~ for violations of ~~that~~ its order which occurred before the effective date of the modification; and

~~4. Recognize~~

3. ~~Shall recognize~~ the modifying order of the other state, upon registration, for the purpose of enforcement.

Sec. 52. NRS 130.613 is hereby amended to read as follows:

130.613 1. If all of the parties who are natural persons reside in this State and the child does not reside in the issuing state, a tribunal of this State has jurisdiction to enforce and to modify the child-support order of the issuing state in a proceeding to register that order.

2. A tribunal of this State exercising jurisdiction under this section shall apply the provisions of NRS 130.0902 to 130.209, inclusive, and sections 4 and 5 of this act and 130.601 to 130.614, inclusive, and section 6 of this act and the procedural and substantive law of this State to the proceeding for enforcement or modification. The provisions of NRS 130.301 to 130.507, inclusive, and 130.701, 130.801 and 130.802 do not apply.

Sec. 53. NRS 130.701 is hereby amended to read as follows:

130.701 ~~1.~~ A tribunal ~~court~~ of this State *authorized to determine parentage of a child may serve as* ~~an initiating or~~ a responding tribunal in a proceeding to determine parentage brought under the Uniform Interstate Family Support Act or a law or procedure substantially similar to that Act. ~~the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.~~

~~2. In a proceeding to determine parentage, a responding tribunal of this State shall apply the procedural and substantive law of this State and the rules of this State on choice of law.~~

Sec. 54. NRS 130.802 is hereby amended to read as follows:

130.802 1. Before making a demand that the governor of another state surrender a natural person charged criminally in this State with having failed to provide for the support of an obligee, the Governor of this State may require a prosecutor of this State to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

2. If, under the Uniform Interstate Family Support Act or a law substantially similar to that Act, ~~the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support~~

~~Act,]~~ the governor of another state makes a demand that the Governor of this State surrender a natural person charged criminally in that state with having failed to provide for the support of a child or other natural person to whom a duty of support is owed, the Governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

3. If a proceeding for support has been initiated and the natural person whose rendition is demanded prevails, the Governor may decline to honor the demand. If the petitioner prevails and the natural person whose rendition is demanded is subject to a support order, the Governor may decline to honor the demand if the person is complying with the support order.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 89.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 39.

"SUMMARY—Makes various changes concerning legal representation of state agencies, officers and employees. (BDR 3-1)"

"AN ACT relating to legal representation; requiring the Attorney General to maintain and report certain information concerning decisions regarding legal representation in tort actions involving state agencies, officers and employees; ~~revising certain provisions regarding the use of private legal counsel by certain state entities;~~ making a technical correction clarifying that a district judge is a "public officer" or "officer" for the purposes of the provisions pertaining to tort actions involving state officers; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Attorney General provides legal counsel to any present or former officer or employee of the State, any immune contractor or any State Legislator in a civil action brought against that person based on any alleged act or omission relating to the person's public duty or employment if the Attorney General determines that it appears the person was acting within the course and scope of his public duty or employment and in good faith. (NRS 41.0339) The Attorney General may also employ special counsel if the Attorney General determines that it is impracticable, uneconomical or could constitute a conflict of interest to represent the person. (NRS 41.03435) Additionally, if an insurer is authorized to defend the person, the Attorney General may tender the defense to the insurer. (NRS 41.0345)

Section 1 of this bill requires the Attorney General to create a written record setting forth the basis for the determination to defend or not defend a person, the decision to employ special counsel to defend a person and the decision to tender the defense of a person to an insurer. Section 1 also requires the Attorney General to provide a report to the Legislature concerning each matter in which special counsel is employed. Section 1 provides that any written record or report prepared by the Attorney General is generally not admissible in evidence in any judicial or administrative proceeding.

~~[Under existing law, the Attorney General is the legal adviser on all state matters arising in the Executive Department of State Government and represents all entities in the Executive Department unless the Legislature has enacted legislation specifically authorizing the employment of private legal counsel. (NRS 228.110) The Attorney General is also required to provide written legal opinions, upon request, concerning questions of law. (NRS 228.150) Section 3 of this bill provides that if a state entity employs private legal counsel and such counsel issues a legal opinion involving the interpretation of state or federal law, that legal opinion is not entitled to the same weight and deference as an opinion of the Attorney General.]~~

Section 1.5 of this bill makes a technical correction to clarify that a district judge is included within the definition of "public officer" or "officer" for the purposes of the provisions pertaining to tort actions involving state officers.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Attorney General shall create a written record setting forth the basis for each of the following determinations and decisions as soon as practicable after making the determination or decision:*

(a) *The determination of whether or not to tender the defense of a person pursuant to NRS 41.03415.*

(b) *The decision to employ special counsel pursuant to NRS 41.03435.*

(c) *The decision to tender the defense to an insurer pursuant to NRS 41.0345.*

2. *On or before February 1 of each odd-numbered year, the Attorney General shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Chairmen of the Assembly and Senate Standing Committees on Judiciary and any other interested Legislators. The report must include, for the period since the previous such report, if any:*

(a) *A summary of each matter in which special counsel was employed pursuant to NRS 41.03435 that includes, without limitation, a description of the nature and current status of the matter;*

(b) *A copy of the written record concerning the decision to employ special counsel for the matter; and*

(c) *An accounting of all money owed and all money paid during that period for the employment of special counsel for the matter.*

3. *Any written record or report created pursuant to this section is a public record open for inspection pursuant to NRS 239.010, but is not admissible in evidence at trial or in any other judicial or administrative proceeding in which the State, the board, commission or similar body of the State or political subdivision of the State or the person sued as a public officer, employee, immune contractor, member of a board or commission, or Legislator is a party, except in connection with an application to withdraw as the attorney of record ~~for~~ or in connection with an action for legal malpractice.*

Sec. 1.5. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in Chapter 392A of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 284.173; and

(b) Contracts to provide medical services for the Department of Corrections.

↪ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

(d) A district judge.

Sec. 2. NRS 41.0338 is hereby amended to read as follows:

41.0338 As used in NRS 41.0338 to 41.0347, inclusive, and section 1 of this act, unless the context otherwise requires, "official attorney" means:

1. The Attorney General, in an action which involves a present or former Legislator, officer or employee of this State, immune contractor or member of a state board or commission.

2. The chief legal officer or other authorized legal representative of a political subdivision, in an action which involves a present or former officer or employee of that political subdivision or a present or former member of a local board or commission.

Sec. 3. ~~ENRS 228.110 is hereby amended to read as follows:~~

~~228.110—1.—The Attorney General and his duly appointed deputies shall be the legal advisers on all state matters arising in the Executive Department of the State Government.~~

~~2.—No officer, commissioner or appointee of the Executive Department of the Government of the State of Nevada shall employ any attorney at law or counselor at law to represent the State of Nevada within the State, or to be compensated by state funds, directly or indirectly, as an attorney acting within the State for the State of Nevada or any agency in the Executive Department thereof unless the Attorney General and his deputies are disqualified to act in such matter or unless an act of the Legislature specifically authorizes the employment of other attorneys or counselors at law.~~

~~3.—A written or oral legal opinion involving an interpretation of the state or federal constitution or any state or federal statute, rule or regulation that is issued or provided by an attorney or counselor at law employed pursuant to statute to represent the Executive Department of the State Government instead of the Attorney General and his deputies is not entitled to the same weight and deference as a written opinion of the Attorney General.~~

~~4.—All claims for legal services rendered in violation of this section shall be void. (Deleted by amendment.)~~

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 61.

"SUMMARY—Makes various changes to provisions relating to guardianships. (BDR 13-1109)"

"AN ACT relating to guardianships; extending the time in which certain information must be provided to the court for the appointment of a guardian; revising ~~[the information that must be set forth in a petition to appoint a temporary guardian for certain wards; revising]~~ the provisions relating to the extension of temporary guardianships; revising the information that must be set forth in a petition to appoint a temporary guardian for certain wards;

revising provisions relating to petitions by guardians to the court; revising provisions relating to the treatment or commitment of a ward; extending the time in which a guardian must wind up the affairs of the guardianship; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill extends the time in which information required in a petition for the appointment of a guardian must be provided to the court after the appointment of the guardian, if the information was not initially included in the petition, from 60 days to 120 days. (NRS 159.044)

~~{Sections 2 and 3}~~ *Section 2* of this bill ~~{revise}~~ *revises* existing law by providing that a petition which seeks to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention ~~{must set forth facts showing}~~ *may be granted by a court if the court finds reasonable cause to believe* that the proposed ward is unable to respond to such harm or to a need for medical attention rather than ~~{facts showing}~~ *reasonable cause to believe* that the proposed ward ~~{actually faces}~~ *may suffer* such harm or ~~{need for}~~ *actually needs* medical attention. (NRS 159.052) ~~{, 159.0523}~~ Section 4 of this bill revises existing law by providing that a petition which seeks to appoint a guardian for a ward who is unable to respond to a substantial and immediate risk of financial loss must set forth facts showing that the proposed ward is unable to respond to such risk rather than facts showing that the proposed ward actually faces such risk. (NRS 159.0525) Sections 2-4 also eliminate the restriction that a court may not extend a temporary guardianship for more than two 30-day periods, and instead ~~{gives discretion to}~~ *allows* the court ~~{in granting extensions of}~~ *to extend a* temporary guardianship ~~{,}~~ *for not more than three successive 60-day periods.*

Existing law requires a guardian to petition the court for an order authorizing the guardian to change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. (NRS 159.078) Section 5 of this bill provides circumstances under which a guardian is not required to petition the court for ~~{such}~~ an order ~~{,}~~ *allowing the guardian to utilize such assets.*

Existing law provides that a guardian must obtain authority from the court before consenting to the commitment of a ward to a mental health facility. (NRS 159.0805) Section 6 of this bill removes the requirement that a guardian must obtain such authority to consent to the commitment of a ward to a mental health facility.

Section 7 of this bill ~~{removes the requirement}~~ *provides* that a guardian *is not required to* petition the court for authority before obtaining advice, instructions and approval of any proposed act of the guardian relating to the ward's property or taking any other action which the guardian deems would be in the best interests of the ward ~~{,}~~ *, unless otherwise ordered by the court.* (NRS 159.113)

Existing law establishes the times during which a guardian is entitled to possession of the ward's property and is authorized to perform his duties to wind up the affairs of the guardianship. (NRS 159.193) Section 8 of this bill extends the time during which a guardian retains such authority after a personal representative of the estate of a deceased ward is appointed or if the guardian is awaiting certification acknowledging that he has no further tax liabilities on the ward's estate, from 90 days to 180 days.

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

Section 1. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

- (a) The name and address of the petitioner.
- (b) The name, date of birth and current address of the proposed ward.
- (c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:
 - (1) A social security number;
 - (2) A taxpayer identification number;
 - (3) A valid driver's license number;
 - (4) A valid identification card number; or
 - (5) A valid passport number.

↪ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than ~~[60]~~ 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which he will attain the age of majority and:

- (1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and
- (2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving

compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:

- (1) A social security number;
- (2) A taxpayer identification number;
- (3) A valid driver's license number;
- (4) A valid identification card number; or
- (5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which he was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation may include, without limitation:

- (1) A certificate signed by a physician who is licensed to practice medicine in this State stating the need for a guardian;
- (2) A letter signed by any governmental agency in this State which conducts investigations stating the need for a guardian; or
- (3) A certificate signed by any other person whom the court finds qualified to execute a certificate stating the need for a guardian.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) The relationship, if any, of the petitioner to the proposed ward and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) Whether the guardianship is sought as the result of an investigation of a report of abuse or neglect that is conducted pursuant to chapter 432B of NRS by an agency which provides child welfare services. As used in this paragraph, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(q) Whether the proposed ward is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

Sec. 2. NRS 159.052 is hereby amended to read as follows:

159.052 1. A petitioner may request the court to appoint a temporary guardian for a ward who is a minor and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward faces ~~is unable to respond to~~ a substantial and immediate risk of physical harm or needs ~~to a need for~~ immediate medical attention; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward ~~may suffer~~ *is unable to respond to* a substantial and immediate risk of physical harm or ~~needs~~ *to a need for* immediate medical attention; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay,

but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, if the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

- (a) The provisions of NRS 159.0475 have been satisfied; or
- (b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than ~~two 30-day~~ three successive 60-day periods ~~for for a longer period as fixed by the court.~~

Sec. 3. NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a ward who is an adult and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

- (a) Facts which show that the proposed ward is
 - (1) Faces ~~is unable to respond to~~ a substantial and immediate risk of physical harm or needs ~~to a need for~~ immediate medical attention; and
 - (2) Lacks capacity to respond to the risk of harm or to obtain the necessary medical attention; and

(b) Facts which show that:

- (1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;
- (2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled

to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1; and

(c) Finds that the petition required pursuant to subsection 1 is accompanied by:

(1) A certificate signed by a physician who is licensed to practice in this State which states that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; or

(2) The affidavit of the petitioner which explains the reasons why the certificate described in subparagraph (1) is not immediately obtainable.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days, if:

(a) The certificate required by subsection 2 has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to

respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; or

(b) The certificate required by subsection 2 has not been filed and the court finds by clear and convincing evidence that:

(1) The proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Circumstances have prevented the petitioner or temporary guardian from obtaining the certificate required pursuant to subsection 2; and

(3) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than ~~two 30-day~~ three successive 60-day periods ~~for for a longer period as fixed by the court.~~

Sec. 4. NRS 159.0525 is hereby amended to read as follows:

159.0525 1. A petitioner may request the court to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate risk of financial loss. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward ~~is~~:

~~(1) Faces ~~is~~;~~

(1) Is unable to respond to a substantial and immediate risk of financial loss; and

(2) Lacks capacity to respond to the risk of loss; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of financial loss if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1; and

(c) For a proposed ward who is an adult, finds that the petition required pursuant to subsection 1 is accompanied by:

(1) A certificate signed by a physician who is licensed to practice in this State which states that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(2) The affidavit of the petitioner which explains the reasons why the certificate described in subparagraph (1) is not immediately obtainable.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, if the proposed ward is a minor and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days. Except as otherwise provided in subsection 7, if the proposed ward is an adult, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days, if:

(a) The certificate required by subsection 2 has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(b) The certificate required by subsection 2 has not been filed and the court finds by clear and convincing evidence that:

(1) The proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(2) Circumstances have prevented the petitioner or temporary guardian from obtaining the certificate required pursuant to subsection 2; and

(3) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of financial loss.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than [two 30-day] three successive 60-day periods ~~for for a longer period as fixed by the court.~~

Sec. 5. NRS 159.078 is hereby amended to read as follows:

159.078 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Make or change the last will and testament of the ward.

(b) ~~Make~~ *Except as otherwise provided in this paragraph, make or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. The guardian is not required to petition the court for an order authorizing the guardian to ~~make or change the designation of a beneficiary in such assets~~ utilize an asset which has a designated beneficiary, including the closure or discontinuance of the asset, for the benefit of a ward if:*

(1) *The asset is the only liquid asset available with which to pay for the proper care, maintenance, education and support of the ward;*

(2) *The asset, or the aggregate amount of all the assets if there is more than one type of asset, has a value that does not exceed \$5,000; or*

(3) *The asset is a bank account, investment fund or insurance policy and is required to be closed or discontinued in order for the ward to qualify for a federal program of public assistance.*

(c) Create for the benefit of the ward or others a revocable or irrevocable trust of the property of the estate.

(d) Except as otherwise provided in this paragraph, exercise the right of the ward to revoke or modify a revocable trust or to surrender the right to revoke or modify a revocable trust. The court shall not authorize or require the guardian to exercise the right to revoke or modify a revocable trust if the instrument governing the trust:

(1) Evidences an intent of the ward to reserve the right of revocation or modification exclusively to the ward;

(2) Provides expressly that a guardian may not revoke or modify the trust; or

(3) Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.

2. The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the guardian proves by clear and convincing evidence that:

(a) A person has committed or is about to commit any act, practice or course of conduct which operates or would operate as a fraud or act of exploitation upon the ward or estate of the ward and that person:

(1) Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the ward; or

(2) Will benefit from the lack of such an instrument; and

(b) A reasonably prudent person or the ward, if competent, would take the proposed action.

3. The petition must be signed by the guardian and contain:

(a) The name, date of birth and current address of the ward;

(b) A concise statement as to the condition of the ward's estate; and

(c) A concise statement as to the necessity for the proposed action.

4. As used in this section:

(a) "Exploitation" means any act taken by a person who has the trust and confidence of a ward or any use of the power of attorney of a ward to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

(2) Convert money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of his money, assets or property.

➤ As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.

(b) "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the ward of the ward's rights or property or to otherwise injure the ward.

Sec. 6. NRS 159.0805 is hereby amended to read as follows:

159.0805 1. Except as otherwise provided in subsection 2, a guardian shall not consent to:

- (a) The experimental ~~[]~~ medical, biomedical or behavioral treatment of a ward;
- (b) The sterilization of a ward; *or*
- (c) The participation of a ward in any biomedical or behavioral experiment. ~~[]~~
- ~~(d) The commitment of a ward to a mental health facility.~~

2. The guardian may consent to and commence any treatment ~~[]~~ *or* experiment ~~[]~~ described in subsection 1 if the guardian applies to and obtains from the court authority to consent to and commence the treatment ~~[]~~ *or* experiment. ~~[]~~

3. The court may authorize the guardian to consent to and commence any treatment ~~[]~~ *or* experiment ~~[]~~ described in subsection 1 only if the treatment ~~[]~~ *or* experiment: ~~[]~~

- (a) Is of direct benefit to, and intended to preserve the life of or prevent serious impairment to the mental or physical health of, the ward; *or*
- (b) Is intended to assist the ward to develop or regain the ward's abilities.

Sec. 7. NRS 159.113 is hereby amended to read as follows:

159.113 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

- (a) Invest the property of the ward ~~[]~~ *pursuant to NRS 159.117.*
- (b) Continue the business of the ward ~~[]~~ *pursuant to NRS 159.119.*
- (c) Borrow money for the ward ~~[]~~ *pursuant to NRS 159.121.*
- (d) Except as otherwise provided in NRS 159.079, enter into contracts for the ward or complete the performance of contracts of the ward ~~[]~~ *pursuant to NRS 159.123.*
- (e) Make gifts from the ward's estate or make expenditures for the ward's relatives ~~[]~~ *pursuant to NRS 159.125.*
- (f) Sell, lease ~~[]~~ *or* place ~~[]~~ *into any type of* in trust ~~[]~~ *for surrender* any property of the ward ~~[]~~ *pursuant to NRS 159.127.*
- (g) Exchange or partition the ward's property ~~[]~~
- ~~(h) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.~~
- ~~(i)~~ *pursuant to NRS 159.175.*
- (h) Release the power of the ward as trustee, personal representative, custodian for a minor or guardian.
- ~~(j)~~ (i) Exercise or release the power of the ward as a donee of a power of appointment.
- ~~(k)~~ (j) Change the state of residence or domicile of the ward.
- ~~(l)~~ (k) Exercise the right of the ward to take under or against a will.
- ~~(m)~~ (l) Transfer to a trust created by the ward any property unintentionally omitted from the trust.
- ~~(n)~~ (m) Submit a revocable trust to the jurisdiction of the court if:

(1) The ward or the spouse of the ward, or both, are the grantors and sole beneficiaries of the income of the trust; or

(2) The trust was created by the court.

~~[(c) Take any other action which the guardian deems would be in the best interests of the ward.]~~

2. *Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:*

(a) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.

(b) Take any other action which the guardian deems would be in the best interests of the ward.

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the ward.

(b) A concise statement as to the condition of the ward's estate.

(c) A concise statement as to the advantage to the ward of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

~~[3.]~~ 4. Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

~~[4.]~~ 5. A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed, the court may enter additional orders authorizing the guardian to continue the business of the ward, enter contracts for the ward ~~[.]~~ or ~~[to]~~ complete contracts of the ward.

Sec. 8. NRS 159.193 is hereby amended to read as follows:

159.193 1. The guardian of the estate is entitled to possession of the ward's property and is authorized to perform the duties of the guardian to wind up the affairs of the guardianship:

(a) For a period that is reasonable and necessary after the termination of the guardianship;

(b) Except as otherwise provided in paragraph (c), for not more than ~~[90]~~ 180 days after the date of the appointment of a personal representative of the estate of a deceased ward; or

(c) Upon approval of the court, for more than ~~[90]~~ 180 days if the guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate.

2. To wind up the affairs of the guardianship, the guardian shall:

(a) Pay all expenses of administration of the guardianship estate, including those incurred in winding up the affairs of the guardianship.

(b) Complete the performance of any contractual obligations incurred by the guardianship estate.

(c) With prior approval of the court, continue any activity that:

- (1) The guardian believes is appropriate and necessary; or
- (2) Was commenced before the termination of the guardianship.

(d) If the guardianship is terminated for a reason other than the death of the ward, examine and allow and pay, or reject, all claims presented to the guardian prior to the termination of the guardianship for obligations incurred prior to the termination.

Sec. 9. This act becomes effective on July 1, 2007.

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 116.

"SUMMARY—Revises provisions governing pupils and parents. (BDR 34-415)"

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

Legislative Counsel's Digest:

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

Section 2 of this bill ~~requires each elementary school that is designated as demonstrating need for improvement for 3 consecutive years or more~~ *authorizes a teacher in an elementary school* to provide to each parent and legal guardian of a pupil enrolled in the school, on a form prescribed by the Department of Education, a report ~~on the involvement of the parent or legal~~

~~guardian in the education of the pupil.] containing certain information about the pupil and the involvement of the parent or legal guardian in the education of his child.~~ Aggregate information concerning ~~the~~ any completed reports must be provided to the support team established for the school ~~], if a support team has been established.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Comply with NRS 385.357;
- (2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;
- (3) Include the data and findings of the support team that provide support for the revisions;
- (4) Set forth goals, objectives, tasks and measures for the school that are:
 - (I) Designed to improve the achievement of the school's pupils;
 - (II) Specific;
 - (III) Measurable; and
 - (IV) Conducive to reliable evaluation;
- (5) Set forth a timeline to carry out the revisions;
- (6) Set forth priorities for the school in carrying out the revisions; and
- (7) Set forth the ~~names~~ *name* and duties of each person who is responsible for carrying out the revisions.

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

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

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

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

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in

the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

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

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

~~1. If an elementary school, including, without limitation, a charter school that operates as an elementary school, is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years or more, the school is required to provide to the parent or legal guardian of each pupil enrolled in the school a report on the involvement of the parent or legal guardian in the education of the pupil. The school shall use the form prescribed by the Department pursuant to subsection 2 or an expanded form prescribed pursuant to subsection 4, if applicable, to provide the reports.~~

~~2.]~~ The Department shall:

(a) ~~Prescribe a form for use by the teachers in elementary schools required by subsection 1] to provide reports to parents and legal guardians of pupils for the involvement of the parents and legal guardians in the education of their children;]~~ pursuant to this section;

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

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

~~3.] 2. The form [of parental involvement] must include, without limitation:~~

(a) ~~A notice to parents and legal guardians that:~~

~~(1) Parental involvement is a factor important in ensuring the success of the plan to improve the academic achievement of pupils;] prepared for each school pursuant to NRS 385.357; and~~

~~(2) Each elementary school which is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years or more is required to provide to each parent and legal guardian of a pupil enrolled in the school a report on the involvement of the parent or legal guardian in the education of the pupil;~~

~~(b) A report of whether the parent or legal guardian ensures the attendance and punctuality of the pupil, including, without limitation, whether the pupil;]~~

~~(b) A checklist indicating whether:~~

~~(1) Completes The pupil completes his homework assignments in a timely manner; and]~~

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

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

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

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

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

(4) The pupil ~~is dressed appropriately for public~~ complies with the dress code for the school ~~;~~ and ~~,~~ if applicable; and

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

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

~~[(4)]~~ (a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:

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

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

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

(4) Attends school activities.

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

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

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

~~4. The board of trustees of a school district or the governing body of a charter school may prescribe an expanded form that contains additions to the form prescribed by the Department pursuant to subsection 2 if the expanded form is set forth in an identical format as the form prescribed by the Department and contains the information set forth in subsection 3.~~

~~5. A report of parental involvement]~~

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

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

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

(b) Reprimands the parent or legal guardian; or

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

~~6. If an elementary school is required to provide reports of parental involvement to parents and legal guardians of pupils enrolled in the school, the principal of the school shall ensure that each report is completed twice each school year at the same time at which the teacher prepares a report on the progress of the pupil. A report of parental involvement that is completed by a teacher pursuant to this section must be delivered to the parent or legal guardian of a pupil in the same manner as the report of the progress of the pupil is delivered to the parent or legal guardian. Except as otherwise provided in this subsection, one report on parental involvement must be completed for each household of a pupil. If the parents of a pupil do not reside in the same household, the principal of the school in which the pupil is enrolled shall determine whether one report on parental involvement must be completed or whether a report for each parent must be completed.~~

~~7. If a pupil has more than one teacher who provides classroom instruction to the pupil, the principal of the elementary school shall designate one of the pupil's teachers to complete the report of parental involvement. The teacher who is so designated by the principal shall consult with the other teachers who provide classroom instruction to the pupil to ensure that the teacher has all the information necessary to complete the report.~~

~~8. 6. The principal of each elementary school ~~that is required to provide reports of parental involvement pursuant to this section shall provide to:~~~~

~~(a) Each teacher who is required to complete a report of parental involvement all the information necessary to ensure completion of the report if the teacher does not have such information in his possession.~~

~~(b) The at which a teacher provides reports pursuant to this section shall provide to the support team established for the school pursuant to NRS 385.3721 , if applicable, the information contained in the completed reports ~~of parental involvement~~ for consideration by the support team. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Respecting himself, others and all property.

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

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

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

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

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

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

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

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant

projects, if those dates are known by the teacher at the time that the information is distributed;

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

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

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

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

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

(h) The classroom rules and policies;

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

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

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

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

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

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

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

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

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

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

7. *If an elementary school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years or more, the principal of the school shall provide to the support team established for*

the school pursuant to NRS 385.3721 information concerning the distribution of the educational involvement accord and the number of accords which were signed and returned by parents and legal guardians. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

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

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

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

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

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

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

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

5. *Each classroom teacher shall:*

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

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

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

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

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

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

(b) Two teachers in public schools;

(c) One administrator of a public school;

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

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

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

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

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

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

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

6. The Department of Education shall provide:

(a) Administrative support to the Advisory Council; and

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

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

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

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

(c) Travel expenses provided pursuant to NRS 218.2207.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 7. On or before September 1, 2007, the Department of Education shall prescribe a form in accordance with section 2 of this act for use commencing with the 2007-2008 school year by *teachers in elementary schools*, ~~that have been designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years or more.~~

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

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

Senator Washington moved the adoption of the amendment.

Remarks by Senators Washington, Carlton and Raggio.

Senator Raggio requested that his remarks be entered in the Journal.

Thank you, Mr. President. I was Chair of the Legislative Committee on Education which considered all of these issues culminating in the basic bill and which Senate Bill No. 143 was the recommendation. That recommendation was supported unanimously out of that Committee.

I will support this amendment, but this bill is now nothing compared to what was originally discussed by the Committee on Education during the interim. The term "report card to parents" may be unfortunate, but if we do not address the issue of parental involvement in the education of children, whatever their socio-economic status may be, we are doing a great disservice to the children in this State.

The original bill required a report to the parents, privately to them, on the extent of their involvement in their child's education. That requirement was deleted from this amendment. I think this bill is continuing the alibi for saying that some parents do not have time, whatever their circumstances are, to help educate their children. Education is not only the obligation of the

State of Nevada and the Legislature and the school systems but is the basic requirement and the responsibility of the parents.

We held a bipartisan conference of Legislators on how to encourage parental involvement. We continue to make excuses because someone is "poor" or "someone has to work two jobs" or whatever their circumstance might be, but that is not an excuse, and it will not help the child succeed in school.

This amendment strips the bill of any responsibility on the part of the parents other than to make certain they have somehow advised the school system of some health or other concern. This bill is now a small step in trying to encourage parents to become involved.

I am disappointed this bill has been watered down. I understand the committee worked long and hard on this. I have talked to all of the players involved in this; I told them that if they do not care, then why should we. That includes the administration, the parents, the PTA and everyone else. We continue to make excuses as to why so many parents do not concern themselves with what happens to their children. Too many parents assign that responsibility to others. All this bill was going to do was say, "Here is what you are failing to do." I guess failing is a pejorative word, but I do not think so when it comes to basic parental responsibility. Reluctantly, I will support the amendment because, otherwise, the bill will die. We are making a poor statement of what we expect in our education system. We make excuses as to why it is not functioning, why we are not achieving, and a lot of it is due to a lack of parenting.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Senate in recess at 11:56 a.m.

SENATE IN SESSION

At 11:59 a.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cegavske moved that the action whereby Amendment No. 44 to Senate Bill No. 6 was adopted be rescinded.

Remarks by Senator Cegavske.

Motion carried on a division of the house.

SECOND READING AND AMENDMENT

Senate Bill No. 288.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 115.

"SUMMARY—Makes various changes concerning fire protection districts. (BDR 42-944)"

"AN ACT relating to fire protection districts; requiring the board of directors of a fire protection district created by an election to cooperate with the State Forester Firewarden and certain other agencies to prevent and suppress fires in wild lands; authorizing such a board of directors to appoint a district fire chief; providing that the activities of a fire protection district

created by an election are separate from county activities and any other political subdivision in this State; authorizing a board of fire commissioners to provide emergency medical services within a fire protection district; requiring title to all property acquired by a fire protection district organized by a board of county commissioners to vest in the district; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the organization of fire protection districts by an ordinance adopted by a board of county commissioners or by the approval of the voters of a proposed fire protection district. (Chapter 474 of NRS) Under existing law, a fire protection district approved by the voters may include contiguous territory from more than one county. (NRS 474.010) Section 9 of this bill provides that such a fire protection district may only consist of territory within a single county and eliminates the requirement that the territory be contiguous. Sections 2-8 and 15-18 of this bill borrow various existing provisions that are applicable to a fire protection district organized by a board of county commissioners and make them applicable to a fire protection district approved by the voters. Sections 10-14 and 19 of this bill remove references to a fire protection district that includes territory in more than one county. Sections ~~20-22~~ 20, 21, 22 and 24 of this bill borrow various existing provisions that are applicable to a fire protection district approved by the voters and make them applicable to a fire protection district organized by a board of county commissioners. Section 25 of this bill restricts existing procedures for the reorganization of a fire protection district to apply only to a fire protection district organized by a board of county commissioners.

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

Section 1. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *1. A county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, and sections 2 to 5, inclusive, of this act, upon its formation:*

- (a) Is a political subdivision of this State; and*
 - (b) Has perpetual existence unless dissolved as provided in this chapter.*
- 2. Each such district may:*
- (a) Sue and be sued, and be a party to suits, actions and proceedings;*
 - (b) Arbitrate claims; and*
 - (c) Contract and be contracted with.*

Sec. 3. *The board of directors of a county fire protection district shall cooperate with the State Forester Firewarden and other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.200 for that purpose to cooperating agencies,*

or may receive contributions from other agencies to be spent for that purpose.

Sec. 4. 1. The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies.

2. In lieu of or in addition to the provisions of subsection 1, the board of directors may:

(a) Provide fire protection to the county fire protection district by entering into agreements with other agencies as provided by NRS 277.180 and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district; or

(b) Support, direct or integrate volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.

Sec. 5. The activities of a county fire protection district are separate from county activities and any other political subdivision in this State.

Sec. 6. The board of fire commissioners of a district organized pursuant to NRS 474.460 may:

1. Provide emergency medical services within the district; and

2. Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances if necessary, and may take out liability and other insurance therefor. The board of fire commissioners may employ trained personnel to operate those vehicles.

Sec. 7. All accounts, bills and demands against a district organized pursuant to NRS 474.460 must be audited, allowed and paid by the board of fire commissioners by warrants drawn on the county treasurer or the treasurer of the district. The county treasurer or, if authorized by the board of county commissioners and the board of fire commissioners, the treasurer of the district shall pay them in the order in which they are presented.

Sec. 8. The title to all property which may have been acquired for a district organized pursuant to NRS 474.460 must be vested in the district.

Sec. 9. NRS 474.010 is hereby amended to read as follows:

474.010 ~~{Contiguous unincorporated}~~ Unincorporated territory lying within ~~{one or more counties}~~ a county or incorporated territory lying within a consolidated municipality and not included in any other fire protection district ~~{, and not including timberland patrolled by the United States Forest Service or in accordance with the rules and regulations of the United States Forest Service.}~~ may be formed into a county fire protection district in the manner and under the proceedings set forth in NRS 474.010 to 474.450, inclusive ~~{,}~~, and sections 2 to 5, inclusive, of this act.

Sec. 10. NRS 474.020 is hereby amended to read as follows:

474.020 1. When 25 percent or more of the holders of title or evidence of title to lands lying in one body, whose names appear as such upon the last county assessment roll, ~~{shall}~~ present a petition to the board of county commissioners of the county in which the land ~~{or the greater portion thereof lies,}~~ *is located*, setting forth the exterior boundaries of the proposed district and asking that the district so described be formed into a county fire protection district under the provisions of NRS 474.010 to 474.450, inclusive, *and sections 2 to 5, inclusive, of this act*, the board of county commissioners shall pass a resolution declaring the board's intention to form or organize such territory into a county fire protection district, naming the district and describing its exterior boundaries.

2. The resolution ~~{shall}~~ *must*:

(a) Fix a time and place for the hearing of the matter not less than 30 days after its adoption.

(b) Direct the clerk of the board of county commissioners to publish the notice of intention of the board of county commissioners to form ~~{such}~~ *the* county fire protection district, and of the time and place fixed for the hearing, and ~~{shall}~~ *must* designate that publication ~~{shall}~~ *must* be in ~~{some}~~ *a* newspaper of general circulation published in the county and circulated in the proposed county fire protection district, or if there is no newspaper so published and circulated, then in ~~{some}~~ *a* newspaper of general circulation circulated in the proposed district.

Sec. 11. NRS 474.030 is hereby amended to read as follows:

474.030 The notice ~~{shall}~~ *must*:

1. Be headed "Notice of the proposed formation of fire protection district in County " (stating the name of the proposed district and the name of the county ~~{or, if there be more than one, the name of the counties}~~ in which the proposed district is located). ~~{"~~

2. State the fact that the board of county commissioners ~~{of the county}~~ has fixed the time and place ~~{(which shall)}~~, *which must* be stated in the notice, ~~{}~~ for a hearing on the matter of the formation of a county fire protection district.

3. Describe the territory or ~~{shall}~~ specify the exterior boundaries of the territory proposed to be organized into a fire protection district, which boundaries, so far as practicable, ~~{shall}~~ *must* be the centerlines of highways.

4. Be published once a week for 2 successive weeks ~~{prior to}~~ *before* the time fixed for the hearing in the newspaper designated by the board of county commissioners.

Sec. 12. NRS 474.080 is hereby amended to read as follows:

474.080 1. The board of county commissioners shall submit the question of whether the proposed district shall be organized pursuant to the provisions of NRS 474.010 to 474.450, inclusive, *and sections 2 to 5, inclusive, of this act* to the electors of the proposed district at the next primary or general election.

2. The notice must:

(a) Designate a name for the proposed district.

(b) Describe the boundaries of the precincts established therein, ~~[when]~~ if more than one, together with a designation of the polling places and board of election for each precinct.

(c) Be published once a week for at least 3 weeks ~~[previous to]~~ before the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county in which the ~~[petition for the organization of the district was presented.]~~ proposed district is located.

(d) Require the electors to cast ballots, which must contain the words: "..... County fire protection district—Yes," or "..... County fire protection district—No," or words equivalent thereto, and also the names of one or more persons (according to the division of the proposed district as prayed for in the petition and ordered by the board) to be voted for to fill the office of director.

Sec. 13. NRS 474.110 is hereby amended to read as follows:

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding ~~[such]~~ the election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast ~~[thereat.]~~ at the election.

2. If upon such canvass it appears that a majority of all votes cast in the district ~~[(and in each portion of the counties included in the district in case lands in more than one county are included therein)]~~ are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory ~~[duly]~~ organized as a county fire protection district under the name theretofore designated; and

(b) The persons receiving, respectively, the highest number of votes for the directors to be ~~[duly]~~ elected to ~~[such]~~ those offices.

Sec. 14. NRS 474.120 is hereby amended to read as follows:

474.120 1. The board of county commissioners shall then cause a copy of such order, ~~[duly]~~ certified by the clerk of the board, ~~[of county commissioners,]~~ to be immediately filed for record in the office of the county recorder. ~~[of any county in which any portion of the lands embraced in such district are situated, and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each of such counties.]~~

~~2. No]~~

2. The board of county commissioners ~~[of the county]~~ shall ~~[,]~~ not, after the date of the organization of the district, allow another fire protection district to be formed ~~[, including any portion of such lands,]~~ within the district without the consent of the owners thereof.

3. From and after such filing, the organization of the district ~~[shall be]~~ is complete.

Sec. 15. NRS 474.160 is hereby amended to read as follows:

474.160 The board of directors shall:

1. Manage and conduct the business and affairs of the district.
 2. ~~Make~~ *Adopt* and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection thereto, which may include regulations relating to fire prevention. The regulations may include provisions that are designed to protect life and property from:
 - (a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and
 - (b) Hazardous conditions relating to the use or occupancy of any premises.

↪ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning ~~such~~ *those* substances, materials or devices that is required by the Federal Government and has been adopted by ~~the~~ *the* board of county commissioners.
 3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the district.
 4. Make and execute in the name of the district all necessary contracts.
 5. Adopt a seal for the district to be used in the attestation of proper documents.
 6. Provide for the payment from the proper fund of *the salaries of employees of the district and* all the debts and just claims against the district.
 7. Employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.
 8. Acquire real or personal property necessary for the purposes of the district and dispose of that property when no longer needed.
 9. Construct any necessary structures.
 10. Acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purpose of the district.
 11. Eliminate and remove fire hazards within the district ~~wherever~~ *if* practicable and possible, whether on private or public premises, and to that end the board may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.
 12. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.010 to 474.450, inclusive ~~of~~ , *and sections 2 to 5, inclusive, of this act.*
- Sec. 16. NRS 474.180 is hereby amended to read as follows:
- 474.180 The board of directors may ~~purchase,~~ :
1. *Provide emergency medical services within the district; and*
 2. *Purchase,* acquire by donation or otherwise, lease, operate and maintain ambulances whenever necessary, and may take out liability and other insurance therefor. The board of directors may employ trained personnel to operate ~~these~~ *those* vehicles.

Sec. 17. NRS 474.190 is hereby amended to read as follows:

474.190 1. Subject to the provisions of subsection ~~[2,]~~ 3, the board of directors of each county fire protection district shall prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive.

2. *The budget must be based on estimates of the amount of money that will be needed to defray the expenses of the district and to meet unforeseen emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.*

3. The amount of money to be raised for the purpose of establishing, equipping and maintaining the district with fire-fighting facilities ~~[shall]~~ *must* not in any 1 year exceed 1 percent of the ~~[assessable property within the district]~~.

~~3. In determining the tax to be levied to raise the amount of money required by such budget within such limitation, the board of county commissioners shall prorate 80 percent of the amount of the tax upon the assessed value of improvements and personal property upon each parcel of land and 20 percent upon the assessed value of each parcel of land, if upon the formation of the district a provision for such procedure was included in the notice to create the district approved by the property owners, or if a petition requesting such procedure, signed by not less than a majority of the property owners within the district, is presented to the board prior to January 20.] assessed value of the property described in NRS 474.200 and any net proceeds of minerals derived from within the boundaries of the district.~~

Sec. 18. NRS 474.200 is hereby amended to read as follows:

474.200 1. At the time of making the levy of county taxes for that year, the ~~[boards]~~ board of county commissioners shall levy the tax ~~[certified]~~ *established pursuant to NRS 474.190* upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations as established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

2. When levied, the tax must be entered upon the assessment rolls and collected in the same manner as state and county taxes. *Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.*

3. When the tax is collected it must be placed in the treasury of the county ~~[in which the greater portion of the district is located,]~~ to the credit of the ~~[current expense fund of the district, and may be used only for the purpose for which it was raised.]~~ *county fire protection district. The treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the*

district emergency fund. The money collected to defray the expenses of the district must be deposited in the district fire protection operating fund, and the money collected to meet unforeseen emergencies must be deposited in the district emergency fund. The district emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district emergency fund must not exceed the sum of \$1,000,000. Any interest earned on the money in the district emergency fund that causes the balance in that fund to exceed \$1,000,000 must be credited to the district fire protection operating fund.

4. *For the purposes of subsection 3, an emergency includes, without limitation, any event that:*

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

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

(c) *Requires the district to provide money to obtain a matching grant from a state agency or an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.*

Sec. 19. NRS 474.300 is hereby amended to read as follows:

474.300 1. In any county fire protection district availing itself of the privileges of this section and NRS 474.220 and 474.310, the board of directors of ~~such~~ the district annually shall determine the tax necessary for the payment of interest and principal of such bonds.

2. The amount of the tax ~~shall~~ must be certified to the ~~boards~~ board of county commissioners ~~of the counties~~ in which ~~any portion of~~ the district is located, and ~~such~~ the board of county commissioners shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all the real property, together with the improvements thereon, in the district.

3. When levied, the tax ~~shall~~ must be entered on the assessment rolls and collected in the same manner as state and county taxes.

4. When the tax is collected it ~~shall~~ must be placed in the treasury of the county in ~~which the greater portion of the district is located in~~ a special fund for the payment of principal and interest of the bonds. Payments therefrom ~~shall~~ must be made according to the terms of the bonds.

Sec. 20. NRS 474.460 is hereby amended to read as follows:

474.460 1. All territory in each county *or consolidated municipality* not included in any other fire protection district, except incorporated areas ~~that~~ *other than consolidated municipalities*, may be organized by ordinance by the board of county commissioners of the county in which ~~such~~ that territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as ~~such~~ that territory may be included in another fire protection district formed in accordance with the provisions of chapter 473 of NRS, or NRS 474.010 to 474.450, inclusive ~~that~~, and sections 2 to 5, inclusive, of this act.

2. Each such district ~~shall~~

~~(a) Be a body corporate and politic;~~

~~(b) Be~~ :

~~(a)~~ Is a political subdivision of the State; and

~~(e) Have~~

~~(b)~~ Has perpetual existence unless dissolved as provided in this chapter.

3. Each such district may:

~~(a) Have and use a corporate seal;~~

~~(b)~~ Sue and be sued, and be a party to suits, actions and proceedings;

~~(e)~~ ~~(b)~~ Arbitrate claims; and

~~(d)~~ ~~(c)~~ Contract and be contracted with.

4. The board of county commissioners ~~of the county~~ organizing each such district ~~shall~~ is ex officio ~~be~~ the governing body of each such district. The governing body ~~shall~~ must be known as the board of fire commissioners.

5. The chairman of the board of county commissioners ~~shall~~ is ex officio ~~be~~ the chairman of each such district.

6. The county clerk ~~shall~~ is ex officio ~~be~~ the clerk of each such district.

7. ~~The~~ Unless the board of fire commissioners employs a treasurer, the county treasurer ~~shall~~ is ex officio ~~be~~ the treasurer of each such district.

Sec. 21. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. ~~Promulgate~~ Adopt and enforce all *rules and regulations* necessary for the administration and government of the districts and for the furnishing of fire protection ~~to~~ thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

↪ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of ~~such~~ those fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the ~~[same when]~~ *property if* no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, ~~[either]~~ by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts ~~[wherever]~~ *if* practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~[]~~ , *and sections 6, 7 and 8 of this act.*

Sec. 21.5. NRS 474.480 is hereby amended to read as follows:

474.480 1. The board of fire commissioners shall plan for the prevention and extinguishment of fires in the territory of the county described by NRS 474.460, in cooperation with the State Forester Firewarden to coordinate the fire protection activities of the districts with the fire protection provided by the Division of Forestry of the State Department of Conservation and Natural Resources and by federal agencies, in order that the State Forester Firewarden may establish a statewide plan for the prevention and control of large fires, mutual aid among the districts, training of personnel, supply, finance and other purposes to promote fire protection on a statewide basis.

2. Through inspection ~~, [and recommendation]~~ the State Forester Firewarden ~~[shall standardize the]~~ *may recommend standardization of* fire protection equipment and facilities of the districts to facilitate mutual aid among the districts.

Sec. 22. NRS 474.490 is hereby amended to read as follows:

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

Sec. 23. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in

the district and shall cooperate with all other existing fire protection agencies and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may:

(a) Provide the fire protection required by NRS 474.460 to 474.540, inclusive, *and sections 6, 7 and 8 of this act* to the districts by entering into agreements with other agencies as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts;

or

(b) Support, *direct or integrate* volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, *and sections 6, 7 and 8 of this act* for the furnishing of such protection to the districts.

Sec. 24. NRS 474.510 is hereby amended to read as follows:

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

2. *Each budget must be based on estimates of the amount of money which will be needed to defray the expenses of the district and to meet unforeseen* ~~fire emergencies, and to determine~~ *emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.*

~~2.~~ 3. At the time of making the levy of county taxes for the year, the board of county commissioners shall levy the tax provided by subsection 1, upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

~~3.~~ 4. The amount of tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the value of the property described in subsection ~~2~~ 3 and any net proceeds of minerals derived from within the boundaries of the district.

~~4.~~ 5. If levied, the tax must be entered upon the assessment roll and collected in the same manner as state and county taxes. Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483 , and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.

~~5.~~ 6. For the purposes of NRS 474.460 to 474.550, inclusive, *and sections 6, 7 and 8 of this act*, the ~~county~~ *treasurer of the district* shall keep two separate funds for each district, one to be known as the district fire

protection operating fund and one to be known as the district ~~fire~~ emergency fund. The ~~sums~~ money collected to defray the expenses of any district organized pursuant to NRS 474.460 must be deposited in the district fire protection operating fund, and the ~~sums~~ money collected to meet unforeseen emergencies must be deposited in the district ~~fire~~ emergency fund. The district ~~fire~~ emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district ~~fire~~ emergency fund must not exceed the sum of \$1,000,000. Any interest earned on the money in the district ~~fire~~ emergency fund that causes the balance in that fund to exceed \$1,000,000 must be credited to the district fire protection operating fund.

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

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

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

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

Sec. 25. NRS 474.560 is hereby amended to read as follows:

474.560 1. A fire protection district organized pursuant to ~~this chapter~~ NRS 474.460 may reorganize as a district created wholly or in part for the purpose of furnishing fire protection facilities pursuant to chapter 318 of NRS.

2. ~~Such~~ The reorganization may be initiated by:

(a) A petition signed by a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If the board of county commissioners determines, after notice and hearing, that ~~such~~ the reorganization is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt an ordinance reorganizing the district pursuant to chapter 318 of NRS.

4. All debts, obligations, liabilities and assets of the former district ~~shall~~ must be assumed or taken over by the reorganized district.

Sec. 26. ~~NRS 474.480 is hereby repealed.~~ *(Deleted by amendment.)*

Sec. 27. This act becomes effective on July 1, 2007.

~~TEXT OF REPEALED SECTION~~

~~474.480—Coordination of protective activities; duties of State Forester Firewarden.~~

~~1. The board of fire commissioners shall plan for the prevention and extinguishment of fires in the territory of the county described by NRS 474.460, in cooperation with the State Forester Firewarden to~~

~~coordinate the fire protection activities of the districts with the fire protection provided by the Division of Forestry of the State Department of Conservation and Natural Resources and by federal agencies, in order that the State Forester Firewarden may establish a statewide plan for the prevention and control of large fires, mutual aid among the districts, training of personnel, supply, finance and other purposes to promote fire protection on a statewide basis.~~

~~2. Through inspection and recommendation, the State Forester Firewarden shall standardize the fire protection equipment and facilities of the districts to facilitate mutual aid among the districts.]~~

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 289.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 113.

"SUMMARY—Revises provisions relating to fire protection districts. (BDR 42-471)"

"AN ACT relating to fire protection; revising provisions that authorize a fire protection district receiving federal aid to annex territory which is contiguous to the district; revising provisions that authorize certain county fire protection districts to annex territory located in a fire protection district receiving federal aid; authorizing the consolidation of certain contiguous fire protection districts located in a county; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the creation of fire protection districts. (Chapters 473 and 474 of NRS) A fire protection district established pursuant to chapter 473 of NRS may annex territory which is contiguous to the district only upon a petition signed by a majority of the property owners within the territory and approval by the State Forester Firewarden. (NRS 473.035)

Section 1 of this bill provides an additional procedure for the annexation of new territory in a fire protection district established pursuant to chapter 473 of NRS. Section 1 authorizes the board of county commissioners of the county in which the district is organized to propose the annexation of new territory by the adoption of a resolution and approval by the State Forester Firewarden.

Section 3 of this bill authorizes a fire protection district established pursuant to chapter 474 of NRS to annex all or part of a fire protection district organized under the provisions of chapter 473 of NRS. The proposed

annexation may be initiated by a petition of the majority of the owners within the area proposed for annexation or by a resolution of the board of county commissioners of the county in which the district proposing the annexation is located. The State Forester Firewarden must approve the annexation.

Section 4 of this bill authorizes the consolidation of ~~two or more~~ *all or any part of the area of certain* contiguous fire protection districts located in the same county. The proposed consolidation may be initiated by a petition of a majority of the owners of the property located within the districts proposed for consolidation or by a resolution of the board of county commissioners of the county in which the districts proposed for consolidation are located.

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

Section 1. NRS 473.035 is hereby amended to read as follows:

473.035 1. New territory may be included in any fire protection district organized under this chapter in the manner provided in subsections 2 to ~~5, inclusive.~~

~~2. Upon receiving a written petition containing a~~ 7, inclusive. Any new territory which is proposed to be included in a fire protection district must be contiguous to the district.

2. The inclusion of new territory in a fire protection district organized under this chapter may be initiated by:

(a) A petition signed by a majority of the owners of the property located within the territory proposed to be included in the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located that includes a description of the territory proposed to be included in the district.

3. The petition must include:

(a) A description of the territory proposed to be included ~~[(which territory must be contiguous to the district), which petition must contain a]~~ in the fire protection district; and

(b) A statement advising the signers that their property will be subject to the levy of a tax for the support of the fire protection district. ~~[, and be signed by not less than a majority of the property owners within the territory.]~~

4. Upon receipt of the petition or resolution, the State Forester Firewarden shall determine the feasibility of including that territory in the fire protection district and shall notify the board of directors of the district of his decision.

~~{3.}~~ 5. The board of directors, upon receipt of a notice in writing from the State Forester Firewarden of the decision to include territory in the fire protection district, shall prepare a resolution:

(a) Describing the territory to be included; and

(b) Stating the purpose for its inclusion.

~~{4.}~~ 6. Upon the adoption of the resolution, the board of directors shall forthwith notify the State Forester Firewarden of the resolution. The territory is *included* in the fire protection district from the date of the resolution.

~~{5.}~~ 7. Upon the inclusion of any contiguous territory in a fire protection district, the State Forester Firewarden shall adopt regulations for the organization of the territory to meet the terms and requirements for federal aid.

Sec. 2. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. *A county fire protection district organized pursuant to this chapter may annex all or any part of a fire protection district organized pursuant to chapter 473 of NRS.*

2. *The annexation may be initiated by:*

(a) *A petition signed by a majority of the owners of the property located within the area proposed to be annexed; or*

(b) *A resolution of the board of county commissioners of the county in which the district organized pursuant to this chapter is located.*

3. *If, after notice and a hearing, the board of county commissioners determines that the proposed annexation is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt and submit to the State Forester Firewarden a petition requesting annexation of the proposed area.*

4. *Upon receipt of the petition, the State Forester Firewarden shall determine whether the annexation is feasible and shall notify the board of county commissioners, in writing, of his decision.*

5. *Upon receipt of a notice from the State Forester Firewarden that the annexation is approved, the board of county commissioners shall adopt an ordinance which must include the name and boundaries of the district.*

6. *The board of county commissioners shall cause a copy of the ordinance, certified by the clerk of the board of county commissioners, to be filed immediately for record in the office of the county recorder.*

7. *The annexation of the proposed area of the district is complete upon the filing of the ordinance pursuant to this section.*

Sec. 4. 1. *Two or more contiguous fire protection districts located within a county and organized pursuant to ~~this chapter~~ NRS 474.460 may be consolidated into a fire protection district consisting of all or any part of the ~~total~~ area of those fire protection districts.*

2. *The consolidation may be initiated by:*

(a) *A petition signed by a majority of the owners of property located within the districts proposed to be consolidated; or*

(b) *A resolution of the board of county commissioners of the county in which the districts are located if the resolution is approved by the governing bodies of the fire protection districts proposed to be consolidated.*

3. *If, after notice and a hearing, the board of county commissioners determines that the proposed consolidation is feasible and in the best*

interests of the county and the districts proposed to be consolidated, the board of county commissioners shall adopt an ordinance consolidating the districts. The ordinance must include the name and boundaries of the consolidated district.

4. The board of county commissioners shall cause a copy of the ordinance, certified by the clerk of the board of county commissioners, to be filed immediately for record in the office of the county recorder.

5. All debts, obligations, liabilities and assets of the former districts must be assumed by the consolidated district.

Sec. 5. NRS 474.325 is hereby amended to read as follows:

474.325 The boundaries of any county fire protection district formed under NRS 474.010 to 474.450, inclusive, may be altered and new territory annexed thereto, incorporated and included therein, and made a part thereof in the manner provided in :

1. NRS 474.335 to 474.395, inclusive ~~[-]~~ ; *or*

2. *Section 3 of this act.*

Sec. 6. The amendatory provisions of this act do not apply to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of a fire protection district, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.

Sec. 7. This act becomes effective on July 1, 2007.

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 300.

Bill read second time and ordered to third reading.

Senate Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 44.

"SUMMARY—Includes marijuana in the provision which prohibits persons from intentionally allowing children to be present at certain locations where certain crimes involving controlled substances are committed. (BDR 40-223)"

"AN ACT relating to controlled substances; including marijuana in the provision which prohibits persons from intentionally allowing children to be present at certain locations where certain crimes involving controlled substances are committed; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a person from intentionally allowing a child to be present in any conveyance or upon any premises where a controlled substance is being unlawfully used, sold or manufactured, but marijuana is specifically excluded from the scope of this prohibition. (NRS 453.3325) This bill amends existing law to include marijuana within the scope of the prohibition against unlawfully selling ~~for manufacturing~~ controlled substances in the presence of a child. ~~but~~ *In addition, this bill amends existing law to include within the scope of the prohibition against unlawfully manufacturing controlled substances in the presence of a child the unlawful production of certain quantities of marijuana and the unlawful cultivation of a certain number of marijuana plants in the presence of a child. This bill does not amend existing law to include marijuana within the scope of the prohibition against unlawfully using marijuana in the presence of a child.*

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

Section 1. NRS 453.3325 is hereby amended to read as follows:

453.3325 1. A person shall not intentionally allow a child to be present in any conveyance or upon any premises wherein ~~a~~ :

(a) A controlled substance other than marijuana ~~is~~

~~is~~ *is being used in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity;*

(b) ~~is~~ *A controlled substance is being sold, exchanged, bartered, supplied, prescribed, dispensed, given away or administered in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity; ~~or~~*

(c) ~~is~~ *A controlled substance other than marijuana is being or has been manufactured or compounded in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity; ~~or~~*

(d) More than 1 ounce of marijuana is being or has been produced at any one time, or more than three mature marijuana plants or four immature marijuana plants are being or have been planted, cultivated, grown or harvested at any one time, in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity.

2. Unless a greater penalty is provided by specific statute:

(a) A person who violates the provisions of paragraph (a) of subsection 1:

(1) If the violation does not proximately cause substantial bodily harm or death to the child, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If the violation proximately causes substantial bodily harm to the child other than death, 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 6 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than \$20,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

(b) A person who violates the provisions of paragraph (b) of subsection 1:

(1) If the violation does not proximately cause substantial bodily harm or death to the child, 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 3 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not more than \$10,000.

(2) If the violation proximately causes substantial bodily harm to the child other than death, 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 6 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than \$20,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

(c) A person who violates the provisions of paragraph (c) *or* (d) of subsection 1:

(1) If the violation does not proximately cause substantial bodily harm or death to the child, 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 5 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than \$15,000.

(2) If the violation proximately causes substantial bodily harm to the child other than death, is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(I) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(II) For a definite term of 40 years, with eligibility for parole beginning when a minimum of 10 years has been served,

↪ and shall be further punished by a fine of not more than \$50,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

3. Except as otherwise provided in NRS 453.3363, the court shall not grant probation to or suspend the sentence of a person convicted pursuant to this section.

4. As used in this section:

(a) "Child" means a person who is less than 18 years of age.

(b) "Conveyance" means any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car, or other means of conveyance.

(c) "Premises" means any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent, whether located aboveground or underground and whether inhabited or not.

Senator Heck moved that Senate Bill No. 6 be taken from the Second Reading File and placed on the Secretary's desk.

Remarks by Senator Heck.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 20.

Bill read third time.

Roll call on Senate Bill No. 20:

YEAS—21.

NAYS—None.

Senate Bill No. 20 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 22.

Bill read third time.

Remarks by Senators Carlton, Washington, Beers and Heck.

Senator Carlton requested that her remarks be entered in the Journal.

Thank you, Mr. President. I would like to make a few things clear before we vote on this. I feel I must stand and explain some things about this bill so that as we move forward we have it on the record.

Boards do not get to change their own fees without coming to us. The Governor chooses who sits on the boards, but we get to regulate the boards. They are, in essence, a foster child of the Legislature and must come to us for permission in order to be able to change any fees. The fees do not come from any state dollars. The boards are self funded and have to balance their own books. They pay for their own legal resources and for their own offices. In essence, they have been put into a position of having to come to us every session so they can fund their own regime that they put in place in order to be able to protect the public, regulate the professions and carry out the requirements we have put onto the board.

Roll call on Senate Bill No. 22:

YEAS—13.

NAYS—Beers, Cegavske, Coffin, Horsford, Mathews, Titus, Wiener, Woodhouse—8.

Senate Bill No. 22 having failed to receive a two-thirds majority, Mr. President declared it lost.

Senate Bill No. 93.

Bill read third time.

Roll call on Senate Bill No. 93:

YEAS—21.

NAYS—None.

Senate Bill No. 93 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 142.

Bill read third time.

Roll call on Senate Bill No. 142:

YEAS—21.

NAYS—None.

Senate Bill No. 142 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 155.

Bill read third time.

Roll call on Senate Bill No. 155:

YEAS—21.

NAYS—None.

Senate Bill No. 155 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 243.

Bill read third time.

Roll call on Senate Bill No. 243:

YEAS—21.

NAYS—None.

Senate Bill No. 243 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 303.

Bill read third time.

Roll call on Senate Bill No. 303:

YEAS—21.

NAYS—None.

Senate Bill No. 303 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 320.

Bill read third time.

Roll call on Senate Bill No. 320:

YEAS—21.

NAYS—None.

Senate Bill No. 320 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 342.

Bill read third time.

Remarks by Senators Care and Raggio.

Roll call on Senate Bill No. 342:

YEAS—21.

NAYS—None.

Senate Bill No. 342 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 8.

Resolution read third time.

The following amendment was proposed by Senator Titus:

Amendment No. 213.

"SUMMARY—Urges ~~[the President of the United States]~~ Congress to ~~[make additional offshore areas available for energy development.]~~ *support incentives for the research, development and construction of renewable energy facilities.* (BDR R-1355)"

"SENATE JOINT RESOLUTION—Urging ~~[the President of the United States]~~ Congress to ~~[make additional offshore areas available for energy development.]~~ *support incentives for the research, development and construction of renewable energy facilities.*"

WHEREAS, The nation's energy use is growing twice as fast as energy production, and in the last 7 years, natural gas prices have risen 140 percent and oil prices have risen 107 percent, and while energy efficiency is increasing dramatically, the United States will still need at least 32 percent more energy to support economic growth by 2025; and

WHEREAS, During 2005, according to the National Energy Assistance Directors' Association, 32 percent of low-income families sacrificed medical care, 24 percent failed to make housing payments, 20 percent went without food for at least 1 day and 44 percent reported that they did not pay, or paid just a portion of, their home energy bill, all a result of rising energy costs; and

WHEREAS, ~~[States, including Nevada with its vast geothermal resources, are cooperating with federal agencies in coordinating energy production on public lands that lie inland, as these lands hold enormous potential for energy production which could significantly help meet the needs of all Americans for affordable energy;]~~ Nevada with its vast solar and geothermal resources has the potential to provide the residents of our State and beyond with renewable energy; and

~~WHEREAS, [Conservative estimates provide that within the Outer Continental Shelf, there exists a sufficient amount of natural gas to heat 100 million homes for 60 years and a sufficient amount of oil to replace current Persian Gulf imports for 59 years, yet the policies of the Federal Government have put over 80 percent of the Shelf off limits to exploration and production;]~~ Nevada is on the cutting edge in the development of biomass and biofuel production; and

~~WHEREAS, [Development of oil and natural gas resources, where not withdrawn from offshore exploration and production, has coexisted for decades with recreational and commercial activities while benefiting the nation, and it is in our best interest to ensure parity of production of these offshore natural resources with the production conducted inland;]~~ The Nevada Legislature has led the country in renewable energy incentives, including tax breaks, net metering and a progressive portfolio standard; and

WHEREAS, The development of renewable energy is not only competitive with fossil fuels but also environmentally benign; and

WHEREAS, The Supreme Court ruled in *Environmental Defense et al. v. Duke Energy Corp. et al.*, 549 U.S. _____ (2007) on Monday, April 2, 2007, that the Clean Air Act applies to car and truck emissions and in *Massachusetts et al. v. Environmental Protection Agency et al.*, 549 U.S. _____ (2007) that coal-fired power plants must reduce plant emissions to comply with EPA standards; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby urges President George W. Bush and Congress to ~~revoke administrative withdrawals that prevent the leasing of certain areas of the nation's Outer Continental Shelf to provide needed energy resources to the United States;~~ support and enact incentives for the research, development and construction of renewable energy projects and facilities; and be it further

~~[RESOLVED, That the Nevada Legislature urges that offshore energy development proceed in an environmentally responsible manner; and be it further]~~

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Titus moved the adoption of the amendment.

Remarks by Senators Titus, Rhoads, Townsend and Amodei.

Senator Titus requested that her remarks be entered in the Journal.

I applaud the Natural Resources Committee for recognizing the rising cost of energy and the need for us to become more energy independent. I believe, however, that it would be more appropriate for the Nevada Legislature to use its political power to appeal to Washington not to support the offshore drilling industry but rather to foster our own, homegrown renewable-energy resources.

That is what this resolution, as amended, would do. We are the sunniest state in the Country; we have wind and biomass resources begging to be developed, and we have more geothermal potential in northern Nevada than in any western state.

All Nevadans will benefit directly from the development of these renewable resources. Our power bills will go down. Our environment will be cleaned up. The construction of these facilities will benefit rural Nevada. Good jobs with good pay will result, and at the same time, we can help the Nation become less energy dependent. Let us put our voice behind renewable energy as opposed to offshore drilling.

Motion lost on a division of the house.

Roll call on Senate Joint Resolution No. 8:

Yeas—15.

Nays—Care, Carlton, Mathews, Titus, Wiener, Woodhouse—6.

Senate Joint Resolution No. 8 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Joint Resolution No. 1; Senate Concurrent Resolution No. 21.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Katrina Willis.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Lieutenant Colonel David Witwer, Brigadier General Stephen Bliss, Mrs. Witwer, David McLaughlin, Bill Ligon, David J. Reese, Roberta Ford, Bert Ford, Joe Guild, LuAnne Geissler, Grant Geissler and Nicole Heckman.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Joseph Nolan.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Yintso Lin; Red Hat Ladies: Ruthie Strand, Liz Burton, Gene Coates, Vicki Cramer, Irene Gaikowski, Bea Wilkinson and Kay Dow.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Jason Lusak and Michael McDonald.

Senator Raggio moved that the Senate adjourn until Wednesday, April 11, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 12:35 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate