

**THE SEVENTY-FIRST DAY**

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CARSON CITY (Monday), April 16, 2007

Senate called to order at 11:28 a.m.

President pro Tempore Amodei presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

They tell us that our time here is halfway over. President Woodrow Wilson once said that he felt like "the man who is lodging happily in the inn which lies halfway along the journey, and that in time, with a fresh impulse, we shall go the rest of the journey and sleep at the journey's end like men with a quiet conscience."

Lord, we ask for such a fresh impulse and a quiet conscience for the rest of our journey here. I pray in the Name of the One Who always wants to travel with us.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

## REPORTS OF COMMITTEES

*Mr. President pro Tempore:*

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 361, 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 pro Tempore:*

Your Committee on Finance, to which was referred Senate Bill No. 316, 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 was rereferred Senate Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

WILLIAM J. RAGGIO, *Chair*

*Mr. President pro Tempore:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 500, 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 pro Tempore:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 85, 148, 195, 217, 420, 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*

*Mr. President pro Tempore:*

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 149, 389; Senate Joint Resolutions Nos. 15, 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Concurrent Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

BARBARA K. CEGAVSKE, *Chair*

*Mr. President pro Tempore:*

Your Committee on Natural Resources, to which was referred Senate Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEAN A. RHOADS, *Chair*

*Mr. President pro Tempore:*

Your Committee on Taxation, to which was referred Senate Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MIKE MCGINNESS, *Chair*

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 13, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 2, 7, 24, 41, 56, 114, 178, 215, 224, 294, 303.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

ASSEMBLY CHAMBER, Carson City, April 16, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 19.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

#### WAIVERS AND EXEMPTIONS

##### NOTICE OF EXEMPTION

April 16, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 308.

GARY GHIGGERI

*Fiscal Analysis Division*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions this legislative day.

Motion carried.

Assembly Concurrent Resolution No. 19—Honoring Richard Matta, the Band Instructor at Walter Johnson Junior High School in Las Vegas.

WHEREAS, Richard Matta was born and raised on a farm in Central Illinois, where his passion for music started at an early age while playing the trumpet in his junior high school band; and

WHEREAS, His passion for music and teaching led Richard to Murray State University where he received a bachelor's degree in music education and to the University of Illinois where he received a master's degree in music education; and

WHEREAS, Richard Matta has studied and performed with many world-renowned musicians, such as Vince Cichowicz, who is regarded as one of North America's foremost experts in brass pedagogy; and

WHEREAS, Prior to his relocation to Nevada, Richard Matta taught music to students in Illinois, Texas and Wisconsin, and is now in his 19th year as a band director for the Clark County School District, and many of his students have continued on to perform in top musical positions throughout the country; and

WHEREAS, During his tenure in Clark County, Richard has consistently had the top bands in the District at festivals, and his concerts are always enthusiastically received; and

WHEREAS, Richard Matta is a cancer survivor, thanks to one of his first music students who is now a world-class oncologist, who flew from Peoria, Illinois, to Las Vegas to supervise personally Richard's treatment for non-Hodgkin's lymphoma; and

WHEREAS, Richard Matta's passion for music and commitment to his students could not be quelled by his illness, and he continued to teach even while he was receiving cancer treatments; and

WHEREAS, Richard Matta's other passion is his family, the childhood sweetheart he married 45 years ago, his two children, four grandchildren and great-grandchild, all of whom reside in Las Vegas; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada State Legislature and the residents of the State of Nevada recognize what an inspiration Richard Matta is to his students, his peers and the residents of this State; and be it further

RESOLVED, That the residents of the State of Nevada are encouraged to follow Richard Matta's advice to "find their dream, set goals and go for it"; and be it further

RESOLVED, That the Legislature and the residents of the State of Nevada thank Richard Matta for his hard work and dedication in furthering the musical talent and appreciation for music in this State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Richard Matta.

Senator Cegavske moved the adoption of the resolution.

Remarks by Senator Cegavske.

Senator Cegavske requested that her remarks be entered in the Journal.

Thank you, Mr. President Pro Tempore. It is my honor to talk about Mr. Matta.

As is stated in the resolution, he is in his 19th year as a band director in the Clark County School District and is currently teaching at Johnson Middle School in Las Vegas. During his tenure, he has consistently had the top bands in the District at festivals. His concerts are always enthusiastically received and enjoyed by everyone. His jazz band was featured in the Las Vegas Jazz Society's annual picnic among some of the top musicians in Las Vegas. They also played for several years in the International Marathon Runners Conventions held at major hotels on the strip. Rich's awards include the Golden Apple Award by Brigham Young University, Idaho/Ricks College Alumni Association. He was also honored on two different occasions as a distinguished star teacher in the southwest region of Clark County. During all these years, Rich also had a very active private teaching practice with students ranging from beginners to college age to professional players. He also has had a distinguished career performing in various bands. He has been both a leader of his own group and a member of another band. He turned down opportunities to play professionally because his first love was always teaching and working with children. He has always had a passion for not only teaching music but also imparting his knowledge and wisdom to help his students succeed in life no matter what they choose to do. He is always encouraging his students to find their dream, set goals and go for it!

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator McGinness moved that Senate Bill No. 94 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator McGinness.

Motion carried.

Senator Heck moved that Senate Bill No. 6 be taken from the Secretary's desk and placed on the bottom of the Second Reading File.

Remarks by Senator Heck.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 557—AN ACT relating to state financial administration; extending the reversion date of an appropriation made in the 22nd Special Session to the Advisory Council on the State Program for Fitness and Wellness; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 2.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 7.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 24.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 41.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 56.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 114.

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

Motion carried.

Assembly Bill No. 178.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 215.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 224.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 294.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 303.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 16, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 20.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 20—Commemorating the 75th anniversary of legalized gaming in Nevada.

WHEREAS, Gambling, both legal and illegal, has played a prominent role in Nevada's history since its frontier days and the days of the Comstock Lode, so much so that Mark Twain noted in his book *Roughing It*, "In Nevada, for a time, the lawyer, the editor, the banker, the chief desperado, the chief gambler, and the saloon keeper, occupied the same level in society, and it was the highest"; and

WHEREAS, Legalization of gaming was a constant source of debate in Nevada, and on March 19, 1931, Assembly Bill No. 98 was introduced by freshman Assemblyman Phil Tobin, a Winnemucca rancher, and was signed into law by Governor Fred Balzar, legalizing wide-open gaming in Nevada; and

WHEREAS, The only requirement for a gaming license was that the applicant be an American citizen, and prison inmates were even allowed to operate casinos within prisons; and

WHEREAS, The first gaming license was given to Mayme Stocker, a woman who had no gaming background, and among the pioneers who contributed to the tremendous growth, popularity and respectability of the gaming industry were Bill Harrah, Howard Hughes and Steve Wynn, who gave gaming a more corporate structure, further legitimizing the industry and making Nevada one of the best places in the nation to live and work; and

WHEREAS, The State Gaming Control Board and the Nevada Gaming Commission were put in place to regulate the gaming industry for the protection of the public; and

WHEREAS, In 2006, more than 51 million people visited Nevada, with the casino resort industry contributing approximately \$2.6 billion to the revenue of this State, with the gaming industry accounting for 49 percent of the State's revenue; and

WHEREAS, Gaming companies are among the largest employers in the State, with 11 of the top 20 employers being gaming companies, the gaming industry directly employs nearly 228,000 people, which is approximately 21 percent of the work force of Nevada, and hotel casinos account for 18 percent of the wages paid in Nevada; and

WHEREAS, The efforts of the gaming industry and gaming employees have contributed to making Nevada a better place to live and work by volunteering their time and resources in their communities; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That April 16, 2007, is hereby recognized as the commemoration of the 75th anniversary of legalized gaming in Nevada; and be it further

RESOLVED, That the resort employees are commended for their dedication to their jobs and their contributions to the economic well-being of this State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the State Gaming Control Board and the Nevada Gaming Commission.

Senator Townsend moved the adoption of the resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

#### SECOND READING AND AMENDMENT

Senate Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 257.

"SUMMARY—Establishes civil liability for certain acts involving the use of controlled substances and the consumption of alcoholic beverages. (BDR 3-53)"

"AN ACT relating to civil actions; establishing civil liability under certain circumstances for ~~unlawfully~~ *knowingly* serving, selling or otherwise furnishing a controlled substance to another person and for *knowingly* serving, selling or otherwise furnishing an alcoholic beverage to a minor; establishing civil liability under certain circumstances for *knowingly* allowing the unlawful use of a controlled substance by another person or the consumption of an alcoholic beverage by a minor on certain premises or in certain conveyances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides immunity from civil liability to a person who serves or sells an alcoholic beverage to another person for damages caused by an intoxicated person as a result of that service or sale. (NRS 41.1305) Section 2 of this bill limits that immunity to a person who serves, sells or furnishes an alcoholic beverage to another person who is at least 21 years of age. In contrast, section 2 makes a person liable in a civil action for damages caused as a result of the consumption of alcohol by an underage person if he *knowingly* served, sold or furnished alcohol to the underage person or allowed the underage person to consume alcohol on premises or in a

conveyance belonging to him or over which he had control. ~~[Such liability only applies if the person knew or should have known that the underage person was in fact less than 21 years of age.]~~ The liability created does not apply to a person who is licensed to serve, sell or furnish alcoholic beverages or to an employee or agent of such a person.

Section 1 of this bill further makes a person liable in a civil action for damages caused as a result of the use of a controlled substance by another person if the person ~~[unlawfully]~~ knowingly served, sold or furnished the controlled substance or allowed the other person to use a controlled substance in an unlawful manner on premises or in a conveyance belonging to the person allowing the use or over which he has control.

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. A person who:

(a) ~~[Unlawfully]~~ Knowingly and unlawfully serves, sells or otherwise furnishes a controlled substance to another person; or

(b) ~~[Allows]~~ Knowingly allows another person to use a controlled substance in an unlawful manner on premises or in a conveyance belonging to the person allowing the use or over which he has control. ~~[when he knows or reasonably should know that such use is unlawful.]~~

↪ is liable in a civil action for any damages caused as a result of the person using the controlled substance.

2. A person who prevails in an action brought pursuant to subsection 1 may recover his actual damages, attorney's fees and costs and any punitive damages that the facts may warrant.

Sec. 2. NRS 41.1305 is hereby amended to read as follows:

41.1305 1. ~~[No]~~ A person who serves, ~~[or]~~ sells or otherwise furnishes an alcoholic ~~[beverages is]~~ beverage to another person who is 21 years of age or older is not liable in a civil action ~~[based on the grounds that the service or sale was the proximate cause of injuries inflicted by an intoxicated person upon himself or another person.]~~

~~2.—The violation of any statute, regulation or ordinance which regulates the sale or service of alcoholic beverages to a minor or an intoxicated person does not constitute negligence per se in any action brought against the server or seller for injuries inflicted by an intoxicated person upon himself or another person.]~~ for any damages caused by the person to whom the alcoholic beverage was served, sold or furnished as a result of the consumption of the alcoholic beverage.

2. Except as otherwise provided in this section, a person who:

(a) ~~[Serves]~~ Knowingly serves, sells or otherwise furnishes an alcoholic beverage to an underage person; or

(b) ~~Allows~~ Knowingly allows an underage person to consume an alcoholic beverage on premises or in a conveyance belonging to the person or over which he has control,

↳ is liable in a civil action for any damages caused by the underage person as a result of the consumption of the alcoholic beverage. ~~[if he knew or reasonably should have known that the person was an underage person.]~~

3. The liability created pursuant to subsection 2 does not apply to a person who is licensed to serve, sell or furnish alcoholic beverages or to a person who is an employee or agent of such a person for any act or failure to act that occurs during the course of business or employment and any such act or failure to act may not be used to establish proximate cause in a civil action and does not constitute negligence per se.

4. A person who prevails in an action brought pursuant to subsection 2 may recover his actual damages, attorney's fees and costs and any punitive damages that the facts may warrant.

5. As used in this section, "underage person" means a person who is less than 21 years of age.

Senator Care moved the adoption of the amendment.

Remarks by Senators Care and Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 289.

"SUMMARY—Provides for the establishment of a registry ~~for~~ for putative fathers for purposes of facilitating the termination of parental rights and the adoption of certain children. (BDR 11-478)"

"AN ACT relating to domestic relations; providing for the establishment of a registry ~~for~~ for putative fathers; requiring the Health Division of the Department of Health and Human Services to administer the registry ~~for~~ for putative fathers; requiring the State Board of Health to ~~adopt regulations concerning the~~ develop a form for the registration of putative fathers in the registry ~~for~~ for putative fathers; allowing a court to terminate the parental rights of a putative father without notice to the putative father under certain circumstances; revising the provisions governing the termination of parental rights and the adoption of children of putative fathers; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~Under existing law, if a mother relinquishes or proposes to relinquish for adoption a child who has only a putative father, a petition must be filed in district court to terminate the parental rights of the father unless the father's relationship to the child has been previously terminated or determined not to exist by a court. (NRS 128.150) The court must make inquiry of the mother~~



~~and any appropriate person to identify and protect the interests of the natural father before terminating his parental rights. (NRS 128.150) Sections 5-7 of this bill establish a registry for putative fathers and create provisions relating to registration or withdrawal of registration from the registry. Section 8 of this bill establishes the process by which a search of the registry may be conducted to determine whether a person has registered as a putative father. Section 9 of this bill requires the State Board of Health to establish fees for conducting certain activities in connection with the registry and prohibits fees for other activities in connection with the registry. Section 10 of this bill requires information contained in the registry to be kept confidential. Section 11 of this bill authorizes the State Board of Health to adopt regulations to carry out the provisions of sections 2-10 of this bill. Section 12 of this bill allows certain persons to petition for the termination of the parental rights of a putative father to facilitate the adoption of a child and also establishes the criteria for such a petition, including notice requirements to persons who have registered in the registry as putative fathers.]~~

*Under existing law, if a mother wishes to relinquish her child for adoption and the child does not have a legal father, a petition must be filed to terminate the parental rights of the father. If, after an inquiry, the court identifies a possible father of the child, the possible father must be given notice of the proceeding to terminate his parental rights. However, if, after the inquiry, the court is unable to identify a possible father, the court must, without notice to the unknown father, terminate the parental rights of the unknown father. (NRS 128.150)*

*This bill repeals these provisions of existing law, and sections 2-21 of this bill replace them with the provisions of the Uniform Parentage Act which create a registry for putative fathers. Section 8 of this bill creates a registry for putative fathers within the Health Division of the Department of Health and Human Services. The registry permits a putative father to be notified if there is a proceeding for the adoption of, or termination of parental rights regarding, a child he may have fathered. If a child is less than 1 year old, a petitioner for adoption or termination of parental rights must obtain a certificate of search of the registry and present it to the court. If the certificate shows that no putative father has registered before the mother executes a valid release for or consent to adoption, the putative father's parental rights may be terminated without notice. Once a child has reached the age of 1, however, notice must be given to every alleged father of the child before the father's parental rights may be terminated.*

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

Delete existing sections 1 through 25 of this bill and replace with the following new sections 1 through 27:

*Section 1. Chapter 128 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this act.*

Sec. 2. "Division" means the Health Division of the Department of Health and Human Services.

Sec. 3. "Man" means a male individual of any age.

Sec. 4. "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 5. "Registrant" means a man who has registered with the registry pursuant to section 9 of this act.

Sec. 6. "Registry" means the registry of paternity established pursuant to section 8 of this act.

Sec. 7. "Support-enforcement agency" means a public officer or agency authorized to seek:

1. Enforcement of support orders or laws relating to the duty of support;

2. Establishment or modification of child support;

3. Determination of parentage; or

4. The location of child-support obligors and their income and assets.

Sec. 8. A registry of paternity is established in the Division.

Sec. 9. 1. Except as otherwise provided in subsection 2 or section 12 of this act, a man who desires to be notified of a proceeding for adoption of, or termination of parental rights regarding, a child that he may have fathered must register in the registry of paternity before the birth of the child or before the mother of the child executes a valid release for or consent to adoption.

2. A man is not required to register if:

(a) A parent and child relationship between the man and the child has been established pursuant to the laws of this State; or

(b) The man files a petition to commence a proceeding to adjudicate his paternity and serves the mother of the child with the petition before the mother of the child executes a valid release for or consent to adoption.

3. A registrant shall promptly notify the registry, in a record, of any change in the information registered. The Division shall incorporate all new information received into its records but need not affirmatively seek to obtain current information for incorporation in the registry.

Sec. 10. Notice of a proceeding for the adoption of, or termination of parental rights regarding, a child must be given to a registrant who has timely registered in the registry established pursuant to section 8 of this act. Notice must be given in a manner prescribed for service of process in a civil action.

Sec. 11. The parental rights of a man who may be the father of a child may be terminated without notice if:

1. The mother of the child relinquishes or proposes to relinquish the child for adoption, or the child otherwise becomes the subject of an adoption proceeding;

2. The child has not attained 1 year of age at the time of the termination of parental rights;

3. The man did not register timely with the Division; and

4. The man is not exempt from registration under section 9 of this act.

Sec. 12. 1. If a child has attained 1 year of age, notice of a proceeding for adoption of, or termination of parental rights regarding, the child must be given to every putative father of the child, whether or not he has registered with the Division.

2. Notice must be given in a manner prescribed for service of process in a civil action.

Sec. 13. The State Board of Health shall prepare a form for registering with the Division. The form must require the signature of the registrant. The form must state that the form is signed under penalty of perjury. The form must also state that:

1. A timely registration entitles the registrant to notice of a proceeding for adoption of the child or termination of the registrant's parental rights;

2. A timely registration does not commence a proceeding to establish paternity;

3. The information disclosed on the form may be used against the registrant to establish paternity;

4. Services to assist in establishing paternity are available to the registrant through the support-enforcement agency;

5. The registrant should also register in another state if conception or birth of the child occurred in the other state;

6. Information on registries of other states is available from the Division; and

7. Procedures exist to rescind the registration of a claim of paternity.

Sec. 14. 1. The Division need not seek to locate the mother of a child who is the subject of a registration, but the Division shall send a copy of the notice of registration to a mother if she has provided an address.

2. Information contained in the registry is confidential and may be released on request only to:

(a) A court or a person designated by the court;

(b) The mother of the child who is the subject of the registration;

(c) An agency authorized by other law to receive the information;

(d) A licensed child-placing agency;

(e) A support-enforcement agency;

(f) A party or the party's attorney of record in a proceeding under chapter 126 of NRS or in a proceeding for adoption of, or termination of parental rights regarding, a child who is the subject of the registration; and

(g) The registry of paternity in another state.

3. As used in this section, "child-placing agency" has the meaning ascribed to it in NRS 127.220.

Sec. 15. An individual is guilty of a misdemeanor if the individual intentionally releases information from the registry to another individual or agency not authorized to receive the information under section 14 of this act.

Sec. 16. A registrant may rescind his registration at any time by sending to the registry a rescission in a record signed, or otherwise authenticated by him, and witnessed or notarized.

Sec. 17. If the Division knows that a man is registering in the registry after the mother of the child signs a valid release for or consent to adoption, the Division shall notify the registrant that on its face his registration was not filed timely.

Sec. 18. 1. A fee may not be charged for filing a registration or a rescission of registration.

2. Except as otherwise provided in subsection 3, the Division may charge a reasonable fee for making a search of the registry and for furnishing a certificate.

3. A support-enforcement agency and any other agency of this or another state or the Federal Government is not required to pay a fee authorized by subsection 2.

Sec. 19. 1. If a father and child relationship has not been established under chapter 126 of NRS for a child under 1 year of age, a petitioner for adoption of, or termination of parental rights regarding, the child must obtain a certificate of search of the registry of paternity.

2. If a petitioner for adoption of, or termination of parental rights regarding, a child has reason to believe that the conception or birth of the child may have occurred in another state, the petitioner must also obtain a certificate of search from the registry of paternity, if any, in that state.

Sec. 20. 1. The Division shall furnish to the requester a certificate of search of the registry on request of an individual, court or agency identified in section 14 of this act.

2. A certificate provided by the Division must be signed on behalf of the Division and state that:

(a) A search has been made of the registry; and

(b) A registration containing the information required to identify the registrant:

(1) Has been found and is attached to the certificate of search; or

(2) Has not been found.

3. A petitioner must file the certificate of search with the court before a proceeding for adoption of, or termination of parental rights regarding, a child may be concluded.

Sec. 21. A certificate of search of the registry of paternity in this or another state is admissible in a proceeding for adoption of, or termination of parental rights regarding, a child and, if relevant, in other legal proceedings.

Sec. 22. NRS 128.010 is hereby amended to read as follows:

128.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 128.011 to 128.018, inclusive, and sections 2 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 23. NRS 128.016 is hereby amended to read as follows:

128.016 "Putative father" means a person who ~~is or is~~ :

1. Is alleged or reputed to be the father of an illegitimate child ~~is~~;

2. Is not the presumed father of the child pursuant to NRS 126.051;

3. Has not acknowledged paternity of the child pursuant to NRS 126.053;

and

4. Has not been determined to have a parent and child relationship with the child by:

(a) A court of competent jurisdiction pursuant to the laws of this State;

(b) A court of competent jurisdiction in another state;

(c) An administrative agency or quasi-judicial entity pursuant to NRS 425.382 to 425.3852, inclusive; or

(d) An administrative agency or quasi-judicial entity in another state that is authorized to establish or to determine parentage or the existence of a parent and child relationship.

Sec. 24. NRS 128.060 is hereby amended to read as follows:

128.060 1. After a petition has been filed, unless the party or parties to be served voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to oppose the petition.

2. ~~The~~ Except as otherwise provided in section 11 of this act, the following persons must be personally served with the notice:

(a) The father or mother of the minor person, if residing within this State, and if his or her place of residence is known to the petitioner, or, if there is no parent so residing, or if the place of residence of the father or mother is not known to the petitioner, then the nearest known relative of that person, if there is any residing within the State, and if his residence and relationship are known to the petitioner; and

(b) The minor's legal custodian or guardian, if residing within this State and if his place of residence is known to the petitioner.

3. If the petitioner or the child is receiving public assistance, the petitioner shall mail a copy of the notice of hearing and a copy of the petition to the Chief of the Child Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail return receipt requested at least 45 days before the hearing.

Sec. 25. NRS 128.085 and 128.150 are hereby repealed.

Sec. 26. The amendatory provisions of this act apply with respect to a child who is born on or after October 1, 2007.

Sec. 27. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 26, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations necessary to carry out this act and on October 1, 2007, for all other purposes.

TEXT OF REPEALED SECTIONS

128.085 Petition by mother of unborn child: Notice to father or putative father; time of hearing. When the mother of an unborn child files a petition for termination of the father's parental rights, the father or putative father, if known, shall be served with notice of the hearing in the manner provided for in NRS 128.060, 128.070 and 128.080. The hearing shall not be held until the birth of the child or 6 months after the filing of the petition, whichever is later.

128.150 Termination of parental rights of father when child becomes subject of adoption.

1. If a mother relinquishes or proposes to relinquish for adoption a child who has:

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

(b) A father whose relationship to the child has been determined by a court; or

(c) A father as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction, and the father has not consented to the adoption of the child or relinquished the child for adoption, a proceeding must be brought pursuant to this chapter and a determination made of whether a parent and child relationship exists and if so, if it should be terminated.

2. If a mother relinquishes or proposes to relinquish for adoption a child who does not have:

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

(b) A father whose relationship to the child has been determined by a court;

(c) A father as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction;  
or

(d) A father who can be identified in any other way,

and if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the mother or the person having custody of the child, shall file a petition in the district court to terminate the parental rights of the father, unless the father's relationship to the child has been previously terminated or determined not to exist by a court.

3. In an effort to identify and protect the interests of the natural father, the court which is conducting a proceeding pursuant to this chapter shall cause inquiry to be made of the mother and any other appropriate person. The inquiry must include the following:

(a) Whether the mother was married at the time of conception of the child or at any time thereafter.

(b) Whether the mother was cohabiting with a man at the time of conception or birth of the child.

(c) Whether the mother has received support payments or promises of support with respect to the child or in connection with her pregnancy.

(d) Whether any man has formally or informally acknowledged or declared his possible paternity of the child.

4. If, after the inquiry, the natural father is identified to the satisfaction of the court, or if more than one man is identified as a possible father, each must be given notice of the proceeding in accordance with subsection 6 of this section or with this chapter, as applicable. If any of them fails to appear or, if appearing, fails to claim custodial rights, such failure constitutes abandonment of the child. If the natural father or a man representing himself to be the natural father, claims custodial rights, the court shall proceed to determine custodial rights.

5. If, after the inquiry, the court is unable to identify the natural father or any possible natural father and no person has appeared claiming to be the natural father and claiming custodial rights, the court shall enter an order terminating the unknown natural father's parental rights with reference to the child. Subject to the disposition of any appeal, upon the expiration of 6 months after an order terminating parental rights is issued under this subsection, or this chapter, the order cannot be questioned by any person in any manner or upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter.

6. Notice of the proceeding must be given to every person identified as the natural father or a possible natural father in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process in a civil action, or in any manner the court directs. Proof of giving the notice must be filed with the court before the petition is heard.

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. 71.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 170.

"SUMMARY—Enacts certain provisions of the Uniform Parentage Act. (BDR 11-719)"

"AN ACT relating to parentage; enacting certain provisions of the Uniform Parentage Act; providing for the transition from the present law concerning parentage to the Uniform Parentage Act; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~f Under existing law, if a mother wishes to relinquish her child for adoption and the child does not have a legal father, a petition must be filed to~~

~~terminate the parental rights of the father. If, after an inquiry, the court identifies a possible father of the child, the possible father must be given notice of the proceeding to terminate his parental rights. However, if, after the inquiry, the court is unable to identify a possible father, the court must, without notice to the unknown father, terminate the parental rights of the unknown father. (NRS 128.150)~~

~~This bill repeals these provisions of existing law and sections 50-63 of this bill replace them by creating a registry for putative fathers within the Health Division of the Department of Health and Human Services. The registry permits a putative father to be notified if there is a proceeding for the adoption of, or termination of parental rights regarding, a child he may have fathered. If a child is less than 1 year old, a petitioner for adoption or termination of parental rights must obtain a certificate of search of the registry and present it to the court. If the certificate shows that no putative father has registered within 30 days after the birth of the child, the putative father's parental rights may be terminated without notice. Once a child has reached the age of 1, however, notice must be given to every alleged father of the child before the father's parental rights may be terminated.]~~

*This bill enacts the Uniform Parentage Act (2000), as amended in 2002, but excludes the provisions of the Act which create and provide for a registry for putative fathers.*

Sections 75-97 of this bill provide rules to govern judicial proceedings to determine parentage. Under existing law, an action to determine paternity must be brought not later than 3 years after the child reaches the age of 18. (NRS 126.081) Under section 80 of this bill, there is no statute of limitations for an action to determine the parentage of a child who has no presumed, acknowledged or adjudicated father. If a child has a presumed father, section 81 of this bill provides that the statute of limitations for an action is 2 years from the birth of the child. However, an action to disprove the presumed father's paternity may be brought at any time if the presumed father and mother did not cohabit or have sexual intercourse during the time of conception and the presumed father did not treat the child as his own.

Under existing law, if, with the consent of her husband, a married woman is artificially inseminated, the husband is the legal father of the resulting child. (NRS 126.061) Sections 98-104 of this bill provide that if a man and a woman consent to assisted reproduction with the intent to be the parents of the resulting child, they are the legal parents of the resulting child. In addition, sections 98-104 provide for the parentage of a child if the placement of eggs, sperm or embryos occurs after a marriage is dissolved or after the death of an individual who has consented to be a parent of a child conceived as a result of assisted reproduction.

Existing law allows a married couple to enter into a contract with a surrogate for assisted conception and prohibits the payment of anything of value to the surrogate except for medical and necessary living expenses related to the birth of the child. (NRS 126.045) Sections 105-113 of this bill



allow a man and a woman to enter into a gestational agreement with a woman that obligates the woman to become pregnant by assisted reproduction and relinquish all parental rights and duties with respect to the child. If the woman who will become pregnant is married, her husband must consent to the agreement and he has no parental rights or obligations with respect to the child. Under sections 105-113, a gestational agreement is not enforceable unless a court validates the agreement. Also, the birth mother may receive a reasonable compensation and has the power to terminate the agreement.

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

Section 1. NRS 125B.150 is hereby amended to read as follows:

125B.150 1. The district attorney of the county of residence of the child, or of a parent, alleged parent or guardian who does not have physical custody of the child, shall take such action as is necessary to establish parentage of the child and locate and take legal action, including the establishment or adjustment of an obligation of support, against a person who has a duty to support the child when requested to do so by the parent, alleged parent or guardian or a public agency which provides assistance to the parent, alleged parent, guardian or child. If the court for cause transfers the action to another county, the clerk of the receiving court shall notify the district attorney of that county, and that district attorney shall proceed to prosecute the cause of action and take such further action as is necessary to establish parentage and to establish or adjust the obligation of support and to enforce the payment of support pursuant to this chapter or chapter 31A, 126, 130 or 425 of NRS.

2. In a county where the district attorney has deputies to aid him in the performance of his duties, the district attorney shall designate himself or a particular deputy as responsible for performing the duties imposed by subsection 1.

3. ~~Except as otherwise provided in NRS 126.101, the~~ *The* district attorney and his deputies do not represent the parent, alleged parent, guardian or child in the performance of their duties pursuant to this chapter and chapter 31A, 126, 130 or 425 of NRS, but are rendering a public service as representatives of the State.

4. Officials of the Division of Welfare and Supportive Services of the Department of Health and Human Services are entitled to access to the information obtained by the district attorney if that information is relevant to the performance of their duties. The district attorney or his deputy shall inform each person who provides information pursuant to this section concerning the limitations on the confidentiality between lawyer and client under these circumstances.

5. Disclosures of criminal activity by a parent or child are not confidential.

6. The district attorney shall inform each parent who applies for his assistance in this regard that a procedure is available to collect unpaid support from any refund owed to the parent who has a duty to support the child because an excessive amount of money was withheld to pay his federal income tax. The district attorney shall submit to the Division of Welfare and Supportive Services all documents and information it requires to pursue such a collection if:

- (a) The applicant is not receiving public assistance.
- (b) The district attorney has in his records:

(1) A copy of the order of support for a child and any modifications of the order which specify their date of issuance and the amount of the ordered support;

(2) A copy of a record of payments received or, if no such record is available, an affidavit signed by the custodial parent attesting to the amount of support owed; and

(3) The current address of the custodial parent.

(c) From the records in his possession, the district attorney has reason to believe that the amount of unpaid support is not less than \$500.

➔ Before submitting the documents and information to the Division of Welfare and Supportive Services, the district attorney shall verify the accuracy of the documents submitted relating to the amount claimed as unpaid support and the name and social security number of the parent who has a duty to support the child. If the district attorney has verified this information previously, he need not reverify it before submitting it to the Division of Welfare and Supportive Services.

7. The Division of Welfare and Supportive Services shall adopt such regulations as are necessary to carry out the provisions of subsection 6.

Sec. 2. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 114, inclusive, of this act.

Sec. 3. *Sections 3 to 114, inclusive, of this act may be cited as the Uniform Parentage Act.*

Sec. 4. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 27, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Acknowledged father" means a man who has established a father-child relationship under sections 36 to 49, inclusive, of this act.*

Sec. 6. *"Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.*

Sec. 7. *"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

Sec. 8. *"Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include:*

1. *A presumed father;*

2. A man whose parental rights have been terminated or declared not to exist; or

3. A male donor.

Sec. 9. "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, without limitation:

1. Intrauterine insemination;

2. Donation of eggs;

3. Donation of embryos;

4. In vitro fertilization and transfer of embryos; and

5. Intracytoplasmic sperm injection.

Sec. 10. "Child" means an individual of any age whose parentage may be determined under this chapter.

Sec. 11. "Commence" means to file the initial pleading seeking an adjudication of parentage in a district court of this State.

Sec. 12. "Determination of parentage" means the establishment of the parent-child relationship by the signing of a valid acknowledgment of paternity under sections 36 to 49, inclusive, of this act or by adjudication by the court.

Sec. 13. ~~"Division" means the Health Division of the Department of Health and Human Services.~~ (Deleted by amendment.)

Sec. 14. "Donor" means an individual who produces eggs or sperm used for assisted reproduction, whether or not for consideration. The term does not include:

1. A husband who provides sperm, or a wife who provides eggs, to be used for assisted reproduction by the wife;

2. A woman who gives birth to a child by means of assisted reproduction, except as otherwise provided in sections 105 to 113, inclusive, of this act; or

3. A parent under sections 98 to 104, inclusive, of this act or an intended parent under sections 105 to 113, inclusive, of this act.

Sec. 15. "Ethnic or racial group" means, for purposes of genetic testing, a recognized group which an individual identifies as all or part of the individual's ancestry or which is so identified by other information.

Sec. 16. "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child. The term includes an analysis of one or a combination of the following:

1. Deoxyribonucleic acid; and

2. Blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins or red-cell enzymes.

Sec. 17. "Gestational mother" means an adult woman who gives birth to a child under a gestational agreement.

Sec. 18. "Man" means a male individual of any age.

Sec. 19. "Parent" means an individual who has established a parent-child relationship under section 32 of this act.

Sec. 20. *"Parent-child relationship" means the legal relationship between a child and a parent of the child. The term includes the mother-child relationship and the father-child relationship.*

Sec. 21. *"Paternity index" means the likelihood of paternity calculated by computing the ratio between:*

1. *The likelihood that the tested man is the father, based on the genetic markers of the tested man, mother and child, conditioned on the hypothesis that the tested man is the father of the child; and*

2. *The likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.*

Sec. 22. *"Presumed father" means a man who, by operation of law under section 35 of this act, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.*

Sec. 23. *"Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the paternity index and a prior probability.*

Sec. 24. *"Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 25. *"Signatory" means an individual who authenticates a record and is bound by its terms.*

Sec. 26. *"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.*

Sec. 27. *"Support-enforcement agency" means a public official or agency authorized to seek:*

1. *Enforcement of support orders or laws relating to the duty of support;*
2. *Establishment or modification of child support;*
3. *Determination of parentage; or*
4. *The location of child-support obligors and their income and assets.*

Sec. 28. 1. *Sections 3 to 114, inclusive, of this act apply to determinations of parentage in this State.*

2. *The court shall apply the law of this State to adjudicate the parent-child relationship. The applicable law does not depend on:*

- (a) *The place of birth of the child; or*
- (b) *The past or present residence of the child.*

3. *The provisions of sections 3 to 114, inclusive, of this act do not create, enlarge or diminish parental rights or duties under other law of this State.*

Sec. 29. *The district court is authorized to adjudicate parentage under sections 3 to 114, inclusive, of this act.*

Sec. 30. *Proceedings under sections 3 to 114, inclusive, of this act are subject to other law of this State governing the health, safety, privacy and liberty of a child or other individual who could be jeopardized by disclosure of identifying information, including, without limitation, an address, a telephone number, place of employment, social security number and the child's day care facility or school.*

Sec. 31. *The provisions of sections 3 to 114, inclusive, of this act relating to determinations of paternity apply to determinations of maternity.*

Sec. 32. 1. *The mother-child relationship is established between a woman and a child by:*

(a) *The woman's having given birth to the child, except as otherwise provided in sections 105 to 113, inclusive, of this act;*

(b) *An adjudication of the woman's maternity;*

(c) *Adoption of the child by the woman; or*

(d) *An adjudication confirming the woman as a parent of a child born to a gestational mother if the agreement was validated under sections 105 to 113, inclusive, of this act or is enforceable under other law.*

2. *The father-child relationship is established between a man and a child by:*

(a) *An un rebutted presumption of the man's paternity of the child under section 35 of this act;*

(b) *An effective acknowledgment of paternity by the man under sections 36 to 49, inclusive, of this act, unless the acknowledgment has been rescinded or successfully challenged;*

(c) *An adjudication of the man's paternity;*

(d) *Adoption of the child by the man;*

(e) *The man's having consented to assisted reproduction by a woman under sections 98 to 104, inclusive, of this act which resulted in the birth of the child; or*

(f) *An adjudication confirming the man as a parent of a child born to a gestational mother if the agreement was validated under sections 105 to 113, inclusive, of this act or is enforceable under other law.*

Sec. 33. *A child born to parents who are not married to each other has the same rights under the law as a child born to parents who are married to each other.*

Sec. 34. *Unless parental rights are terminated, a parent-child relationship established under sections 3 to 114, inclusive, of this act applies for all purposes, except as otherwise specifically provided by other law of this State.*

Sec. 35. 1. *A man is presumed to be the father of a child if:*

(a) *He and the mother of the child are married to each other and the child is born during the marriage;*

(b) *He and the mother of the child were married to each other and the child is born within 300 days after the marriage is terminated by death,*

*annulment, declaration of invalidity or divorce, or after a court of competent jurisdiction has entered an order of separate maintenance;*

*(c) Before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300 days after its termination by death, annulment, declaration of invalidity or divorce, or after a court of competent jurisdiction has entered an order of separate maintenance;*

*(d) After the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether or not the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child, and:*

*(1) The assertion is in a record filed with the State Registrar of Vital Statistics;*

*(2) He agreed to be and is named as the child's father on the child's birth certificate; or*

*(3) He promised in a record to support the child as his own; or*

*(e) For the first 2 years of the child's life, he resided in the same household with the child and openly held out the child as his own.*

*2. A presumption of paternity established under this section may be rebutted only by an adjudication under sections 75 to 97, inclusive, of this act.*

*Sec. 36. The mother of a child and a man claiming to be the genetic father of the child may sign an acknowledgment of paternity with intent to establish the man's paternity.*

*Sec. 37. 1. An acknowledgment of paternity must:*

*(a) Be in a record;*

*(b) Be signed, or otherwise authenticated, under penalty of perjury by the mother and by the man seeking to establish his paternity;*

*(c) State that the child whose paternity is being acknowledged:*

*(1) Does not have a presumed father, or has a presumed father whose full name is stated; and*

*(2) Does not have another acknowledged or adjudicated father;*

*(d) State whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the testing; and*

*(e) State that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of paternity of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after 2 years.*

*2. An acknowledgment of paternity is void if it:*

*(a) States that another man is a presumed father, unless a denial of paternity signed or otherwise authenticated by the presumed father is filed with the State Registrar of Vital Statistics;*

*(b) States that another man is an acknowledged or adjudicated father; or*

(c) *Falsely denies the existence of a presumed, acknowledged or adjudicated father of the child.*

3. *A presumed father may sign or otherwise authenticate an acknowledgment of paternity.*

Sec. 38. *A presumed father may sign a denial of his paternity. The denial is valid only if:*

1. *An acknowledgment of paternity signed, or otherwise authenticated, by another man is filed pursuant to section 40 of this act;*

2. *The denial is in a record, and is signed, or otherwise authenticated, under penalty of perjury; and*

3. *The presumed father has not previously:*

(a) *Acknowledged his paternity, unless the previous acknowledgment has been rescinded pursuant to section 42 of this act or successfully challenged pursuant to section 43 of this act; or*

(b) *Been adjudicated to be the father of the child.*

Sec. 39. 1. *An acknowledgment of paternity and a denial of paternity may be contained in a single document or may be signed in counterparts, and may be filed separately or simultaneously. If the acknowledgement and denial are both necessary, neither is valid until both are filed.*

2. *An acknowledgment of paternity or a denial of paternity may be signed before the birth of the child.*

3. *Subject to subsection 1, an acknowledgment of paternity or denial of paternity takes effect on the birth of the child or the filing of the document with the State Registrar of Vital Statistics, whichever occurs later.*

4. *An acknowledgment of paternity or denial of paternity signed by a minor is valid if it is otherwise in compliance with sections 3 to 114, inclusive, of this act.*

Sec. 40. 1. *Except as otherwise provided in sections 42 and 43 of this act, a valid acknowledgment of paternity filed with the State Registrar of Vital Statistics is equivalent to an adjudication of paternity of a child and confers upon the acknowledged father all of the rights and duties of a parent.*

2. *Except as otherwise provided in sections 42 and 43 of this act, a valid denial of paternity by a presumed father filed with the State Registrar of Vital Statistics in conjunction with a valid acknowledgment of paternity is equivalent to an adjudication of the nonpaternity of the presumed father and discharges the presumed father from all rights and duties of a parent.*

Sec. 41. *The State Registrar of Vital Statistics may not charge a fee for filing an acknowledgment of paternity or denial of paternity.*

Sec. 42. *A signatory may rescind an acknowledgment of paternity or denial of paternity by commencing a proceeding to rescind before the earlier of:*

1. *Sixty days after the effective date of the acknowledgment or denial, as provided in section 39 of this act; or*

2. *The date of the first hearing, in a proceeding to which the signatory is a party, before a court to adjudicate an issue relating to the child, including, without limitation, a proceeding that establishes support.*

Sec. 43. 1. *After the period for rescission under section 42 of this act has expired, a signatory of an acknowledgment of paternity or denial of paternity may commence a proceeding to challenge the acknowledgment or denial only:*

(a) *On the basis of fraud, duress or material mistake of fact; and*

(b) *Within 2 years after the acknowledgment or denial is filed with the State Registrar of Vital Statistics.*

2. *A party challenging an acknowledgment of paternity or denial of paternity has the burden of proof.*

Sec. 44. 1. *Every signatory to an acknowledgment of paternity and any related denial of paternity must be made a party to a proceeding to rescind or challenge the acknowledgment or denial.*

2. *For the purpose of rescission of, or challenge to, an acknowledgment of paternity or denial of paternity, a signatory submits to personal jurisdiction of this State by signing the acknowledgment or denial, effective upon the filing of the document with the State Registrar of Vital Statistics.*

3. *Except for good cause shown, during the pendency of a proceeding to rescind or challenge an acknowledgment of paternity or denial of paternity, the court may not suspend the legal responsibilities of a signatory arising from the acknowledgment, including, without limitation, the duty to pay child support.*

4. *A proceeding to rescind or to challenge an acknowledgment of paternity or denial of paternity must be conducted in the same manner as a proceeding to adjudicate parentage under sections 75 to 97, inclusive, of this act.*

5. *At the conclusion of a proceeding to rescind or challenge an acknowledgment of paternity or denial of paternity, the court shall order the State Registrar of Vital Statistics to amend the birth record of the child, if appropriate.*

Sec. 45. *A court or administrative agency conducting a judicial or administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of paternity.*

Sec. 46. *A court of this State shall give full faith and credit to an acknowledgment of paternity or denial of paternity effective in another state if the acknowledgment or denial has been signed and is otherwise in compliance with the law of the other state.*

Sec. 47. 1. *To facilitate compliance with sections 36 to 49, inclusive, of this act, the State Board of Health shall prescribe forms for the acknowledgment of paternity and the denial of paternity.*

2. *A valid acknowledgment of paternity or denial of paternity is not affected by a later modification of the prescribed form.*



Sec. 48. *The State Registrar of Vital Statistics may release information relating to an acknowledgment of paternity or denial of paternity to a signatory of the acknowledgment or denial and to courts and agencies of this or another state or the Federal Government.*

Sec. 49. *The State Board of Health may adopt regulations to implement sections 36 to 49, inclusive, of this act.*

Sec. 50. ~~*[A registry of paternity is established in the Division.] (Deleted by amendment.)*~~

Sec. 51. ~~*[1.—Except as otherwise provided in subsection 2 or section 54 of this act, a man who desires to be notified of a proceeding for adoption of, or termination of parental rights regarding, a child that he may have fathered must register in the registry of paternity before the birth of the child or within 30 days after the birth.*~~

~~*2.—A man is not required to register if:*~~

~~*(a) A father-child relationship between the man and the child has been established under sections 3 to 114, inclusive, of this act or other law; or*~~

~~*(b) The man commences a proceeding to adjudicate his paternity before the court has terminated his parental rights.*~~

~~*3.—A registrant shall promptly notify the registry, in a record, of any change in the information registered. The Division shall incorporate all new information received into its records but need not affirmatively seek to obtain current information for incorporation in the registry.] (Deleted by amendment.)*~~

Sec. 52. ~~*[Notice of a proceeding for the adoption of, or termination of parental rights regarding, a child must be given to a registrant who has timely registered in the registry of paternity established pursuant to section 50 of this act. Notice must be given in a manner prescribed for service of process in a civil action.] (Deleted by amendment.)*~~

Sec. 53. ~~*[The parental rights of a man who may be the father of a child may be terminated without notice if:*~~

~~*1.—The child has not attained 1 year of age at the time of the termination of parental rights;*~~

~~*2.—The man did not register timely with the Division; and*~~

~~*3.—The man is not exempt from registration under section 51 of this act.]*~~

~~*(Deleted by amendment.)*~~

Sec. 54. ~~*[1.—If a child has attained 1 year of age, notice of a proceeding for adoption of, or termination of parental rights regarding, the child must be given to every alleged father of the child, whether or not he has registered with the Division.*~~

~~*2.—Notice must be given in a manner prescribed for service of process in a civil action.] (Deleted by amendment.)*~~

Sec. 55. ~~*[The State Board of Health shall prepare a form for registering with the Division. The form must require the signature of the registrant. The form must state that the form is signed under penalty of perjury. The form must also state that:*~~

~~1. A timely registration entitles the registrant to notice of a proceeding for adoption of the child or termination of the registrant's parental rights;~~

~~2. A timely registration does not commence a proceeding to establish paternity;~~

~~3. The information disclosed on the form may be used against the registrant to establish paternity;~~

~~4. Services to assist in establishing paternity are available to the registrant through the support enforcement agency;~~

~~5. The registrant should also register in another state if conception or birth of the child occurred in the other state;~~

~~6. Information on registries of other states is available from the Division; and~~

~~7. Procedures exist to rescind the registration of a claim of paternity.] (Deleted by amendment.)~~

Sec. 56. ~~[1. The Division need not seek to locate the mother of a child who is the subject of a registration, but the Division shall send a copy of the notice of registration to a mother if she has provided an address.~~

~~2. Information contained in the registry is confidential and may be released on request only to:~~

~~(a) A court or a person designated by the court;~~

~~(b) The mother of the child who is the subject of the registration;~~

~~(c) An agency authorized by other law to receive the information;~~

~~(d) A licensed child placing agency;~~

~~(e) A support enforcement agency;~~

~~(f) A party or the party's attorney of record in a proceeding under sections 3 to 114, inclusive, of this act or in a proceeding for adoption of, or termination of parental rights regarding, a child who is the subject of the registration; and~~

~~(g) The registry of paternity in another state.] (Deleted by amendment.)~~

Sec. 57. ~~[An individual is guilty of a misdemeanor if the individual intentionally releases information from the registry to another individual or agency not authorized to receive the information under section 56 of this act.] (Deleted by amendment.)~~

Sec. 58. ~~[A registrant may rescind his registration at any time by sending to the registry a rescission in a record signed, or otherwise authenticated by him, and witnessed or notarized.] (Deleted by amendment.)~~

Sec. 59. ~~[If a man registers more than 30 days after the birth of the child, the Division shall notify the registrant that on its face his registration was not filed timely.] (Deleted by amendment.)~~

Sec. 60. ~~[1. A fee may not be charged for filing a registration or a rescission of registration.~~

~~2. Except as otherwise provided in subsection 3, the Division may charge a reasonable fee for making a search of the registry and for furnishing a certificate.~~

~~3.—A support enforcement agency and any other agency of this or another state or the Federal Government is not required to pay a fee authorized by subsection 2.} (Deleted by amendment.)~~

Sec. 61. ~~{1.—If a father-child relationship has not been established under sections 3 to 114, inclusive, of this act for a child under 1 year of age, a petitioner for adoption of, or termination of parental rights regarding, the child must obtain a certificate of search of the registry of paternity.~~

~~2.—If a petitioner for adoption of, or termination of parental rights regarding, a child has reason to believe that the conception or birth of the child may have occurred in another state, the petitioner must also obtain a certificate of search from the registry of paternity, if any, in that state.} (Deleted by amendment.)~~

Sec. 62. ~~{1.—The Division shall furnish to the requester a certificate of search of the registry on request of an individual, court or agency identified in section 56 of this act.~~

~~2.—A certificate provided by the Division must be signed on behalf of the Division and state that:~~

~~(a) A search has been made of the registry; and~~

~~(b) A registration containing the information required to identify the registrant:~~

~~(1) Has been found and is attached to the certificate of search; or~~

~~(2) Has not been found.~~

~~3.—A petitioner must file the certificate of search with the court before a proceeding for adoption of, or termination of parental rights regarding, a child may be concluded.} (Deleted by amendment.)~~

Sec. 63. ~~{A certificate of search of the registry of paternity in this or another state is admissible in a proceeding for adoption of, or termination of parental rights regarding, a child and, if relevant, in other legal proceedings.} (Deleted by amendment.)~~

Sec. 64. Sections 64 to 74, inclusive, of this act govern genetic testing of an individual to determine parentage, whether the individual:

1. Voluntarily submits to testing; or

2. Is tested pursuant to an order of the court or a support-enforcement agency.

Sec. 65. 1. Except as otherwise provided in sections 64 to 74, inclusive, and 75 to 97, inclusive, of this act, the court shall order the child and other designated individuals to submit to genetic testing if the request for testing is supported by the sworn statement of a party to the proceeding:

(a) Alleging paternity and stating facts establishing a reasonable probability of the requisite sexual contact between the individuals; or

(b) Denying paternity and stating facts establishing a possibility that sexual contact between the individuals, if any, did not result in the conception of the child.

2. A support-enforcement agency may order genetic testing only if there is no presumed, acknowledged or adjudicated father.

3. *If a request for genetic testing of a child is made before birth, the court or support-enforcement agency may not order in utero testing.*

4. *If two or more men are subject to court-ordered genetic testing, the testing may be ordered concurrently or sequentially.*

Sec. 66. 1. *Genetic testing must be of a type reasonably relied upon by experts in the field of genetic testing and performed in a testing laboratory accredited by:*

(a) *The American Association of Blood Banks, or a successor to its functions;*

(b) *The American Society for Histocompatibility and Immunogenetics, or a successor to its functions; or*

(c) *An accrediting body designated by the Secretary of Health and Human Services.*

2. *A specimen used in genetic testing may consist of one or more samples, or a combination of samples, of blood, buccal cells, bone, hair or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each individual undergoing genetic testing.*

3. *Based on the ethnic or racial group of an individual, the testing laboratory shall determine the databases from which to select frequencies for use in calculation of the probability of paternity. If there is disagreement as to the testing laboratory's choice, the following rules apply:*

(a) *The individual objecting may require the testing laboratory, within 30 days after receipt of the report of the test, to recalculate the probability of paternity using an ethnic or racial group different from that used by the laboratory.*

(b) *The individual objecting to the testing laboratory's initial choice shall:*

(1) *If the frequencies are not available to the testing laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or*

(2) *Engage another testing laboratory to perform the calculations.*

(c) *The testing laboratory may use its own statistical estimate if there is a question regarding which ethnic or racial group is appropriate. If available, the testing laboratory shall calculate the frequencies using statistics for any other ethnic or racial group requested.*

4. *If, after recalculation using a different ethnic or racial group, genetic testing does not rebuttably identify a man as the father of a child under section 68 of this act, an individual who has been tested may be required to submit to additional genetic testing.*

Sec. 67. 1. *A report of genetic testing must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report made under the requirements of sections 64 to 74, inclusive, of this act is self-authenticating.*

2. *Documentation from the testing laboratory of the following information is sufficient to establish a reliable chain of custody that allows the results of genetic testing to be admissible without testimony:*

- (a) *The names and photographs of the individuals whose specimens have been taken;*
- (b) *The names of the individuals who collected the specimens;*
- (c) *The places and dates the specimens were collected;*
- (d) *The names of the individuals who received the specimens in the testing laboratory; and*
- (e) *The dates the specimens were received.*

Sec. 68. 1. *Under sections 3 to 114, inclusive, of this act, a man is rebuttably identified as the father of a child if the genetic testing complies with sections 64 to 74, inclusive, of this act and the results disclose that the man has:*

(a) *At least a 99 percent probability of paternity, using a prior probability of 0.50, as calculated by using the combined paternity index obtained in the testing; and*

(b) *A combined paternity index of at least 100 to 1.*

2. *A man identified under subsection 1 as the father of the child may rebut the genetic testing results only by other genetic testing satisfying the requirements of sections 64 to 74, inclusive, of this act which:*

(a) *Excludes the man as a genetic father of the child; or*

(b) *Identifies another man as the possible father of the child.*

3. *Except as otherwise provided in section 73 of this act, if more than one man is identified by genetic testing as the possible father of the child, the court shall order them to submit to further genetic testing to identify the genetic father.*

Sec. 69. 1. *Subject to assessment of costs under sections 75 to 97, inclusive, of this act, the cost of initial genetic testing must be advanced:*

(a) *By a support-enforcement agency in a proceeding in which the support-enforcement agency is providing services;*

(b) *By the individual who made the request;*

(c) *As agreed by the parties; or*

(d) *As ordered by the court.*

2. *In cases in which the cost is advanced by the support-enforcement agency, the agency may seek reimbursement from a man who is rebuttably identified as the father.*

Sec. 70. *The court or the support-enforcement agency shall order additional genetic testing upon the request of a party who contests the result of the original testing. If the previous genetic testing identified a man as the father of the child under section 68 of this act, the court or agency may not order additional testing unless the party provides advance payment for the testing.*

Sec. 71. 1. *Subject to subsection 2, if a genetic-testing specimen is not available from a man who may be the father of a child, for good cause and under circumstances the court considers to be just, the court may order the following individuals to submit specimens for genetic testing:*

(a) *The parents of the man;*

- (b) Brothers and sisters of the man;
- (c) Other children of the man and their mothers; and
- (d) Other relatives of the man necessary to complete genetic testing.

2. Issuance of an order under this section requires a finding that a need for genetic testing outweighs the legitimate interests of the individual sought to be tested.

Sec. 72. For good cause shown, the court may order genetic testing of a deceased individual.

Sec. 73. 1. The court may order genetic testing of a brother of a man identified as the father of a child if the man is commonly believed to have an identical brother and evidence suggests that the brother may be the genetic father of the child.

2. If each brother satisfies the requirements as the identified father of the child under section 68 of this act without consideration of another identical brother being identified as the father of the child, the court may rely on nongenetic evidence to adjudicate which brother is the father of the child.

Sec. 74. 1. Release of the report of genetic testing for parentage is controlled by the provisions of NRS 629.101 to 629.201, inclusive.

2. An individual who intentionally releases an identifiable specimen of another individual for any purpose other than that relevant to the proceeding regarding parentage without a court order or the written permission of the individual who furnished the specimen is guilty of a misdemeanor.

Sec. 75. A civil proceeding may be maintained to adjudicate the parentage of a child. The proceeding is governed by the Nevada Rules of Civil Procedure.

Sec. 76. Subject to sections 36 to 49, inclusive, 81 and 83 of this act, a proceeding to adjudicate parentage may be maintained by:

1. The child;
2. The mother of the child;
3. A man whose paternity of the child is to be adjudicated;
4. The support-enforcement agency or any other governmental agency authorized by other law;
5. An authorized adoption agency or licensed child-placing agency;
6. A representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated or a minor; or

7. An intended parent under sections 105 to 113, inclusive, of this act.

Sec. 77. ~~{The following individuals}~~ A man whose paternity of the child is to be adjudicated must be joined as ~~parties}~~ a party in a proceeding to adjudicate parentage.

~~1. The mother of the child ~~and~~~~

~~2. A man whose paternity of the child is to be adjudicated.}~~ must, whenever it is reasonably possible, be joined as a party in a proceeding to adjudicate parentage.

Sec. 78. 1. *An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.*

2. *A court of this State having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in NRS 130.201 are fulfilled.*

3. *Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual over whom the court has personal jurisdiction.*

Sec. 79. *Venue for a proceeding to adjudicate parentage is in the county of this State in which:*

1. *The child resides or is found;*

2. *The respondent resides or is found if the child does not reside in this State; or*

3. *A proceeding for probate or administration of the presumed or alleged father's estate has been commenced.*

Sec. 80. *A proceeding to adjudicate the parentage of a child having no presumed, acknowledged or adjudicated father may be commenced at any time, even after:*

1. *The child becomes an adult, but only if the child initiates the proceeding; or*

2. *An earlier proceeding to adjudicate paternity has been dismissed based on the application of a statute of limitation then in effect.*

Sec. 81. 1. *Except as otherwise provided in subsection 2, a proceeding brought by a presumed father, the mother or another individual to adjudicate the parentage of a child having a presumed father must be commenced not later than 2 years after the birth of the child.*

2. *A proceeding seeking to disprove the father-child relationship between a child and the child's presumed father may be maintained at any time if the court determines that:*

(a) *The presumed father and the mother of the child neither cohabited nor engaged in sexual intercourse with each other during the probable time of conception; and*

(b) *The presumed father never openly held out the child as his own.*

Sec. 82. 1. *In a proceeding to adjudicate the parentage of a child having a presumed father or to challenge the paternity of a child having an acknowledged father, the court may deny a motion seeking an order for genetic testing of the mother, the child and the presumed or acknowledged father if the court determines that:*

(a) *The conduct of the mother or the presumed or acknowledged father estops that party from denying parentage; and*

(b) *It would be inequitable to disprove the father-child relationship between the child and the presumed or acknowledged father.*

2. In determining whether to deny a motion seeking an order for genetic testing under this section, the court shall consider the best interest of the child, including the following factors:

(a) The length of time between the proceeding to adjudicate parentage and the time that the presumed or acknowledged father was placed on notice that he might not be the genetic father;

(b) The length of time during which the presumed or acknowledged father has assumed the role of father of the child;

(c) The facts surrounding the presumed or acknowledged father's discovery of his possible nonpaternity;

(d) The nature of the relationship between the child and the presumed or acknowledged father;

(e) The age of the child;

(f) The harm that may result to the child if presumed or acknowledged paternity is successfully disproved;

(g) The nature of the relationship between the child and any alleged father;

(h) The extent to which the passage of time reduces the chances of establishing the paternity of another man and a child support obligation in favor of the child; and

(i) Other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed or acknowledged father or the chance of other harm to the child.

3. In a proceeding involving the application of this section, a minor or incapacitated child must be represented by a guardian ad litem.

4. Denial of a motion seeking an order for genetic testing must be based on clear and convincing evidence.

5. If the court denies a motion seeking an order for genetic testing, it shall issue an order adjudicating the presumed or acknowledged father to be the father of the child.

Sec. 83. 1. If a child has an acknowledged father, a signatory to the acknowledgment of paternity or denial of paternity may commence a proceeding seeking to rescind the acknowledgement or denial or challenge the paternity of the child only within the time allowed under section 42 or 43 of this act.

2. If a child has an acknowledged father or adjudicated father, an individual, other than the child, who is neither a signatory to the acknowledgment of paternity nor a party to the adjudication and who seeks an adjudication of paternity of the child must commence a proceeding not later than 2 years after the effective date of the acknowledgment or adjudication.

3. A proceeding under this section is subject to the application of the principles of estoppel established in section 82 of this act.

Sec. 84. 1. Except as otherwise provided in subsection 2, a proceeding to adjudicate parentage may be joined with a proceeding for adoption,



*termination of parental rights, child custody or visitation, child support, divorce, annulment, separate maintenance, probate or administration of an estate or other appropriate proceeding.*

*2. A respondent may not join a proceeding described in subsection 1 with a proceeding to adjudicate parentage brought under NRS 130.0902 to 130.802, inclusive.*

*Sec. 85. A proceeding to determine parentage may be commenced before the birth of the child, but may not be concluded until after the birth of the child. The following actions may be taken before the birth of the child:*

- 1. Service of process;*
- 2. Discovery; and*
- 3. Except as otherwise prohibited by section 65 of this act, collection of specimens for genetic testing.*

*Sec. 86. 1. A minor child is a permissible party, but is not a necessary party to a proceeding under sections 75 to 97, inclusive, of this act.*

*2. The court shall appoint a guardian ad litem to represent a minor or incapacitated child if the child is a party or the court finds that the interests of the child are not adequately represented.*

*Sec. 87. 1. Except as otherwise provided in subsection 3, a record of a genetic-testing expert is admissible as evidence of the truth of the facts asserted in the report unless a party objects to its admission within 14 days after its receipt by the objecting party and cites specific grounds for exclusion. The admissibility of the report is not affected by whether the testing was performed:*

*(a) Voluntarily or pursuant to an order of the court or a support-enforcement agency; or*

*(b) Before or after the commencement of the proceeding.*

*2. A party objecting to the results of genetic testing may call one or more genetic-testing experts to testify in person or by telephone, videoconference, deposition or another method approved by the court. Unless otherwise ordered by the court, the party offering the testimony bears the expense for the expert testifying.*

*3. If a child has a presumed, acknowledged or adjudicated father, the results of genetic testing are inadmissible to adjudicate parentage unless performed:*

*(a) With the consent of both the mother and the presumed, acknowledged or adjudicated father; or*

*(b) Pursuant to an order of the court under section 65 of this act.*

*4. Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child which are furnished to the adverse party not less than 10 days before the date of a hearing are admissible to establish:*

*(a) The amount of the charges billed; and*

*(b) That the charges were reasonable, necessary and customary.*

*Sec. 88. 1. An order for genetic testing is enforceable by contempt.*

2. *If an individual whose paternity is being determined declines to submit to genetic testing ordered by the court, the court for that reason may adjudicate parentage contrary to the position of that individual.*

3. *Genetic testing of the mother of a child is not a condition precedent to testing the child and a man whose paternity is being determined. If the mother is unavailable or declines to submit to genetic testing, the court may order the testing of the child and every man whose paternity is being adjudicated.*

Sec. 89. 1. *A respondent in a proceeding to adjudicate parentage may admit to the paternity of a child by filing a pleading to that effect or by admitting paternity under penalty of perjury when making an appearance or during a hearing.*

2. *If the court finds that the admission of paternity satisfies the requirements of this section and finds that there is no reason to question the admission, the court shall issue an order adjudicating the child to be the child of the man admitting paternity.*

Sec. 90. 1. *In a proceeding under sections 75 to 97, inclusive, of this act, the court shall issue a temporary order for support of a child if the order is appropriate and the individual ordered to pay support is:*

*(a) A presumed father of the child;*

*(b) Petitioning to have his paternity adjudicated;*

*(c) Identified as the father through genetic testing under section 68 of this act;*

*(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;*

*or*

*(f) The mother of the child.*

2. *A temporary order may include provisions for custody and visitation as provided by other law of this State.*

Sec. 91. *The court shall apply the following rules to adjudicate the paternity of a child:*

1. *The paternity of a child having a presumed, acknowledged or adjudicated father may be disproved only by admissible results of genetic testing excluding that man as the father of the child or identifying another man as the father of the child.*

2. *Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man identified as the father of a child under section 68 of this act must be adjudicated the father of the child.*

3. *If the court finds that genetic testing under section 68 of this act neither identifies nor excludes a man as the father of a child, the court may not dismiss the proceeding. In that event, the results of genetic testing, and other evidence, are admissible to adjudicate the issue of paternity.*

4. *Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man excluded as the father of a child by genetic testing must be adjudicated not to be the father of the child.*

Sec. 92. *The court, without a jury, shall adjudicate paternity of a child.*

Sec. 93. 1. *On request of a party and for good cause shown, the court may close a proceeding under sections 75 to 97, inclusive, of this act.*

2. *A final order in a proceeding under sections 75 to 97, inclusive, of this act is available for public inspection. Other papers and records are available only with the consent of the parties or on order of the court for good cause.*

Sec. 94. *The court shall issue an order adjudicating the paternity of a man who:*

1. *After service of process, is in default; and*

2. *Is found by the court to be the father of a child.*

Sec. 95. *The court may issue an order dismissing a proceeding commenced under sections 3 to 114, inclusive, of this act for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.*

Sec. 96. 1. *The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child.*

2. *An order adjudicating parentage must identify the child by name and date of birth.*

3. *Except as otherwise provided in subsection 4, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel and other reasonable expenses incurred in a proceeding under sections 75 to 97, inclusive, of this act. The court may award attorney's fees, which may be paid directly to the attorney, who may enforce the order in the attorney's own name.*

4. *The court may not assess fees, costs or expenses against the support-enforcement agency of this State or another state, except as provided by other law.*

5. *On request of a party and for good cause shown, the court may order that the name of the child be changed.*

6. *If the order of the court is at variance with the child's birth certificate, the court shall order the State Registrar of Vital Statistics to issue a new birth certificate.*

Sec. 97. 1. *Except as otherwise provided in subsection 2, a determination of parentage is binding on:*

(a) *All signatories to an acknowledgement or denial of paternity as provided in sections 36 to 49, inclusive, of this act; and*

(b) *All parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of NRS 130.201.*

2. *A child is not bound by a determination of parentage under sections 3 to 114, inclusive, of this act unless:*

(a) *The determination was based on an unrescinded acknowledgment of paternity and the acknowledgement is consistent with the results of genetic testing;*

*(b) The adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown; or*

*(c) The child was a party or was represented in the proceeding determining parentage by a guardian ad litem.*

*3. In a proceeding to dissolve a marriage, the court is deemed to have made an adjudication of the parentage of a child if the court acts under circumstances that satisfy the jurisdictional requirements of NRS 130.201, and the final order:*

*(a) Expressly identifies a child as a "child of the marriage," "issue of the marriage" or similar words indicating that the husband is the father of the child; or*

*(b) Provides for support of the child by the husband unless paternity is specifically disclaimed in the order.*

*4. Except as otherwise provided in subsection 2, a determination of parentage may be a defense in a subsequent proceeding seeking to adjudicate parentage by an individual who was not a party to the earlier proceeding.*

*5. A party to an adjudication of paternity may challenge the adjudication only under the law of this State relating to appeal, vacation of judgments or other judicial review.*

*Sec. 98. Sections 98 to 104, inclusive, of this act do not apply to the birth of a child conceived by means of sexual intercourse or as the result of a gestational agreement as provided in sections 105 to 113, inclusive, of this act.*

*Sec. 99. A donor is not a parent of a child conceived by means of assisted reproduction.*

*Sec. 100. A man who provides sperm for, or consents to, assisted reproduction by a woman as provided in section 101 of this act with the intent to be the parent of her child is a parent of the resulting child.*

*Sec. 101. 1. Consent by a woman and a man who intends to be a parent of a child born to the woman by assisted reproduction must be in a record signed by the woman and the man. This requirement does not apply to a donor.*

*2. The failure of a man to sign a consent required by subsection 1, before or after the birth of the child, does not preclude a finding of paternity if the woman and the man, during the first 2 years of the child's life, resided together in the same household with the child and openly held out the child as their own.*

*Sec. 102. 1. Except as otherwise provided in subsection 2, the husband of a wife who gives birth to a child by means of assisted reproduction may not challenge his paternity of the child unless:*

*(a) Within 2 years after learning of the birth of the child, he commences a proceeding to adjudicate his paternity; and*

*(b) The court finds that he did not consent to the assisted reproduction, before or after the birth of the child.*

*2. A proceeding to adjudicate paternity may be maintained at any time if the court determines that:*

*(a) The husband did not provide sperm for, or before or after the birth of the child consent to, assisted reproduction by his wife;*

*(b) The husband and the mother of the child have not cohabited since the probable time of assisted reproduction; and*

*(c) The husband never openly held out the child as his own.*

*3. The limitation provided in this section applies to a marriage declared invalid after assisted reproduction.*

*Sec. 103. 1. If a marriage is dissolved before placement of eggs, sperm or embryos, the former spouse is not a parent of the resulting child unless the former spouse consented in a record that if assisted reproduction were to occur after the dissolution of the marriage, the former spouse would be a parent of the child.*

*2. The consent of a woman or a man to assisted reproduction may be withdrawn by that individual in a record at any time before placement of eggs, sperm or embryos. An individual who withdraws consent under this section is not a parent of the resulting child.*

*Sec. 104. If an individual who consented in a record to be a parent by assisted reproduction dies before placement of eggs, sperm or embryos, the deceased individual is not a parent of the resulting child unless the deceased individual consented in a record that if assisted reproduction were to occur after death, the deceased individual would be a parent of the child.*

*Sec. 105. 1. A prospective gestational mother, her husband if she is married, a donor or the donors and the intended parents may enter into a written agreement providing that:*

*(a) The prospective gestational mother agrees to pregnancy by means of assisted reproduction;*

*(b) The prospective gestational mother, her husband if she is married and the donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and*

*(c) The intended parents become the parents of the child.*

*2. The man and the woman who are the intended parents must both be parties to the gestational agreement.*

*3. A gestational agreement is enforceable only if validated as provided in section 107 of this act.*

*4. A gestational agreement does not apply to the birth of a child conceived by means of sexual intercourse.*

*5. A gestational agreement may provide for payment of consideration.*

*6. A gestational agreement may not limit the right of the gestational mother to make decisions to safeguard her health or that of the embryos or fetus.*

Sec. 106. 1. *The intended parents and the prospective gestational mother may commence a proceeding in district court to validate a gestational agreement.*

2. *A proceeding to validate a gestational agreement may not be maintained unless:*

(a) *The mother or the intended parents have been residents of this State for at least 90 days;*

(b) *The prospective gestational mother's husband, if she is married, is joined in the proceeding; and*

(c) *A copy of the gestational agreement is attached to the petition.*

Sec. 107. 1. *If the requirements of subsection 2 are satisfied, a court may issue an order validating the gestational agreement and declaring that the intended parents will be the parents of a child born during the term of the agreement.*

2. *The court may issue an order under subsection 1 only on finding that:*

(a) *The residence requirements of section 106 of this act have been satisfied and the parties have submitted to the jurisdiction of the court under the jurisdictional standards of sections 3 to 114, inclusive, of this act;*

(b) *Unless waived by the court, the agency which provides child welfare services has made a home study of the intended parents and the intended parents meet the standards of suitability applicable to adoptive parents;*

(c) *All parties have voluntarily entered into the agreement and understand its terms;*

(d) *Adequate provision has been made for all reasonable health care expenses associated with the gestational agreement until the birth of the child, including, without limitation, responsibility for those expenses if the agreement is terminated; and*

(e) *The consideration, if any, paid to the prospective gestational mother is reasonable.*

Sec. 108. *The proceedings, records and identities of the individual parties to a gestational agreement under sections 105 to 113, inclusive, of this act are subject to inspection under the standards of confidentiality applicable to adoptions as provided under other law of this State.*

Sec. 109. *Subject to the jurisdictional standards of NRS 130.201, the court conducting a proceeding under sections 105 to 113, inclusive, of this act has exclusive, continuing jurisdiction of all matters arising out of the gestational agreement until a child born to the gestational mother during the period governed by the agreement attains the age of 180 days.*

Sec. 110. 1. *After issuance of an order under sections 105 to 113, inclusive, of this act, but before the prospective gestational mother becomes pregnant by means of assisted reproduction, the prospective gestational mother, her husband or either of the intended parents may terminate the gestational agreement by giving written notice of termination to all other parties.*

2. *The court for good cause shown may terminate the gestational agreement.*

3. *An individual who terminates a gestational agreement shall file notice of the termination with the court. On receipt of the notice, the court shall vacate the order issued under sections 105 to 113, inclusive, of this act. An individual who does not notify the court of the termination of the agreement is subject to appropriate sanctions.*

4. *Neither a prospective gestational mother nor her husband, if any, is liable to the intended parents for terminating a gestational agreement pursuant to this section.*

Sec. 111. 1. *Upon birth of a child to a gestational mother, the intended parents shall file notice with the court that a child has been born to the gestational mother within 300 days after assisted reproduction. Thereupon, the court shall issue an order:*

*(a) Confirming that the intended parents are the parents of the child;*

*(b) If necessary, ordering that the child be surrendered to the intended parents; and*

*(c) Directing the State Registrar of Vital Statistics to issue a birth certificate naming the intended parents as the parents of the child.*

2. *If the parentage of a child born to a gestational mother is alleged not to be the result of assisted reproduction, the court shall order genetic testing to determine the parentage of the child.*

3. *If the intended parents fail to file notice required under subsection 1, the gestational mother or the agency which provides child welfare services may file notice with the court that a child has been born to the gestational mother within 300 days after assisted reproduction. Upon proof of a court order issued pursuant to section 107 of this act validating the gestational agreement, the court shall order the intended parents are the parents of the child and are financially responsible for the child.*

Sec. 112. *After the issuance of an order under sections 105 to 113, inclusive, of this act, subsequent marriage of the gestational mother does not affect the validity of a gestational agreement, her husband's consent to the agreement is not required and her husband is not a presumed father of the resulting child.*

Sec. 113. 1. *A gestational agreement, whether in a record or not, that is not judicially validated is not enforceable.*

2. *If a birth results under a gestational agreement that is not judicially validated as provided in sections 105 to 113, inclusive, of this act, the parent-child relationship is determined as provided in sections 32 to 36, inclusive, of this act.*

3. *Individuals who are parties to a nonvalidated gestational agreement as intended parents may be held liable for support of the resulting child, even if the agreement is otherwise unenforceable. The liability under this subsection includes assessing all expenses and fees as provided in section 96 of this act.*

Sec. 114. *In applying and construing the Uniform Parentage Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 115. NRS 126.021 is hereby amended to read as follows:

126.021 As used in this ~~chapter,~~ *section and NRS 126.031 and 126.291 to 126.331, inclusive, unless the context otherwise requires:*

1. "Custodial parent" means the parent of a child born out of wedlock who has been awarded physical custody of the child or, if no award of physical custody has been made by a court, the parent with whom the child resides.

2. "Nonsupporting parent" means the parent of a child born out of wedlock who has failed to provide an equitable share of his child's necessary maintenance, education and support.

~~{3. "Parent and child relationship" means the legal relationship existing between a child and his natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties and obligations. It includes the mother and child relationship and the father and child relationship.}~~

Sec. 116. NRS 126.031 is hereby amended to read as follows:

126.031 1. ~~{The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.~~

~~2.}~~ Except as otherwise provided in a court order for the custody of a child:

(a) Except as otherwise provided in paragraph (b), the mother of a child born out of wedlock has primary physical custody of the child if ~~†~~

~~(1) The mother has not married the father of the child; and~~

~~(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered.}~~ *the child does not have a presumed father, acknowledged father or adjudicated father.*

(b) The father of a child born out of wedlock has primary physical custody of the child if:

(1) The mother has abandoned the child to the custody of the father; and

(2) The father has provided sole care and custody of the child in her absence.

~~{3.}~~ 2. For the purposes of this section, "abandoned" means failed, for a continuous period of not less than 6 weeks, to provide substantial personal and economic support.

~~{4. As used in this section, "expedited process" has the meaning ascribed to it in NRS 126.161.}~~

Sec. 117. NRS 126.291 is hereby amended to read as follows:

126.291 1. Proceedings to compel support by a nonsupporting parent may be brought in accordance with this chapter. They are not exclusive of other proceedings. The court may assess the usual filing fees, charges or court costs against the nonsupporting parent and shall enforce their collection with the other provisions of the judgment.



2. Except as otherwise provided in this subsection, when the district attorney is requested to bring an action to compel support or an action to determine paternity, he may charge the requester a fee of not more than \$20 for an application. This fee may not be assessed against:

(a) The State of Nevada when acting as a party to an action brought pursuant to this chapter.

(b) Any person or agency requesting services pursuant to chapter 130 of NRS.

3. If the court finds that a ~~[parent and child]~~ *parent-child* relationship exists, it may assess against the nonsupporting parent, in addition to any support obligation ordered a reasonable collection fee. If the court finds that the nonsupporting parent would experience a financial hardship if required to pay the fee immediately, it may order that the fee be paid in installments, each of which is not more than 25 percent of the support obligation for each month.

4. All fees collected 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. 118. NRS 127.287 is hereby amended to read as follows:

127.287 1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the natural parent of a child in return for the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

4. This section does not prohibit a natural parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a ~~[lawful contract to act as a surrogate, be inseminated and give birth to the child of a man who is not her husband.]~~ *gestational agreement pursuant to the provisions of sections 105 to 113, inclusive, of this act.*

Sec. 119. ~~[NRS 128.060 is hereby amended to read as follows:~~

~~128.060 1. After a petition has been filed, unless the party or parties to be served voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to oppose the petition.~~

~~2. [The] Except as otherwise provided in section 53 of this act, the following persons must be personally served with the notice:~~

~~(a) The father or mother of the minor person, if residing within this State, and if his or her place of residence is known to the petitioner, or, if there is no parent so residing, or if the place of residence of the father or mother is not known to the petitioner, then the nearest known relative of that person, if there is any residing within the State, and if his residence and relationship are known to the petitioner; and~~

~~(b) The minor's legal custodian or guardian, if residing within this State and if his place of residence is known to the petitioner.~~

~~3. If the petitioner or the child is receiving public assistance, the petitioner shall mail a copy of the notice of hearing and a copy of the petition to the Chief of the Child Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail return receipt requested at least 45 days before the hearing. (Deleted by amendment.)~~

Sec. 120. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A parent who has joint legal custody of a child pursuant to NRS 125.465 shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to deprive the other parent of the parent and child relationship. A person who violates this subsection shall be punished as provided in subsection 1.

3. If the mother of a child has primary physical custody pursuant to ~~subsection 2 of~~ NRS 126.031, the father of the child shall not willfully conceal or remove the child from the physical custody of the mother. If the father of a child has primary physical custody pursuant to ~~subsection 2 of~~ NRS 126.031, the mother of the child shall not willfully conceal or remove the child from the physical custody of the father. A person who violates this subsection shall be punished as provided in subsection 1.

4. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

5. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

6. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if he finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

7. A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

8. This section does not apply to a person who detains, conceals or removes a child to protect the child from the imminent danger of abuse or neglect or to protect himself from imminent physical harm, and reported the detention, concealment or removal to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing or removing the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 121. NRS 422A.585 is hereby amended to read as follows:

422A.585 1. The Division shall, within the limitations of available funding, establish a program which promotes the self-sufficiency of a natural father whose paternity is presumed pursuant to ~~NRS 126.051~~ *section 35 of this act* or a noncustodial parent of a child for whom benefits are being received by a household.

2. If a natural father whose paternity is presumed pursuant to ~~NRS 126.051~~ *section 35 of this act* or a noncustodial parent of a child for whom benefits are being received by a household chooses to participate in the program established pursuant to subsection 1, the Division may, within the limitations of available funding, increase the amount of benefits provided to the head of the household on behalf of the child.

Sec. 122. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the mother and child are immediately transported to a hospital, the person in charge of the hospital or his designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it

within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or his designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the mother and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

- (a) The physician in attendance at or immediately after the birth.
- (b) Any other person in attendance at or immediately after the birth.
- (c) The father, mother or, if the father is absent and the mother is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the mother was:

(a) Married at the time of birth, the name of her husband must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband is the father of the child; or

(2) *The mother's husband has signed a valid form for the denial of paternity pursuant to section 38 of this act and the mother and a person other than the mother's husband have signed ~~an affidavit~~ a valid form for the voluntary acknowledgment of paternity ~~developed by the Board~~ pursuant to ~~NRS 440.283~~ sections 36 and 37 of this act.*

(b) Widowed at the time of birth ~~but married at the time of conception,~~ and the child has a presumed father, the name of ~~her husband at the time of conception~~ the presumed father must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband at the time of conception is the father of the child; or

(2) ~~The~~ *Before his death, the mother's husband signed a valid form for the denial of paternity pursuant to section 38 of this act and the mother and a person other than the mother's husband at the time of conception have signed ~~an affidavit~~ a valid form for the voluntary acknowledgment of paternity ~~developed by the Board~~ pursuant to ~~NRS 440.283~~ sections 36 and 37 of this act.*

6. If the mother was unmarried at the time of birth, the name of the father may be entered on the original certificate of birth only if:

- (a) The provisions of paragraph (b) of subsection 5 are applicable;
- (b) A court has issued an order establishing that the person is the father of the child; or

(c) The *presumed father of the child, if any, has signed a valid denial of paternity pursuant to section 38 of this act and the mother and father of the child have signed ~~[an affidavit]~~ a valid form for the voluntary acknowledgment of paternity ~~[developed by the Board]~~ pursuant to ~~[NRS 440.283.]~~ sections 36 and 37 of this act.* If both the father and mother execute an affidavit consenting to the use of the surname of the father as the surname of the child, the name of the father must be entered on the original certificate of birth and the surname of the father must be entered thereon as the surname of the child.

7. An order entered or *a form or* an affidavit executed pursuant to subsection 6 must be submitted to the local health officer, his authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order, *form* or affidavit must then be delivered to the State Registrar for filing. The State Registrar's file of orders, *forms* and affidavits must be sealed, and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of the father or mother or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section ~~["court"]~~:

(a) "*Court*" has the meaning ascribed to it in NRS 125B.004.

(b) "*Presumed father*" has the meaning ascribed to it in section 22 of this act.

Sec. 123. NRS 440.283 is hereby amended to read as follows:

440.283 1. The Board shall:

(a) ~~[Develop an affidavit]~~ Pursuant to section 47 of this act, prescribe *forms* for the voluntary acknowledgment and denial of paternity in this State that complies with the requirements prescribed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 652(a); and

(b) Distribute the ~~[affidavits]~~ *forms* to:

(1) Each hospital or obstetric center in this State; and

(2) Any other entity authorized to provide services relating to the voluntary acknowledgment of paternity pursuant to the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

2. Subject to the provisions of subsection 3, the State Registrar of Vital Statistics and the entities described in paragraph (b) of subsection 1 shall offer to provide services relating to the voluntary acknowledgment of paternity in the manner prescribed in the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

3. Before providing ~~[an affidavit]~~ *a form* for the acknowledgment of paternity to the mother of a child or a person who wishes to acknowledge the paternity of the child, the agencies described in paragraph (b) of subsection 1

shall ensure that the mother and the person who wishes to acknowledge paternity are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the ~~{affidavit}~~ form for the acknowledgment of paternity.

Sec. 124. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the paternity of a child being established by the:

(a) Mother and father acknowledging paternity of a child by signing ~~{an affidavit}~~ a valid form for the voluntary acknowledgment of paternity ~~{developed by the Board}~~ pursuant to ~~{NRS 440.283;}~~ sections 36 and 37 of this act; or

(b) Order of a district court,  
 ↪ the State Registrar, upon the receipt of the ~~{affidavit}~~ form or court order, shall prepare a new certificate of birth in the name of the child as shown in the ~~{affidavit}~~ form or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the ~~{affidavit}~~ form or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 125. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging an unmarried woman who has borne a child, a hospital or obstetric center shall provide to the child's mother and father:

(a) The opportunity to sign, in the hospital, ~~{an affidavit}~~ a form for the voluntary acknowledgment or denial of paternity ~~{developed}~~ prescribed pursuant to ~~{NRS 440.283;}~~ section 47 of this act;

(b) Written materials about establishing paternity;

(c) The forms necessary to acknowledge paternity voluntarily;

(d) A written description of the rights and responsibilities of acknowledging paternity; and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of paternity.

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or obstetric center

pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 126. NRS 629.121 is hereby amended to read as follows:

629.121 "Genetic test" means *genetic testing, as that term is defined in section 16 of this act, or* a test, including a laboratory test that uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to determine the presence of abnormalities or deficiencies, including carrier status, that:

1. Are linked to physical or mental disorders or impairments; or
2. Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental.

Sec. 127. NRS 629.151 is hereby amended to read as follows:

629.151 It is unlawful to obtain any genetic information of a person without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless the information is obtained:

1. By a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;
2. To determine the parentage or identity of a person pursuant to NRS 56.020;
3. To determine the paternity of a person pursuant to ~~NRS 126.121~~ sections 64 to 74, inclusive, of this act or NRS 425.384;
4. For use in a study where the identities of the persons from whom the genetic information is obtained are not disclosed to the person conducting the study;
5. To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

or

6. Pursuant to an order of a court of competent jurisdiction.

Sec. 128. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;
2. To determine the parentage or identity of a person pursuant to NRS 56.020;
3. To determine the paternity of a person pursuant to ~~NRS 126.121~~ sections 64 to 74, inclusive, of this act or NRS 425.384;
4. Pursuant to an order of a court of competent jurisdiction;
5. By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

6. To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

7. To determine the presence of certain preventable or inheritable preventable disorders in an infant pursuant to NRS 442.008 or a provision of federal law; ~~for~~

8. To carry out the provisions of NRS 442.300 to 442.330, inclusive; *or*

9. By an agency of criminal justice pursuant to NRS 179A.075.

Sec. 129. NRS 126.011, 126.041, 126.045, 126.051, 126.053, 126.061, 126.071, 126.081, 126.091, 126.101, 126.105, 126.111, 126.121, 126.131, 126.141, 126.143, 126.151, 126.161, 126.163, 126.171, 126.181, 126.191, 126.193, 126.201, 126.211, 126.221, 126.223, 126.231, 126.371, ~~128.085, 128.150~~ and 440.287 are hereby repealed.

Sec. 130. A proceeding to adjudicate parentage which was commenced before October 1, 2007, is governed by the law in effect at the time the proceeding was commenced.

#### LEADLINES OF REPEALED SECTIONS

- 126.011 Applicability of chapter.
- 126.041 Establishment of relationship.
- 126.045 Contract requirements; treatment of intended parents as natural parents; unlawful acts.
- 126.051 Presumptions of paternity.
- 126.053 Voluntary acknowledgment of paternity.
- 126.061 Artificial insemination.
- 126.071 Who may bring action; when action may be brought.
- 126.081 Period of limitations.
- 126.091 Jurisdiction; venue.
- 126.101 Parties.
- 126.105 Service of process.
- 126.111 Pretrial hearing; testimony.
- 126.121 Tests for typing of blood or genetic identification; admissibility in court; effect of refusal to submit to test.
- 126.131 Evidence relating to paternity; evidence of costs of certain medical services.
- 126.141 Pretrial recommendations.
- 126.143 Order for temporary support of child.
- 126.151 Trial: Applicability of Nevada Rules of Civil Procedure; admissibility of evidence of other sexual contact; without jury.
- 126.161 Contents and effect of judgment or order.
- 126.163 Order issued on or after October 1, 1998: Provision of information by court and parties to action; regulations.
- 126.171 Costs.
- 126.181 Enforcement of judgment or order.
- 126.191 Modification of judgment or order.
- 126.193 Cause of action subsequent to issuance of order: Notice and service of process.



126.201 Right to counsel; appointment of counsel by court; free transcript on appeal.

126.211 Hearings and records: Confidentiality.

126.221 Substitution of certificate of birth.

126.223 Entry of default upon failure to plead or defend in action.

126.231 Who may bring action; provisions of chapter applicable to action.

126.371 Promise to furnish support for child: Enforcement; confidentiality.

~~§ 128.085—Petition by mother of unborn child: Notice to father or putative father; time of hearing.~~

~~128.150—Termination of parental rights of father when child becomes subject of adoption.~~

440.287 Rescission of affidavit for voluntary acknowledgment of paternity.

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. 117.

Bill read second time.

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

Amendment No. 93.

"SUMMARY—~~Provides an exemption from the Local Government Purchasing Act for~~ Exempts certain contracts entered into by the Board of Trustees of the Reno-Tahoe Airport Authority ~~from certain requirements.~~ (BDR S-809)"

"AN ACT relating to the Reno-Tahoe Airport Authority; ~~providing an exemption from the Local Government Purchasing Act for~~ exempting certain contracts entered into by the Board of Trustees of the Authority ~~from certain requirements;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Reno-Tahoe Airport Authority ~~is, as an entity which has the right to levy and collect ad valorem taxes,~~ is subject , with certain exceptions, to the Local Government Purchasing Act ~~, which, subject to certain exceptions, requires~~ and requirements relating to competitive bidding ~~with respect to contracts where the estimated amount required to perform the contract exceeds \$25,000. (Chapter~~ on public works. (Chapters 332, 338 and 339 of NRS; Reno-Tahoe Airport Authority Act §§ 9, ~~10.1~~ 9.5, 10.2) This bill exempts the Authority from the Local Government Purchasing Act and certain requirements relating to contracts for public works for contracts entered into by the Board of Trustees of the

Authority ~~[to comply with a federal mandate requiring a secure area for use in preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man made disasters.]~~ for a project concerning which the relevant information has been determined by the Transportation Security Administration of the United States Department of Homeland Security to constitute sensitive security information pursuant to 49 C.F.R. Part 1520.

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

*Section 1. The Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, at page 968, is hereby amended by adding thereto a new section to be designated as section 9.3, immediately following section 9, to read as follows:*

*Sec. 9.3. 1. Except as otherwise provided in subsection 2, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, acquisition, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by the Board for a project, acquisition, works or improvement concerning which the relevant information has been determined by the Transportation Security Administration of the United States Department of Homeland Security to constitute sensitive security information pursuant to 49 C.F.R. Part 1520.*

*2. A contract entered into by the Board pursuant to this section must contain a provision stating that the requirements of NRS 338.010 to 338.090, inclusive, apply to any construction work performed pursuant to the contract.*

~~[Section 1.]~~ *Sec. 2. Section 9 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, as last amended by chapter 369, Statutes of Nevada 2005, at page 1391, is hereby amended to read as follows:*

*Sec. 9. 1. Except as otherwise provided in subsection 2 ~~this section~~ and ~~section~~ sections 9.3 and 9.5 of this act, the Board shall comply with the provisions of the Local Government Purchasing Act and the Local Government Budget and Finance Act.*

*2. Except as otherwise provided in section 10.2 of this act, any concession agreement entered into by the Authority in conformity with the provisions of that section need not conform to the requirements of the Local Government Purchasing Act.*

~~*3. Any contract entered into by the Board to comply with a mandate of the Federal Government requiring a secure area for use in preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man made disasters, including, without limitation, the designing and constructing of a secure area to house security operations, need not*~~

~~conform to the requirements of the Local Government Purchasing Act.~~

~~[Sec. 2.]~~ Sec. 3. This act becomes effective ~~[on July 1, 2007.]~~ upon passage and approval.

Senator Hardy moved the adoption of the amendment.

Remarks by Senators Hardy and Mathews.

Conflict of interest declared by Senator Mathews.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 164.

"SUMMARY—Makes various changes relating to domestic relations. (BDR 11-215)"

"AN ACT relating to domestic relations; codifying certain common law factors that a court must consider when determining alimony; *revising the provisions governing the reporting of information concerning arrests for domestic violence*; requiring the ~~[Court Administrator to collect and compile certain statistical information from the clerks of courts concerning temporary and extended orders for protection against domestic violence and]~~ *Director of the Department of Public Safety* to submit ~~[a biennial]~~ *an annual* report *concerning temporary and extended orders for protection against domestic violence* to the Legislature; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

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

~~[Sections 2 and 3 of this bill require the Court Administrator to submit a written report from information received by clerks of courts.]~~ *Section 5 of this bill provides that the Director of the Department of Public Safety must prescribe the information that must be forwarded to the Central Repository for Nevada Records of Criminal History from records of arrests for domestic*

violence and must prescribe the manner for the forwarding of such information.

Section 6 of this bill requires the Director of the Department of Public Safety to submit a written report concerning the ~~total number of~~ temporary and extended orders for protection against domestic violence issued in this State to the Director of the Legislative Counsel Bureau ~~for transmittal to each regular session of the Legislature. The report must also address~~ which includes the total number of temporary and extended orders granted, the number of grants of temporary custody that are included in such temporary and extended orders, the number of such orders that are issued to women and the number of such orders that are issued to men.

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

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

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

1. In granting a divorce, the court:

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

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

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

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

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

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

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

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

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

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

- (a) *The financial condition of each spouse;*
- (b) *The nature and value of the respective property of each spouse;*
- (c) *The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;*

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

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

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

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

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

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

- (1) Testing of the recipient's skills relating to a job, career or profession;
- (2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;
- (3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;
- (4) Subsidization of an employer's costs incurred in training the recipient;
- (5) Assisting the recipient to search for a job; or
- (6) Payment of the costs of tuition, books and fees for:
  - (I) The equivalent of a high school diploma;
  - (II) College courses which are directly applicable to the recipient's goals for his career; or
  - (III) Courses of training in skills desirable for employment.

~~[10.] 11.~~ For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



~~33.017—As used in NRS 33.017 to 33.100, inclusive, and section 3 of this act, unless the context otherwise requires:~~

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

~~2. "Temporary order" means a temporary order for protection against domestic violence.} (Deleted by amendment.)~~

*Sec. 5. NRS 171.1227 is hereby amended to read as follows:*

171.1227 1. If a peace officer investigates an act that constitutes domestic violence pursuant to NRS 33.018, he shall prepare and submit a written report of his investigation to his supervisor or to another person designated by his supervisor, regardless of whether the peace officer makes an arrest.

2. If the peace officer investigates a mutual battery that constitutes domestic violence pursuant to NRS 33.018 and finds that one of the persons involved was the primary physical aggressor, he shall include in his report:

- (a) The name of the person who was the primary physical aggressor; and
- (b) A description of the evidence which supports his finding.

3. If the peace officer does not make an arrest, he shall include in his report the reason he did not do so.

4. ~~A copy of~~ The information from the report that is required to be forwarded pursuant to subsection 5 must be forwarded immediately to the Central Repository for Nevada Records of Criminal History.

5. The Director of the Department of Public Safety shall prescribe:

(a) The information from the report that must be forwarded to the Central Repository; and

(b) The manner in which the information must be forwarded to the Central Repository.

*Sec. 6. NRS 179A.350 is hereby amended to read as follows:*

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

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

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

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

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

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

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

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

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

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

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

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

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. 294.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 167.

"SUMMARY—~~Repeals~~ Revises the provision concerning mandatory detention of a child who commits ~~the certain acts pertaining to~~ a battery that constitutes domestic violence. (BDR 5-958)"

"AN ACT relating to juvenile justice; ~~repealing~~ revising the provision concerning mandatory detention of a child who commits ~~the certain acts pertaining to~~ a battery that constitutes domestic violence; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a child who commits a battery that constitutes domestic violence ~~for who violates an order for protection against domestic violence~~ must not be released from custody sooner than 12 hours after being taken into custody. (NRS 62C.020) This bill ~~repeals this requirement.~~ provides that such a child may be released from custody sooner than 12 hours after being taken into custody under certain circumstances.

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

Section 1. NRS 62C.020 is hereby ~~repealed.~~ amended to read as follows:

62C.020 1. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018 ~~†~~, unless the peace officer or probation officer who has taken the child into custody determines that the child does not otherwise meet the criteria for secure detention and:

(a) Respite care or another out-of-home alternative to secure detention is available for the child;

(b) An out-of-home alternative to secure detention is not necessary to protect the victim from injury; or

(c) Family services are available to maintain the child in the home and the parents or guardians of the child agree to receive those family services and to allow the child to return to the home.

2. A child must not be released from custody sooner than 12 hours after the child is taken into custody if:

(a) The child is taken into custody for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; and

(b) The peace officer or probation officer who has taken the child into custody determines that such a violation is accompanied by a direct or indirect threat of harm.

3. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

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

†

~~TEXT OF REPEALED SECTION~~

~~62C.020—Conditions and limitations on releasing child who is detained for committing certain acts involving domestic violence.~~

~~1.—A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for~~

~~committing a battery that constitutes domestic violence pursuant to NRS 33.018.~~

~~2. A child must not be released from custody sooner than 12 hours after the child is taken into custody if:~~

~~(a) The child is taken into custody for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; and~~

~~(b) The peace officer or probation officer who has taken the child into custody determines that such a violation is accompanied by a direct or indirect threat of harm.~~

~~3. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.]~~

Senator Care moved the adoption of the amendment.

Remarks by Senators Care and Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 264.

"SUMMARY—Makes various changes relating to abandoned property. (BDR 10-496)"

"AN ACT relating to abandoned property; making various changes to provisions governing the annual reporting of property presumed abandoned; renaming the Abandoned Property Trust Fund as the Abandoned Property Trust Account and creating the Account in the State General Fund; revising provisions governing transfers from the Account; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the State Treasurer acts as the Administrator of Unclaimed Property in this State. (NRS 120A.025) Abandoned property, such as unclaimed money in bank accounts or held by insurance companies, must be turned over to the Administrator. (NRS 120A.320) The revenues received by the Administrator from unclaimed property must be deposited in the Abandoned Property Trust Fund, and at the end of each fiscal year, distributions are made from the Abandoned Property Trust Fund to the Millennium Scholarship Trust Fund and the State General Fund. (NRS 120A.370) Section 2 of this bill renames the Abandoned Property Trust Fund as the Abandoned Property Trust Account, places the Account in

the State General Fund and requires that the first \$7,600,000 remaining in the Account ~~at the end of each fiscal year~~ must be transferred to the Millennium Scholarship Trust Fund ~~by the end of each fiscal year.~~

Under existing law, a person holding money or other property that is presumed abandoned is required to file a verified report with the Administrator concerning the property. (NRS 120A.250) Section 1 of this bill authorizes the Administrator to require such reports to be filed electronically.

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

Section 1. NRS 120A.250 is hereby amended to read as follows:

120A.250 1. A person holding money or other property presumed abandoned under this chapter shall make a verified report to the Administrator with respect to the property.

2. The report must include:

(a) Except with respect to traveler's checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of \$50 or more presumed abandoned under this chapter.

(b) In the case of unclaimed money held by an insurance company, the full name of the insured or annuitant and his last known address according to the records of the company.

(c) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due. ~~except that items of value under \$50 each may be reported in the aggregate.~~

(d) The date when the property became payable, demandable or returnable and the date of the last transaction with the owner with respect to the property.

(e) Any other information which the Administrator prescribes by regulation as necessary for the administration of this chapter.

3. If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all ~~prior~~ *previous* known names and addresses of each holder of the property.

4. The report must be filed before November 1 of each year for the preceding fiscal year ending June 30, except that the report of an insurance company must be filed before May 1 of each year for the preceding calendar year. The Administrator may, in writing, postpone the reporting date upon written request by any person required to file a report.

5. Verification of the report, if made by:

(a) A partnership, must be executed by a partner.

(b) An unincorporated association or private corporation, must be executed by an officer.

(c) A public entity or corporation, must be executed by its chief fiscal officer.

6. The Administrator may require ~~[a person reporting 15 or more items of property pursuant to this section to file the report on diskette in lieu of on paper.]~~ *the report to be filed electronically in the manner determined by the Administrator.*

Sec. 2. NRS 120A.370 is hereby amended to read as follows:

120A.370 1. There is hereby created in the State ~~[Treasury]~~ *General Fund* the Abandoned Property Trust ~~[Fund.]~~ *Account.*

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State ~~[Treasury]~~ *General Fund* for credit to the ~~[Abandoned Property Trust Fund.]~~ *Account.*

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the ~~[Abandoned Property Trust Fund.]~~ *Account:*

(a) Any costs in connection with the sale of abandoned property.

(b) Any costs of mailing and publication in connection with any abandoned property.

(c) Reasonable service charges.

(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.

(e) Any valid claims filed pursuant to this chapter.

5. ~~[At]~~ *By* the end of each fiscal year, the ~~[amount of the]~~ balance in the ~~[Fund in excess of \$100,500]~~ *Account* must be transferred ~~[ ]~~ *as follows:*

(a) The first \$7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.

(b) The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.340 or owners pursuant to NRS 120A.380. *No such claim may be satisfied from money in the Millennium Scholarship Trust Fund.*

6. If there is an insufficient amount of money in the ~~[Abandoned Property Trust Fund.]~~ *Account* to pay any cost or charge pursuant to subsection 4, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the ~~[Abandoned Property Trust Fund.]~~ *Account* of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the ~~[Abandoned Property Trust Fund.]~~ *Account.*

Sec. 3. NRS 120A.390 is hereby amended to read as follows:

120A.390 1. The Administrator shall review each claim filed under this chapter and may hold a hearing and receive evidence concerning the claim. If a hearing is held, he shall prepare findings of fact and a decision in writing stating the substance of any evidence heard and the reasons for his decision. The decision is a public record.

2. Except as otherwise provided in subsection 3, if the Administrator allows the claim, he shall pay it, without deduction for costs of notices or sale or for service charges, from the Abandoned Property Trust ~~[Fund]~~ *Account in the State General Fund* as other claims against the State are paid.

3. The Administrator may require a person with a claim in excess of \$1,000 to furnish a bond and indemnify the State against any loss resulting from the approval of ~~[such]~~ *the* claim if the claim is based upon an original instrument, including, without limitation, a certified check or a stock certificate, which cannot be furnished by the person with the claim.

Sec. 4. NRS 120A.410 is hereby amended to read as follows:

120A.410 1. The Administrator may enter into an agreement to provide information needed to enable another state to determine the existence of unclaimed property to which it may be entitled if the other state agrees to provide this State with information needed to enable this State to determine the existence of unclaimed property to which this State may be entitled. The Administrator may, by regulation, require the reporting of information needed to enable him to comply with agreements made pursuant to this section and may, by regulation, prescribe the form, including verification, of the information to be reported and the times for filing the reports.

2. At the request of another state, the Attorney General of this State may bring an action in the name of the other state, in any court of competent jurisdiction of this State or federal court within this State, to enforce the unclaimed property laws of the other state against a holder in this State of property to which the other state is entitled, if:

(a) The courts of the other state cannot obtain jurisdiction over the holder;

(b) The other state has agreed to bring actions in the name of this State at the request of the Attorney General of this State to enforce the provisions of this chapter against any person in the other state believed by the Administrator to hold property to which this State is entitled, where the courts of this State cannot obtain jurisdiction over that person; and

(c) The other state has agreed to pay reasonable costs incurred by the Attorney General in bringing the action on its behalf.

3. If the Administrator believes that a person in another state holds property to which this State is entitled under this chapter and the courts of this State cannot obtain jurisdiction over that person, the Attorney General of this State may request an officer of the other state to bring an action in the name of this State to enforce the provisions of this chapter against that person. This State shall pay all reasonable costs incurred by the other state in any action brought under the authority of this section. The Administrator may

agree to pay to the state, a political subdivision of the state, or an agency of either, which employs the officer bringing such an action a reward not to exceed 15 percent of the value, after deducting reasonable costs, of any property recovered for this State as a direct or indirect result of the action. Any costs or rewards paid pursuant to this section must be paid from the Abandoned Property Trust ~~Fund~~ *Account in the State General Fund* and must not be deducted from the amount that is subject to be claimed by the owner in accordance with this chapter.

Sec. 5. On July 1, 2007, the State Controller shall transfer the balance of the Abandoned Property Trust Fund to the Abandoned Property Trust Account in the State General Fund.

Sec. 6. This act becomes effective on July 1, 2007.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bill No. 67 be rereferred to the Committee on Finance upon return from reprint.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bill No. 71 be rereferred to the Committee on Finance upon return from reprint.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bill No. 308 be taken from the General File and rereferred to the Committee on Finance.

Remarks by Senator Raggio.

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 ~~or 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 ~~it~~ :

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

~~(a) It~~ 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) ~~It~~ 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) ~~It~~ 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. ~~It~~ ; 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, Cegavske, Titus, Coffin and Care.

Motion carried on a division of the house.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 19.

Bill read third time.

Roll call on Senate Bill No. 19:

YEAS—14.

NAYS—Beers, Cegavske, Coffin, Horsford, Mathews, Titus, Wiener—7.

Senate Bill No. 19 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 154.

Bill read third time.

Remarks by Senator McGinness.

Roll call on Senate Bill No. 154:

YEAS—21.

NAYS—None.

Senate Bill No. 154 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 281.

Bill read third time.

Roll call on Senate Bill No. 281:

YEAS—14.

NAYS—Carlton, Coffin, Horsford, Mathews, Titus, Wiener, Woodhouse—7.

Senate Bill No. 281 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 284.

Bill read third time.

Roll call on Senate Bill No. 284:

YEAS—19.

NAYS—Care, Carlton—2.

Senate Bill No. 284 having received a constitutional majority,  
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 378.

Bill read third time.

Remarks by Senators Horsford and Hardy.

Conflict of interest declared by Senator Horsford.

Roll call on Senate Bill No. 378:

YEAS—14.

NAYS—Care, Carlton, Mathews, Titus, Wiener, Woodhouse—6.

NOT VOTING—Horsford.

Senate Bill No. 378 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 474.

Bill read third time.

Roll call on Senate Bill No. 474:

YEAS—21.

NAYS—None.

Senate Bill No. 474 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 496.

Bill read third time.

Roll call on Senate Bill No. 496:

YEAS—21.

NAYS—None.

Senate Bill No. 496 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 508.

Bill read third time.

Roll call on Senate Bill No. 508:

YEAS—21.

NAYS—None.

Senate Bill No. 508 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 541.

Bill read third time.

Roll call on Senate Bill No. 541:

YEAS—21.

NAYS—None.

Senate Bill No. 541 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 2.

Resolution read third time.

Remarks by Senators Care, Lee, Raggio and Coffin.

Senator Raggio requested that the following remarks be entered in the Journal.

SENATOR CARE:

Thank you, Mr. President Pro Tempore. There is a floor statement on each desk. We do not have a Judiciary in this Country unless we have an independent Judiciary. The intent of this resolution, something the voters would have to approve if it passes twice in the Legislature, is to take steps to ensure that we have a Judiciary that can operate by deliberating on the facts, the law and nothing else. Judges should not have to worry about campaigns and raising money. The other side of this is that you would not have parties and lawyers who must ponder whether the judge somehow has considered who has been helpful in a campaign.

I know there have been public allegations of that in an exposé in the Los Angeles Times. This is not a new idea. Twenty-three states and the District of Columbia already have a plan like this. For those who are concerned that the voters do not have a say in this, that is not true. This law would take effect after December 31, 2011. The Judicial Selection Commission would issue a public report offering an opinion as to whether the judicial candidate or a judge seeking another term on the bench has met the qualifications or the standards of the Judicial Selection Commission. The Judicial Selection Commission would include nonlawyers. I would urge the Senate to support this measure known as the Missouri Plan. It is a step in the right direction.

SENATOR LEE:

Thank you, Mr. President Pro Tempore. Two sessions ago, we had a bill that said to be a District Court Judge a person had to have ten years of experience. To be a Supreme Court Justice a person had to have 15 years of experience. By changing this, does it change that caveat?

SENATOR CARE:

It does not. This resolution would apply only to the Supreme Court Justices and District Court Judges, not the Justice of the Peace or Justice Court Judges.

SENATOR RAGGIO:

Thank you, Mr. President Pro Tempore. I support this resolution that would amend the Constitution because too often judicial elections become embroiled in politics. As an attorney who has practiced in excess of 50 years in this State, I have seen too many examples of that. This appointment system would be provided under a constitutional amendment with retention elections. I emphasize this because some people think this takes away the right of the public to vote. It does not. It provides for elections by the people. A judge will run on his or her record, and it will be a question as to whether that judge should be retained. This would remove judges

from the elements of partisan politics and would free judges in large measure from the necessity of soliciting political contributions.

Where do judges go for political contributions? As a practical matter, they go to law firms, litigants and potential litigants. These people are the usual source of financial contributions in judicial elections. As my colleague indicated, the District of Columbia and 23 other states, states that are among the most progressive in this effort for judicial reform, have adopted nominating-commission plans for appointing judges to an initial term on the bench. Fifteen of these states hold retention elections at the expiration of the judges' terms. These are not, like the federal system, a lifetime appointment. They still serve terms. The people of Nevada have already approved an amendment to our Constitution that provides for a Judicial Selection Commission to make recommendations for filling vacancies at the Supreme Court and District Court level. It is this Commission that makes nominations for the initial appointments by the Governor from the names submitted by the Commission. This has worked exceedingly well in filling vacancies.

Senate Joint Resolution No. 2 contains the best features of all of the merit selection plans that have been adopted. Similar proposals have been before this body and the electorate in past years. This is an improved version and is one that merits our support. As the Senator from Clark No. 7 indicated, there have been events since these measures were last considered by this legislative body and by the electorate that fully justify that we, again, pass this through two sessions, submit it to the voters and let them decide whether or not there is a better way to select our higher court judges.

Senate Joint Resolution No. 2 is intended to ensure, insofar as possible, an independent Judiciary. It is not a perfect system, but it is a vast improvement. The jury system is not perfect, but it is certainly the best we can devise at this time for the administration of justice. This plan will enable a judge to devote his or her entire time to the business of the court since the judge will not take part in the usual political campaigns. The plan ensures that full consideration will be given to the ability, character and qualifications of a judicial candidate before that person's name is permitted to go on the ballot and will cause the attention of the voters to be focused on a judge's record making it easier to remove incompetent judges from office and to retain judges whose records were meritorious.

That has been the experience in other jurisdictions that have adopted such a plan. In my experience, over all, I am convinced that the appointment of judges often brings a better quality individual to this position of a higher court judge.

Senate Joint Resolution No. 2 will encourage well qualified people to serve on the bench who would not otherwise submit themselves to the ordeal of campaigning for office under the present political system or who lack the means of financing such a campaign or who are reluctant in their profession to seek these kinds of campaign contributions from law firms, litigants and potential litigants. There is a vast distinction between those who are willing to serve or to seek the office of a Supreme Court Justice or a District Court Judge. I believe it is time to give the people of this State an opportunity to express themselves on this and to indicate whether or not this might ensure, in some measure, a more independent Judiciary in this State.

SENATOR COFFIN:

Thank you, Mr. President Pro Tempore. I also endorse this resolution. I voiced my favor of this measure in 1987, though I do not want to repeat the same speech I gave then. I can say that nothing has happened in 20 years to change my mind. In fact, I think I have grown more experienced and more aware of the problems caused by the election of judges.

From 1972-1982, I served as a paid political consultant to campaigns. I managed some; I advised others, and during that time, there were four judicial campaigns. They were for the Supreme Court, District Courts and for a Justice of the Peace position. In all of those cases, I went with my candidates who were sitting judges at that time and I watched how they had to raise money and how they had to go hat-in-hand to the most logical contributors. The Majority Leader has already named them. They are litigants, lawyers and those who will probably be litigants. It is amazing how demanding people can be and how aware they are that they are trying to influence a decision. They will continually ask the questions: How do you feel about this?

How do you feel about that? I would have to interrupt them and say, "The judge cannot comment on that."

The odd thing is that the person who is not a judge is doing just that and saying so, sometimes with a wink-and-a-nod and sometimes verbally. The judge who is trying to do his or her best job is in a vise.

This resolution is a way to try to bring them out of that situation. Nothing has changed. Actually, things have gotten worse in Nevada in the past 20 years. Everyone has an issue before a court, even those who hold themselves up to be guardians of the people. They are those who tell the public how to vote. Newspapers are a good example. Newspaper chains have cases in front of the courts all of the time. They love to make certain the judges are elected so that they can help influence the outcome of these cases. Let us be honest about it. No one is pure in the present system.

I feel that after my experience of watching these ladies and gentlemen try to seek support as they go hat-in-hand soliciting contributions is disgusting, disgraceful and continues the great old name Gilman Ostrander once put on the State of Nevada, 50 years ago, in his classic book, "*Nevada the Great Rotten Borough.*"

Roll call on Senate Joint Resolution No. 2:

YEAS—15.

NAYS—Amodei, Beers, Cegavske, Heck, McGinness, Schneider—6.

Senate Joint Resolution No. 2 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 11.

Resolution read third time.

Roll call on Senate Joint Resolution No. 11:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 11 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 12.

Resolution read third time.

Roll call on Senate Joint Resolution No. 12:

YEAS—19.

NAYS—Carlton, Titus—2.

Senate Joint Resolution No. 12 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 13.

Resolution read third time.

Roll call on Senate Joint Resolution No. 13:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 13 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 14.

Resolution read third time.

Roll call on Senate Joint Resolution No. 14:

YEAS—17.

NAYS—Beers, Cegavske, Hardy, McGinness—4.

Senate Joint Resolution No. 14 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 17.

Resolution read third time.

Roll call on Senate Joint Resolution No. 17:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 17 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 18.

Resolution read third time.

Roll call on Senate Joint Resolution No. 18:

YEAS—20.

NAYS—Carlton.

Senate Joint Resolution No. 18 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

#### MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on the previous day, Senator Townsend moved that the vote whereby Senate Bill No. 409 was passed be reconsidered.

Remarks by Senator Townsend.

Motion carried by a division of the house.

Bill ordered to the bottom of General File.

Senator Townsend moved that Senate Bill No. 409 be taken from the General File and placed on the Secretary's desk.

Remarks by Senators Townsend and Titus.

Motion carried by a division of the house.

Senator Titus gave notice that on the next legislative day she would move to reconsider the vote whereby Senate Joint Resolution No. 2 was this day passed.



UNFINISHED BUSINESS  
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Assembly Bill No. 607.

## REMARKS FROM THE FLOOR

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

Thank you, Mr. President pro Tempore. I would like to take a minute to make a couple of comments regarding this past weekend.

First, I would like to recognize one of our own colleagues. Many of you know that Senator Heck is a doctor and also a Colonel. Last summer he received advancement to a full Colonel and this last weekend, he traveled to southern California for a change of command ceremony where he received his command. It is worth noting this about one of our colleagues who has received such great success in another career.

Also, as the resident baseball nut, I stood last session at this time, to honor the achievements of someone who I believe is not only one of baseballs' great heroes but also one of our Nation's great heroes, and that is Jackie Robinson. Last night commemorated the 60th anniversary of his phenomenal effort to erase racism and racial segregation from the great sport of baseball. I want to acknowledge him for that achievement today. I also want to recognize his partner, General Manager Branch Rickey of the Brooklyn Dodgers for his achievement in that effort as well. Those two men, together, hatched a plan that, I believe, changed the course of our Nation. I would like to ask that when we adjourn today that we do so in honor of Jackie Robinson and Branch Rickey.

Senator Titus requested that her remarks be entered in the Journal.

This morning, I would like to rise and congratulate Cimarron-Memorial High School in Las Vegas. Their team won first place at the World Robotics Championship in Atlanta this weekend, competing against 344 teams from throughout the Country and world. They are the first Nevada High School to win this competition. If you are not familiar with the robotics competition, robotics clubs at each participating school receive instructions in January on what their robot is supposed to do, in this case place inner tubes on pegs. They then have six weeks to build the robot from scratch and compete against robots from other schools. Watching the competition is fascinating—not unlike watching a sports event. At a time when we are encouraging more students to become interested in science, math and engineering, this accomplishment is really spectacular. Please join me in congratulating them.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Dr. Sonya Horsford, Ella Grace Horsford, Benjamin Horsford, Bryson Horsford, Barbara McCants-Hill, Ethel Archibald, Lula Caldwell, Azell Gittens. Lavonne Lewis, Muzetta Thrower, Billie Rayford, Diane Stith, Constance Brooks, Dr. Ina Dorman, Verlia Davis Hoggard, Carrie Peery, Yvonne Qualls and Shirley Savage-Hampton.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Randall Sayre.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Dr. Sandra Mack.

Senator Raggio moved that the Senate adjourn until Tuesday, April 17, 2007, at 11 a.m. and that it do so in memory of Jackie Robinson and Branch Rickey as requested by Senator Hardy.

Motion carried.

Senate adjourned at 12:49 p.m.

Approved:

MARK E. AMODEI

*President pro Tempore of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*